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1NC SHELL (1/3)

Violence is inevitable but escalation isn’t. Knowing our friends and enemies allows wars to be controlled – attempting to erase dichotomies homogenizes the Other

Rasch 3 (Cultural Critique 54 (2003) 137-41, William Rasch is the Henry H. H. Remak Professor of Germanic Studies at Indiana University, Human Rights as Geopolitics  Carl Schmitt and the Legal Form of American Supremacy).NAR

In the past, we/they, neighbor/foreigner, friend/enemy polarities were inside/outside distinctions that produced a plurality of worlds, separated by physical and cultural borders. When these worlds collided, it was not always a pretty picture, but it was often possible to maintain the integrity of the we/they distinction, even to regulate it by distinguishing between domestic and foreign affairs. If "they" differed, "we" did not always feel ourselves obliged to make "them" into miniature versions of "us," to Christianize them, to civilize them, to make of them good liberals. Things have changed. With a single-power global hegemony that is guided by a universalist ideology, all relations have become, or threaten to become, domestic. The inner/outer distinction has been transformed into a morally and legally determined acceptable/unacceptable one, and the power exists (or is thought to exist), both spiritually and physically, to eliminate the unacceptable once and for all and make believers of everyone. The new imperative states: the other shall be included. Delivered as a promise, it can only be received, by some, as an ominous threat. In his The Conquest of America, Tzvetan Todorov approaches our relationship to the "other" by way of three interlocking distinctions, namely, self/other, same/different, and equal/unequal. A simple superposition of all three distinctions makes of the other someone who is different and therefore unequal. The problem we have been discussing, however, comes to light when we make of the other someone who is equal because he is essentially the same. This form of the universalist ideology is assimilationist. It denies the other by embracing him. Of the famous sixteenth-century defender of the Indians, Bartolomé de Las Casas, Todorov writes, [his] declaration of the equality of men is made in the name of a specific religion, Christianity.... Hence, there is a potential danger of seeing not only the Indians' human nature asserted but also their Christian "nature." "The natural laws and rules and rights of men," Las Casas said; but who decides what is natural with regard to laws and rights? Is it not specifically the Christian religion? Since Christianity is universalist, it implies an essential non-difference on the part of all men. We see the danger of the identification in this text of Saint John Chrysostrom, quoted and defended at Valladolid: "Just as there is no natural difference in the creation of man, so there is no difference in the call to salvation of all men, barbarous or wise, since God's grace can correct the minds of barbarians, so that they have a reasonable understanding."12 Once again we see that the term "human" is not descriptive, but evaluative. To be truly human, one needs to be corrected. Regarding the relationship of difference and equality, Todorov concludes, "If it is [End Page 139] incontestable that the prejudice of superiority is an obstacle in the road to knowledge, we must also admit that the prejudice of equality is a still greater one, for it consists in identifying the other purely and simply with one's own 'ego ideal' (or with oneself)" (1984, 165). Such identification is not only the essence of Christianity, but also of the doctrine of human rights preached by enthusiasts like Habermas and Rawls. And such identification means that the other is stripped of his otherness and made to conform to the universal ideal of what it means to be human. And yet, despite—indeed, because of—the all-encompassing embrace, the detested other is never allowed to leave the stage altogether. Even as we seem on the verge of actualizing Kant's dream, as Habermas puts it, of "a cosmopolitan order" that unites all peoples and abolishes war under the auspices of "the states of the First World" who "can afford to harmonize their national interests to a certain extent with the norms that define the halfhearted cosmopolitan aspirations of the UN" (1998, 165, 184), it is still fascinating to see how the barbarians make their functionally necessary presence felt. John Rawls, in his The Law of Peoples (1999), conveniently divides the world into well-ordered peoples and those who are not well ordered. Among the former are the "reasonable liberal peoples" and the "decent hierarchical peoples" (4). Opposed to them are the "outlaw states" and other "burdened" peoples who are not worthy of respect. Liberal peoples, who, by virtue of their history, possess superior institutions, culture, and moral character (23-25), have not only the right to deny non-well-ordered peoples respect, but the duty to extend what Vitoria called "brotherly correction" and Habermas "gentle compulsion" (Habermas 1997, 133). 13 That is, Rawls believes that the "refusal to tolerate" those states deemed to be outlaw states "is a consequence of liberalism and decency." Why? Because outlaw states violate human rights. What are human rights? "What I call human rights," Rawls states, "are ... a proper subset of the rights possessed by citizens in a liberal constitutional democratic regime, or of the rights of the members of a decent hierarchical society" (Rawls 1999, 81). Because of their violation of these liberal rights, nonliberal, nondecent societies do not even have the right "to protest their condemnation by the world society" (38), and decent peoples have the right, if necessary, to wage just wars against them. Thus, liberal societies are not merely contingently established and historically conditioned forms of organization; they become the universal standard against which other societies are judged. Those found wanting are banished, as outlaws, from the civilized world. Ironically, one of the signs of their outlaw status is their insistence on autonomy, on sovereignty.

1NC SHELL (2/3)

Trying to create a uniformly peaceful world justifies violence against deviants who “create conflict”- means war is inevitable

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 15) my

What could be wrong with such a vision? Certainly it is neither verifiable nor deniable empirically, so one cannot object on that ground. Ontologies are posited, not proven; and the same goes for philosophical anthropology at this level of abstraction. What we have in Milbank, then, is an image of a primordially pacified globe, and a lovely image it is. It satisfies the demands, or so it would seem, of a non-Kantian ethics, based on expansion rather than repression of desire,7 and a quintessentially enlightened theology that places original goodness over sin. It also sketches the outlines for an ideal, noncapitalist economics based on collective utilization of the commons, and links this sketch, much like recent radical histories,8 to a putatively pre-fallen stage of history of the human race not yet marked by the doctrine of property and dominion. It conforms to the demand for the symmetry and ‘noble simplicity’ of a classical aesthetics. And its portrayal of the political, to the extent that such a portrayal exists, does offer a distinct alternative to Schmitt’s friend/enemy model. But, not unexpectedly, here some difficulties arise, because the image of peaceful harmony that is found in the original text of peaceful creation is overlaid by the more violent and imperfect second text. The question becomes: How do we move from that second text back to the first one? How, in other words, do we convince those not already willing to participate in the coming community to give up their ‘sinful’ ways? The question is a difficult one, because if peace is the default mode of the universe and violence only ‘an unnecessary intrusion’ brought into the community by ‘a free subject who asserts a will that is truly independent of God and of others, and thereby a will to the inhibition and distortion of reality’ (Milbank, 1990, p 432), how does one combat that violence if not by violence? The exercise of a corrective violence, a ‘just’ violence, aimed at the sinful intrusion is, of course, a traditional Christian response.9 It is not, however, Milbank’s. Instead he offers something perhaps even more insidious. Milbank opts for ‘ecclesial coercion’, a form of ‘noncoercive persuasion’ (Milbank, 1990, p 418) that is a collective, communal pressure expressed as ‘social anger’ or ‘calm fury’. ‘When a person commits an evil act’, Milbank writes, ‘he cuts himself off from social peace’, because ‘an individual’s sin is never his alone … its endurance harms us all, and therefore its cancellation is also the responsibility of all’ (Milbank, 1990, pp 421, 422). Therefore, non-coercive persuasion is the collective pressure of the group that ideally leads to renewed voluntary conformity, the ‘free consent of will’ (Milbank, 1990, p 418), on the part of the deviant individual. The political as Schmitt envisions it disappears completely once one presupposes the ontological priority of non-violence. But what takes its place? It may seem ironic, but once one renounces the political and embraces the community based on harmonious universal inclusion of the peaceful and absolute exclusion of ‘sin’, one seems to have what Schmitt refers to as ‘democracy’ based on homogeneity. When one excludes the political, one has to guard the borders vigilantly against those willful intruders who deviate from God’s will – which also means that one need be ever vigilant within those borders as well. Such an atmosphere, it seems, lends itself well to the description, cited above, of the ‘total state which no longer knows anything absolutely nonpolitical’ (Schmitt, 1976, p 25), which is to say that the political loses its autonomy and becomes conflated with the moral. What then becomes of those who are not ‘persuaded’, who adamantly refuse to ‘participate’? Is ‘sin’ the only category available to describe their behavior? And is there no legitimate political alternative to pure and absolute consensus? Will all dissent and all dissenters who refuse to repent be eternally damned? We know by now what question to ask, and it is a quintessentially Schmittian question: Who decides? Who decides on what is and what is not peace, what is and what is not violence, what is and what is not sin? And we know the answer: the sovereign, here the far from non-coercive sovereignty of the collective known as the Christian community. By extension, the same question can be asked of the other proponents of the ontological priority of nonviolence, that is, of Agamben and of Hardt and Negri. Does negating the presupposition of violence negate the sovereign, or is not the negation itself a sovereign act, one made by the theologian or the philosopher, or by a liberal order that claims to have solved, once and for all, the nihilistic problem of the political?

1NC SHELL (3/3)

The alternative is to reject the affirmative. Adopting a clear picture of who is a ‘friend’ and who is an ‘enemy’ ensures wars do not reach the point of genocide.

Rasch 5 (William Rasch, Prof. of German Studies, Indiana, 2005, *Lines in the Sand: Enmity as a Structuring Principle,* p.260-61)NAR

What is to be done? If you are one who says there is a war, and if you say it not because you glory in it but because you fear it and hate it, then your goal is to limit it and its effects, not eliminate it, which merely intensifies it, but limit it by drawing clear lines within which it can be fought, and clear lines between those who fight it and those who don’t, lines between friends, enemies, and neutrals, lines between combatants and noncombatants. There are, of course, legitimate doubts about whether those ideal lines could ever be drawn again; nevertheless, the question that we should ask is not how can we establish perpetual peace, but rather a more modest one: Can symmetrical relationships be guaranteed only by asymmetrical ones? According to Schmitt, historically this has been the case. ‘‘The traditional Eurocentric order of international law is foundering today, as is the old nomos of the earth. This order arose from a legendary and unforeseen discovery of a new world, from an unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to themoon discovering a new and hitherto unknown planet that could be exploited freely and utilized effectively to relieve their struggles on earth’’ (39). We have since gone to the moon and have found nothing on the way there to exploit. We may soon go to Mars, if current leaders have their way, but the likelihood of finding exploitable populations seems equally slim. Salvation through spatially delimited asymmetry, even were it to be desired, is just not on the horizon. And salvation through globalization, that is, through global unity and equality, is equally impossible, because today’s asymmetry is not so much a localization of the exception as it is an invisible generation of the exception from within that formal ideal of unity, a generation of the exception as the difference between the human and the inhuman outlaw, the ‘‘Savage Beast, with whom Men can have no Society nor Security.’’ We are, therefore, thrown back upon ourselves, which is to say, upon those artificial ‘‘moral persons’’ who act as our collective political identities. They used to be called states.What they will be called in the future remains to be seen. But, if we think to establish a differentiated unity of discrete political entities that once represented for Schmitt ‘‘the highest form of order within the scope of human power,’’ then we must symmetrically manage the necessary pairing of inclusion and exclusion without denying the ‘‘forms of power and domination’’ that inescapably accompany human ordering.We must think the possibility of roughly equivalent power relations rather than fantasize the elimination of power from the political universe. This, conceivably, was also Schmitt’s solution.Whether his idea of the plurality of Großräume could ever be carried out under contemporary circumstances is, to be sure,more than a little doubtful, given that the United States enjoys a monopoly on guns, goods, and the Good, in the form of a supremely effective ideology of universal ‘‘democratization.’’ Still, we would do well to devise vocabularies that do not just emphatically repeat philosophically more sophisticated versions of the liberal ideology of painless, effortless, universal equality.The space of the political will never be created by a bloodless, Benjaminian divine violence. Nor is it to be confused with the space of the simply human. To dream the dreams of universal inclusion may satisfy an irrepressible human desire, but it may also always produce recurring, asphyxiating political nightmares of absolute exclusion.

\*2NC Impact Calc\*

2NC OV / Framing

The Judge’s role is to determine what actions are politically significant.

Schmitt 34 (Carl Schmitt, Prof. of Political Science @ Univ. of Berlin, 2005, Political Theology, Pub. 1934, Trans. George Schwab, Univ. of Chicago Press: Chicago, p. 30-2) NAR

All these objections fail to recognize that the conception of personality and its connection with formal authority arose from a specific juristic interest, namely, an especially clear awareness of what the essence of the legal decision entails. Such a decision in the broadest sense belongs to every legal perception. Every legal thought brings a legal idea, which in its purity can never become reality, into another aggregate condition and adds an element that cannot be derived either from the content of the legal idea or from the content of a general positive legal norm that is to be applied. Every concrete juristic decision contains a moment of indifference from the perspective of content, because the juristic deduction is not traceable in the last detail to its premises and because the circumstance that requires a decision remains an independently determining moment. This has nothing to do with the causal and psychological origins of such a decision, even though the abstract decision as such is also of significance, but with the determination of the legal value. The certainty of the decision is, from the perspective of sociology, of particular interest in an age of intense commercial activity because in numerous cases commerce is less concerned with a particular content than with a calculable certainty. (So that I can accommodate myself determines times of departure and arrival in a particular case than in its functioning reliably.) Legal communication offers an example of such a concern in the so-called formal strictness of the exchange law. The legal interest in the decision as such should not be mixed up with this kind of calculability. It is rooted in the character of the normative and is derived from the necessity of judging a concrete fact concretely even though what is given as a standard for the judgment is only a legal principle in its general universality. Thus a transformation takes place every time. That the legal idea cannot translate itself independently is evident from the fact that it says nothing about who should apply it. In every transformation there is present an azavoritatii bunposatio. A distinctive determination of which individual person or which concrete body can assume such an authority cannot be derived from the mere legal quality of a maxim. This is the difficulty that Krabbe ignored. That it is the instance of competence that renders a decision makes the decision relative, and in certain circumstances absolute and independent of the correctness of its content. This terminates any fumbler discussion about whether there may still be some doubt. The decision becomes instantly independent of argumentative substantiation and receives an autonomous value. The entire theoretical and practical meaning of this is revealed in the theory of the faulty act of state. A legal validity is attributed to a wrong and faulty decision. The wrong decision contains a constitutive element precisely because of its falseness. But what is inherent in the idea of the decision is that there can never be absolutely declaratory decisions. That constitutive, specific element of a decision is, from the perspective of the content of the underlying norm, new and alien. Looked at normatively, the decision emanates from nothingness. The legal force of a decision is different from the result of substantiation. Ascription is not achieved with the aid of a norm; it happens the other way around. A point of ascription first determines what a norm is and what normative rightness is. A point of ascription cannot be derived from a norm, only a quality of a content. The formal in the specifically legal sense contrasts with this quality of content, not with the quantitative content of a causal connection. It should be understood that this last contrast is of no consequence to jurisprudence.

2NC OV / Framing

Additionally, debate is a question of what values should make UP that political system.

Barnett 4 (Clive Barnett, Faculty of Social Sciences @ The Open Univ., 2004 Deconstructing radical democracy: articulation, representation, and being-with-others, Political Geography 23, p. 503–528 Schmitt’s self-consciously irrationalist critique… revelation, not of political participation.) NAR

In his recent manifesto for a revivified political geography, John Agnew (2002) sets out the case for engaging with issues of normative justification when conceptualising and researching political topics. One of the places to start this task, he suggests, is by considering the meaning of the category ‘political’ itself. It is a now commonplace to observe that politics refers to much more than a narrow range of practices such as periodic elections, political party activities, and the making of policy and legislation by government. Over the last four decades or so, the upsurge of new forms of politics, and the associated revival of interest in participatory theories of democracy, has had the effect of heightening the sense that there is an important distinction between what is ordinarily recognized as being routine politics on the one hand, and the activities that actually define what counts as routine politics in the first place on the other. One of the most important contributions of various new social movements has been to help redefine what counts as politics, by making visible new objects of public contention, as well as by developing new practices through which to pursue political objectives. One way of making this point is by distinguishing between ‘politics’ and ‘the political’. The politics/political distinction is central to a range of post-war Continental political philosophy, including the work, amongst others, of Claude Lefort, Cornelius Castoriadis, and Jacques Ranciere. For Phillipe Lacoue-Labarthe and Jean-Luc Nancy (1997, 99) invoking this distinction is a means for addressing what they call the “retreat of the political”, a phrase which has a double reference: firstly, it refers to the claim that the question of the meaning of the political withdraws when we just accept received understandings of politics; secondly, it refers to the claim that only by refusing this obviousness is the way opened up to re-treating the political in new ways. The substantialization of ‘the political’ is also a feature of writers such as Hannah Arendt and Sheldon Wolin, where it similarly marks an attempt “to recall us from the habitual forms to the substance of the political” (Pitkin 1972, 213). In all of these writers, the distinction is meant to express the sense that politics exceeds its institutional formats (Arditi 2003, 308).

2NC OV / Violence Inevitable

Violence is inevitable but it can be controlled- the worst instances are moral violence

Rummel 77 (R.J., professor of political science, Chapter 9 Opposition, Determinism, Inevitability, And Conflict, http://www.hawaii.edu/powerkills/CIP.CHAP9.HTM) my

If conflict is inevitable in human society, what about violence? Is violence inevitable? Violence is the use of force, when coercion fails, or the application of deprivations attendant to coercion ("terrorist activities will continue until the regime submits to our demands"). If one accepts the need for coercion, even on a minimal basis to protect people's rights, then the use of force is inevitable. Force is the ultima ratio. Unless occasionally used, the threat of sanctions undergirding the law-norms of society is empty. If those who prey on others could do so with impunity, they could protect their illegal gains simply by using force. It would be unreasonable to expect all to refrain from operating outside the law. But violence takes many forms. Some acts of violence accompany the functioning of law-norms (such as the force applied by the police to restrain a prisoner). Others ensue from collective social conflict, such as terrorism, guerrilla warfare, riots, terrorism, revolutions, or war. If we consider all kinds of violence, we must conclude it is inevitable that some kind of violence will be used at some time. Based on unavoidable social differentiation and differences among people in their values and interests, surely that kind of violence attendant on enforcing even minimal law-norms is a social inevitability. But what about collective violence? At the outset, we must understand that some types of collective violence are limited to certain societies. For example, war is violence between states in the international society; revolution is a violent, direct attempt to change the elite and their policies within a state-society; civil war is an attempt to violently create a separate state-society. Thus although we could eliminate one form of violence by altering the social system within which it is defined (as by, some argue, eliminating war through the institution of world government), we may create another form congenial to the new society (such as civil war or revolution under a world government).7 The upshot is that we must deal with collective violence generally, for if the occurrence of one form is not inevitable, some form or another may be. Revolutions, uprisings, riots, wars, coups, assassinations, terrorism have been the lot of all civilizations, cultures, and nations. Toynbee's (1936-1954) massive historical study, Durant's comprehensive survey,8 or Wells' (1922) popular outline all show that collective violence has always been with us. For the statistical taste, there are Sorokin's (1957) historical tabulations. Our societies have evolved; knowledge has grown, science has developed, technology has expanded and matured. Only our collective violence has not evolved. The forms we know now were there at the beginning of recorded history, and although I know of no quantitative survey, I have the impression that the extent of violence today is little different from ancient times.9 But history is the record of phenomena, of manifestations, of observations. That a phenomenon has always been part of the human record does not prove inevitability. This is not true of slavery that has historically plagued humanity, but is now virtually eradicated; nor is it true of our presumed physical limits ("we will never fly" or "leave the earth"). Is collective violence different? Is something virtually intrinsic to society usually reflected in the historical record, mirroring our free will and nature? I believe that for all practical purposes, and especially in modern times, there is. This is our morality, our practical reason, our superego. Collective violence is now generally organized violence between collective oughts. We who share similar interests about how society ought to be structured, about the best policies of government, or how to improve our lot, organize into groups. Whether ideological, theological, nationalistic, or racial, violence between groups is ultimately altruistic or fraternal. It is violence over what ought to be.10 It is believed wrong that some are wealthy while many are poor, that private property be taken away, that a minority elite rule, that workers be exploited, that people live in sin, that they have our land, just to give a partial historical list representing human values. It is true that many, like international mercenaries, participate in collective violence for selfish gain and profit, because of frustrations or to satisfy a need for adventure. But usually the basis of such collective violence is ultimately a question of which ought will prevail. Today, collective violence is generally righteous violence.

\*Links\*

Link – Law/Democracy

**Calls for ‘law’ form the notion of a universal ethic – the promotion of democracy creates foes who present a challenge to ‘human kind’, stripping them of ‘rights’.**

Rasch, 03 (Cultural Critique 54 (2003) 121-22, William Rasch is the Henry H. H. Remak Professor of Germanic Studies at Indiana University, Human Rights as Geopolitics  Carl Schmitt and the Legal Form of American Supremacy).NAR

The only power to emerge from the twentieth-century's first world war fresh and at the top of its game was the United States. Although it took another seventy years to subdue fully all its rivals, it was already clear then that this, the twentieth, was to be the American century, perhaps the first of many such centuries. Not only was the United States a new power, but there was also something distinctly new about its power. As Schmitt recognized in 1932 (Schmitt 1988, Positionen und Begriffe, 184-203), America's legal mode of economic expansion and control of Europe—and, by extension or ambition, the rest of the globe—was qualitatively different from previous forms of imperialism. Whereas, for example, Spain in the sixteenth century and Great Britain in the nineteenth justified their imperial conquests by asserting religious and/or cultural superiority, America simply denied that its conquests were conquests. By being predominantly economic—and using, as Schmitt says, the creditor/debtor distinction rather than the more traditional Christian/non-Christian or civilized/uncivilized ones (186)—America's expropriations were deemed to be peaceful and apolitical. Furthermore, they were legal, or rather they presented themselves as the promotion and extension of universally binding legality per se. Because law ruled the United States, the rule of the United States was first and foremost the rule of law. For Schmitt, this widely accepted self-representation was neither merely "ideological" nor simply propagandistic. It was in truth an intellectual achievement, deserving respect, precisely because it was so difficult to oppose. As the American geostrategist Zbigniew Brzezinski has more recently concluded: "The American emphasis on political democracy and economic development ... combines to convey a simple ideological message that appeals to many: the quest for individual success enhances freedom while generating wealth. The resulting blend of idealism and egoism is a potent combination. Individual self-fulfillment is said to be a God-given right that at the same time can benefit others by setting an example and by generating wealth." He goes on to say: "As the imitation of American ways gradually pervades the world, it creates a more congenial setting for the exercise of the indirect and seemingly consensual American hegemony. And as in the case of the domestic American system, that hegemony involves a complex structure of interlocking institutions and procedures, designed to generate consensus and obscure asymmetries in power and influence" (Brzezinski 1997, 26-27). To sum up, Brzezinski notes that "the very multinational and exceptional character of American society has made it easier for America to universalize its hegemony without letting it appear to be a strictly national one" (210). It seems, then, that to oppose American global hegemony is to oppose the universally good and common interests of all of humanity. This—the equation of particular economic and political interests with universally binding moral norms—this is the intellectual achievement Schmitt could not help but admire, even as he continuously embarked on his disastrous attempts at fighting his elusive, because nonlocalizable, enemy, which proved to be mere shadowboxing in the end.

Link – Democracy

**Democracy subverts the political process – our ‘vote’ comes at the cost of our identity, outweighs any positive things democracy gives us.**

Barnett 4 (Clive Barnett, Faculty of Social Sciences @ The Open Univ., 2004 Deconstructing radical democracy: articulation, representation, and being-with-others, Political Geography 23, p. 503–528 Schmitt’s self-consciously irrationalist critique… revelation, not of political participation.) NAR

Schmitt’s self-consciously irrationalist critique of liberal democracy has become a primary reference point for the resurgent interest in the category of the political on the academic left (see Mouffe 1999, Balakrishnan 2000, Agamben 1998). The appeal to Schmitt is made on two related grounds – that he provides an apparently compelling critique of rationalistic understandings of liberal democracy, and because his thought faces squarely up to the dimension of antagonism taken to distinguish ‘the political’. Schmitt saw the complex temporising of democratic representation and liberal compromise as a life-sapping reduction of the vitalistic force of genuine, manly political activity. Radicalizing Max Weber’s account of the disenchantment of modern political authority (see Scheuerman 1994), Schmitt develops a vision of politics understood in terms of absolute antagonism, oriented towards a horizon of mutual annihilation. Schmitt’s hostility to liberal democracy is embedded in a resolutely territorial imagination of difference, community, and identity. The relation between conflict and solidarity is understood to be a mutually exclusive one. This is revealed in the form of friendship that is understood to be constitutive of a genuine political form of society. For Schmitt, the political is the name for the decisive activity of defining the distinction between friends and enemies, “a distinction that denotes the utmost degree of intensity of a union or separation, of an association or dissociation” (Schmitt 1996, 26). Friendship is a strictly derivative term in Schmitt’s conceptual schema, scarred by his insistence on the existential primacy of hostility and antagonism (Derrida 1997, 246). Schmitt’s account of the activity of defining friend-enemy relations presumes and enforces internal homogeneity as the very essence of democracy. On these grounds, representative deliberation is as an affront to genuine democracy precisely because it is a sign of internal division. Schmitt’s critique of liberalism holds to a highly restrictive concept of representation. The value of democracy, Schmitt (1985a, 26) argues, rests on a series of identities: “In this series belong the identity of governed and governing, sovereign and subject, the identity of the subject and the object of state authority, the identity of the people with their representatives in parliament, the identity of state and the current voting population, the identity of the state and law, and finally an identity of the quantitative, (the numerical majority or unanimity) with the qualitative (the justice of the laws)”. Schmitt presupposes that polities should be based on socio-cultural homogeneity, and that representation is only ever an expressive realisation of the unity of an authentic community. This allows him to present dictatorial models of rule, depending on modes of charismatic revelation, as just as democratic as voting and deliberation, if not more so (ibid.). His evaluative opposition of democracy and liberalism depends on a sharp contrast between true representation and forms of mechanical representation (Schmitt 1988). True representation, for Schmitt (1985a, 97-98), refers to the indissoluble sense of shared personal value between the person representing and the person before whom representation is made. This understanding rests on the argument that proper political representation entails the representation of substantive ideals, and therefore can only be undertaken by persons. True representation, for Schmitt, is a medium of existential revelation, not of political participation.

Link – Morality

Moral justifications makes warfare comparatively worse – if war is inevitable, stable us/them dichotomies ground conflict in low-level, reciprocal violence.

Rasch 5 (William, Henry H. H. Remak Professor of Germanic Studies at India University, South Atlantic Quarterly, 104:2, AD: 6/21/10) jl

How is this possible? Despite its internal self-differentiation, Europe still saw itself as a unity because of a second major distinction, the one between Europe and the New World, where New World denotes the entire non-European world, but especially the newly ‘‘discovered’’ regions of the globe following Columbus’s three voyages. This distinction was asymmetrical; on the one side we find Christianity and culture, on the other only pagan ‘‘barbarians.’’ How did Europeans mark this difference between a self-differentiated ‘‘us’’ and a homogenous ‘‘them’’? Through violence. Only now, violence was regulated hierarchically by the traditional ‘‘just war’’ doctrine. Schmitt clearly marks the difference between symmetrical and asymmetrical modes of warfare (thus the difference between warfare ‘‘this side’’ versus the ‘‘other side’’ of so-called amity lines that separated Old Europe from the New World) as the difference between wars fought against ‘‘just enemies’’ and those fought for a ‘‘just cause.’’ The former recognize a commonality among combatants that allows for reciprocity; the latter does not. Wars fought against enemies one respects as occupiers of the same cultural ‘‘space,’’ no matter how subdivided, allows for the desirable constraints on the conduct of war. Wars fought against infidels, pagans, and barbarians, whether these barbarians deny the one God, the laws of nature, the truth of reason, or the higher morality of liberalism, are wars fought against those who are not to be respected or accorded the rights granted equals.8 To be in possession of truth, no matter how much that truth is debated internally, allows one to stand over against the other as a conglomerated unity. This self-differentiated unity can assume the restrained and restraining order of civilization because it has inoculated itself against outbreaks of ‘‘natural’’ and lawless violence by displacing them in the NewWorld. America, as Hobbes and others imagined it, was the preeminent site of the feared state of nature; thus Europe was spared any recurrence of the civil wars that had previously ravaged it.

Link – Human Rights

Quests for substantive ‘human rights’ creates cycles of violence that violate the aforementioned ‘human rights’.

Rasch, 03 (Cultural Critique 54 (2003) 141-44, William Rasch is the Henry H. H. Remak Professor of Germanic Studies at Indiana University, Human Rights as Geopolitics  Carl Schmitt and the Legal Form of American Supremacy).NAR

For Schmitt, to assume that one can derive morally correct political institutions from abstract, universal norms is to put the cart before the horse. The truly important question remains: who decides? 15 What political power representing which political order defines terms like human rights and public reason, defines, in fact, what it means to be properly human? What political power distinguishes between the decent and the indecent, between those who police the world and those who are outlawed from it? Indeed, what political power decides what is and what is not political? Habermas's contention that normative legality neutralizes the moral and the political and that therefore Schmitt "suppresses" the "decisive point," namely, "the legal preconditions of an impartial judicial authority and a neutral system of criminal punishment" (1998, 200), is enough to make even an incurable skeptic a bit nostalgic for the old Frankfurt School distinction between affirmative and critical theory. One could observe, for instance, that the "universality" of human rights has a very particular base. As Habermas says: Asiatic societies cannot participate in capitalistic modernization without taking advantage of the achievements of an individualistic legal order. One cannot desire the one and reject the other. From the perspective of Asian countries, the question is not whether human rights, as part of an individualistic legal order, are compatible with the transmission of one's own culture. Rather, the question is whether the traditional forms of political and societal integration can be reasserted against—or must instead be adapted to—the hard-to-resist imperatives of an economic modernization that has won approval on the whole. (2001, 124) Thus, despite his emphasis on procedure and the universality of his so-called discourse principle, the choice that confronts Asiatic societies or any other people is a choice between cultural identity and economic survival, between, in other words, cultural and physical extermination. As Schmitt said, the old Christian and civilizing distinction between believers and nonbelievers (Gläubigern and Nicht-Gläubigern) has become the modern, economic distinction between "creditors and debtors" (Gläubigern and Schuldnern). But while affirmative theorists like Habermas and Rawls are busy constructing the ideological scaffolding that supports the structure of the status quo, what role is there for the "critical" theorist to play? Despite the sanguine hopes of Hardt and Negri (2000) that "Empire" will all but spontaneously combust as a result of the irrepressible ur-desire of the multitude, can we seriously place our faith in some utopian grand alternative anymore, or in some revolutionary or therapeutic result based on the truth of critique that would allow us all, in the end, to sing in the sunshine and laugh everyday? Do, in fact, such utopian fantasies not lead to the moralizing hubris of a Rawls or a Habermas? 16 In short, it is one thing to recognize the concealed, particular interests that govern the discourse and politics of human rights and quite another to think seriously about how things could be different, to imagine an international system that respected both the equality and the difference of states and/or peoples. Is it possible—and this is Todorov's question—to value Vitoria's principle of the "free circulation of men, ideas, and goods" and still also "cherish another principle, that of self-determination and noninterference" (Todorov 1984, 177)? The entire "Vitorian" tradition, from Scott to Habermas and Rawls, thinks not. Habermas, for instance, emphatically endorses the fact that "the erosion of the principle of nonintervention in recent decades has been due primarily to the politics of human rights" (1998, 147), a "normative" achievement that is not so incidentally correlated with a positive, economic fact: "In view of the subversive forces and imperatives of the world market and of the increasing density of worldwide networks of communication and commerce, the external sovereignty of states, however it may be grounded, is by now in any case an anachronism" (150). And opposition to this development is not merely anachronistic; it is illegitimate, not to be tolerated. So, for those who sincerely believe in American institutional, cultural, and moral superiority, the times could not be rosier. After all, when push comes to shove, "we" decide—not only about which societies are decent and which ones are not, but also about which acts of violence are "terrorist" and which compose the "gentle compulsion" of a "just war." What, however, are those "barbarians" who disagree with the new world order supposed to do? With Agamben, they could wait for a "completely new politics" to come, but the contours of such a politics are unknown and will remain unknown until the time of its arrival. And that time, much like the second coming of Christ, seems infinitely deferrable. While they wait for the Benjaminian "divine violence" to sweep away the residual effects of the demonic rule of law (Benjamin 1996, 248-52), the barbarians might be tempted to entertain Schmitt's rather forlorn fantasy of an egalitarian balance of power. Yet if the old, inner-European balance of power rested on an asymmetrical exclusion of the non-European world, it must be asked: what new exclusion will be necessary for a new balance, and is that new exclusion tolerable? At the moment, there is no answer to this question, only a precondition to an answer. If one wishes to entertain Todorov's challenge of thinking both equality and difference, universal commerce of people and ideas as well as self-determination and nonintervention, then the concept of humanity must once again become the invisible and unsurpassable horizon of discourse, not its positive pole. The word "human," to evoke one final distinction, must once again become descriptive of a "fact" and not a "value." Otherwise, whatever else it may be, the search for "human" rights will always also be the negative image of the relentless search for the "inhuman" other.

Link – Hegemony

Hegemony furthers the liberal peace project – constructing a world police to hunt down the ‘enemies of humanity.’ The only solution is violence and annihilation.

Prozorov 6 (Sergei Prozorov, Professor of International Relations at Petrozavodsk State University and Collegium Research Fellow at the Helsinki Collegium for Advanced Studies, Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, *Millennium - Journal of International Studies,* Vol.35 No. 1, pp75-99) NAR

Schmitt’s objection to the liberal monism of the ‘homeland of humanity’ is therefore two-fold. First, the effacement of ontological pluralism, which subsumes radical alterity under the ‘universal homeland’, must logically entail the suppression of difference through the establishment of a world autocracy that would no longer be political due to its disavowal of the constitutive criterion of enmity. ‘The day world politics comes to the earth, it will be transformed in a world police power.’46 This ominous prophecy finds a perfect contemporary illustration in Wendt’s argument on the effacement of political enmity in the world state: ‘Since even a world state would not be a closed system, it would always be vulnerable to temporary disruptions. However, a world state would differ from anarchy in that it would constitute such disruptions as crime, not as politics or history. The possibility of crime may always be with us, but it does not constitute a stable alternative to a world state.’47 Thus, struggles against hegemony or domination, which indeed have constituted politics and history as we know them, are recast as a priori criminal acts in the new order of the world state, calling for global police interventions rather than interstate war. ‘The adversary is no longer called an enemy, but a disturber of peace and is thereby designated to be an outlaw of humanity.’48 The exclusionary potential of universalism is evident: theoretically, we may easily envision a situation where a ‘world state’ as a global police structure does not represent anything but itself; not merely anyone, but ultimately everyone may be excluded from the ‘world unity’ without any consequences for the continuing deployment of this abstract universality as an instrument of legitimation. In Zygmunt Bauman’s phrase, ‘the “international community” has little reality apart from the occasional military operations undertaken in its name’.49 Thus, for Schmitt, if the monistic project of liberalism ever succeeded, it would be at the cost of the transformation of the world into a terrifying dystopia of a self-immanent, totally administered world without an outside and hence without a possibility of flight. At the same time, the practical implementation of such a project is hardly conceivable as encountering no resistance. The project of world unity and the effacement of exteriority is therefore bound to have its own enemies, insofar as alterity is ontologically ineradicable. Letting the Other into the global ‘homeland’ does not eliminate the ‘most extreme possibility’ of violent conflict but makes it impossible to manage it through the pluralistic disjunction of the Self and the Other. In the world in which there is ‘only a homeland’, radical alterity has no place, both literally and figuratively. In this setting, conflict appears no longer merely possible but actually inevitable, as the Other is certain to resist its violent inclusion into the homeland of liberal humanity. Yet, having disposed of genuine political pluralism, liberalism finds itself lacking in any instruments to protect its universal homeland other than the absolute existential negation of the Other that parallels the conceptual negation of alterity in liberal monism. Thus, the universalisation of the liberal disposition to embrace the entire humanity actualises the ‘mostextreme possibility’ either by exposing the Self to the resentful violence of the Other or by annihilating the Other to eliminate the former existential threat. It is here that enmity, foreclosed in the symbolic register of liberalism with its monistic universalism, returns with a vengeance, since the sole consequence of the deployment of the concept of humanity as the referent of the liberal political project is the inevitable designation of the adversaries of this project in terms of the negation of humanity as, in a strict sense, inhuman beings: 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.50Indeed, denial is a central category in the discursive transformation of the enemy into the foe – through manifold gestures of denial the enemy is reduced to the purely negative figure that reminds us of Agamben’s homo sacer, a bare life that is both worthless and undesirable: ‘The enemy is easily expropriated of his human quality. He is declared an outlaw of humanity. … The absolute enemy encounters an undivided humanity that regards him as already always proscribed by God or by nature.’51 The effect of the liberal foreclosure of enmity, i.e. its bracketing off from the political discourse, is ironically the de-bracketing of violence, its deregulation and intensification, whereby the enemy is absolutised as the inhuman monster, ‘the negative pole of the distinction, [that] is to be fully and finally consumed without remainder’.52 In line with Zizek’s diagnosis of ultra-politics, depoliticisation brings about nothing other than an extreme politicisation, which can no longer be contained within the symbolic dimension of potentiality but must pass into the actuality of existential negation: “Depoliticisation is a political act in a particularly intense way.”53 It is thus the liberal ‘peace project’ itself that produces its own opposite or perhaps reveals its own essence in the guise of its antithesis.

Link – Terror

Framing the war on terror as morally justified creates terrorism by failing to respect the enemy

Prozorov 6 (Sergei Prozorov, Professor of International Relations at Petrozavodsk State University and Collegium Research Fellow at the Helsinki Collegium for Advanced Studies, Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, *Millennium - Journal of International Studies,* Vol.35 No. 1, pp75-99) NAR

Secondly and consequently, the ‘war on terror’ is of particular interest, insofar as the perception of this fundamental inequality is arguably constitutive of the very subject-position of the ‘terrorist’ foe. Indeed, contemporary terrorist violence may be grasped as a retort of the foe, a paradoxical refusal of the subject-position, imposed on the enemy of liberalism, through its assumption in a hyperbolic and excessive manner, whereby the foe ‘acts out’, with a vengeance, an identity attributed to him or her. Let us suggest that the specificity of terrorist violence is not derivative of extra-political factors that may function as its background motives (poverty, economic inequality, underdevelopment, lack of education, etc.), but is rather a direct expression of a properly political grievance, a retort against the humiliation, incurred in not being recognised as a legitimate enemy. Our demonstration of the monistic nature of liberal pluralism and the artefactual character of liberal naturalism points to the fact that the subject-position of the foe is preconstituted in the political ontology of liberalism, insofar as the appropriation of the capacity to adjudicate what is human and what, within humanity, is natural makes exclusion and stigmatisation a permanently available option for dealing with expressions of dissent. The image of the terrorist foe is thus both entirely contingent from the standpoint of a Schmittian transcendental function of enmity and always-already articulated within the ontological edifice of liberalism. While the motives for particular acts of terrorism might be distinct in each particular case, we may suggest that all these acts, first, take place in the preconstituted subject position of the ‘enemy of liberalism’ and, secondly, target precisely this subject position as a priori inferior. Terrorism is little more and nothing less than the resentful acceptance by the Other of the ultra-political terms of engagement, if only because there is no other way that the present global order can be legitimately opposed: the refusal to be liberalism’s ‘noble savage’ inevitably turns one into a barbarian. If our enemy can only be a monster, should we be surprised that the acts of our enemies are so monstrous? The uncanny effect of the liberal negation of pluralistic antagonism is that in the eyes of its adversaries liberalism may no longer be opposed other than by murderous and meaningless destruction. To the oft-cited empirical claims that contemporary terrorism has been produced as an effect of Cold War policies of Western powers, we must add a conceptual thesis: terrorism is the practical expression of that mode of enmity which the liberal West has constituted as the sole political possibility due to its appropriation of both nature and humanity. The ‘war on terror’ is not an accidental deviation from the maxims of Western liberalism but rather an exemplary model of the only kind of ‘war’ that the liberal foreclosure of political enmity permits, i.e. a war against an a priori ‘unjust enemy’. It should therefore not be surprising to see this model generalised beyond its original articulation, whereby it becomes a standard response to the worldwide expressions of anti-liberal dissent. For this reason, one gains nothing by attempting to battle terrorism either on its constitutive ultra-political terms or, as much of critical thought suggests, on the extra-political fronts of development, poverty relief, civic education, democratisation, etc. Instead, any authentic confrontation with terrorism must logically pass through the stage of questioning what confrontation, struggle and antagonism actually mean today, who we fight, how we fight and, possibly, whether we still have any meaningful willingness to fight. During the 1970s, Foucault frequently lamented that the proverbial ‘class struggle’ tended to be theorised in critical thought in terms of ‘class’ rather than ‘struggle’, the latter term functioning as a mere metaphor.71 The same problem is still with us today – the proliferation of metaphors (‘culture wars’, ‘wars on drugs’, ‘fight against poverty’) is increasingly obscuring the reflection on the concrete meaning of antagonism in contemporary political life.

Link – Terror

The war on terror is a state-led moral war- this form of ‘legitimate violence’ ensures maximum escalation

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 2) my

What experts in the domestic sphere see as administration has its correspondence in international relations as pacification, cooperation, legalization, and the implementation of ‘human rights’.1 Just as liberal society marginalizes politics and conditions us to be suspicious of it, the modern international order, dominated by the United States and theatricalized by worldwide media outlets, outlaws war and makes opposition to its rule something immoral. Legitimate violence is the violence that is conducted under the auspices of the United States and its vassals; illegitimate – ie terrorist – is everything else. The virtue of the American response to the events of September 2001 is to have removed, at least partially and at least at times, the rhetorical camouflage from this fundamental attitude and made it visible for all to see, even the most naive and willing believers. We no longer play with formulas like ‘police actions’ and ‘peace keeping’, but talk quite simply and directly of war, economic booty, and the installation of compliant regimes. ‘Consultation’ with the Allies is a gleefully open and public form of threat, extortion, bribery, and, when these do not work, punishment. And support for the United States is displayed with all the calculating opportunism of a masochistic, tail-wagging and hand-licking lapdog. But there is one element of duplicity that remains, that will always remain. Our wars are always wars of liberation, never wars of conquest. Thus the discourse that dictates the tone of both political arenas, the domestic and the foreign, is moral. Once the Good is pitted against an Evil Axis of criminal regimes, opposition, domestic and foreign, can only be illegitimate, conducted by the morally perverse and therefore the politically discredited.

Dismissing our enemies as terrorists lessens their threat – destroying our own identity.

Nyquist 5 (J.R, Nyquist, a WorldNetDaily contributing editor and a renowned expert in geopolitics and international relations, is the author of "Origins of the Fourth World War." THE PROBLEM OF ENMITY, http://www.financialsense.com/stormwatch/geo/pastanalysis/2005/1007.html) NAR

America dismisses its enemy as "small and insignificant." In saying our enemy is an "extremist," we are belittling him in a way that makes him less terrible. Somehow the teachings of the Prophet are thought to be compatible with American sensibilities and secular civilization. But how can this be? Serious Christians tell us that secular civilization has abandoned the teachings of Christ. Why is it so hard to believe that this same civilization is offensive to the teachings of Mohammed? The War on Terror (so called) does not signify the mobilization of the United States. The government does not ration consumer items or draft soldiers. The consumer economy remains at center stage. The general public (with the exception of military families) is disconnected and disengaged from a war that is no more real to its daily concerns than an old World War II movie. We refuse to know our enemy, and we do not know ourselves.

Terrorism is used to justify total extermination as the enemy of civilization

Noorani 5 (Yaseen, Assistant Professor in Near Eastern Studies at the University of Arizona, CR: The New Centennial Review 5.1 (2005) 13-41, Muse) jl

The Bush administration perpetually affirms that the war against terrorism declared in response to the attacks of September 2001 is "different from any other war in our history" and will continue "for the foreseeable future."[1](http://muse.jhu.edu/journals/new_centennial_review/v005/5.1noorani.html" \l "FOOT1) This affirmation, and indeed the very declaration of such a war, belongs to a rhetoric of security that predates the Bush administration and which this administration has intensified but not fundamentally altered. Rhetorically speaking, terrorism is the ideal enemy of the United States, more so than any alien civilization and perhaps even more so than the tyrannies of communism and fascism, terrorism's defeated sisters. This is because terrorism is depicted in U.S. rhetoric not as an immoral tactic employed in political struggle, but as an immoral condition that extinguishes the possibility of peaceful political deliberation. This condition is the state of war, in absolute moral opposition to the peaceful condition of civil society. As a state of war, terrorism portends the dissolution of the civil relations obtaining within and among nations, particularly liberal nations, and thus portends the dissolution of civilization itself. [End Page 13] Terrorism is therefore outside the world order, in the sense that it cannot be managed within this order since it is the very absence of civil order. For there to be a world order at all, terrorism must be eradicated.

Link – Peace

The avoidance of all war justifies further war- broadens the justification for war and abandons the friend/enemy distinction

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 12-13) my

I believe it in order here to cite a longer passage to clarify the point. ‘To demand seriously of human beings’, Schmitt passionately exclaims, that they kill others and be prepared to die themselves so that trade and industry may flourish for the survivors or that the purchasing power of grandchildren may grow is sinister and crazy. It is a manifest fraud to condemn war as homicide and then demand of men that they wage war, kill and be killed, so that there will never again be war. War, the readiness of combatants to die, the physical killing of human beings who belong on the side of the enemy – all this has no normative meaning, but an existential meaning only, particularly in a real combat situation with a real enemy. There exists no rational purpose, no norm no matter how true, no program no matter how exemplary, no social ideal no matter how beautiful, no legitimacy nor legality which could justify men in killing each other for this reason. 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. (Schmitt, 1976, pp 48–49) I take Schmitt’s claim to be both obvious and counterintuitive. We have been conditioned to believe that the anarchic order of sovereign states poses a constant threat of uncontrolled outbreaks of potentially devastating wars. During the course of the 20th century, various treaties and agreements made by assorted leagues and associations of nations attempted to limit such outbreaks by ‘outlawing’ war except for a series of ‘justified’ reasons. These reasons accord with ‘values’ that are said to be humane, universal, rational, or simply self-evident. Perhaps surprisingly or perhaps not so surprisingly, these attempts have not successfully prevented the outbreak of ‘unjustified’ wars. Nor have they prevented those who explicitly retain sovereign power and military might from conducting wars regardless of justification. Indeed, as Schmitt specifically argues, rather than limiting the occurrence of war, treaties like the Kellogg-Briand Pact of 1928 explicitly multiply the possible occasions for war – ‘The solemn declaration of outlawing war does not abolish the friendenemy distinction, but, on the contrary, opens new possibilities by giving an international hostis declaration new content and new vigor’ (Schmitt, 1976, p 51) – and intensifies the ferocity of the fighting once war does break out – ‘and a war as an instrument of international politics can be worse than a war as an instrument of a national policy only’ (Schmitt, 1976, p 50). When a nation or body of nations who has asserted its sovereign authority by identifying which norms ought to be established in such treaties decides, for whatever reason, to wage wars, it now is able to do so in the name of an assortment of universal name of ‘humanity’. Thus, wars of territorial or economic conquest can now be justified as wars of liberation. The imposition of a particular nation’s or culture’s form of economic, legal, administrative, and cultural life can now be touted as the extension of human rights. The white man’s burden of old is lightened when, instead of Christianity, emancipation is the outcome of the contemporary white man’s efforts. So, when Schmitt grounds war ‘existentially’, rather than normatively, he does so to keep local control, as it were, over sovereignty. When the sovereign right to distinguish friend from enemy in a time of crisis is relinquished, when it is stripped away in the name of a universally valid norm or principle, then that political entity ceases to exist. ‘For as long as a people exists in the political sphere, this people must … determine by itself the distinction of friend and enemy. Therein resides the essence of its political existence. When it no longer possesses the capacity or the will to make this distinction, it ceases to exist politically. If it permits this decision to be made by another, then it is no longer a politically free people and is absorbed into another political system’ (Schmitt, 1976, p 49). What follows, then, is the seemingly shocking conclusion: ‘A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction of friend and enemy and hence a world without politics’ (Schmitt, 1976, p 35).

Link – ‘Final Peace’

Assuming there is a final solution to the question of war creates excessive violence.

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 70-71) my

Despite a persistent tendency to identify Schmitt’s friend/enemy distinction automatically with this absolutist position, his commentary on St Joan’s response indicates an alternative, one that not only emulates St Joan’s modesty regarding knowledge of God’s likes and dislikes, but also one that is carefully agnostic with regard to the feasibility of the Marxist project. Emphasizing, as Schmitt does, the essentially agonistic aspect of politics is not the same as equating it with revolution. When Schmitt originally advanced the friend/ enemy pair in his The Concept of the Political, he explicitly dissociated it from moral, aesthetic, or other categories (Schmitt, 1976, pp 25–27). Far from being cynical, this disassociation was itself ethically motivated, since Schmitt felt that excesses of violence could only be limited by acknowledging conflict as an existentially inevitable and thus a thoroughly legitimate feature of all genuine political activity. He defines politics as conflict, not to glorify violence, but to regulate it.7 Thus Schmitt’s notion of the political – to continue with the imagery introduced by St Joan – assumes that God respected the distance that separates the Heavenly from the Earthly City, or at least assumes that there is no one on earth who has exclusive and privileged access to the heavenly vision. Consequently, in the absence of an ultimate judge who could decide the outcome of mortal disputes, politics becomes the structure by which shape is given to the unavoidable necessity of conflict. Politics is not the means by which the universally acknowledged Good is actualized, but the mechanism that negotiates and limits disputes in the absence of any universally acknowledged Good. Politics exists because the just society does not. It soon becomes apparent, therefore, that if political struggle is an ever-shifting alliance of friends confronting an ever-shifting alliance of enemies, if politics is more Sisyphean than millennial, then the aim of revolution is precisely the abolition of politics, the abolition of conflict and dissent, all done in the name of a universal principle that is enunciated by a privileged particular instance. In other words, from within a given framework, from within a given social order, politics-as-conflict cannot be seen as the revolutionary destruction of the system, but rather as the activity that reproduces the system. Enemies are as much a part of this reproduction as friends. Thus, from the perspective of a thoroughly agonistic politics, the demand for revolution can only be seen as an eschatological appeal to a singular vision of the good life, the actualization of which would eventually preclude further political conflict. In a just society, we must all be friends, because there are no actual enemies, only absolute ones. And these must be absolutely eliminated.8

Link – Cap Bad

Criticisms of capitalism are attempts to erase identities and ‘even out the playing field’ of life – forming just wars.

Slomp 6 (Gabriella, University of St. Andrews, Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 437-438, Ebsco) my

In addition to the above justification for war, in 1932 Schmitt identified the ideas of Marx, as well as Lenin’s ‘annihilating sentences against bourgeois and western capitalism’, as being ideologies of just war (Schmitt 1996, 67). Writing thirty years later, Schmitt similarly condemned all ideologies of just war, be they motivated by liberal ideals of spreading justice and civilisation or by Marxist tenets. In Theorie des Partisanen he condemns the justification of war based on abstract values, regardless of the ideology on which those values are founded. Schmitt remarks that the attempt to impose ‘higher values’ on people with ‘lower values’, which he perceives to be a product of liberalism, results in wars for which no price is seen as too high (Schmitt 1963, 75). Schmitt also stresses the roles of Leninism and Maoism in the revival of the notion of just war after the Second WorldWar and in fomenting civil and revolutionary wars throughout the globe.18

**Link – ‘Social Struggle’**

The 1AC’s revolution of philosophy melding with the political destroys politics and fosters dangerous civil wars, turning the case.

Schmitt 75 (Carl Schmitt, political theorist, 2007, Theory of the Partisan, p. 52-4) NAR

The war of absolute enmity knows no bracketing. The consistent fulfillment of absolute enmity provides its own meaning and justification. The question is only: Is there an absolute enemy, and if so who is he? For Lenin, the answer was obvious, and the fact that he made absolute enmity serious made him superior to all other socialists and Marxists. His concrete absolute enemy was the class enemy—the bourgeois, the essential capitalist, and the social order in countries where this bourgeois capitalist was dominant. Cognizance of the enemy was the secret of Lenin's enormous effectiveness. His understanding of the partisan was based on the fact that the modern partisan had become the true irregular and, thereby, the strongest negation of the existing capitalist order; he was called to be the true executor of enmity. Today, the irregularity of the partisan consists not only in a military "line," which was the case in the 18th century, when lie was only a "light troop," and not only in the pride of wearing the uniform of a regular troop. The irregularity of the class struggle challenges not only a line, but the whole structure of political and social order. This new reality was conceived with philosophical consciousness by the Russian revolutionary Lenin, and the alliance of philosophy and the partisan that he forged unleashed unexpected new and explosive forces. It caused nothing less than the destruction of the whole Eurocentric world that Napoleon had hoped to rescue and that the Congress of Vienna had hoped to restore. The bracketing of interstate regular war and the overcoming of intrastate civil war had become so accepted in 18th century Europe that intelligent men of the ancien regime also could not conceive of the destruction of this type of regularity, not even after the experiences of the French revolutions of 1789 and 1793. For such, they found only the language of a general honor, and made basically incongruous, childish comparisons. A great and courageous thinker of the ancien regime, Joseph de Maistre, had foreseen brilliantly what was at stake. In a letter written in the summer of 18117 he declared that Russia was ripe for revolution, yet hoped that it would be, as he put it, a natural revolution, not an enlightened-European revolution like the French. What he feared most was an academic Pugachev. Thus, he took pains to make clear what he considered to be the real danger, namely, an alliance of philosophy with the elemental forces of an insurrection. Who was Pugachev? He was the leader of a peasant and Cossack rebellion against Catherine 11, who put a price on his head. He was executed in 1775. An academic Pugachev would be a Russian who "started a European-style revolution." That would produce a series of horrible wars, and if they went too far,"I would not have the words to tell you what one would then have to fear.' The vision of smart aristocrats is astounding, as much as in what they saw, namely, the possibility and danger of an alliance of Western intellect and Russian rebellion, as in what they did not see. With their timely and orderly dates—St. Petersburg in the summer of 1811—they found themselves to be in the dosest proximity to the Prussian army reformers. Yet, given their own nearness to the reform-minded professional officers of the Prussian General Staff, they did not notice the intensive contacts that these officers still maintained with the imperial court in St. Petersburg. They knew nothing of Scharnhorst, Gneisenau, and Clausewitz, and they ailed to see the fatal flaw in linking their names with Pugachev. The profundity of a significant vision was lost, and what remained was bonmot (repartee] in the style of Voltaire or even Antoine de Rivarol. If one still thinks in terms of the alliance between Hegel's philosophy of history and unchained mass forces, such as the Marxist professional revolutionary Lenin forged, then the formulation of the brilliant Maistre would shrink to a small verbal effect in rooms or anterooms of the ancient regime. The language and conceptual world of bracketed war and prescribed enmity no longer were any match for absolute enmity.

Link – Emancipation

Strategies aimed at emancipation fail to overcome inevitable conflict – This makes violence worse by making it invisible

Rasch 5 (William, Henry H. H. Remak Professor of Germanic Studies at India University, South Atlantic Quarterly, 104:2, AD: 6/21/10) jl

With its pacific presuppositions, liberalism, according to Schmitt, dissolves the specificity of the political and hides the necessarily asymmetric power relations that mark all political maneuverings. By way of an anthropological sleight of hand, liberalism represents itself as an ethos, a moral and economic emancipation, and not as what it really is, namely, a power political regime with traditional power-political aims. For Schmitt, distinctions, rather than the effacement of distinctions, structure the space within which we live, including the space of the political. Only within structured space, space literally marked by human activities, by human groupings and the boundaries they draw, do terms achieve their meanings. Norms, he repeatedly stated, are derived from situations, normal situations; they are not derived logically from underived first principles. Categories like ‘‘liberty’’ and ‘‘equality’’ can have political significance only when defined and delineated within the sphere of the political. They are neither natural nor innately human qualities; they are not self-evident truths. Consequently, Schmitt’s suspicion of liberalism, pacifism, or any other -ism that denies an initial and therefore ever-present potential war of all against all is a suspicion of those who wish to make their operative distinctions invisible, and thus incontestable, by claiming the immorality or illegality of all distinction. Schmitt’s insistence, then, on our ‘‘evil’’ nature is evidence neither of his existential misanthropy nor even, necessarily, of his conservative authoritarianism, but rather of his desire to secure the autonomy and necessity of that human mechanism called ‘‘the political.’’ To the question of whether there is a war, Schmitt emphatically answers ‘‘yes’’—by which he means to affirm not armed conflict or bloodshed as a virtue in and of itself, but rather the necessity of the view that the proverbial state of nature is, as Hobbes knew, a state marked by imperfection, and that this imperfection manifests itself as violence and the guilt associated with it.

Link – Tyranny Bad

**The fight against tyranny and violence sends state action underground – all forms of violence become both inevitable and justified.**

Yaseen 5 (Noorani, Yaseen, Assistant Professor in Near Eastern Studies at the University of Arizona, "The Rhetoric of Security." CR: The New Centennial Review 5.1 (2005): 13-41. Project MUSE)

A key element of the U.S. rhetoric of security is the notion that terrorism is the state of war and thereby outside the world order understood as the civil relations among nations. Terrorism is depicted as violent coercion that aims at turning the whole world into a realm of violent coercion. The war against terrorism supposedly provides a historic opportunity to eradicate violence from human political relations once and for all and establish the primacy of a peaceful world order. Liberal thought allows that violence may be used to combat political injustice and oppression, especially tyranny. Such injustice is already a state of war initiated by an aggressor and can therefore be legitimately resisted. Liberal thought also allows for criminal violence committed within civil society, which is to be quickly recontained and punished by the civil authority. This is precisely the purpose of civil authority, to guarantee that unjustified violence will be ineffectual in its coercive end and thus never initiate a state of war. Normativity is in no way suspended in the punishment of criminals, who retain many of their natural rights. Terrorism, however, is regarded by the U.S. government and many political commentators as belonging to neither of these categories of violence. It is conceived, rather, as a form of violence that aims at, or results in, the overthrow of civil society—a war on peace itself. In the words of The National Strategy for Combating Terrorism (NSCT), for example, terrorism seeks "to threaten the very notion of civilized society" (2003, 29). It is an "evil that is intent on threatening and destroying our basic freedoms and way of life" (1). Michael Ignatieff (2004) has fleshed out this notion in a classically liberal fashion. He argues that [t]errorism is a form of politics that aims at the death of politics itself. For this reason, it must be combated by all societies that wish to remain [End Page 25] politicaLink - otherwise both we and the people terrorists purport to represent are condemned to live, not in a political world of deliberation, but in a prepolitical state of combat, a state of war. (111) For Ignatieff, terrorism is distinguished from legitimate forms of violence not by the justice or injustice of its cause, but by the fact that terrorist groups turn to violence as their first resort, as their desired form of political action (2004, 110). Violence is the mode of being of such groups even among their own constituents, because they could not achieve power otherwise. "Terrorist campaigns seek to take hostage the population in whose name they purport to act. Instead of using properly political means to achieve hegemony within their own population, terrorists use violence to do so" (104). The inherent violent orientation of terrorist groups means that even if they succeed in their declared political end, violence will have become the political norm and will not come to an end. Ignatieff's criteria for distinguishing terrorists from militants with whom political negotiation is possible suffer from the same ambiguities as all definitions of terrorism. Are armed resistance groups that form after a long period of political oppression guilty of adopting violence as their first resort? And as for his second criterion, "targeting unarmed civilians and punishing them for their allegiance or their ethnicity" (110), how otherwise would one characterize the bombing of cities in World War II? The point is that Ignatieff's aim in positing these criteria is to establish that there are people who simply desire violence instead of peace and with whom no normative relations are possible. These people are inherently outside of civil order, and against them we must collectively struggle to preserve our existence or else each one of us will be condemned to struggle alone for his life in a condition of enslavement. We have seen that for Locke, to be enslaved is to be as good as dead and it is therefore permitted to do whatever is necessary to protect one's liberty. Terrorism, as a spreading state of war, is linked to enslavement in the rhetoric of security through tyranny and fear. Tyranny, in liberal thought, is itself a state of war because the authority of the tyrant is established through coercion, through enslavement of the population. In the rhetoric [End Page 26] of security, tyranny and terrorism go hand in hand as the twin threats to world peace. "We will defend the peace by fighting terrorists and tyrants" (National Security 2002, i). In fact, tyranny and terrorism are regarded as the same thing. A terrorist is merely a tyrant-in-waiting or a tyrant's henchman. "Terrorists and their allies believe the Universal Declaration of Human Rights and the American Bill of Rights, and every charter of liberty ever written, are lies, to be burned and destroyed and forgotten. They believe that dictators should control every mind and tongue in the Middle East and beyond" (Bush 2004b). Similarly, "rogue states," i.e., tyrannies, "sponsor terrorism around the globe" and "reject basic human values and hate the United States and everything for which it stands" (National Security 2002, 14). Terrorism, therefore, is not violence perpetrated for the private, limited ends of criminals, but violence that seeks to tyrannize, to rob people of their liberty, and thus to destroy "the peace." Terrorist violence does not simply violate the social contract but rejects it entirely. This violence, having entered the domain of the political, can no longer be contained by the political.

**Link – Accept ‘other’**

**Denying the friend-enemy distinctiononly pushes the Other farther away – without acknowledging this threat, paranoia sets in, making violence increasingly excessive.**

Pourciau 5 (Pourciau, Sarah. graduate student in the Department of German at Princeton University., "Bodily Negation: Carl Schmitt on the Meaning of Meaning." MLN 120.5 (2005): 1066-1090. Project MUSE) NAR

Schmitt locates the most coherent expression of this worldview in the bourgeois withdrawal from political existence. The bourgeois [End Page 1075] individualist believes in the universality of Euclidean space and the commonality of mankind, and refuses on principle to recognize the possibility of a negation more powerful than either. But he whose enemy remains nothing more than an inhuman abstraction like technology or death has, in reality, no enemies at all; his "other" takes shape only as a vague mirage on a distant horizon, incapable of the negative force peculiar to the structure of the enemy as threat, and therefore unable to goad him into the confrontation that could define him as a meaningful self. Ironically, perhaps, this absence of a concrete enemy leads not to a heightened sense of security, but to an unfocused impression of perpetual danger. Conventional definitions of abstract concepts allow an infinite variety of threatening interpretations, and Schmitt's bourgeois perceives phantom enemies at every turn, his indefinite foe ultimately swelling up to engulf all but his immediate, bodily self. While the political entity confronts an enemy with an act of boundary-drawing, thereby taking possession of a public space,9 the bourgeois responds to his imagined aggressor with precisely the opposite gesture, shrinking backward into bodily limits fixed by an arbitrary material reality. In this context, Schmitt approvingly paraphrases Hegel's "polemically political definition of the bourgeois as an individual who does not want to leave the apolitical riskless private sphere, and acts as an individual against the totality through his private property and the justice associated therewith" (62, translation modified) ["polemisch-politische Definition des Bourgeois als eines Menschen, der die Sphäre des unpolitisch risikolos Privaten nicht verlassen will, der im Besitz und in der Gerechtigkeit des privaten Besitzes sich als einzelner gegen das Ganze verhält" (62)]. Paradoxically but predictably, this attempt to protect the self and its possessions—by shunning confrontation with the enemy who alone gives shape to what is worth protecting—succeeds only in hastening the dissolution of an already impotent self. The bourgeois who chooses to immerse himself in the meaningless matter of a material reality he values above all else, who surrenders his potential for political agency to the possessions that have come to possess him, undergoes an emasculation so total that Schmitt can contemptuously label him a "political nullity."

Inclusion and liberalism are masks for more insidious forms of imperialism – only engaging in a friend/enemy distinction allows for understanding of self

Manzoor 4 (Stockholm U, “The Sovereignty of the Political: Carl Schmitt and the Nemesis of Liberalism,” <http://www.algonet.se/~pmanzoor/CarlSchmitt.htm>, AD: 6/22/10) jl

In the final analysis, the political, inasmuch as it is sovereign, cannot be evaluated and measured by norms that are external to it; nor can it be avoided. The political is the fundamental fact of existence, the basic characteristic of human life from which man cannot escape; or, expressed differently, man would cease to be man by ceasing to be political. From the inevitability of the political, it also follows that pacifism is a lost cause and conciliatory visions of a universal humanity are nothing but pious delusions: 'The political entity presupposes the real existence of an enemy and therefore coexistence with another political entity. As long as a state exists, there will always be in the world more than just one state. A world state that embraces the entire globe and all of humanity cannot exist. The political world is a pluriverse, not a universe.' (53). It is hardly surprising that Schmitt's concept of the political has been understood as a strongly polemical text that exposes the hypocrisy of liberal humanism. Liberalism, with its predilection for vacuous abstractions, its burdensome legal formalism, its vacillation between military pacifism and moral crusading, its sham universalism of rights and its real espousal of inequality, remains for him the ultimate enemy of the political man. As for liberalism's moral claim to universal humanism, Schmitt is mercilessly candid: 'The concept of humanity is an especially useful ideological instrument of imperial expansion, and in its ethical-humanitarian form it is a specific vehicle of economic imperialism.'

Link – Humanity/Liberal Bullshit

**Ethical imperatives crowd negation, forcing in the concept of humanity – the inhuman enemy is annihilated**

Pourciau 5 (Pourciau, Sarah. graduate student in the Department of German at Princeton University., "Bodily Negation: Carl Schmitt on the Meaning of Meaning." MLN 120.5 (2005): 1066-1090. Project MUSE) NAR

In place of the principle of constitutive negation, the concept of humanity follows the rules of logical opposition, which dictate that two logically opposed notions, such as A5B and AfiB, can not share the same conceptual space. Speaking quite precisely, there is no room within the notion of humanity for its logical opposite, the human enemy. From the Schmittian perspective we have been extrapolating here, the dilemma appears to arise from an Aristotelian category mistake that leads liberals to misapply the terms of logical opposition to the temporally-bound reality of a human experience defined rather by negative force. The fact that these same liberals manage to locate and kill the human enemy with perfect ease, despite their inability to theorize him, demonstrates that the scope of the problem transcends a somewhat pedantic accusation of intellectual sloppiness. The political ramifications of an enemy who can be killed but not acknowledged are singularly terrifying:10 Here one is reminded of a somewhat modified expression of Proudhon's: whoever invokes humanity wants to deceive. To bear the name humanity, to invoke and monopolize such a term—since it is impossible to bear such a sublime name without certain consequences—could only be to make manifest the horrifying claim that the enemy should be divested of the quality of being human, that he should be declared outside the law and outside humanity, and that the war should thus be driven to the most extreme inhumanity. A worldview that does not allow for the role of constitutive negation must wage continual war against all opposition, not in order to neutralize an existential threat, but in order to deprive the antagonistic instance of every potential reality, to make of it a non-thing that can be annihilated with impunity. A war fought against the very possibility of a human enemy necessarily takes on the apocalyptic dimensions of the pacifist "war to end all wars," within which the enemy appears only as a logical contradiction in terms, a monstrous breach of nature "that must not only be defeated but also utterly destroyed" (36) ["das nicht nur abgewehrt, sondern definitiv vernichtet werden muß" (36)]. By working to undermine the Aristotelian worldview presupposed by this particularly virulent brand of liberal humanism, Schmitt thus succeeds in redefining not only the political but the human as well. Mankind, for Schmitt, is essentially political, and the political can therefore claim to have a privileged position with regard to the essence of the human, an assumption that determines, among other things, his belief that the one who "transcends" the political necessarily descends into inhumanity.11 Unlike the essence presupposed by a liberal humanity, however, the political essence takes its character from the notion of a constitutive negation, and Schmitt's theory of political meaning consequently includes a disavowal, uttered in the name of humanity, of any entity that could accurately be termed "humanity." The alleged common ground shared by a homogeneous humanity prior to all negation and difference occasions, as we have just seen, a displacement more total and radical than anything the force of a real, non-logical negation could possibly accomplish. Schmitt, working in direct opposition to the excesses made thinkable by the Aristotelian category mistake, defines the political version of human essence as the incapacity to be reduced to a common, undifferentiated space; the specifically human, for Schmitt, lies [End Page 1078] precisely in that which eludes the grasp of abstract generalities like "humanity." In his polemic against the liberal misunderstanding of meaning, Schmitt himself enacts the process of definitional boundary-drawing that delineates a political self in confrontation with a real enemy. He takes a particular, political stand on the issue of the meaning of meaning, and the content of his redefinition derives directly from the one-sided particularity of that stand. If his normative treatment of justification and war, in the passage analyzed earlier, leaves little doubt as to the conceptual gap that separates the substantive political he affirms from the contentless political he formally defines, the polemic against liberal abstraction leaves little doubt as to the true nature of this gap. Beyond the capacity to wield political power, to decide on the enemy, to hold sway over life and death—a capacity, according to Schmitt, which the anti-political liberal powers possess in spades—the political worthy of affirmation (the political with content) requires a willingness to acknowledge the enemy as the precondition of a meaningful political self: "The political does not reside in the battle itself . . . but in the clear recognition of one's own situation" (37, translation modified, emphasis mine). ["Das Politische liegt nicht im Kampf selbst . . . sondern in der klaren Erkenntnis der eigenen, dadurch bestimmten Situation" (37, emphasis mine).] The absence of such an acknowledgement within liberal theory produces the disastrous consequences outlined above, in both their impotent and megalomaniac manifestations. The oscillation of Schmitt's avowedly polemical rhetoric between the oppositional poles of political clarity ["klaren Erkenntnis"] and liberal dissimulation ["Wer Menschheit sagt, will betrügen"]—aligned, rather predictably, with accusations of liberal cunning and rhetorical sophistication—drives home this urgency of recognition, even as the remainder of Schmitt's rhetorical maneuvering appears designed to conceal the possibility of a bifurcated political. Indeed, as we have seen, he goes to great lengths to avoid the very distinction our discussion attempts to demonstrate, choosing instead to describe the politics of acknowledgement as though it were an existential fact that could be "demonstrated" by the reality of war, and affirming the empty, formal political as though it carried already within it the redemptive capacity for recognizing the enemy.

Link – Terror Talk/WoT Bad

The terrorist, is a true political enemy. Denying this destroys the political system.

Bargu 10 (Banu Bargu. "Unleashing the Acheron: Sacrificial Partisanship, Sovereignty, and History." Theory & Event 13.1 (2010) ) NAR

Like the partisan, the human weapon is irregular and outside legality, with a counter-claim of his own legitimacy.34 With the de-statization of war, the individualization of acts of violence, and the haphazardness of targets, this irregularity is more pronounced.35 The human weapon's actions transcend territorial boundaries, with aspirations to be operative on a regional or even global scale.36 Despite these similarities, there are three main reasons why the human weapon must be qualitatively distinguished from the patriot or the revolutionary: (1) the transmogrification of the relation of enmity into a corporeally lodged, existential antagonism; (2) the subversion of the instrumental logic of warfare; and (3) the sacrificial ideology that marks the self-understanding of these fighters. Let me briefly examine each in turn. Schmitt contends that deciding on the enemy is the most important act of asserting an entity's political existence; indeed, it is the manifestation of that entity's sovereignty. Without naming the enemy, an entity's political existence is annulled.37 The decision on the enemy is not simply an act of naming but incorporates the moral authority of the political entity in harnessing the willingness of its members to die and to kill, i.e., to undertake political sacrifice, against the enemy in the name of the political entity.38 The most noticeable difference of the human weapon is in the alteration of enmity. With human weapons, Schmittian "friend-enemy criterion" is not only absolutized, but also fully internalized and existentialized. Acts of violence that constitute political sacrifice are now properly self-sacrificial; that is, they are firmly situated in corporeal space, and they establish a direct and material relation between the individual and the collective body politic, on the one hand, and between the individual and the enemy, on the other hand. In destroying his own body, the human weapon attacks the enemy and confers life upon the political collective of which he is a part.39 The distinction between life and death collapses as the political is increasingly equated with the moment of the agent's self-destruction. In fact, the annihilation of the human weapon becomes the precondition of the annihilation of the enemy. Taking oneself out of the order dominated by the enemy by taking into one's own hands the sovereign right over life and death - this corresponds to a political vision in which the power sustaining that order will eventually crumble by such an exodus. In other words, the annihilation of the self is not the collateral consequence but the very medium of warfare that cannot and, according to these agents, ought not to be contained. While the forces of life and death clash upon the body, the universal value and sanctity of human life and the humanitarianism of the global public are put to the test. Secondly, the transformation of the human into weapon involves the metonymization of life and death. The human weapon is marked by a strong determination to die and, in some cases, readiness to kill. But in the transformation of humans to weapons, there is a somber sense in which the very instrumentality of this warfare is annulled. Although human weapons are mobilized in pursuit of political goals and mythical ends, appearing as a means to advance or achieve political gains for insurgent organizations (as cheap and smart bombs, for example), the humanity of each fighter also loses its character as means. In the war fought by self-destructive violence, the human weapon prioritizes his cause more than his life, he devalues life (his own as well as that of the enemy), and he reduces himself into a mere means (and the enemy into a mere target) in the service of his absolute and existential enmity. However, his alienated self-destruction as a weapon also becomes an expression of his humanity, a self-enactment. The becoming-weapon of the human is the becoming-manifest of a political existence that lacks voice; the very destruction of the human weapon aims to speak the political voice of the oppressed.40 The interpretation of the weaponization of life as an expressive and communicative form of action should not be taken to imply that its violence is necessarily legitimate; rather, the ends that are supposed to justify the means implode and collapse into one another. The human weapon thereby combines the partisan's intense political commitment and willpower with a defiance or subversion of the means-ends structure of conventional politics. Such an implosion of means and ends, of life and death, makes it much more difficult to judge the means on the basis of the ends they ostensibly serve. The human weapon is both human and weapon, the subject-object of violence as Lukács might say, instigating horror and lingering on the precarious threshold of a "terrorist" criminality, abject thingification, and willed inhumanity. What makes this horror the ultima ratio for de-humanization is that the human weapon occupies the position of the "terrorist" as "enemy of humanity" by attacking our common political imaginary, an imaginary defined by sovereignty and unified through the discourse that sanctifies human life as the ultimate end toward which violence can be deployed as a means.41 The ideology of sacrifice upends this imaginary based on the understanding that the political cause is more valuable than life, and this understanding is sustained by an alternative cosmology.

Link – Terror Talk/WoT Bad

**Our relationship to terrorists is the key lynch-pin to the friend enemy distinction – that’s key to selfhood**

Bargu 10 (Banu Bargu. "Unleashing the Acheron: Sacrificial Partisanship, Sovereignty, and History." Theory & Event 13.1 (2010) ) NAR

For human weapons, it is the ideology of sacrifice that supplies and sustains this separation by establishing the articulation with the sacred. Hubert and Mauss show us that sacrifice establishes the link of communication between the profane and the sacred through the mediation of priests and rituals.42 The link, i.e., the one to be sacrificed, is separated from the profane world by violence, most commonly lethal violence. Similarly, Benveniste shows the etymological link in Latin between sacrifice (sacrificium), which has the double meaning of "to make sacred" and "to put to death," and the sacred (sacer), as both "august and accursed, worthy of veneration and evoking horror."43 The violence that separates the object of sacrifice from the profane world hallows it, makes it sacred, and enables its veneration as such.44 Sacrifice connects transcendence to the realm of human practices, partakes of the sacred, and in turn imparts sacredness on the purpose, entity, or collective in the name of which sacrifice is undertaken.45 In Schmittian terms, the division between the friend and the enemy, us and them, lies at the heart of the sacrificial mechanism's political iteration, rendering "us" sacred in and through conflict with "them." Human weapons render their actions political not simply by naming the enemy but by offering their lives against the enemy. It is through an appeal to the transcendent - whether this is the Nation, the People, the Proletariat or God - in the name of which they are willing to die (and, perhaps, to kill others) that human weapons validate their collective identity and attain the authority of deciding on the enemy. Acts of self-sacrifice collapse the subject and object of the sacrificial mechanism and consecrate both, representing the ultimate act of sacred affirmation through the negation of life. In partaking of the sacred through the sacrificial mechanism, human weapons theologize the political cause in the name of which they wage war, even though the cause itself may be far from theological in content. It is sufficient to recall here that not all human weapons fight for religious goals; in fact, most of them belong to organizations advocating secular causes.46 However, in order for the distinction between friend and enemy and the ensuing ability to spill blood to make sense, the cause is theologized; it is held to be absolute and sacrosanct (and abstract, insofar as it is absolute and sacrosanct). The more human weapons give themselves to the cause and give up their life, the more sacred their collectivity and political cause become. In turn, the sacredness of the cause singles them out as select fighters in their communities, becomes the wellspring of legitimacy, and commands the necessary moral authority to support the conviction and enmity to carry out acts of self-destructive violence. At the same time, these fighters may also be viewed as surrogate victims for the purpose of their community's expiation.47 They die so that their political collective may find life, achieve internal cohesion, and redeem itself from criminality before established law. Human weapons are thus both "august and accursed," as Benveniste points out. The ideology of sacrifice constitutes the vortex of their violence.

\*Impacts\*

Impact = War

The friend/enemy distinction and sovereign states are the only way to control war- absent that war escalates to complete destruction

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 37-8) my

We see that the notion of sovereignty – of ultimate, if ‘decisionist’, authority – is the linchpin that holds together both the ‘top-down’ homogeneity of the state and the heterogeneity of a structured plurality of states that guarantees the space of legitimate politics. This self-organizing, pluralist structure depends, however, not just on a logic of autonomy and differentiation, but also on a specific reading of European history that reconstructs an idyllic interlude between two competing universalist doctrines, an interlude that is characterized by the equilibrium of autonomous European nation-states and a limitation of warfare achieved not by moralistic legislation, but by a normalization of conflict. The European civil war of the 16th and 17th centuries signaled, in Schmitt’s view, a transfer of power from one universalist doctrine to another. The English war against Spain was a world war between northern and southern Europe, between Calvinist Protestantism and Jesuit Catholicism. Perhaps even more importantly, the conflict of the time was one between two ‘world pictures’, one continental and land-based, and the other a global vision, based on control of the seas. What eventually emerges from this battle is a form of Anglo-American economic imperialism that is conducted under the banner of civilization, humanity, progress, and pacifism (Schmitt, 1988b, pp 271–72).17 Though the conquest begins in the 16th century, the new world order only fully emerges in the 20th, in the aftermath of the First World War. During the hiatus or transition period from universal Catholicism to universal (secularized) Protestantism – and Schmitt dates this period precisely, from 1713 to 1914 – a legal and diplomatic system develops which normalizes war, thereby limiting it, and normalizes the friend/enemy distinction, calibrating clearly defined friends and clearly defined enemies with clearly defined states of war and peace. The actual history or the accuracy of the historiography is not as important to us here as the architectonics of the system described.18 Expressed in terminology borrowed from Kant, Schmitt argues for a domestic, democratic despotism based on the indivisibility of sovereignty in order to construct an international republican order, one that is to remain immune from the temptation of terror because of its conflictual separation of powers.19 The immunity against terror lies precisely in this regularization of conflict. In Schmitt’s reconstructed history of the 18th and 19th centuries, there is no last instance in the international sphere of action because no sovereign has authority over any other sovereign and no Pope, no international tribunal or organization, is charged with adjudicating disputes. Thus, since no third party or meta-sovereign exists to settle disputes, conflict becomes the functional equivalent of sovereignty, the mechanism by which decisions are made in the extreme or exceptional case. However, this vision of the ‘sovereignty’ of conflict, as chilling as it may seem, is quite the opposite of a Sorelian glorification of violence. Such a regularization of conflict is thought of by Schmitt as a sophisticated means of limiting the effects of conflict. It is viewed as a supreme European achievement, a stage of complex order, briefly reached, then lost again. The following passage, again from The Nomos of the Earth, should give an indication of what Schmitt is after: The essence of European international law was the limitation of war.20 The essence of such wars was a regulated contest of forces gauged by witnesses in a bracketed space. Such wars are the opposite of disorder. They represent the highest form of order within the scope of human power. They are the only protection against a circle of increasing reprisals, ie, against nihilistic hatreds and reactions whose meaningless goal lies in mutual destruction. The removal and avoidance of wars of destruction is possible only when a form for the gauging of forces is found. This is possible only when the opponent is recognized as a enemy on equal grounds – as a justus hostis. This is the given foundation for a limitation of war. (Schmitt, 2003, p 187)21

Impact = War

**Calls for peace make political distinctions incontestable – wars are fought for moral high ground. The world isn’t perfect until we are all assimilated – violence follows.**

Rasch 5 (William Rasch, Prof. of German Studies, Indiana, 2005, *Lines in the Sand: Enmity as a Structuring Principle,* p.260-61)NAR

With its pacific presuppositions, liberalism, according to Schmitt, dissolves the specificity of the political and hides the necessarily asymmetric power relations that mark all political maneuverings. By way of an anthropological sleight of hand, liberalism represents itself as an ethos, a moral and economic emancipation, and not as what it really is, namely, a powerpolitical regime with traditional power-political aims. For Schmitt, distinctions, rather than the effacement of distinctions, structure the space within which we live, including the space of the political. Only within structured space, space literally marked by human activities, by human groupings and the boundaries they draw, do terms achieve their meanings. Norms, he repeatedly stated, are derived from situations, normal situations; they are not derived logically from underived first principles. Categories like ‘‘liberty’’ and ‘‘equality’’ can have political significance only when defined and delineated within the sphere of the political. They are neither natural nor innately human qualities; they are not self-evident truths. Consequently, Schmitt’s suspicion of liberalism, pacifism, or any other -ism that denies an initial and therefore ever-present potential war of all against all is a suspicion of those who wish to make their operative distinctions invisible, and thus incontestable, by claiming theimmorality or illegality of all distinction. Schmitt’s insistence, then, on our ‘‘evil’’ nature is evidence neither of his existential misanthropy nor even, necessarily, of his conservative authoritarianism, but rather of his desire to secure the autonomy and necessity of that human mechanism called ‘‘the political.’’ To the question of whether there is a war, Schmitt emphatically answers ‘‘yes’’—by which he means to affirm not armed conflict or bloodshed as a virtue in and of itself, but rather the necessity of the view that the proverbial state of nature is, as Hobbes knew, a state marked by imperfection, and that this imperfection manifests itself as violence and the guilt associated with it.

Impact = War

Failure to assign Us/Them dichotomies explodes into violent conflict because we wage warfare strictly on moral grounds

Rasch 5 (William, Henry H. H. Remak Professor of Germanic Studies at India University, South Atlantic Quarterly, 104:2, AD: 6/21/10) jl

For it is not that exclusions are miraculously made absent once distinctions are not formally drawn. On the contrary, unacknowledged distinctions, and those who are distinguished by them, simply go underground, become invisible, and grow stronger, more absolute, in their violent and explosive force. When the retrograde and condemned distinction between the ‘‘Greek’’ and the ‘‘barbarian’’ becomes a simple, sanguine affirmation of humanity, this ideal affirmation actually turns out to be nothing other than a distinction drawn between all those who, by their right behavior, show themselves to be truly ‘‘human’’ and those who, alas, by their perverse dissent, have revealed themselves to be evildoers, to be ‘‘inhuman.’’ Deliberate, visible, ‘‘external’’ distinctions that demarcate a space in which a ‘‘we’’ can recognize its difference from a ‘‘they,’’ preferably without marking that difference in a necessarily asymmetrical manner, are to be preferred, in Schmitt’s world, to the invisible and unacknowledged distinctions that mark those who are exemplary humans from those who, by their political dissent, show themselves to be gratuitously perverse. For reasons, then, of making difference visible, Schmitt favors lines drawn in the sand, or, in the ‘‘mythical language’’ used in The Nomos of the Earth, ‘‘firm lines’’ in the ‘‘soil,’’ ‘‘whereby definite divisions become apparent,’’ and, above them, on the ‘‘solid ground of the earth,’’ ‘‘fences, enclosures, boundaries, walls, houses, and other constructs,’’ so that the ‘‘orders and orientations of human social life become apparent’’ and the ‘‘forms of power and domination become visible.’’7 In Nomos, Schmitt describes the now much maligned and seldom mourned European nation-state systemas ‘‘the highest form of order within the scope of human power’’ (187). Historically, the territorial state developed as a response to the religious civil wars of the sixteenth and early seventeenth centuries. Once thought of as a unity called Christendom, Europe became fractured by the events of the Reformation and Counter- Reformation. The old asymmetrical distinction between believers and nonbelievers that governed the relationship not only between Christians and non-Christians, but also between Christian orthodoxy and heresy, now threatened to regulate the distinction between Catholics and Protestants. Yet, miraculously (one might be tempted to say), with the conclusion of religious warfare in 1648, a symmetrical relationship among the European nation-states prevailed—in theory, if not always in fact. It is this symmetrical ordering of internally differentiated Europe that Schmitt highlights. In effect—and Hobbes had already described it in these terms—the war of all individuals against all individuals in the state of nature, which perennially threatens to resurface within the state as civil discord, is elevated into a war of all states against all states in a second-order state of nature.

**Impact = Civil War**

Civil War is the worst form of war – each side believes in a just cause, there can be no back down. Only complete annihilation is the ultimate outcome.

Slomp 6 (Gabriella, University of St. Andrews, Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 437-438, Ebsco) my

Schmitt’s claim that the establishment of justa causa in the medieval and early modern period created as many problems as it sought to solve is, of course, historically accurate. Indeed, at a purely analytical level, one can point to the longstanding debate in the writings of Francisco de Vitoria, Francisco Suarez, Hugo Grotius and Christian Wolff, among others, on whether a war can be just on both sides (bellum justum ex utraque parte) or whether only one side may claim to be motivated by the pursuit of good and justice. One theoretical attempt to solve the problem was the introduction of the distinction by Vitoria5 and Grotius6 between the ‘objective justice’ of war, that can be only on one side, and ‘subjective justice’, that may well be on both sides and is borne of each agent’s belief to have just cause. Schmitt’s opposition to universalism leads him to reject the concept of objective justice; his realism, on the other hand, makes him doubt the Grotian notion of ‘good faith’ and ‘subjective justice’. Rather, Schmitt’s stand is somewhat reminiscent of Alberico Gentili’s, whom Schmitt often mentions with admiration, and who contributed to the debate on just war in his typically iconoclastic way by noting that a war may be just on one side, but on the other is more just still. Up to this point, Schmitt’s third argument against just war does not seem to be particularly different from those offered by its other critics; it is no secret that the Achilles heel of just war theory is the problem of determining which party can claim to have justa causa. As Erasmus sharply put it, ‘who does not think his cause to be just?’ (Erasmus 1968, 249).7 However, Schmitt’s extreme relativism on issues of justice leads him to go further and to make a claim that distances him from most other critics of just war. Namely, he goes so far as to argue that the archetype of just war is civil war. It is worth recalling Schmitt’s own words: ‘[civil war] cannot be but just [gerecht ] in the sense of being convinced of its own justness [selbstgerecht ] and thus becomes the archetype of just war in general’ (Schmitt 2002, 57).8 In Ex Captivitate Salus Schmitt does not explain his claim, but in Theorie des Partisanen he provides an argument in support of the view that (i) in every civil war each party claims to have justissima causa; (ii) each side of a civil war typically regards the enemy as evil and always ignores any convention of war ( jus in bello). Schmitt examines in some detail the principal actor of civil wars, namely, the partisan (understood as member of a group or a party). The partisan in a civil war sees the enemy as a criminal acting outside legality and legitimacy (Schmitt 1963, 33), to be fought by all available means, letting no rule, such as the distinction between combatant and non-combatant, hinder military necessity (Schmitt 1963, 41–42). The partisan, Schmitt insists, believes that they and they alone have justa causa and no justus hostis (Schmitt 1963, 36). Whereas peace with the enemy is the normal conclusion of inter-state wars, the partisan sees peace as a moment of respite in a struggle that cannot end until the enemy is annihilated (Schmitt 1963, 17).

Impact = VTL

**Embracing the friend-enemy distinction allows for human beings to obtain an identity and form a cooperative society – without an identity we are empty bodies.**

Norman 9 (Emma R. Norman, University of the Americas Puebla, Mexico Department of International Relations and Political Science, September 4th 2009, Applying Carl Schmitt to Global Puzzles: Identity, Conflict and the Friend/Enemy Antithesis, p28-9) NAR

The friend side of the equation is also important—not merely to preserve the distinction, but because it highlights that a people’s sense of belonging is tested by being prompted to take sides. So whenever a group engages in ‘taking sides,’ we are actively constructing our group identities and thus engaging in the political. The more intense the degree of unification or separation, the more political the group becomes.18 Yet it is the alignment and the decision about who is the enemy and about whether or not to wage war against that adversary, rather than fighting the war itself, that galvanizes a collective identity and thus constitutes the political. However, and in contrast to U.S. Neo-conservative thinking and decision-making on the Iraq invasion, Schmitt was careful to emphasize that “[t]he politics of avoiding war”19 was one plausible outcome of his model.20 The salient idea for international relations concerns the necessary connection between identity and potential conflict. While the extreme case (physical conflict) is not required to occur, for Schmitt the possibility of inter-state relations escalating into violence must exist if functional group identities are to be formed and preserved.21 For him, humans are only really prepared to take responsibility for their lives, values and the groups they identify with, if the possibility of losing all these things is real. To continue with the example of the U.S. invasion of Iraq, U.S. arguments about the all-or-nothing stakes in fighting the war on terror were simply not compelling for the majority of countries that refused to join the coalition of the willing. But Schmitt’s tacit assumption here is even more radical. The friend-enemy distinction is the most fundamental of human antitheses for Schmitt precisely because he felt that the threat of losing one’s identity is the strongest (if not the only) motivation for a human being to choose to die for their beliefs. This sounds inconsistent and highly contestable at first: dying, of course, ends one’s identity—unless one’s particular beliefs indicate otherwise. Yet there is a difference between losing it and ending it. The idea starts to make more sense when we consider that the threat of remaining alive and yet being forced to subsume one’s identity under that of another group in times of conflict has been a perennial motive for dying for one’s “country,” nation, religious or ideological views, cultural values whether one is a professional or conscripted soldier, insurgent, suicide-bomber, or civilian. From Yugoslavia to Rwanda, this has been the underlying force in the fragmentation and collapse of these states amidst waves of inter-ethnic violence. The basic point to tease out of Schmitt here is that “country,” nation, religion, cultural values are secondary tokens of what he saw as their underlying raison d’être: identity. “[I]t would be senseless to wage war for purely religious, purely moral, purely juristic, or purely economic motives…War today is in all likelihood none of these. This obvious point is mostly confused by the fact that religious, moral and other antitheses can intensify to political ones and can bring about the decisive friend-or-enemy constellation.”22 The conclusion to be drawn from this gives an interesting new twist to the centrality of security in international relations theory and practice. Underlying Schmitt’s position is the assumption that it is not so much a Hobbesian freedom from fear of violent death that motivates our search for security (which rests on an individualist assumption of self-preservation Schmitt did not accept), but rather the need to belong to a clearly defined group. The way to define any group is to contrast it with an “other.” However, Schmitt’s emphasis is on the extreme form of “othering”: clear definition comes only where the “self-other” relation can potentially intensify into a “friend-enemy” one. The main point is easiest to understand in terms of the actions between nation-states, some of which do escalate to war for reasons that are as much (if not more) to do with preserving and reclarifying a threatened group identity as they are pursuing economic interests or defending a set of moral values. This is, I think, precisely what underpins so much of the global uneasiness that met the “moral justifications” for the war on terror given by Bush et al. Yet it exposes those justifications from a perspective different to the familiar realist line that the moral discourse merely functions to cloak “baser” motives of economic self-interest, which are justifiable on rational grounds, though not always on moral ones.23 A Schmittian view would add that such economic motives also serve as a cloak for the more elemental motive of preserving a threatened group identity which is even less open to justification on either moral or rational grounds.

**Impact = VTL**

**Accepting the inherent truth of the possibility of war allows us as both individuals and as a community to create our identities, and shape our values in the face of death.**

Valk 2 (Vander Valk, Prof of Political science @ Albany, 2002, John, Spring, “Decisions, Decisions: Carl Schmitt on Friends and Political Will,” Rockefeller College Review, Volume 1, No. 2) NAR

We have seen how the first form of the relationship works to bring into sharper focus the existential values of a community. The possibility of death has a way of forcing individuals to be sure what it is about their way of life that they will be willing to die for. Regarding the second form of the us/them relationship, Schmitt maintains that “the substance of the political is contained in the context of a concrete antagonism [that] is still expressed in everyday language, even where the awareness of the extreme case has been entirely lost” (1996, p. 30). Our daily lives constantly express a political will through the medium of secondary political activity that both anticipates and recreates the existential sovereign moment of decision. Just as the fact that the possibility of war is of equal, if not greater, importance than the fact of war, so too is the possibility of the exercise of sovereign authority as important as the actual exercise thereof. It would be a mistake to assume that, for Schmitt, the political only appears at a moment of crisis on the eve of armed combat. Schmitt himself is at constant pains to preempt this reading of his work. He states, for example, that “[w]hat always matters is only the possibility of conflict” (1996, p. 39, my italics), and that the “ever present possibility of a friend-and-enemy grouping suffices to forge a decisive entity which transcends the mere societal-associational groupings“ (1996, p. 45, my italics), and finally, that what “always matters is the possibility of the extreme case taking place, the real war, and the decision whether this situation has or has not arrived” (1996, p. 35, my italics). The political moment is echoed in the submission of the ruled to the rulers— the submission of those who will fight to the death if called upon to those who will make the decision that such a fight is necessary to preserve the integrity of the community. As long as the possibility of war exists the political continues to exist as well, if only as a matter of preparedness for potential future conduct. Schmitt’s emphasis on the possibility of real war and physical death clearly indicates the importance of unity, a strong sovereign, and a capacity for exceptional martial activity. War, as has been mentioned, is a means to defend a way of life, but it is also, however indirectly, a means of discovering a way of life. War, in and of itself, is (nearly) incapable of creating existential values, and it would be a mistake to paint Schmitt as attempting to argue this position. War is the extreme possibility that must be always kept in mind. The Concept of the Political is Schmitt’s attempt to isolate the political in order to remind us what is really at stake; what turns out to be at stake is not only our lives, but, more importantly, those things which we value even more than our lives. Being confronted with the true nature of the political forces us to adjudicate our values in light of the possibility of death.

Individual identity isn’t enough – forming a collective identity is crucial, and this can only be made with the friend-enemy distinction.

Norman 9 (Emma R. Norman, University of the Americas Puebla, Mexico Department of International Relations and Political Science, September 4th 2009, Applying Carl Schmitt to Global Puzzles: Identity, Conflict and the Friend/Enemy Antithesis, p28-9) NAR

The emphasis on the exclusive nature of identity construction leads to the conclusion that an inter-national (or other plurality of identities) context is required to provide the contrast necessary for the clear definition of a collective identity. But this theory does not stipulate that just any form of “other” is needed—neutral toleration of others, or half-hearted partnerships to foster security or prosperity fail on this model to provide the required clear definition. At some point, the intensification to the friend-enemy status on at least one front is, for Schmitt, required. But it is also inevitable. On this model, if one enemy disappears (as a direct result of enemy actions or for other systemic reasons) a vacuum is created that at some point needs to be filled.

**Impact = All**

Moral impetus for war ensures the highest escalation- fighting for humanity is justifies all actions

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 60) my

Schmitt’s critique of the just war doctrine follows from these reflections, a fact that Habermas understands well. ‘According to Schmitt’, Habermas writes, ‘the morality of humanity falsely abstracts from the natural order of the political’ by replacing the categories good and evil with friend and enemy. Therefore, Habermas continues, still paraphrasing Schmitt, ‘because the discriminating concept of war derives from the universalism of human rights, it is ultimately the infection of international law with morality that explains why the inhumanity of modern war and civil war occurs “in the name of humanity”’ (Habermas, 1997b, p 146). Schmitt contends, in other words, that the just war doctrine does as much, if not more, to cause the crimes it seeks to avoid as to prevent them. On this view, modern total wars, in which, for instance, the distinction between combatants and non-combatants is no longer made, are precipitated by the theory of war that presumes both the ability and moral necessity to discriminate between aggressive and defensive wars, and therefore between the guilt of unjust causes and the innocence of just ones. What results, according to Schmitt, is both a moral fundamentalism and a legal criminalization of the enemy that ultimately sanctions all measures taken by the ‘just’ belligerent (that is, the future winner) of the armed conflict. Indeed, Schmitt trumps the drafters of the Treaty of Versailles. Where they merely saddled Germany with the sole responsibility for the outbreak of World War I, Schmitt, in effect, says that the incipient cosmopolitanism of a Habermasian hero like Woodrow Wilson in the early part of the 20th century could be held responsible for what Habermas’s more fully matured version attempts to combat. The fact that a ‘war to end all war’ fails to provide the promised ‘perpetual peace’ has as much to do with the structure of that vision of war, Schmitt claims, as it does with the perfidy of individual nation-states who ‘obstinately’ cling to the notion of sovereignty.

Impact = All

Moral justifications for war escalate every conflict- perceiving the opponent as immoral abandons any restraint on action

Slomp 6 (Gabriella, University of St. Andrews, Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 437-438, Ebsco) my

The second argument deployed by Schmitt against just war is that (i) it fosters the notion that the enemy is evil and hence (ii) just war leads to complete disregard for all rules of conduct in war. Schmitt regards the view that the enemy is evil as misguided, but most natural; in 1932 he pointed out that, ‘emotionally, the enemy is easily treated as being evil’ (Schmitt 1996, 27) and in 1963 he argued it was a natural human tendency to consider the enemy as someone who acts against morality (Schmitt 1963, 11). In all of his works, Schmitt claims that such a characterisation of the enemy needs to be rejected if bounds are to be imposed on hostilities. Schmitt excoriates the just war doctrine for doing precisely the opposite. He claims that the notion of just war assumes that one party has morality on its side and that, consequently, the opposing party is morally defective. In a war between Good and Evil, Schmitt argues, the regulations of jus in bello are inevitably ignored, since nothing can be allowed to hinder the pursuit of Good and the elimination of Evil. In other words, Schmitt challenges the seemingly moral superiority of any just war by saying that any appeal to justa causa implies the abandonment of all conventions of war. For Schmitt, just wars are more cruel, more intense and more inhuman than other wars. In order to substantiate this claim, Schmitt appeals to historical evidence, provided by the just wars of the Middle Ages. Before evaluating Schmitt’s argument, a qualification is in order. In the Middle Ages, one’s conduct during war was supposed to derive from the cause of war: a just war, legitimately declared, was supposed to be waged by just means (Kotzsch 1956, 86). Medieval jus in bello was inspired by Augustine and Aquinas’s principle of proportionality which required the amount of force used to be proportional to the extent of the injury suffered and recommended proper treatment of both prisoners and combatants. Nevertheless, many historians support Schmitt’s alternative analysis of the period: that jus in bello was, in fact, not a priority in the Middle Ages and that it became so only later. Indeed, Schmitt’s interpretation of just war in the Middle Ages may remind us of similar reflections made by other writers on just wars, who have often mentioned ‘the righteous posture of the medieval warrior who may have made warfare more barbarous through his conviction that he alone fought for a just cause’ and who have pointed out that it is difficult to show ‘tolerance toward the enemy when one is convinced that the enemy is totally unjust’ (Miller 1964, 266). Schmitt argues that historical evidence shows that one’s belief in having justa causa induces one to consider the enemy as evil and exempts one from following jus in bello.

Impact = Multiplier

Wars waged in the name of humanity will escalate to extinction- demonization of the enemy

Slomp 6 (Gabriella, University of St. Andrews, Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 437-438, Ebsco) my

We may recall that, in The Concept of the Political, Schmitt points to the return of the idea of just war in the shape of the ‘last war of humanity’—a notion coined after the Great War. Such a war, Schmitt explains, assumes that the enemy is not human: the last war of humanity is necessarily unusually intense and inhuman because . . . it degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only. (Schmitt 1996, 36) As, for Schmitt, a war in the name of humanity denies that the enemy is a human being, so any war waged in the name of justice, progress or civilisation (Schmitt 1996, 54) ‘means to usurp a universal concept’ and to ‘misuse peace, justice, progress, and civilisation in order to claim these as one’s own and to deny the same to the enemy’.17 In The Concept of the Political, Schmitt comments on Samuel von Pufendorf and Francis Bacon’s claim that certain people are ‘proscribed by nature itself’ (Schmitt 1996, 54) and that the American Indians deserved extermination because they allegedly ate human flesh. He comments that ‘as civilisation progresses and morality rises even less harmless things than devouring human flesh could perhaps qualify as deserving to be outlawed in such a manner. What’s next? Exterminating people because they do not pay their debts?’ (Schmitt 1996, 54).

Ethics Bad

Celebrating humanity requires rejecting inhumanity – Ethics are a trojan horse to exclude people outside the gates of humanity

Rasch 3 (William, Henry H. H. Remak Professor of Germanic Studies at India University, Cultural Critique 54 120-147. Muse, AD: 6/21/10) jl

Yes, this passage attests to the antiliberal prejudices of an unregenerate Eurocentric conservative with a pronounced affect for the counterrevolutionary and Catholic South of Europe. It seems to resonate with the apologetic mid-twentieth-century Spanish reception of Vitoria that wishes to justify the Spanish civilizing mission in the Americas. [8](http://muse.jhu.edu/journals/cultural_critique/v054/54.1rasch.html" \l "FOOT8) But the contrast between Christianity and humanism is not just prejudice; it is also instructive, because with it, Schmitt tries to grasp something both disturbing and elusive about the modern world—namely, the apparent fact that the liberal and humanitarian attempt to construct a world of universal friendship produces, as if by internal necessity, ever new enemies.

For Schmitt, the Christianity of Vitoria, of Salamanca, Spain, 1539, represents a concrete, spatially imaginable order, centered (still) in Rome and, ultimately, Jerusalem. This, with its divine revelations, its Greek philosophy, and its Roman language and institutions, is the polis. This is civilization, and outside its walls lie the barbarians. The humanism that Schmitt opposes is, in his words, a philosophy of absolute humanity. By virtue of its universality and abstract normativity, it has no localizable polis, no clear distinction between what is inside and what is outside. Does humanity embrace all humans? Are there no gates to the city and thus no barbarians outside? If not, against whom or what does it wage its wars? We can understand Schmitt's concerns in the following way: Christianity distinguishes between believers and nonbelievers. Since nonbelievers can become believers, they must be of the same category of being. To be human, then, is the horizon within which the distinction between believers and nonbelievers is made. That is, humanity per se is not part of the distinction, but is that which makes the distinction possible. However, once the term used to describe the horizon of a distinction also becomes that distinction's positive pole, it needs its negative opposite. 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 words, be inhuman. As Schmitt says: Only with the concept of the human in the sense of absolute humanity does there appear as the other side of this concept a speciWcally new enemy, the inhuman. In the history of the nineteenth century, setting off the inhuman from the human is followed by an even deeper split, the one between the superhuman and the subhuman. In the same way that the human creates the inhuman, so in the history of humanity the superhuman brings about with a dialectical necessity the subhuman as its enemy twin.9 This "two-sided aspect of the ideal of humanity" (Schmitt 1988, Der Nomos der Erde, 72) is a theme Schmitt had already developed in his The Concept of the Political (1976) and his critiques of liberal pluralism (e.g., 1988, Positionen und Begriffe, 151-65). His complaint there is that liberal pluralism is in fact not in the least pluralist but reveals itself to be an overriding monism, the monism of humanity. Thus, despite the claims that pluralism allows for the individual's freedom from illegitimate constraint, Schmitt presses the point home that political opposition to liberalism is itself deemed illegitimate. Indeed, liberal pluralism, in Schmitt's eyes, reduces the political to the social and economic and thereby nullifies all truly political opposition by simply excommunicating its opponents from the High Church of Humanity. After all, only an unregenerate barbarian could fail to recognize the irrefutable benefits of the liberal order.

Ethics Bad

Ethics always fail – Disagreement is fundamentally human – attempts to impose that impossible agreement destroy society from the inside out

Secomb 0 (Linnell, Prof of Philosoophy and Gender Studies at the G of Sydney, Hypatia, Vol. 15, No. 2, Going Australian: Reconfiguring Feminism and Philosophy (Spring, 2000), pp. 133-150, AD: 6/21/10) jl

The Aboriginal political strategy within the postcolonial era of a colonized Australian nation is complex: this strategy simultaneously demands recognition and refuses recognition; demands acceptance and refuses assimilation; performs similarity and protects its difference by insisting on its specific sociality, culture, and heritage. This strategy involves both negotiation and reconciliation and, simultaneously, resistance and disagreement. This disagreement creates a friction and agitation that compel engagement. Disagreement is not absolute non-communication but is an expression of difference. It is not intransigent negation or denial of alterity but is the process of exposure to alterity. This Australian experience suggests that there is always a minoritarian, resistant, and transgressive element within community that is both a threat to, and at the same time the life of, community. Minoritarian groups frequently demand recognition, acceptance, and incorporation within the dominant community, but they also resist this recognition and assimilation (Duttmann, 1997). This disunity and resistance is an irritation and a disruption which en-genders transformation as the positive unbecoming, unraveling, and unworking that is community. This disagreement fractures any unity and commonality which would create a totalizing or totalitarian conformity. It undoes or unravels the imperative towards commonality; it undermines a becoming to-wards unity in the unbecoming, unbinding resistance of alterity. The differing histories, culture, and experiences of Aboriginal and white people and the necessary ruptures and disagreements between them suggest that there is a radical difference between the rights and culture of Aboriginals and the rights and culture of non-Aboriginals. This radical difference requires the recognition of at least two laws within the nation-Aboriginal law and non-Aboriginal law. Despite a white parochial blindness to this difference, the co-existence of two laws has continued throughout the two hundred years of non-Aboriginal invasion and occupation of Aboriginal land. Many Aboriginal groups maintain and elaborate elements of two cultural, spiritual, and legal systems. This has been recognized in limited ways by the dominant legal system when crimes by Aboriginal people are occasionally redressed not by the non- Aboriginal legal system but by traditional Aboriginal law. In addition, state governance of Aboriginal welfare occasionally attempts to involve Aboriginal approaches to care and responsibility through the use of Aboriginal kinship systems (O'Malley 1998). Moreover, the Australian High Court recognition of the myth of terra nullius and of the right of Aboriginal people to native title acknowledges that Aboriginal people have rights to claim access to their lands. This native title to land is not applicable to non-Aboriginal people: the High Court's decision therefore recognizes that different types of land claim and land tenure are required for the different circumstances of different groups. The Aboriginal disagreement with and resistance to a commonality and unity founded on their obliteration has brought about an unworking of the myth of terra nullius and of the white Australian law and land tenure which that myth facilitated. Native title unravels white law and deterritorializes the land tenures of crown land and pastoral leases (Patton 1996). Aboriginal disagreement and unworking of law and deterritorialization of territory do not make Nancy's sharing impossible. Rather they reformulate sharing as co-existence: as co-existence on land and as joint, multiple use of land. In this instance sharing does not involve giving and taking, apportioning and contributing, the sharing out and dividing up of goods and property. Rather it involves joint possession, co-existence, and heterogeneous uses of land through which multiplicity and difference would be recognized. Aboriginal unworking of white myths, laws, and territory ensures that sharing does not collapse into a mutually agreed dividing of resources between assimilated, alike Australian citizens. It is instead a deterritorialization that redefines property and reinvents it as country to be jointly used. In addition, it reframes white law by questioning its unethical foundation in the denial of the original inhabitants. Aboriginal disagreement unravels and deterritorializes the fabrication of "One Nation," law, culture, and territory and opens up the possibility of joint access to and multiple use of land, multiple cultures and laws, and a ceaseless binding and unbinding within the fractured community and nation. This experience of community involves agitation, passage, and chaos always in a process of transmogrification. Community is not static or sedentary but nomadic, flowing, disruptive, fractured unbecoming. Community is not an organized corpus or body but a disorganized and polymorphous field of forces and intensities. It is a polymorphic polity and, I suggest, adapting and perhaps distorting a Deleuzian concept, a body politic without organs (Deleuze and Guattari 1989). This polymorphic polis without organs is not an aggregation of similar and agreeable individuals but is a being-together animated by resistance, discord, and disagreement. This deterritorializing and fractured community is not an unfortunate reality to be overcome through congenial unity but is the passion, rapture, and ecstasy which enriches and sustains being-with-others. The community that challenges, provokes, threatens, but also enlivens, is a community of disagreement, dissonance, and resistance. <CONTINUED>

Ethics Bad

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The community of commonality and consensus interprets the Aboriginal peoples' claims for native title over crown land as either an anachronistic relapse into a bygone era or a grab for real estate; it attempts to protect the interests of other land users (the miners and the pastoralists) and to create "surety" through a ten point plan which destroys Aboriginal title, culture, and law. The fractured community, or the polymorphic community without organs, would acknowledge the irreconcilable differences in attitude to land, would allow a contentious and unsure multiple use of and access to land, and would see the ongoing disagreement, debate, and transformation as a sign of the unworking of regimented, ordered, totalitarian society. The fractured community would acknowledge two laws (Dodson 1997; Bourke and Cox 1998) and multiple cultures. While commonality, conformity, and quiescence would be the death of community, disagreement, difference, and passion mark the living community.

Universal system of ethics mandate totalitarian conformity that guarantee wars become genocidal

Secomb 0 (Linnell, Prof of Philosoophy and Gender Studies at the G of Sydney, Hypatia, Vol. 15, No. 2, Going Australian: Reconfiguring Feminism and Philosophy (Spring, 2000), pp. 133-150, AD: 6/21/10) jl

While many political theories construct community as the expression of commonality or sharing, I suggest that the body politic is never unified and is constantly fracturing. The conception of a community founded on commonality of subjects, on a common project, or on communication and "reasonable agreement" is a delusional fantasy. The insistence on a unified community, on "One Nation," creates a totalizing or totalitarian conformity which disregards difference and alterity by enforcing homogeneity. Australian history and politics reveals the simultaneous operation of the obsession with unity and the resistance to, and inevitable failure of, the imperative to create commonality. The European invaders first asserted their right to land and their homogenous, unified colony by denying, through the doctrine of terra nullius, the existence of the Aboriginal population. The colonizers then attempted to eradicate this denied Aboriginal existence, whose difference threatened the claim to colonial unity and control, through massacres and border wars. These acts of genocide were subsequently reformulated into a policy of annihilation through assimilation that took the form of enforced [End Page 143] separation of Aboriginal children from their families and the children's incorporation into white institutions and families. In addition, the Australian state attempted to create commonality of its citizenry through the infamous White Australia policy which privileged European migrants. While many believe that Australia has now repudiated this past will to racial unity through the implementation of new immigration and multicultural policies, it has also been suggested that this new multiculturalism only tolerates the cultural other which passively assimilates into the homogenous community. Ghassan Hage argues, for example, that the white Australian nation manages multiculturalism by adopting the position of the active and controlling subject and enforcing a passive object status on "Third-World-looking migrants" (Hage 1998, 116). Moreover, migrants are dispersed or assimilated so as to avoid their concentration or cohesion into an "alternative will" which would challenge the dominant white "national will." Those who exhibit a will of their own, such as illegal immigrants, are repudiated and herded into and "caged" in detention centers. This is an "ethnic caging," which, Hage argues, "is not the caging of ethnic numbers, it is the caging of ethnic wills" (Hage 1998, 113). However, while the colonial nation has invented and implemented various techniques of creating unity through the eradication and assimilation of difference, there has also always been dissidence and resistance to these strategies. The white Australian nation's project of unity, conformity, and homogeneity through annihilation and incorporation has been actively rejected and resisted by Aboriginal people, other minority groups, and white humanitarians. There has never been agreement to the white nation's fantasy of a common identity and common projects. Instead there has been ongoing defiance, counteraction, and protest.

Violence Inevitable

Conflict is inevitable but it can be managed- differences in the political legitimate violence but only by divorcing moral claims can we control violence

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 21-22) my

Do we define ourselves by the enemies we make? Carl Schmitt thought so, and those who disagreed made an enemy of him. So maybe he was right. Maybe our ability to distinguish with a fine temporal and spatial sense between friend and enemy is the mark of our political existence, and thus we can say: Conflict is our vocation. There is, nonetheless, a caveat. The antagonism that determines the political is not the antagonism of the war of all against all in the state of nature. That war and that state, Derrida would say, is discourse itself, ‘the emergence of speech and appearing’. He would also say that no ‘messianic triumph’ could abolish this originary violence that is our condition except by way of a greater and fiercer violence, a total violence (Derrida, 1978, pp 116–17, 129–30, 141). But, as Kant’s joke ought to have told us all along, the war to end all wars can lead to perpetual peace only if it is the peace of the graveyard.1 So, which conflict is the conflict that is politics? It is war, but it is not the war of nature, nor is it the violent suppression of the war of nature. On the contrary, politics is the refinement of war; it is war’s double, a force that matches, but channels and gives particular form to, the violence of nature. That form preserves difference, but not indifferently. It takes shape as the differentiation of autonomous unities that serve as the carriers of difference. Operating as a logic of autonomy and differentiation – or, if you prefer, a dialectic of homogeneity and heterogeneity – politics preserves the ability to initiate and the ability to put a halt to conflict, the ability to recognize and determine the difference between conflict and peace. Political antagonism, in the final analysis, is a discrete and fragile structure that limits conflict by legitimizing it. Such bounded discretion, according to Carl Schmitt, is the apogee of civilization. If political conflict is disciplined conflict and not the war of all against all, we have to ask: How is conflict possible? We defer an answer by asking a second question: How is difference possible? As Zeno’s paradox shows, difference is infinite and, as such, invisible. Further distinctions can always be made, making the task of perceiving difference paradoxical, because difference is all we have. If a structure of difference is to be made visible, difference must be suspended and bundled into unities. 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 origin of politics already political, already a battle about what constitutes a politically legitimate unity. We can now phrase our original question in a somewhat more paradoxical form: If politics is conflict, at what level is politics (conflict) suspended in order to make politics (conflict) possible? Since we have already eliminated the pre-political anarchy of the state of nature and the post political universal stillness of the world state, we are left with two historically viable alternatives: the archaic but nevertheless lingering memory of the sovereign nation-state, and the quite modern and quite liberal concept of autonomous associations, social groups, or social systems. It is the latter pluralism of functionally differentiated social systems that seems to have carried the day, thus it is against this species of pluralism that Schmitt wages his political war – not because he opposes pluralism, but because the pluralism of associations, in his view, is sham pluralism. Simply and succinctly put, Schmitt sees in early 20th-century, Anglo-American, liberal pluralism an underlying universal monism, an extremely dangerous ideology of ‘humanity’ that leaves both the dissenting group and the dissenting individual dehumanized and defenceless. His solution is to rehabilitate the monism of state sovereignty in order to guarantee a greater pluralism, an international pluralism of autonomous unities that refuse to be subsumed under the legal or economic supremacy of a particular instance (the United States, say) that has authorized itself to be the privileged carrier of the omnipotent and universal moral principle. The sovereignty of the state, as the carrier of difference, enables the arena of this larger pluralism in which the political is to be found.

Violence Inevitable

Limited War and violence are inevitable – Strategies around non-violence explode the magnitude of warfare

Rasch 5 (William, Henry H. H. Remak Professor of Germanic Studies at India University, South Atlantic Quarterly, 104:2, AD: 6/21/10) jl

There is a song by Leonard Cohen called ‘‘There Is a War.’’ The war that Cohen sings of is a war between ‘‘the left and right,’’ ‘‘the black and white,’’ ‘‘the odd and the even,’’ and, as always with Cohen, between ‘‘the man and the woman.’’ But there is another war, a metawar that regulates these others. ‘‘There is a war,’’ he sings, ‘‘between the ones who say there is a war and the ones who say there isn’t.’’ Cohen’s clever line points to a lopsided double bind. Those who claim there is no war, made in opposition to those who claim there is, are drawn by their very claim into the war they maintain does not exist. There is, then, a war for them too, though they see it as a war against war, Krieg dem Kriege, or, to put it in a characteristically American idiom, a war to end all war. But those who say there is a war say that the war can never end. Even the war for perpetual peace is a perpetual war. ‘‘Why don’t you come on back to the war,’’ Cohen invites us over and over again in his song. ‘‘Why don’t you come on back to the war?’’ I propose we accept his invitation. Accepting Cohen’s invitation means deciding on a fundamental distinction that runs through all political philosophy and that has risen once again to the surface in the radical responses to the emerging global order that some want to call Pax Americana and others simply Empire. It is a distinction that Carl Schmitt was keenly aware of; indeed, an unambiguous decision for one alternative over the other structures his entire thought.1 That distinction is between good and evil, or, in the world of ‘‘those’’ about whom Cohen sings, between the presupposition of primordial peace and the presupposition of a war of all against all. In The Concept of the Political, Schmitt concludes that ‘‘all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being.’’2 This anthropological fiction—and Schmitt is aware of the claim’s fictional status—serves as the logical premise that secures Schmitt’s definition of the political as the friend/enemy distinction. We live in a world, he says, in which associations with likeminded others are our only means of security and happiness. Indiscriminate concourse of all with all cannot be the foundation for necessary political discriminations. Thus, the anthropological presupposition of evil, guilt, and violence is designed to expose what Schmitt sees as the duplicity of liberal theory, which consists in using the promise of formal equality to camouflage political power by displacing it in the realms of economics and morality. Liberal theory denies original enmity by assuming the innate goodness of the human being. Those—communitarians and liberals alike— who say there is no war presuppose a counterfactual ‘‘ontological priority of non-violence ,’’ a ‘‘state of total peace’’ 3 that invites universal inclusion based on the ‘‘essential homogeneity and natural virtue of mankind.’’ 4 If, in such a benign state of nature, violence were to break out, such violence would be considered a perversion and, if all else were to fail, would have to be extirpated by an even greater violence. To cite John Locke, this ‘‘State of perfect Freedom’’ and universal ‘‘Equality,’’ governed solely by reason and natural law, can be disturbed only by an ‘‘Offender’’ who ‘‘declares himself to live by another Rule, than that of reason and common Equity.’’ Such a ‘‘Criminal’’ has ‘‘declared War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whom Men can have no Society nor Security.’’ 5 The political, on this view, emerges only as the result of the Fall—that is, emerges only to fight the war against war, a war always initiated by a sinful or bestial other. It seeks to make itself superfluous by restoring or, more progressively, establishing for the first time this natural order of peace. Should one demur and find the perfect state to be less than advertised, then one’s demurral would most assuredly be recognized not as legitimate political opposition, but rather as evidence of greed, moral perversity, or some other pathological behavior.

Chaos Inevitable

The State of Nature defines our political existence – Order only operates under the backdrop of perpetual disorder

Rasch 3 (William, Henry H. H. Remak Professor of Germanic Studies at India University, Cultural Critique 54 120-147. Muse, AD: 6/21/10) jl

Let us be clear on what Schmitt is saying. Order, no matter how structured, comes with a price. Hierarchical order brings with it a domination/subordination structuring principle. When hierarchies dissolve, either civil war ensues or a new ordering principle takes the old order's place. On the verge of disintegration through civil war, on the verge, as many feared, of a return to the "bad" anarchy of unlimited violence in a state of nature, Europe—and Christendom—produced a "good" anarchy of controlled violence. In place of a sovereign, [End Page 127] there reigned many sovereigns, which left the ultimate position of authority open. It is around this void that the new order organized itself. To fill the void would be to reestablish the old principle of order, something that the remaining sovereign powers would refuse to accept. So, to return to the dates mentioned above, 1648 established the plurality of sovereign states, 1713 their relative balance. In a sense, the seemingly infinite regress of authority that always attaches to hierarchical orderings—positive law based on natural law based on divine law based on ... what? God? the rational structure of the cosmos?—was halted and replaced by an "invisible hand" long before that description of origin-less emergence was theorized as such. But this order too was bought at a price. Europe exerts its sovereignty over the New World by positing itself as the norm (culturally and legally) and relegating the regions beyond the line as the exception that establishes the norm. By making the "state of nature," to which the regions beyond the line are condemned, a necessary logical component of the order that is the norm, Europe does not merely exclude the New World from the new legal order, but, as Giorgio Agamben states, the New World is "included solely through its exclusion" (1998, 18). Its exclusion from the realm of European public law is the means by which it is taken possession of. Furthermore, its exclusion is never complete. Though localized in the newly discovered realms overseas, the state of nature remains an ever present, if invisible, threat within Europe itself. "Sovereignty," Agamben notes— and sovereignty here simply means the state of exception that founds or supports the law—"thus presents itself as an incorporation of the state of nature in society.... Hobbes, after all, was perfectly aware ... that the state of nature did not necessarily have to be conceived as a real epoch, but rather could be understood as a principle internal to the State revealed in the moment in which the State is considered 'as if it were dissolved'" (35-36). What Europe momentarily "achieved," and what Schmitt guardedly and with reservation celebrated, is a spatial articulation of the exception. The state "as if it were dissolved" was seen to exist "over there" so that it would not occur "over here." What Schmitt also recognized, and bemoaned, is the breakdown of that spatial articulation. The world wars of the twentieth century demonstrated that what was "over there," was "over here" as well. [End Page 128] As early as the 1920s Schmitt saw, in Agamben's words, that "the constitutive link between the localization and order of the old nomos was broken and the entire system of the reciprocal limitations and rules of the jus publicum Europaeum brought to ruin." This breakdown continues to this day: "What happened and is still happening before our eyes is that the 'juridically empty' space of the state of exception ... has transgressed its spatiotemporal boundaries and now, over-flowing outside them, is starting to coincide with the normal order, in which everything again becomes possible" (38). Clearly, neither Agamben nor Schmitt, despite the latter's nostalgia for the older, Eurocentric order, advocates a return of the hegemonic and genocidal relationship to the non-European world. But they do fundamentally differ in their evaluation of the sovereign exception. Schmitt, in his argument with abstract normativity, steadfastly maintains that, whether it is acknowledged or not, order is always spatially and concretely grounded. For him, the "state of nature," from which the law is banished but on which the law is based, can be managed, controlled, localized, and limited but never eliminated. Order is localizable and therefore so is the state of exception (Ausnahmezustand) on which it is grounded. Agamben, on the other hand, implicitly believes in the possibility of a political order that would not be based on an exclusion. The insistence on localizing a putatively logically necessary exception is, in Agamben's view, what drives modernity. Indeed, it is what has driven us all straight to hell, because for Agamben the telos,or logical consequence of such localization, is, quite simply if melodramatically, Auschwitz. "When our age," he writes, "tried to grant the unlocalizable a permanent and visible localization, the result was the concentration camp" (1998, 20). Thus, rather than merely "limiting" or "civilizing" the violence associated with a fatalistically necessary state of exception, Agamben wishes to eliminate it. Accordingly, his vision of the political is alternately nihilistic and utopian—that is—hopeless except for the one grand hope."Until a completely new politics ... is at hand," he writes, "every new theory and every praxis will remain imprisoned and immobile, and the 'beautiful day' of life will be given citizenship only either through blood and death or in the perfect senselessness to which the society of the spectacle condemns it" (11). [End Page 129]

A2: Not Inevitable

Assuming conflict is created by individuals justifies violent intervention on moral terms

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 2-3) my

Now, if the triumph of a particular species of liberal pluralism denotes the de-politicization of society, one would think that theoretical opposition to this trend would seek to rehabilitate the political. But rather than asserting the value of the political as an essential structure of social life, the post-Marxist left seems intent on hammering the final nails into the coffin. In the most celebrated works of recent years, Giorgio Agamben’s Homo Sacer (1998) and Michael Hardt and Antonio Negri’s Empire (2000), the political (denoted by the notion of In both instances, the political is the cause of the loss of ‘natural innocence’ (Agamben, 1998, p 28), that flowering of human productivity that the Western metaphysical tradition has suppressed; and the logical paradox of sovereignty is to be overcome by the instantiation of a new ontology. In this way, violence, which is not thought of as part of the state of nature but is introduced into the human condition by flawed or morally perverse social institutions, is to be averted. That is, the faulty supposition of ineluctable violence that guides political theory from Hobbes to Weber is to be replaced by a Heideggerian, Deleuzean, Spinozan or Christian ontology of original harmony. In the words of John Milbank, a Christian social theorist who currently enjoys a modest following among political thinkers on the Left, there is no ‘original violence’, but rather an originary ‘harmonic peace’ which is the ‘sociality of harmonious difference’. Thus violence ‘is always a secondary willed intrusion upon this possible infinite order’ (Milbank, 1990, p 5). This, then, is the great supposition that links the ascetic pessimism of an Adorno with the cheery Christian optimism of Milbank: the world as it is is as it is because of the moral perversity of (some) human agents who willfully construct flawed social institutions. To seek to remedy the perversity of the world as it is from within the flawed social and political structures as they are only increases the perversity of the world. One must, therefore, totally disengage from the world as it is before one can become truly engaged. Only a thorough, cataclysmic cleansing of the world will allow our activities to be both ‘innocent’ and ‘productive’. Clear, though only partially acknowledged, is the fact that this cleansing, which aims at ridding the world of intrusive violence, is itself an act of fierce and ultimate violence – ultimate in its purported finality, but also, certainly, in its extreme ferocity. What remains equally clear, though not acknowledged, is that whoever has the power to determine the nature of this harmonious sociality is the one who can determine which acts of violence are to be judged as intrusions into the placid domain and which acts of violence are to be condoned as the necessary means of re-establishing the promise of perpetual peace. Determining the nature of this desired, nay, required originary peace is itself a sovereign act, not the abolition of such sovereignty. What our ultimate sovereign of harmonious peace will do with the willfully violent intruders can only be guessed, but it is certain that they will not be looked upon as legitimate political dissenters, and the unconditional violence that will be used to eliminate their presence will be justified by invoking the ‘harmonic peace’ or ‘natural innocence’ they have so deliberately and maliciously disturbed.

**A2: Levinas**

**The interaction with the human-time-bomb ‘other’ either proves a fundamental flaw with Lévinas’ theory, or shows he is as violent as the rest of us.**

Meister 5 (Meister, Robert. ""Never Again": The Ethics of the Neighbor and the Logic of Genocide." Postmodern Culture 15.2 (2005) Project MUSE.) NAR

It is, of course, possible to attack Lévinas using Carl Schmitt's argument against the discourse of humanitarian intervention following the Treaty of Versailles: that it creates a casus belli against the forces of "inhumanity," especially when they claim to be pursuing historical justice in ways that disturb the peace by treating the "other" as the "same" (Schmitt, The Concept of the Political 71). Suicide bombings would seem to be a paradigmatic example of this: encountering the other as a disguised human bomb would suggest that fear of her and fear for her are not as fundamentally distinct as Lévinas himself claims.45 When we rescue the suicide bomber are we saving her or ourselves? And if we murder her instead, what becomes of us? Do we reveal ourselves, like those whom Lévinas condemns, to be more afraid of dying than of killing? What does it mean for her to be equally unafraid of both? And does her self-chosen death qualify her as a martyr or a monster, whether or not she succeeds in bringing innocent others to their deaths along with her? In certain political "neighborhoods," Lévinas's concept of the ultimately unknowable human face can be both ethical and awful in ways that reopen the possibility of a horrifying response. The ethical temptation to treat suicide bombers as "inhumans" in human disguise applies a fortiori to the politics of third-party intervention raised at the beginning of this essay: when neighbors kill neighbors, whom do we rescue and whom do we attack? Is the third party in this situation just another neighbor? It is not clear that Lévinas would condone humanitarian intervention by force as what Ignatieff would call a "lesser evil," but it is clear that for Lévinas suffering and even dying for others have ethical value for the person who undergoes them in a way that no other suffering does ("Useless Suffering" 94; see also Ignatieff, The Lesser Evil). He calls this value "patience," a kind of morally valuable suffering that is the exception to his ethical condemnation of suffering in general.

\*Alt\*

Alt Solves

Rejecting liberalism may not eliminate war, but it prevents extreme cases of conflict. The alternative creates the true stage for international politics.

Prozorov 6 (Sergei Prozorov, Professor of International Relations at Petrozavodsk State University and Collegium Research Fellow at the Helsinki Collegium for Advanced Studies, Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, *Millennium - Journal of International Studies,* Vol.35 No. 1, pp75-99) NAR

The discourse of the liberal ‘peace project’ is not merely oblivious to the relationship of enmity, but is in fact constituted by this very oblivion – one can barely begin to speak of a global liberal-democratic community without effacing the possibility of a legitimate relationship of enmity between any two groups, communities or states that may not be transformed into a friendship, however abstract and impoverished in the affective sense. To recall Schmitt, enmity is the constitutive principle of the political not because of the existence of any number of concrete enemies (which, after all, may always be done away with empirically), but because of an ever-present possibility of conflict which arises out of the very existence of difference, implicit in the pluralistic structure of international relations. Thus, the oblivion of enmity necessarily comes at the price of destabilising the very foundation of the discipline – the concept of ‘the international’.37 Exemplary in this regard is Alexander Wendt’s argument on the inevitability of the world state,38 which brings the liberal ‘peace project’ to its logical conclusion: the effacement of political enmity is only possible through the establishment of a global structure of authority that leaves no zone of exteriority in the global political space and thus does away with the international as such. Similarly, the disavowal of enmity in the contemporary IR is only possible on the basis of an explicit or latent universalism, which advocates, both teleologically and axiologically, the transformation of the international order into some form of ‘world unity’, a self-immanent system without an outside.39 It is at this point that Schmitt’s critique of the aporia of pluralism and monism in liberalism may be fully appreciated in its contemporary timeliness and urgency, as ‘liberal internationalism’ increasingly becomes an oxymoron. Schmitt’s deconstruction of liberal universalism focuses on the concept of humanity that is crucial in the liberal displacement of thefriend–enemy distinction and the consequent foreclosure of enmity. For Schmitt, despite its self-proclaimed appreciation of pluralism, liberalism is essentially a monistic ideology which supplants the concrete pluralism of the sovereign states’ system by abstract individualism, which is after all reducible to the monistic category of humanity: The pluralistic theorists, for the most part, speak a highly individualistic language when it comes to the most decisive points of their arguments. … Ethical individualism has its correlate in the concept of humanity. But just that is quintessential universalism and monism, and completely different from a pluralistic theory.40 Contrary to frequent misunderstandings, Schmitt’s seminal critique of liberal pluralism is not itself anti-pluralistic, but rather aims at restoring, in the conditions of the monistic universalisation of the concept of humanity, the pluralism that is the ontological condition of the existence of international politics. As Schmitt famously argues in The Concept of the Political,41 the political world is, ontologically, a pluriverse not a universe, i.e. its pluralism is not something to be fostered through liberal institutional designs, but something that is always present from the outset, in the form of concrete, spatially delimited polities, and thus creates the very possibility of international politics as we know it: In a spiritual world ruled by the law of pluralism, a piece of concrete order is more valuable than any empty generalisations of a false totality. For it is an actual order, not a constructed and imaginary abstraction. … It would be a false pluralism, which played world comprehending totalities off against the concrete actuality of such plural orders.42 Schmitt’s concern with the liberal effacement of pluralism in the name of cosmopolitan humanity does not merely seek to unravel hypocrisy or ridicule inconsistency but has more serious implications in the context of the transcendental function of enmity that we have introduced above. For Schmitt, the ‘pluriversal’ structure of international relations accords with his political ontology that affirms the ineradicability of difference, from which, as we have discussed, Schmitt infers the ever-present ‘extreme possibility’ and the demand for the decision on the enemy. Moreover, the actual pluriversal structure of international relations satisfies the criterion of equality between the Self and the Other by precluding the emergence of a global hierarchy, whereby a particular ‘concrete order’ lays a claim to represent humanity at large. While this pluralism does nothing to eliminate the ‘most extreme possibility’ of violent conflict, it may be said at least to suspend it in its potentiality by retaining the possibility that the ‘existentially different and alien’ might not become the enemy simply by remaining outside the ‘concrete order’ of the Self and thus positing no actual existential threat. Moreover, as long as the boundary between the Self and the Other is present, there remains a possibility that whatever conflicts may ensue from the irreducible ontological alterity, they may be resolved on the basis of the mutually recognised sovereign equality of the Self and the Other in the domain of the international, which by definition is effaced by any political unification of humanity.43 Thus, for Schmitt ‘it is an intellectual historical misunderstanding of an astonishing kind to want to dissolve these plural political entities in response to the call of universal and monistic representations, and to designate that as pluralist’

Alt Solves

If you have any reservations voting aff, then vote neg. If you question your initial assumptions after our reading of Schmitt, it means our argument is true.

Norman 9 (Emma R. Norman, University of the Americas Puebla, Mexico Department of International Relations and Political Science, September 4th 2009, Applying Carl Schmitt to Global Puzzles: Identity, Conflict and the Friend/Enemy Antithesis, p28-9) NAR

I have elsewhere developed and defended a methodology based on theoretical perspectivism,69 and it is viewing Schmitt’s theory as one of a variety of useful perspectives that can help us to see how his ideas can enrich existing approaches in International Relations. Like all theories, some of the components of his thought need adjustment, others need sensitive (and repeated) reading. Still others require caution and a few may well justify wholesale rejection. Or his theory may be viewed by many as more useful for what it gets wrong, than what it gets right —in which case, so be it; there are just as many valuable lessons to be learned from Schmitt’s mistakes. But whatever one thinks of Schmitt’s rather provocative “take” on the international order, it is unusual to find a scholar of IR or politics who remains neutral with respect to Schmitt’s offerings, or unreflective on what they say about one’s own area and staple arguments. He is one of those thinkers who we either love or hate, but given the nature of his theory this is, perhaps, not entirely surprising. Yet whether he is an author we side with or against, if he makes us uncomfortable enough to reflect on and rethink old connections and assumptions, to update our theories or search for more accurate ones, he is clearly doing his job!

Clear lines in the sand between friends and enemies is the only option to limit warfare – attempts to eliminate violence only intensify it.

Rasch 5 (William, Henry H. H. Remak Professor of Germanic Studies at India University, South Atlantic Quarterly, 104:2, AD: 6/21/10) jl

What is to be done? If you are one who says there is a war, and if you say it not because you glory in it but because you fear it and hate it, then your goal is to limit it and its effects, not eliminate it, which merely intensifies it, but limit it by drawing clear lines within which it can be fought, and clear lines between those who fight it and those who don’t, lines between friends, enemies, and neutrals, lines between combatants and noncombatants. There are, of course, legitimate doubts about whether those ideal lines could ever be drawn again; nevertheless, the question that we should ask is not how can we establish perpetual peace, but rather a more modest one: Can symmetrical relationships be guaranteed only by asymmetrical ones? According to Schmitt, historically this has been the case. ‘‘The traditional Eurocentric order of international law is foundering today, as is the old nomos of the earth. This order arose from a legendary and unforeseen discovery of a new world, from an unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to themoon discovering a new and hitherto unknown planet that could be exploited freely and utilized effectively to relieve their struggles on earth’’ (39). We have since gone to the moon and have found nothing on the way there to exploit. We may soon go to Mars, if current leaders have their way, but the likelihood of finding exploitable populations seems equally slim. Salvation through spatially delimited asymmetry, even were it to be desired, is just not on the horizon. And salvation through globalization, that is, through global unity and equality, is equally impossible, because today’s asymmetry is not so much a localization of the exception as it is an invisible generation of the exception from within that formal ideal of unity, a generation of the exception as the difference between the human and the inhuman outlaw, the ‘‘Savage Beast, with whom Men can have no Society nor Security.’’ We are, therefore, thrown back upon ourselves, which is to say, upon those artificial ‘‘moral persons’’ who act as our collective political identities.They used to be called states.What theywill be called in the future remains to be seen. But, if we think to establish a differentiated unity of discrete political entities that once represented for Schmitt ‘‘the highest form of order within the scope of human power,’’ then we must symmetrically manage the necessary pairing of inclusion and exclusion without denying the ‘‘forms of power and domination’’ that inescapably accompany human ordering.We must think the possibility of roughly equivalent power relations rather than fantasize the elimination of power from the political universe. This, conceivably, was also Schmitt’s solution.Whether his idea of the plurality of Großräume could ever be carried out under contemporary circumstances is, to be sure,more than a little doubtful, given that the United States enjoys a monopoly on guns, goods, and the Good, in the form of a supremely effective ideology of universal ‘‘democratization.’’ Still, we would do well to devise vocabularies that do not just emphatically repeat philosophically more sophisticated versions of the liberal ideology of painless, effortless, universal equality.The space of the political will never be created by a bloodless, Benjaminian divine violence. Nor is it to be confused with the space of the simply human. To dream the dreams of universal inclusion may satisfy an irrepressible human desire, but it may also always produce recurring, asphyxiating political nightmares of absolute exclusion.

Alt Solves – Escalation

Drawing boundaries based on political enmity limits the magnitude of warfare

Rasch 3 (William, Henry H. H. Remak Professor of Germanic Studies at India University, Cultural Critique 54 120-147. Muse, AD: 6/21/10) jl

But Schmitt is far more concerned with a different kind of release (Entlastung), a logical release, if that bizarre combination of terms may be admitted. We are dealing here not so much with a sublimation of drives as with a "dialectic" of inclusion and exclusion. By virtue of their explorations and conquests, Spain, France, England, and the other imperial powers, though fundamentally at odds with each other both religiously and politically, could still represent the unity of Christendom and civilization over against a heathen and barbarian external world. The non-European, one might say, functioned as the "environment" that guaranteed the overall unity and identity of the internally differentiated "system" that was Europe. Furthermore, the inclusion within a self-identical Europe of equal sovereign states, self-regulated by public law without the benefit of a supreme secular or spiritual executive, relied not only on an exclusion of the non-European, but also on the exclusion of European colonial rivalry. The warfare between European powers in the New World (between illegal British privateers and Spanish galleons, for example) was different in kind than continental warfare and was to be kept as separate as possible from the way European power politics was conducted. And finally, whereas in the New World Europeans and their descendants conducted wars of extermination against the indigenous populations, in Europe a golden age of limited and "civilized" warfare lasted until 1914. Simply put, European unity manifested itself in the [End Page 126] fact that European states felt obliged to conduct their inter-European affairs differently than they conducted themselves when in contact with the "un-" or "lesser" civilized world under their control. Consequently, Europe could identify itself as "civilized" in its asymmetrical relationship with the "uncivilized" or "half-civilized" rest of the world. If, in other words, internally, with the loss of the medieval "organic" and hierarchical unity, there developed a symmetrically ordered, self-organizing, and self-regulating system of sovereign states, a plurality of sovereigns with no sovereign over them, this was expressly because there existed a hierarchical European sovereignty over large parts of the rest of the world. "The demarcation of a realm of unrestricted warfare," Schmitt writes, "was the logical consequence of the fact that what the colonial powers lacked was a recognized principle and, even more importantly, a common institution that could neutrally partition possessions among its members" (68). Had there still been a united Europe over which a single secular and/or spiritual sovereign ruled, the discovery and occupation of the New World could have been "orderly"—that is, directed from the top, with the supreme sovereign (pope or emperor) granting particular rulers particular rights and privileges of colonization. Such a hierarchy, if effective, could have compelled obedience and brutally repressed dissension. The lack of such a clearly defined hierarchy, however, had as one of its consequences "a rationalization, humanization, and legalization—in a word—a limitation of war" within Europe itself. "This limitation was possible ... at least for continental land warfare of the inner-European international law, because war was restricted to a military relationship between states" (69). It is this self-regulated limitation of war that Schmitt considers to be "the highest form of order of which the human is capable" (159).

Alt Solves – Otherness

Rejection of universal system of ethics is a genuine gesture of accepting alterity

Secomb 0 (Linnell, Prof of Philosoophy and Gender Studies at the G of Sydney, Hypatia, Vol. 15, No. 2, Going Australian: Reconfiguring Feminism and Philosophy (Spring, 2000), pp. 133-150, AD: 6/21/10) jl

This community of singular beings, who are exposed to each other in the sharing of community and attain existence in the context of this exposure, is not an entity or a static essence. Neither is it a common project or a joint production by human existences. Community is not a work or a project constructed together after negotiated agreement. Community, Nancy suggests, "cannot arise from the domain of work. One does not produce it, one experiences or one is constituted by it as the experience of finitude" (1991, 31). Community, then, is not a common work or project but is a sharing which is never completed. This incompletion does not imply lack but suggests the ongoing, never completed, activity of sharing. Community is an incompletion always in process; an unworking, unraveling, unbecoming: "Incompletion is its 'principle,' .. , a workless and inoperative activity. It is not a matter of making, producing or instituting a community; . . . it is a matter of incompleting its sharing. Sharing is always incomplete" (Nancy 1991, 35). Community is not a productive project of becoming, a social contract produced by citizens. It is a sharing of singularities who are together unbecoming and unbinding in their sharing and social binding. This unworking is the refusal of unity. It is resistance to totalizing communion. Nancy suggests that fascism annihilates community by destroying difference but that there is always a resistance to this destruction. "[T]he fascist masses," Nancy writes, "tend to annihilate community in the delirium of an incarnated communion.... [C]ommunity never ceases to resist this will. Community is, in a sense, resistance itself: namely, resistance to immanence" (Nancy 1991, 35).

These characteristics of community--its pre-existence which evokes the [End Page 141] being of singularity as an inclining towards others, its revelation of finitude as the structure of self and others in the sharing of community, and its incompletion and unbinding--constitute an understanding of community which belies the assumptions of universalist formulations of the political body. Instead of community understood as a contract or a "reasonable agreement" between individuals, here community is understood as the sharing and interrelation that allows the human existence to be. Rather than community understood as a common work or project of similar citizens, it is an unworking or unbecoming that is the incompletion of sharing and exposure of alterities. As a result, community as limit and finitude replaces community understood as a communion or union of individuals.

\*Answers To\*

A2: Perm - Generic

We challenge the Judge to become a Schmittian Judge – examine the particular for substantive change. If we prove the plan isn’t a good idea, that’s grounds to reject it.

Rasch 4 (William Rasch, Cultural Critique, No. 57 (Spring, 2004), pp. 102-03, Judgment: The Emergence of Legal Norms) NAR

But the problem is not solved with this embrace of immanence, for the question of deduction or subsumption does not immediately go away. Indeed, the question Schmitt poses is not a question about the relation of natural to positive law, but about the relation of positive law to the empirical facticity of the particular case. The phrasing of the problem is distinctly neo-Kantian, but the solution navigates areas of the Kantian universe left relatively unexplored by mainstream neo-Kantianism. Though Kant never functions in the text as an explicit frame of reference, one can best understand Schmitt's opposition to the prevailing solutions of the day by realizing that the model against which he argues is the model of determinate judgment. He argues, in other words, against the view that legal legitimacy arises from the correct subsumption of individual cases under the general rule. He does not deny that subsumption is possible, especially when sophisticated, hermeneutical skills are employed, but he does deny that subsumption or legality (Gesetzmdifigkeiits) in itself the mark of legitimacy, precisely because the act of subsuming the particular under the general rule does not proceed automatically. The judge is something other than a "Subsumtionsmaschine"(subsumption machine) or "Gesetzesautomat" (law automat), for a decision is required of him that is of a different order than the determinate judgment implied by the act of subsumption. The general rule does not give the rules for its own application. "Herein we already have evidence," he writes, that "the ability to subsume" cannot count as a criterion for the correctness of a decision; at most one could say that a decision is correct which subsumes correctly. That is to recognize, however, that the problem lies in the correctness of subsuming, which one cannot establish simply by means of further subsuming. (1912, 62) A decision that is itself not a subsumption, a judgment about determinate judgment that itself is not a determinate judgment, must therefore be made, for the question of subsumption finally dissolves for Schmitt into a discomforting infinite regress of rules necessarily derived for the application of further rules. Unless halted, subsumption resembles nothing more than its own endless self-similarity. Consequently, even in cases where subsumption seems to be adequate to the task, it is not logical deduction per se that gives the legal opinion legitimacy. Thus, in seeking the structure of such legitimacy, Schmitt starts with the doubtful case, the exception (1912, 6, 39). By highlighting the paradigmatic nature of the problematic case, Schmitt contends, one focuses not on the body of existing law, as if that body had a once-and-for-all determinate meaning, but rather on the practice of the legal system, on the decision handed down by the judge. "Thus, practice justifies itself by way of itself," as Schmitt puts it (1912, 86)-which is to say that the correctness of a decision is derived from the act of the decision, and not from some external principle to which the decision refers. Theories which defer to the authority of external normative content "place the meaning of their norms before the decision (temporally and logically), the judge then proceeds from their assumption in order to subsume under them-so that the decision remains a 'legal' ['gesetz'miij3ig'-literally: according to the law) one and so that this 'legality' ['Gesetzmdigkeit'] remains the criterion of correctness." In contrast to this procedure, the Schmittian judge wants "first of all to create a general decision for the concrete case at hand; his reasons for the decision only serve to persuade," not to prove (1912, 97). Schmitt thereby radicalizes the impossibility of ultimate origins that is the mark of modernity and locates the legitimacy of legal judgments in the very act of judging itself. The practicing judge, in other words, engages in a form of reflective judgment, ascending from the particular to the universal, or rather, constructing the universal in response to the particular, by means of a mechanism that bears, not surprisingly, a striking resemblance to aspects of Kantian aesthetic judgment.

A2: Perm - Both

Framing politics with an ethical theology destroys the political – the alternative must stand alone.

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 3-4) my

In opposition to the near universal pressure to abolish the pesky complexity of the political, the aim of this volume is to reject every resurrection of eschatological desire, and to affirm conflict as the necessary and salutary basis of political life. To this end, the work of Carl Schmitt can be of considerable help. One must be clear, however, that the term most often associated with his thought – namely political theology – is not a term that can be sensibly used to describe his own best work. When, in 1922, Schmitt writes that ‘all significant concepts of the modern theory of the state are secularized theological concepts’ (Schmitt, 1985b, p 36), he makes an analogous claim about the modern political state to the one Max Weber had already made nearly two decades earlier about the modern money economy.2 Just as wealth, industriously achieved, serves as a sign of grace for the Puritans in early modern Europe (and the Massachusetts Bay Colony), so too the sovereign, as a mortal God, mimics divinity. But God and grace soon become mere power and market value, and Schmitt’s and Weber’s emphases center on the necessities of this secularization, on the profane, not the sacred, on the political and the economic, not the theological. Their focus is on the butterfly, so to speak, not the caterpillar. Schmitt and Weber, each in their own way, may have recoiled from the effects of neutralization and rationalization, even preached the occasional Jeremiad against the vacuous sterility of the modern wasteland, but, as both recognized and clearly stated, by at least the end of the eighteenth century neither the monopolization of power nor the accumulation of wealth were thought to guarantee salvation, or even hint at special dispensation when it came to God’s favors. If capitalism was born from the spirit of Protestantism, it was, for all that, capitalist, not Calvinist. And if the concepts of the modern theory of the state still carried the traces of their ethereal origin, they were nonetheless political concepts, and these traces had been thoroughly profaned. In short, the political for Schmitt was no more theological than money was for Weber. And it made absolutely no sense to be nostalgic for an imagined other space or fulfilled time in which the sacred and the profane were united. Indeed, it was for the autonomy of the political against the prevailing political theologies, the religions of humanity called socialism and liberalism, that Schmitt waged his conceptual warfare. Thus, if one wants to insist on referring to Schmitt as a political theologian, it is because he made a religion out of the political – out of the distinction, that is, between the theological and the political – and not because he sought either the spirit or the authority of the divine in the power and violence that is the mundane world of politics. It behooves us, therefore, to examine, briefly, the nature of this autonomy before we move on to the more detailed examinations of the structure of the political in the chapters that follow.

**A2: Perm - Both**

**There is either a friend/enemy distinction, or an independent political – impossible for both**

Moreiras 04 (Alberto Moreiras, academic and cultural theorist, Director of European Studies at Duke, 2004, “A God without Sovereignty. Political Jouissance. The Passive Decision”, CR: The New Centennial Review 4.3, p. 79-80) NAR

The friend/enemy division is peculiar at the highest level, at the level of the order of the political. This peculiarity ultimately destroys the understanding of the political as based on and circumscribed by the friend/enemy division. The idea of an order of the political presupposes that the enemies of the order as such—that is, the enemy configuration that can overthrow a given order, or even the very idea of an order of the political—are generated from the inside: enemies of the order are not properly external enemies. This is so because the order of the political, as a principle of division, as division itself, always already regulates, and thus subsumes, its externality: externality is produced by the order as such, and it is a function of the order. Or rather: a principle of division can have no externality. Beyond the order, there can be enemies, if attacked, but they are not necessarily enemies of the order: they are simply ignorant of it. At the highest level of the political, at the highest level of the friend/ enemy division, there where the very existence of a given order of the political is at stake, the order itself secretes its own enmity. Enmity does not precede the order: it is in every case produced by the order. The friend/enemy division is therefore a division that is subordinate to the primary ordering division, produced from itself. The friend/enemy division is therefore not supreme: a nomic antithesis generates it, and thus stands above it. The order of the political rules over politics. The political ontology implied in the notion of an order of the political deconstructs the political ontology ciphered in the friend/enemy division, and vice versa. They are mutually incompatible. Either the friend/enemy division is supreme, for a determination of the political, or the order of the political is supreme. Both of them cannot simultaneously be supreme. The gap between them is strictly untheorizable. If the friend/enemy division obtains independently of all the other antitheses as politically primary, then there is no order of the political. If there is an order of the political, the order produces its own political divisions.

A2: Cede the Political

The 1AC avoids the political process – mitigating the state, eventually destroying it and causing violence and anarchy.

Gottfried 90 (Carl Schmitt: Politics and Theory. Contributors: Paul Edward Gottfried - author. , Professor of Humanities at Elizabethtown College in Elizabethtown, Pennsylvania, and a Guggenheim recipient, Publisher: Greenwood Press. Place of Publication: New York. Publication Year: 1990. Page Number: 67-8) NAR

Schmitt also puts forth a second view of liberals: not as destroyers of our political nature, but as dangerously neglectful and even contemptuous of it. For example, he teaches that individualistic liberalism can never rise above a "negation of the political." It therefore "leads necessarily to a political practice of distrust toward all conceivable political forces and forms of state and government" without having "a positive theory of state, government, and politics." 24 Liberals minimize the importance of the state in order to avoid political struggle. At the same time, they reduce governing to procedural matters and the interplay of parliamentary parties. Never do they ask the historically recurrent and necessary question, "Who should wield authority?" In a liberal culture, "the state turns into society; on the ethical-intellectual side into an ideological humanitarian conception of humanity, and on the other [side], into an economictechnical system of production and traffic." Liberalism brings about or accelerates the dissolution of state and politics, subordinating both to the "individualistic domain of private law and morality" and finally to economics. 25 This liberal point of view contradicts the intractable reality that "no abstract orders or norms but always real human groupings and associations rule over other human groupings and associations." Enlightened liberals have sacrificed the security and stability of their own political societies by pursuing materialist and rationalist dreams. This line of criticism is one that Schmitt further develops in Legality and Legitimacy and in other tracts of the early thirties. He lashes out there against the liberal illusion that politics will take care of itself once reduced to suitable operational norms. It is liberal indifference to politics as a permanent aspect of the human situation that Schmitt blames for the willingness of German parliamentarians to give all parties, revolutionary as well as nonrevolutionary, "an equal chance" to form a government. There is also a third possible view attributable to Schmitt on the problematic character of liberal politics. It comes in a passage that follows the observation about the unwillingness of liberals to think in terms of "human groupings and associations." Despite this limitation, Schmitt goes on to note, "politically, the rule of morality, law, and economics always assumes a concrete political meaning.' 26 Just as other engaged advocates have entered political relationships, that is, friend-enemy groupings, Schmitt infers that the same could happen to liberals. They too might become political in order to save the world collectively from antiliberals. This would be analogous to the action of those pacifists who show belligerence "in making war against war." Like the Marxists, who imitate their rhetoric, moreover, liberals elevate economics above politics. But Marxists, we are told in The Concept of the Political, do the opposite in practice: They "approach the class struggle seriously and treat the class adversary as a real enemy and fight him either in the form of a war of state against state or in a civil war within a state." Schmitt always saw Marxism as derived from liberalism in its utopian premises about a depoliticized world and in its stress on economic forces. If Marxists in practice could behave as grim political adversaries, perhaps the same might be expected of liberals. Liberal depoliticization in that case would be a transitional stage to liberal politics, which would turn out to be one more grouping of friends against enemies.

A2: Nazi

Schmitt’s Nazism doesn’t ruin his arguments – his works have a fundamental truth. Don’t stick us to Schmitt we didn’t read.

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 33-4) my

That Schmitt’s most zealous apologists, on both the right and the left, may fairly be accused of minimizing his most egregious and shameful failings – eg his anti-Semitism and his open attempts to legitimize Hitler’s regime in the mid-1930s – is not to be denied. A defensiveness about Schmitt, born of a frustration with inept or deliberate misreadings, can easily turn into polemical aggression. Nevertheless, as tainted as Schmitt’s arguments may be, tainted by interest and tainted by affiliation, neither their structure nor their continued relevance can be so simply dismissed. The point, or points, he makes against progressive, universalist doctrines have been made, in various registers, by conservative and leftist critics alike, most recently by French thinkers like Jean- François Lyotard. Schmitt’s quarrel with America’s post-1917 role as ‘arbiter of the world’ [Schiedsrichter der Erde] (Schmitt, 1988b, p 196) centers on the presumptuous and deceptive nature inherent in any particular instance that designates itself to be the carrier of the universal principle. In Lyotard’s view, the particular application of the universal, the particular enunciation of the rights of man, say, or the universal proletariat, always carries with it the potential for terror. Noting the ‘aporia of authorization’ in the fact that a particular people – his example: the French in 1789 – assumed the position of declaring a universal right, Lyotard asks: Why would the affirmation of a universal normative instance have universal value if a singular instance makes the declaration? How can one tell, afterward, whether the wars conducted by the singular instance in the name of the universal instance are wars of liberation or wars of conquest? (Lyotard, 1993, p 52) Schmitt would recognize these as the right questions to ask; would recognize them, in fact, as his own questions.13 They go to the heart of the nature and possibility of conflict (which is to say – of politics), for wars conducted in the name of the universal normative instance are wars fought to end all wars, conflicts conducted in the name of the self-transcendence of all conflict. But what if, afterward, we find out that the heaven of consensus and reconciliation turns out to be a realm in which conflict has been outlawed in the name of the Good, the Efficient, the Comfortable? In a world where conflict has been outlawed, how is opposition to be staged? As uncoerced agreement?

A2: State of Exception Bad

Labeling an inside and an outside to collective culture is inevitable – the choice is violent assimilation or the alternative

Pan 9 (David Pan, Associate Professor of German,, "Against Biopolitics: Walter Benjamin, Carl Schmitt, and Giorgio Agamben on Political Sovereignty and Symbolic Order1," German Quarterly 82, no. 1, 2009) NAR

Schmitt thereby develops a cultural notion of decisionism that is opposed to Agamben's biopolitical understanding. If according to Benjamin divine violence declares life to be a sacred entity while mythic violence subordinates bare life to myth through explicit laws, punishments, and sacrifices, Schmitt adjusts his decisionism so that its object is not bare life but rather a collective's way of life, and he understands law and politics as inextricably tied to a cultural context of myth and tradition that helps define such a way of life as a collective vision that predetermines the individual subject as always more than its bare life. This cultural interpretation of political change seems at first to run counter to other aspects of Schmitt's thought, for instance, the idea that the fundamental political distinction between friend and enemy can exist independently of "alle jene moralischen, ästhetischen, ökonomischen oder andern Unterscheidungen" (Begriff des Politischen 27). Though Kennedy, for instance, reads this passage as evidence for how Schmitt "liberates political decisions from moral criteria" (Constitutional Failure 19), a careful look at Schmitt's description of the enemy reveals that the political distinction is not as pure and independent as one might at first assume. For the way in which the enemy must be defined as "other" presupposes a cultural determination about what constitutes sameness and otherness. As Schmitt notes, this determination can never be based on a general norm or the judgment of a neutral party. Rather, he refers to the state "als einer organisierten politischen Einheit, die als Ganzes für sich die Freund-Feindentscheidung trifft" (Begriff des Politischen 30). On the one hand, within the context of state politics this decision about the enemy cannot be made by some "objective" agent or authority outside the state. On the other hand, this decision is not just the decision of the sovereign but of the state in its entirety - "als Ganzes." As a consequence, however, this determination of the enemy must be, first, decisionist to the extent that it is not objective and, second, culturally bounded to the extent that it involves the specific attitudes and conceptions of the entire political entity. The importance of the decision on the state of exception lies in its ability to sum up the near-unanimous perspective of the entire group of people for which the decision should be binding. Yet, it may be that in certain situations no such homogeneity of perspective exists within the people, meaning that no decision is possible and there can be no clear sovereign. The possibility of the decision therefore depends on the cohesiveness of the polity and its understanding of itself as a unified group. Because the possibility of decision depends on the consent of the group, the definition of the enemy is a judgment, not about existence itself, but about the particular "way of life" that is defined and established in the decision: "Den extremen Konfliktsfall können nur die Beteiligten selbst unter sich ausmachen; namentlich kann jeder von ihnen nur selbst entscheiden, ob das Anderssein des Fremden im konkret vorliegenden Konfliktsfalle die Negation der eigenen Art Existenz bedeutet und deshalb abgewehrt oder bekämpft wird, um die eigene, seinsmäßige Art von Leben zu bewahren" Begriff des Politischen 27). The appeal to the actual participants rather than to an outside observer as the only ones capable of making a judgment means that the judgment depends on a unity of perspective within the polity, beginning with the concrete experience and situation of the particular judging subject within this polity, rather than the application of any objective moral or rational principles. This is because the content of this judgment on the enemy does not just concern pure biological survival but, as Andrew Norris has indicated (73-76), involves a self-understanding of what constitutes "der eigenen Art Existenz" one's own particular form of existence. Rather than simply defending one's bare existence against the enemy, the decision establishes the existence of a group of people who see themselves as part of a particular cultural form that must be defended against what the group j udges to be alien and threatening to this form. In a process that Sarah Pourciau describes as a "practice of radical selfconstitution" (1071), the decision attains a foundational meaning for the self-construction of a collective based on cultural ideals, but not in the mechanism of a pre-existing norm. Schmitt is working within the same framework of a critique of the normative emptiness of rationality that motivates texts such as Max Horkheimer and Theodor W Adorno's Dialektik der Aufklärung. Facing the same process of secularization that has on the one hand delegitimized and relativized theological truths and on the other hand demonstrated the inability of reason to ground a set of values objectively, Schmitt pursues a line of thought in which each set of values can attain validity within a particular political sphere, not through any objective, universal truth, but through a process of collective will formation. The constitution of collective identity that is carried out in the sovereign decision that establishes order is not just a decision for order itself but for a particular order, and Schmitt's innovation is to see this decision as the foundation of any set of norms that, because they can never have any universal validity, can only attain validity on a local level as the metaphysical ideals that have gained broad support within a group and are then established into a particular legal and political order through the sovereign decision. It is significant here that the decision is a decision and not a construction, which is to say that the sovereign's decision involves a choice amongst a number of previously existing, competing conceptions of collective identity. Though the decision is indeed a defining moment and in that sense unprecedented, it cannot in fact arise out of a void, because the friend-enemy distinction that underlies this decision is dependent on a pre-existing cultural context. <CONTINUED>

A2: State of Exception Bad

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Though the designation of the enemy may seem to be an arbitrary act of political will by a sovereign, the sovereign's decision is always bounded by the available cultural understandings of both that which might constitute the group's way of life and that which would threaten this constitution. Because the political determination of the enemy is always based on previously developed conceptions of just what constitutes the collective's way of life, the decision is bounded by the possibilities available to the cultural context within a specific tradition. The contents of these possibilities are not defined by the political decision but precisely by those other oppositions - moral, aesthetic, economic - that are available for politicization. Schmitt explains this dependence of the political determination of the enemy on non political factors by pointing out that the political has no substance of its own: "[das Politische] bezeichnet kein eigenes Sachgebiet, sondern nur den Intensitätsgrad einer Assoziation oder Dissoziation von Menschen, deren Motive religiöser, nationaler (im ethnischen oder kulturellen Sinne), wirtschaftlicher oder anderer Art sein können und zu verschiedenen Zeiten verschiedene Verbindungen und Trennungen bewirken" (Begriff des Politischen 38-39). Because it does not have its own substance but only describes an intensity of an association, the political can never exist in a "pure" state. Instead, it is always a property that attaches itself to a prior association with a specific cultural content. Such a religious or national or economic association must always provide the cultural basis and content for a political definition of the enemy. Once this happens, that cultural basis is itself transformed through the politicization. The friend-enemy distinction cannot be constructed without a pre-existing religious, national, economic, or other distinction. Thus, far from imagining the political friend-enemy distinction as that which grounds an order ex nihilo from an "abyssal act of violence" (Zizek 18-19), Schmitt always conceives of the political as a characteristic that a pre-existing cultural association can take on. By the same token, the cultural association, once it is politicized, becomes subject to a political dynamic that takes decision-making beyond the bounds of the purely religious, national, or economic criteria that were the initial basis of the association of people and subjects them to the "oft sehr inkonsequenten und irrationalen Bedingungen und Folgerungen der nunmehr politischen Situation" (Begriff des Politischen 39). The political and the cultural are intertwined in a relationship in which a human association with a particular content becomes intense enough to be the basis of a decision that defines enemies in terms of the need to preserve the collective's existence as cultural form. Within this process of defining a cultural identity, the final designation about the enemy still depends upon the possibility of armed struggle between two groups (Begriff des Politischen 29) . But even if the ultimate political intensification of an opposition can only arise when two groups face each other in battle, this descent into war is not a situation of pure violence. Politics for Schmitt can never be about a biopolitics in which violence and the body come into direct contact without mediation, because politics can never even constitute itself as such without a prior set of ideological oppositions. Because he defines politics as an intensification of a previously existing opposition, the political for Schmitt always presupposes some substantive opposition that will then form the basis for law. Though any particular religious, national, or economic opposition might not be political, it will gain a political meaning when it intensifies to the point where an association of people will define an enemy based on the opposition and thereby link their identity to that opposition to such an extent that they are willing to both risk death and kill in order to maintain the significance of the distinction. Though the possibility of war is necessary for the definition of the enemy, Schmitt's conception is not an incitement to war. Rather, the prospect of war defines the most intense point along a continuum between a total lack of politicization and the most extreme politicization of a particular opposition. Schmitt does not call for the creation of enemies but rather uses the concept of the enemy as a tool to take the political "temperature" of an existing opposition. A particular opposition, such as that between rich and poor or between Christian and Muslim, may have a relatively low political intensity in a particular time and place, reflecting the fact that there is little potential in that context that, for example, rich people would see poor people (or vice versa) or that Muslims would see Christians (or vice versa) as their enemy. But over time, this intensity could increase to the extent that one group begins to see the other as a threat to its existence as a group. By considering the probability that the rich/poor opposition or the Christian/Muslim opposition could lead people to take up arms against each other based on this opposition, one determines the relative political intensity of the opposition. The enemy in war is not a desideratum for Schmitt but a limit concept, and the political is not itself an opposition that could exist independently of other oppositions, but can only develop through the intensification of an existing opposition. As a consequence, the descent into civil war (as opposed to criminal violence) must be based on the commitment to some type of value system in which oppositions can be defined on a cultural level that involves basic principles. This set of oppositions, then, is both the underlying schema for defining politics in a particular situation and the ideological basis for a set of laws. Anomic violence may be a possibility for Schmitt, but it is not political. Violence can only be political once it is linked to a symbolic field of oppositions that can define enemies. This definition is not simply a reaction to an existential threat to physical survival but a determination of what counts as cultural survival. This "mythic" basis of law is not merely an instrument for maintaining power that can be turned on and off at will, as Müller suggests (466), but an independent realm of cultural dynamics that follows its own logic and is not subject to simple instrumentalization. It is to this realm that Schmitt turns in order to understand the forces that underlie political conflicts and upheavals.

A2: Kill the Other

The alternate does not create animostity to the other – hate is removed from the political world, we fight only when threatened, not out of anger.

Prozorov 6 (Sergei Prozorov, Professor of International Relations at Petrozavodsk State University and Collegium Research Fellow at the Helsinki Collegium for Advanced Studies, Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, *Millennium - Journal of International Studies,* Vol.35 No. 1, pp75-99) NAR

What interests us in this modality of the friend–enemy distinction is the explicit requirement of equality between opponents in the common space of the ‘regulated contest of forces’. Indeed, the ontological equality of the self and the enemy is a fundamental characteristic of Schmitt’s thought that strongly contrasts with the asymmetric constellation of the self–other interaction in the ‘poststructuralist ethics’ of Levinas and Derrida.29 While for the latter the asymmetrical relation, whereby the Other calls the Self in question, is a prerequisite for the assumption of a genuinely ethical ‘responsibility’, for Schmitt any asymmetry, privileging either the Self or the Other, paves the way for absolute enmity and the actualisation of the ‘most extreme possibility’ of existential negation. For Schmitt, being called in question by the Other is not in itself an ethical but simply a horrifying experience of the possibility of violent death. What makes the encounter with the Other contingently ethical is precisely the possibility of the resolution of this asymmetry in the establishment of an empirical equality that actualises the equality that is always already inscribed in the transcendental function of the friend–enemy distinction: after all, in Schmitt’s ontology of radical alterity any two subjects are equal simply by virtue of being wholly different from each other.30 Schmitt’s normative preference for the Westphalian modality of enmity is therefore conditioned both by its correspondence to the ontological condition of equality-in-alterity and the desire to avoid the absolutisation of hostility that is inherent in any asymmetrical self–other interaction. What made possible the actualisation of ontological equality in the Westphalian period was the exclusion of all substantive (moral, economic or aesthetic) criteria, on the basis of which the properties or actions of any party could be deemed ‘unjust’, thus permitting the appropriation of the justa causa by the other party. In contrast, the ultrapolitical constellation, discussed by Zizek, is marked precisely by the presence of positive normative content in the positions of the opponents, whose incommensurability precludes the existence of a common ground between them. In this constellation, the Self inevitably perceives the Other not as a legitimate existential equal, but as a pure negation of the normative principles of the Self, the otherness of the Other reduced to a mere denial of the Self. Insofar as these normative principles are treated by the Self as unproblematic and unchallengeable, the enemy, viewed in solely negative terms of their refusal, becomes not merely the adversary in a regulated contest but an object of hate and revulsion, or, in Schmitt’s terms, an inimicus rather than a hostis. Schmitt makes a distinction between hostis and inimicus to stress the specificity of the relationship of a properly political enmity. The concept of inimicus belongs to the realm of the private and concerns various forms of moral, aesthetic or economic resentment, revulsion or hate that are connoted by the archaic English word ‘foe’, whose return into everyday circulation was taken by Schmitt as an example of the collapse of the political into the moral.31 In contrast, the concept of hostis is limited to the public realm and concerns the existential threat posed to the form of life of the community either from the inside or from the outside. In simple terms, the enemy (hostis) is what we confront, fight and seek to defeat in the public realm, to which it also belongs, while the foe (inimicus) is what we despise and seek either to transform into a more acceptable life-form or to annihilate. Contrary to Zizek’s attribution of the ‘ultra-politics of the foe’ to Schmitt, he persistently emphasised that the enemy conceptually need not and normatively should not be reduced to the foe: ‘The enemy in the political sense need not be hated personally.’32 In Schmitt’s argument, during the twentieth century such a reduction entailed the destruction of the symbolic framework of managing enmity on the basis of equality and the consequent absolutisation of enmity, i.e. the actualisation of the ‘most extreme possibility’: [Presently] the war is considered to constitute the absolute last war of humanity. Such a war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only.33 Thus, it appears impossible to equate Schmitt’s notion of enmity with the friend–foe politics that was the object of his criticism. The very antiessentialism, which Zizek’s reading recovers in Schmitt, brings into play a plurality of possible modalities of enmity. To argue, as Schmitt certainly does, that enmity is an ontological presupposition of any meaningfuxl political relation, is certainly not to valorise any specific construction of the friend–enemy distinction. What is at stake is the need to distinguish clearly between what we have termed the transcendental function of the friend–enemy distinction (and in this aspect, Zizek’s own work on politics, particularly his recent ‘Leninist’ turn,34 remains resolutely Schmittian) and the empirical plurality of historical modalities of enmity. Schmitt’s philosophical achievement arguably consists in his affirmation of the irreducibility of the former function and the perils of its disavowal, an achievement that is not tarnished by a plausible criticism of his historical excursus on the Jus Publicum Europaeum as marked by a conservative nostalgia for a system that, after all, combined the sovereign equality of European powers with the manifestly asymmetric structure of colonial domination.

A2: Schmitt = Realist

**Schmitt’s not a realist – but even if he is we don’t advocate it.**

Zarmanian, 06 (Thalin Zarmanian, University of Milan, “Carl Schmitt and the Problem of Legal Order: From Domestic to International”, Leiden Journal of International Law, 19 (2006), pp. 49) NAR

Schmitt’s theoretical move was, therefore, to accept the challenge and to assume plurality, conflict, and chaos as ontologically given and to take charge of what Galli28 calls the ‘tragedy of modernity’29 – the fact that on the one hand, after the collapse of medieval Christian unity, an ultimate and uncontested foundation for legitimacy is no longer possible and that, on the other hand, such legitimacy is unavoidable for any order. What makes Schmitt’s thought unique and so interesting, then, is that it is entirely set within the modern tragedy but it looks at it from without.30 Unlike postmodernists, he never gave up seeking an Archimedean point – the legal order – in which the tension between the idea of law (die Rechtsidee) and empirical reality could converge. In order to do this, however, he had to renounce the legacy of modern juridical and political thought. He is therefore no realist, as Koskenniemi31 recently suggested by likening him to (the second) Morgenthau. Far from thinking that ‘law is a mere ratification of a concrete order’, he always argued that no order can exist if it is not shaped by law in the first place. He is no idealist, either, because he confronted every a-priori definition of justice or law. He is no formalist because, unlike Kelsen, he refused to recoil from empirical reality and to seek comfort in transcendental pureness. He is no anti-formalist either, because far from regarding ‘the question of valid law’ as ‘uninteresting’,32 he considered it centraLink - as has been mentioned above, formalization is to him the means through which the idea of law can be transposed into empirical reality. Schmitt’s quest for the possibility of a legal order started, therefore, from none of those ‘fixed points’ – power, idea, form, and norm – from which modern political thought had moved to construct legal science. Having pointed out the unbridgeable chasm which separates them, he chose to start his quest for the possibility of a legal order from there – that is, from disorder.

**\*\*\*Aff\*\*\***

Exception Bad – Bare Life

Allowing the sovereign to label people and assign them to a given identity puts people into ‘bare life’ – to be killed without any repercussion.

McLoughlin 10 (Daniel McLoughlin, doctoral candidate in Philosophy in the University of New South Wale, "The Sacred and the Unspeakable: Giorgio Agamben's Ontological Politics." Theory & Event 13.1 (2010) Project MUSE)

Drawing on Carl Schmitt's definition of the sovereign as "he who decides on the exception,"7Homo Sacer argues that the inclusion of bare life in the political realm is effected by sovereign power.8 While, for the most part, law relates to life through juridico-political categories (citizen, minor, resident alien), Agamben asserts that when the limit of the political is at stake, the law will be suspended to preserve the prevailing order when this aim can no longer be attained through legal norms. In the exception, then, the application of law to life is suspended, stripping life of juridical status. Agamben's term for the life that dwells in this anomie is "bare life," as, from the perspective of the legal system, the withdrawal of legal recognition and protection reduces life to the bare fact of its existence. The relation between bare life and law is, like the relation between zoe and the bios politikos in Greek thought, one of inclusive exclusion, or relation of non-relation, for bare life is included in the law only insofar as it is set outside it. The consequence of this juridical relation is, then, that bare life is absolutely exposed to death, for it may be killed by anyone without legal repercussion.

Exception Bad – Bare Life

**Allowing the sovereign to assign identity to people leads to a recreation of the holocaust on the global scale.**

Norris 0 (Andrew Norris. "Giorgio Agamben and the Politics of the Living Dead." Diacritics 30.4 (2000): 38-58. Project MUSE.) NAR

With the rise of sovereignty we witness the rise of a form of life that corresponds to it. "The sovereign sphere [sfera] is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice [sacrificio], and sacred life [sacra]—that is, life that may be killed but not sacrificed—is the life that has been captured in this sphere" [83]. Agamben does not define the sacred in terms of "what is set apart for worship of the deity." He is interested in the more fundamental question of the logic of sacrifice (from Latin sacrificium, from sacr-, sacer, holy, cursed) as revealed in the life that is sacred (from Latin sacrare, also from sacr-, sacer). What Agamben terms sacred life is, like the sovereign, both within and without the legal order (or, as its etymology suggests, both holy and cursed). It is inside the legal order insofar as its death can be allowed by that order; but it is outside it insofar as its death can constitute neither a homicide nor a sacrifice. But where sovereignty is a form of power that occupies this threshold, sacred life is nothing more than a life that occupies this threshold, a life that is excluded and included in the political order. Here this takes the form not, as in Aristotle, of a metaphysical puzzle, but rather of a mute helplessness in the face of death. "Sacredness is . . . the originary form of the inclusion of bare life [nuda vita] in the judicial order, and the syntagm homo sacer names something like the originary 'political' relation, which is to say, bare life insofar as it operates in an inclusive exclusion as the referent of the sovereign decision" [85]. This is the explicit revelation of the metaphysical requirement that politics establish a relation with the nonrelational [cf. note 8]. Indeed, the sovereign decision is the realization of the ambiguity of the distinction between bare and political life. It is law (political life) that is not law (insofar as it steps outside of the strictures and limitations of formal law) dealing with bare life (that is, nonpolitical life), and insofar as it does so that nonpolitical (bare) life it treats is political. The result is the paradox of a sacrifice that is dedicated to no legal or religious end [114] but that participates in and affirms the economy or logic of the legal/religious system as a metaphysical, political system. Where in René Girard's superficially similar account of sacrifice the victim is a scapegoat for the murderous desires of the community that unites around her, here the stakes are considerably higher. Instead of an act of self-protection on the part of the community [Girard 4, 101-02], sacrifice is the performance of the metaphysical assertion of the human: the Jew, the Gypsy, and the gay man die that the German may affirm his transcendence of his bodily, animal life. 22 [End Page 47] [Begin Page 49] Contemporary instances of this threshold life abound, from refugees and people in concentration camps to "neomorts" and figures in "overcomas" whom we are tempted to turn into organ farms. Perhaps the clearest example is that of people in camps forcibly subjected to extreme medical tests and prisoners who have been condemned to death who are asked to "volunteer" for the same: The particular status of the VPs [Versuchspersonen] was decisive: they were persons sentenced to death or detained in a camp, the entry into which meant the definitive exclusion from the political community. Precisely because they were lacking almost all the rights and expectations that we characteristically attribute to human existence, and yet were still biologically alive [biologicamente ancora vita], they came to be situated at a limit zone [una zona-limite] between life and death, inside and outside, in which they were no longer anything but bare life [nuda vita]. Those who are sentenced to death and those who dwelt in camps are thus in some way unconsciously assimilated to homines sacres, to a life that may be killed without the commission of homicide. Like the fence of the camp, the interval between death sentence and execution [End Page 49] delimits an extratemporal and extraterritorial threshold [soglia] in which the human body is separated from its normal [normale] political status and abandoned, in a state of exception [in stato di eccezione], to the most extreme misfortunes. [159] When, in the United States, men condemned to death have been offered the possibility of parole in exchange for "volunteering" to undergo tests that could not be imposed upon those with full rights of citizenship [156-57], the reasoning was quite understandable, and even attractive in its economy and "fairness": given that the person has been condemned to die, he has essentially already lost his life. As far as the law is concerned his life is no longer his own, and in that sense he is a "living dead man" [131]. Hence there will be no crime against him if his life is "lost" again. But neither will that death be the imposition of the death penalty. Indeed, it is precisely insofar as he awaits execution that he remains alive: his life remains only to be taken from him in the moment of punishment. Death in the experiment thus reveals the paradoxes of death row as a sphere that delayed penalty makes possible, that of the threshold between life and death. 23 When the threshold of death row holds more than one or two victims, the result is the camp. Historically developing out of martial law, it is itself an included exclusion from the penal system [20, 166-67]. If the Aristotelian distinction between polis life and bare life with which we began was meant to secure and define the human, the total politicization of life that is the camp signals the collapse of this project. <CONTINUED>

Exception Bad – Bare Life

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Agamben's characterization can be understood as an attempt to more systematically work out Arendt's paradoxical claim that "life in the concentration camps . . . stands outside of life and death" [Origins of Totalitarianism 444]. Here the exception becomes the norm—or, to be more precise, the distinction between the two is wholly effaced. "The camp is the space [lo spazio] of this absolute impossibility of deciding [decidere] between fact and law, rule and application, exception and rule, which nevertheless incessantly decides [decide] between them" [173]. In the name of the health of the body of the nation, in the attempt to produce a single and undivided people [179], and in response to the decision of the Führer, whose own body has itself become one with the law [184], the nation takes on the endless task of its self-delineation; that is, it moves into the threshold that defines it, a threshold that has awaited it since Aristotle's Politics. [End Page 50] Now, the mere existence of camps and of Versuchspersonen does not in itself signal the need for as sweeping and fundamental a critique of the tradition as Agamben's. For one might well conclude that what is called for is simply a reassertion of human rights as understood by the tradition; or, to put the point on the explanatory level, that the genocides and rape camps of contemporary politics are conceptually of a piece with the transgressions of James II and other "Beasts of Prey" and "noxious creatures." After all, Agamben himself characterizes the Versuchspersonen in just these terms: it is "precisely because they were lacking almost all the rights and expectations that we characteristically attribute to human existence" and yet were still alive that they could "be situated at a limit zone between life and death." On this account the horrors of modernity are nothing more than violations of the norms of the tradition—a tradition that simply needs to be reasserted, rather than criticized or deconstructed. And this response might seem sufficient even if one accepts, as Agamben does, Arendt's argument in The Origins of Totalitarianism that the emergence of the camps signals the extreme limitations of the politics of human rights. Arendt's argument is that the direct defense of human rights will alone be insufficient. On her account what is needed is rather a recognition of the ultimate basis of civil rights—what she terms the "right to have rights." 24 This basis Arendt finds in political action. Properly understood, human rights are civil rights: they are based on forms of human action, not a set of moral truths about the laws of God or nature. It is as political, not legal, actors that we are granted rights; and it is through political action that we defend those rights. But in the present case we might interpret this as nothing but a call to indirectly defend human rights, and not at all to question the distinction between political life and bare life upon which the conception of rights rests.

Exclusion Bad

Moral motivations for exclusionary actions don’t explain everything- political actions seek to ‘eliminate’ the enemy

Lee 7 (Fred, grad student in political science, Theory and Event, Vol. 10 Issue 1, Muse) my

In summary I would emphasize two interpretative implications of the theoretical staging of the Japanese internment above. First, the determination of military necessity encodes a racial state of exception, rather than miscodes a factual situation that might justify it. For Nishiura Weglyn and the CWRIC, the state acted inexcusably without reference to the fact of loyalty -- but this normative construction from the start makes less intelligible how the state acted with reference to the fact of sovereignty. Secondly, the sovereign decision that the Japanese were the enemy race was not just politically motivated but essentially political. For Daniels and Rentlen, the state's treatment of Japanese Americans epitomized American racism. Yet explanations based on racism -- as in wartime intensified fears, (un)conscious motivation, or anxiously-repeated stereotypes -- at best locate the psychological or social origins of the internment, but for lack of adequate conceptual distinctions necessarily fall short of the political specificity of the race question. The friend/enemy distinction and the state of exception disclose the distinct logic of sovereignty at work in the internment otherwise easily overlooked: the racial enemy must be 'eliminated' according to decisions that would restore the 'normal' situation. My argument pushes the conception of the interment as racial politics to its limit, where it posits the concept of politicized race.

Exclusion Bad

Identifying “enemies” unconsciously draws in moral imperatives and justifies violence against them- empirically proven in Japanese internment camps

Lee 7 (Fred, grad student in political science, Theory and Event, Vol. 10 Issue 1, Muse) my

Predating America's declaration of war on Japan, the Yellow Peril figured the Japanese as a racial danger within the territory of the state as a matter of danger. What Homer Lea and more broadly the Yellow Peril stood for in the cultural domain, President Franklin D. Roosevelt and Commanding General John L. DeWitt of the WDC represented in the political domain. As decision makers, Roosevelt authorized the executive order, whereas the authorized DeWitt distinguished sharply between all Japanese and non-Japanese enemy aliens in executing that order in March-August 1942. Public Proclamations No. 1 and 2 mentioned German and Italian aliens in addition to "any person of Japanese Ancestry" when establishing Military Areas No. 1-6 and various strategic zones where enemies might be prohibited. Public Proclamation No. 3 imposed a curfew -- not generally enforced on the still-mentioned German or Italian aliens -- on all Japanese Americans within Military Area No. 1 and the prohibited zones. Public Proclamation No. 4 set the stage for the evacuation in forbidding "all alien Japanese and persons of Japanese ancestry" from leaving Military Area No. 1 where some 90% of the population resided. Executing Civilian Exclusion Orders, the military then relocated over one hundred thousand Japanese Americans into assembly centers while German and Italian aliens and citizens remained en masse. Again and again DeWitt proclaimed these actions to be authorized as matters of "military necessity." When it became apparent that no states outside of the Military Areas would allow the Japanese to resettle freely within their borders, the exclusion program almost inevitably turned into indefinite internment.17 Historians have extensively narrated the processes by which Roosevelt, DeWitt and other government officials arrived at these decisions.18 However the decision-making process is not essential to my account, as my story concerns not the causes but the effects of these made-decisions. Essential instead is Schmitt's question of sovereignty, that is, "who decides on exception." In setting up this question, Schmitt opposes the normal situation of public safety and order to the state of the exception in which the existence of the state is endangered; the former situation is the presupposition of the legal norm's application, whereas the later is characterized by the suspension of the legal norm. Sovereign then is the entity that decides whether the normal or exceptional situation exists, defining "what constitutes public order and safety" and "determining when they are disturbed."19 As that which decides upon the norm/exception distinction, Schmitt must insist that the decision on the exception cannot derive from the legal norm, since "the exception, which is not codified in the existing legal order... cannot be circumscribed factually and made to conform to preformed law."20 Rather the decision on the exception sets the limit of the law's application and reveals the sovereign as belonging to, but at the same time standing beside, the legal order in having the concrete "authority to suspend valid law."21 The determination of when the exceptional situation exists and how to restore the normal situation is accordingly decisionist, as opposed to normative, in Schmitt's opinion. In response to the internment redress movement of the 1980s, the Commission on the Wartime Relocation and Internment of Civilians (CWRIC) report takes the absence of 'true' military necessity as the relevant fact: the internment occurred "despite the fact that not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by a resident Japanese alien on the West Coast."22 The CWRIC presents the fact of no fifth column activity as decisive in undermining the claim of military necessity; yet the fact of no military necessity by any revisionist or even reasonable standard is only normatively relevant. But posing the authority to decide on military necessity as the relevant fact brackets the question of whether military necessity 'really' existed. The question then shifts from whether or not the state needed to do what it claimed was necessary, to scrutinizing what the state in-deed did in claiming that necessity. It is a mistake to see military necessity only as a justification, although it surely functioned as one 'after the fact' of decision. The declaration of military necessity was not a denotative utterance that referred to existent situation of fact, but a performative utterance of the WDC, an entity invested by the authority of EO 9066 with the power to proclaim that situation into existence.23 Put simply, the state decided that an exceptional situation existed in the face of a determined 'danger.' This statement can neither attack nor defend military necessity as a justification because it treats military necessity as a sovereign decision on the exception.24 What's more, this framing of the facts avoids the problem of responding to the WDC's charge of Japanese American disloyalty -- for although the intentions behind such a response are more often than not admirable, an answer to that charge can only be as perverted as the question itself. The sovereign not only decides on the state of exception, but also decides on the friend/enemy distinction that conceptually defines the politicaLink - as Schmitt defines it, "the specific political distinction to which political actions and motives can be reduced is that between friend and enemy."25 If the stakes of the norm/exception distinction are the legal order and its limits, then the ultimate stakes of the friend/enemy distinction are life and death. Though conceptually distinct, Schmitt interrelates war and the political as mutual presuppositions. War presupposes "that the political decision has already been made as to who the enemy is," while the possibility of war is the "leading presupposition" of the political.26 <CONTINUED>

Exclusion Bad

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The enemy is not the figure hated or considered morally inferior by the friend, but is rather the figuration of the possibility of violent conflict between armed collectivities. The extremity of enmity then correlates to the intensity of political conflict, although the enemy as a category has no necessary content. As a formal distinction, the political only refers to the highest degree of (dis)association between groups, and these groupings might divide along class, religious, racial or any other lines. However only a grouping of sufficient quantitative intensity can qualify as political, and moreover, only in this qualification is any social antagonism 'politicized' in the more familiar phrase. Once this occurs, the political distinction takes control or is overriding: "The real friend-enemy grouping is existentially so strong and decisive that the nonpolitical antithesis, at precisely the moment at which it becomes political, pushes aside and subordinates its hitherto purely nonpolitical criteria and motives to the conditions and conclusions of the political situation at hand."27 The pervasive figuration of race as racism in American popular and academic discourse precisely elides the crucial distinction between political and non-political forms of (dis)association. Indeed, even Alison Dundes Renteln's unconventional psychoanalysis of the internment is entirely conventional in this respect when it argues that "a deeply rooted fear of sexual congress between the races consciously or unconsciously motivated some of the actions which led to the internment of 120,000 Japanese Americans... A combination of the ideas of eugenics and virulent racism... was partly responsible for the occurrence of one of America's worst civil liberties disasters."28 Within the necessity-rights circle, Rentlen collapses the difference between the specter of racial miscegenation and the concrete declaration of racial enmity by turning the former into a (partial) cause of (the several actions that produced) the later. Thus maintaining the distinction between the political and the social from the outset not only re-politicizes the overly psychologized question of race, but shifts our analysis away from the (pre-political) causes of the decision to intern towards the structuring friend/enemy distinctions of the Japanese internment. All this initial staging then stands or falls on this simple premise: the state politicized race in the decision that the Japanese Americans were enemies and this identification of 'danger' coincided with the decision on the state of exception.29

Sovereign Power Bad

Schmitt’s idea of freedom justifies infinite violence- sovereign engages in “necessary killing” with no defined end

Dillon 8 (Michael, prof. of politics,Theory and Event, Vol. 11 No. 2, Muse) my

Preoccupied with the problematic of order and its entailments, Schmitt largely elides the problematic and entailments of the freedom of signification which are logically anterior to it. Factically free, modern man does not discover the law, Schmitt agrees, but he makes the law, Machiavelli maintains, by finding within himself the republican virtue (virtù), rather than the unmediated decisional will, required to do so. Freedom's virtù is ultimately underwritten by the polysemous freedom of the sign - that radically contingent undecidability which ultimately defines evental time itself. The Schmittean sovereign is somehow supposed magisterially to transcend the sign. Criticizing traditional definitions of sovereignty as, "the highest, legally independent, underived power," for example, Schmitt argues that this "is not the adequate expression of a reality but a formula, a sign, a signal. It is infinitely pliable, and therefore in practice, depending on the situation, either extremely useful or completely useless."4 Continuously stressing the "concrete situation",5 as if it arrives un-signed, Schmittean sovereignty unaccountably escapes the undecidability of the sign, however, as it decides the exception.6 "The exception in jurisprudence is analogous to the miracle in theology"7; a miraculous seeming without seeming which Machiavelli would immediately see-through. Machiavelli knows that lethal violence is never unmediated. Indeed 'cruelty well-used' is precisely this; killing as political signification. Machiavellian man enacts his freedom, instead, therefore, through his capacity not simply to read but also, and above all, to constantly re-write the signs of the times via a continuous calculus of necessary killing. Sign and sex are always powerfully related in Machiavelli also. Virtù is violent political semiotics as sexual potency; indeed, if we follow Machiavelli the dramatist, sexual potency is a play of political semiotics. For that reason I deliberately maintain the vocabulary of 'man. Subsequent sections analyse the nature of this Machiavellian moment of modern factical freedom. They do so, first, as a strategic moment. That strategic moment is acted-out, second, in the form of a war for, and through, the radically undecidable power of the sign. Factical freedom as semiotic battlespace is continuously required to signify how much killing is enough. But it can never resolve this strategic predicament because the very contingency of evental time, upon which its freedom relies, denies it the possibility of ever securely computing the strategic calculus of necessary killing which ultimately defines its moment. When asked to say how much killing is enough, whatever it replies, factical freedom is equipped to give only one answer: more.

Universalism Good

Universalism must be practiced by the sovereign- enemy distinction inevitably draws in moral undertones- Japanese internment camps prove

Lee 7 (Fred, grad student in political science, Theory and Event, Vol. 10 Issue 1, Muse) my

The protestation of assimilation-loyalty made no difference in Ozawa's citizenship case; nor did similar claims find a sympathetic audience in the aftermath of Pearl Harbor. When the patriotic Japanese American Citizens League (JACL) wired the White House to affirm their loyalty, the State Department -- the cabinet division traditionally dealing with foreign delegations -- responded with "your desire to cooperate has been noted."33 Although from opposite sides of the foreigner/citizen distinction, in both cases the attempt to prove 'desert' of citizenship by loyalty failed. In both cases, Japanese Americans found themselves excluded from citizenship: the Issei barred from citizenship de jure in the case of Ozawa and the Nisei stripped of it de facto during World War II. In the midst of the internment at a November 1942 emergency conference, the preamble to the JACL constitution then understandably hyperbolized its commitment to Americanism: WE, AMERICAN CITIZENS OF JAPANESE ANCESTRY, in order to uphold and defend the Constitution of the United States of America and the principles for which it stands against all enemies, foreign and domestic; to foster and spread the true spirit of Americanism; to build the character of our people morally, spiritually and socially on American ideals and traditions; to speed the ultimate and complete assimilation of the Japanese American into the America cultural pattern... ESTABLISH THIS CONSTITUTION FOR THE JACL.34 By emulating the syntactical and paratextual form of the United States constitution, the JACL constitution performs the Americanism of its content: the founding document of the JACL roots itself in the political founding of America. The pronominal phrase "we, American citizens" cuts the citizen Nisei from the alien Issei implied in the prepositionally downplayed "Japanese ancestry." In its content, the JACL constitution affirms loyalty to the state as its first raison d'etre and assimilation (to American ideals, traditions, and culture) as its second. The relationship between these two reasons-for-being is not one of simple adjacency, but one suggestive of proof -- the promise to eradicate difference bolsters the pledge of loyalty. Albeit in an opposed valence the decider DeWitt also constellated assimilation, loyalty and citizenship in his February 1942 recommendation to exclude all Japanese from the Pacific Coast. "The Japanese race," he pronounced, "is an enemy race." Even amongst the citizen population "the racial strains are undiluted... That Japan is allied with Germany and Italy in this struggle is no ground for assuming that any Japanese, barred from assimilation by convention as he is... will not turn against this nation when the final test of loyalty comes."35 Whereas DeWitt even acknowledged that "convention" prevented Japanese American assimilation, this euphemism for racial discrimination is not dispositive; whatever its source, the non-assimilation of the Japanese signals the danger of Japanese disloyalty. By implication, only assimilation might signify Japanese loyalty. "Enemy race" then designates the unassimilated-potential disloyal that cuts across the citizen/non-citizen divide: the association of non-assimilation and disloyalty constitutes negatively the enemy's enmity and positively (yet tacitly) the friend's amity. In its most reduced form, this specifically political meaning of race elevated the question of difference from the nation into the question of disloyalty to the state. All too-abstract citizenship made no difference for the decisive issue of assimilation. Thus the state of exception caught the Japanese American citizen within the suspension of the norm of citizenship.36 Legally the Nisei still had standing but little else by way of the civil rights.37 Ruling on the curfew, the Supreme Court deferred to the state's determination of military necessity in Hirabayashi v. United States (1943) in finding that the constitution granted the executive and legislative powers "wide scope for the exercise of judgment and discretion in determining the nature and extent of ... threatened injury or danger." Therefore state actions that ensured the public safety were "not to be condemned merely because in other and in most circumstances racial distinctions are irrelevant."38 The Court did not sanction the state of exception so much as perform it in frankly naming the racial distinction as an exceptional measure. In contrast to this clarity, the Supreme Court in Korematsu v. United States (1944) seemed confused as to if and how the exclusion orders involved race.39 On the one hand, the Court introduced the opinion by noting that "all legal restrictions which curtail the civil rights of a single racial group are immediately suspect." Yet on the other hand, the Court concluded the opinion by denying the significance of "racial prejudice" in this case, since "Korematsu was not excluded from the Military Area because of hostility to him or his race."40 The 'strict-scrutiny' standard (as it later came to be known) seemed to classify the case as racial, yet the denial of its applicability gave just the opposite impression: the Court paradoxically suspended the law in its very articulation. Conflating the political enemy with the hated adversary, the Court's psychologization of race (dis)avowed the state of exception which excepted the raced figure from the normal application of the law. Delivered concurrently with Korematsu, the majority opinion of Ex Parte Endo (1944) similarly equivocated on the role of race in the detainment program: the state had "no authority to subject citizens who are concededly loyal [for ex. Endo] to its leave procedures to detainment" because "loyalty is a matter of the heart and mind, not of race, creed or color."41 Yet while loyalty might not be a matter of race, surely race was made into a matter of loyalty. In this case the Court decided that the writ of habeas corpus applied to a loyal citizen after the racial state of exception suspended it for all Japanese Americans. However, the Court refused to rule on the suspension of the norm for anyone other than those "concededly loyal to its leave procedure." So in limiting the issue to the exceptional, the Court silently articulated the corresponding suspension of the norm for the excepted. Finally, I should note that the Court delivered the Korematsu and Endo opinions immediately after Public Proclamation No. 21 ended the exclusion on December 17 1944 and announced the closing of the camps. The timing of these decisions attests to the Roosevelt administration's influence in foreclosing the possibility of a Court-ordered camp closing, but more significantly to a paradoxical normalization of the state of exception in constitutional law.42

Universalism Good

Universal principles in social policy are critical to improving the standard of living.

Anttonen and Sipila 9 (Anneli and Jorma, profs of social policy, http://www.nova.no/asset/3723/1/3723\_1.pdf) my

If we want to see some light in the tunnel, we assume that there will be more political space for democratic decision making and pure national interests. The nation state’s comeback in difficult times may feed the spirit of universalism, just as wartime. As unemployment and the risk of social exclusion will increase rapidly there will need for activities that show the spirit of social inclusion. Such developments may influence social policies when the crisis is over. General economic considerations are much more positive towards the universal programs. Although expensive the universal programs improve in many ways the basis of economy. Services for children and youth, especially education, are supposed to be valuable investments in human capital (source) and the universal cash benefits do not impede participation in labour force in the form of ‘income traps’ as the residual benefits do (source). The administrative efficiency of universal programs is marvelous compared to selective programs and those who need the benefit also receive it (sources; Bergh 2004).

Liberalism Solves War

Political solutions that weren’t based on antagonism have empirically solved conflict

Scheuerman 6 (William E, Professor of Political Science at Indiana University, Constellations, Vol. 13, No. 1, EBSCO) jl

Schmitt describes the broadening of traditional legal protections to include partisans and guerrillas as the product of a “humane conscience,” but he ultimately underlines its deep incongruities (22–23). In fact, he concludes with the dramatic assertion that the “normative regulation” of irregular combatants is “juridically impossible” (25). No coherent legal regulation of the irregular fighter, it seems, is achievable. International law obscures this harsh fact with vague language and open-ended legal clauses, but “regular law” never can successfully contain or regulate the phenomenon of “irregular fighter.” Regular law and irregular combatant are like oil and water: they simply do not mix. By necessity, the irregular combatant will remain a legal black hole where – or so Schmitt implies – no legal norm can realistically provide a modicum of predictability. Schmitt offers three reasons in support of this view. First, he implicitly relies on the stock argument that “authentic” politics necessarily elides legal regulation: when conflicts involve “existentially” distinct collectivities faced with “the real possibility of killing,” the attempt to tame such conflicts by juridical means is destined to fail, or at least badly distort the fundamental (political) questions at hand. Insofar as the partisan fighter represents one of the last vestiges of authentic (i.e., Schmittian) politics in an increasingly depoliticized world, he has to dub any attempt to regulate the phenomenon at hand as misguided and maybe even dangerous. Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to them. The claim also suffers from a certain vagueness and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonisms. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22

International norms check inevitable conflict

Scheuerman 6 (William E. Survey Article: Emergency Powers and the Rule of Law After 9/11\* Political Science, Indiana University, Bloomington The Journal of Political Philosophy: Volume 14, Number 1, 2006, pp. 61–84) TBC 7/10/10

For Schmitt, legal restraints on emergency power are not only misconceived because they fail to anticipate novel crises; they are also inappropriate because the emergency situation may necessitate absolute state power, and hence the surrender of rudimentary legal restraints on its exercise. Basic threats to the survival of the polity legitimize extreme and even violent measures. In Schmitt’s theory, this view depends on a dreary portrayal of the political universe as consisting of a series of ruthlessly competitive collectivities, each of which faces off against existentially defined “others” who pose an imminent life-or-death threat.23 The international system pits such entities against one another in a brutal fight for survival. International political life still contains starkly violent elements akin to those underscored by Schmitt. Yet it also institutionalizes competing elements which function to correct his bleak picture. Even great powers like the United State are increasingly subject to those mechanisms: “the United States, like it or not, is being brought into the ambit of international norms.”24 When we conceive of the international arena as at least partially rule-guided and legally organized, Schmitt’s postulate that the competitive struggle for survival requires potentially unbounded expressions of state power becomes less self-evident as well. Since the international system now contains a number of limited yet meaningful legal mechanisms for conflict resolution, it is by no means as self-evident as Schmitt asserts that dire crises may require dictatorial power. Because existing international legal institutions already provide some legal devices for combating terrorism, for example, liberal democracies may not be forced to pursue authoritarian or violent measures in order to do so.

Alt = War

Schmitt’s idea of ‘friends’ is flawed- he only creates enemies.

Pourciau 5 (Sarah, grad student at Princeton, MLN, Vol. 120, No. 5, pg. 1066-1090, Muse) my

Schmitt’s understanding of collective identity, as a second level of existence that transcends the bodily self, harmonizes perfectly with the theory of self-definition he will eventually develop in The Concept of the Political. But his simple equation of collective identity with political existence, his apparent assumption that a politics of decision necessarily implies a deciding people, evades the dilemma posed by the liberal conundrum and makes it impossible for him to phrase the question that needs asking. Liberalism, which has repeatedly proven itself capable of decisions about the enemy and must therefore be considered political, nevertheless fails to generate a collective identity except in the most banal, numerical sense; in order to support the claim that a politics of acknowledgment forges unity of meaning where liberal politics merely counts votes, Schmitt needs to do more than describe this unity. He needs to define it—in the Schmittian sense of a criterion by which it could be distinguished from its opposite. The question of the relation linking the various bodily “components” of the political self is, of course, in reality a question concerning the meaning of Freund—a question I have thus far evaded by replacing the Freund of the Freund/Feind opposition with the notion of political selfhood. The terminological substitution made it possible to speak, with Schmitt, of a political entity rendered indivisibly one by the power of the political decision. As the need for the substitution makes eminently clear, however, the notion of Freund preferred by Schmitt is far from unproblematic, and the difficulties it calls into being point directly toward an unresolved difficulty at the center of the political “self.” Unlike the word “enemy,” which refers to a unity directed outward toward the object of its hostility, the concept of friendship necessarily implies a plurality of possible friends with whom the friend under investigation could be “friendly.” It therefore introduces into the heart of a seemingly unproblematic formal opposition the very obstacle that Schmitt’s theory ultimately fails to overcome, for despite all his work on the notion of representation, the question of internal relation—of relations among “friends” within the confines of the political self—remains disturbingly undertheorized in his political analyses.16

Alt Fails

The fully rational and calculative state has never existed in history- even the most calculating regimes followed some norms: Alt does nothing.

Scheuerman 96 (William E., The Review of Politics, Vol. 58 No. 2, Spring 1996, pg. 299-332, JSTOR) my

Schmitt believes that the primordial status of the norm-less will is demonstrated, as we saw above, by a host of practical examples. But is the political and historical evidence quite as unambiguous as he suggests? We surely might endorse some elements of Schmitt's deprecatory account of mechanical theories of judicial action in which the decision vanishes as an independent object of inquiry. By the same token, we need to ask whether judicial decision making could ever take a fully norm-less form; even the fascist legal model enthusiastically supported by Schmitt during much of the 1930s entailed a "normative" agenda, albeit a rabidly nationalistic and deeply illiberal one.53 The idea of a legal system without a crucial "normativistic" component is as problematic as Kelsenian positivism's vision of a legal system without coercive, political elements. In modern political history, constitution-making often does presuppose explosive moments of political struggle in which a particular political entity "differentiates" itself from an alien "foe." Yet such struggles hardly occur in a normative vacuum: competing practical ideals and "normativities" obviously play a crucial role even in the most violent, life-threatening political moments-in revolutions, civil wars, and state of emergencies. For that matter, does constitutional history really present us with even a single example of a normatively unregulated pouvoir constituant? Even the Jacobins and Bolsheviks accepted the legitimacy of some procedural rules and norms; even the most disturbing features of modern revolutionary politics express some normative ideals and aspirations, however unattractive they may be. Jacobins and Bolsheviks represent a worrisome variety of "normativism," but their actions hardly embody "a pure decision not based on reason and discussion and not justifying itself."

The idea of the ‘general legal norm’ is too general – norms may develop, killing the alt.

Scheuerman 96 (William E., The Review of Politics, Vol. 58 No. 2, Spring 1996, pg. 299-332, JSTOR) my

But perhaps this is a bit unfair to Schmitt. Surely, his Weimar- era writings devote substantial attention to the task of defining the liberal rule of law, which Schmitt rightly considers the centerpiece of liberal constitutionalist thinking. Schmitt repeatedly argues that only the generality of the legal norm satisfies the conditions of the rule of law-ideal, for judicial independence "in the face of an individual measure is logically inconceivable."42 Legislative action in the form of an individual act destroys any meaningful distinction between judicial and administrative decision-making. When state action is directed at a particular object or individual, judicial activity no longer differs qualitatively from inherently discretionary, situation-specific modes of administrative action; a core element of the rule of law, the idea of determinate, norm-based judicial action, thus becomes obsolete. Normativism quickly turns out to be more slippery than is initially apparent. Like Schmitt's concept of normativism, his definition of general law is too open-ended. For the most part, the concept of general law in Schmitt simply precludes the legal regulation of an individual object (a particular bank or newspaper, for example). But at other junctures, general law is seen as being incompatible with legal "dispensations and privileges, regardless of what form they take"-in short, with virtually any form of more or less specialized legislative activity.43 The latter view is more far- reaching than the former: whereas the former provides a rather minimal restraint on governmental activity, the latter might imply that the rule of law is incompatible with much legislation essential to the modern welfare state. That most normativistic of liberal constitutional normativities-the idea of the general legal norm- is never consistently defined in Schmitt's writings.

Alt Fails

Alt Fails – It’s arbitrary nature entrenches the harms of liberalism

Gross 0 (Oren , Assistant Professor, Tel Aviv University, Faculty of Law, May 2000, Cardozo Law Review,  21 Cardozo L. Rev. 1825, p. 1867-1868 Lexis) TBC 7/10/10

Schmitt's alternative model, which he offers as a replacement to the liberal model, introduces as much predictability as the sovereign's whim. If liberalism's fault inheres in the normative and utopian nature of its structures, Schmitt's fault lies with the apologetic overtones of his proposals. n132 Against liberalism's rigidity, Schmitt puts forward an all too flexible alternative. Whatever the sovereign decides is legitimate. There is no substantive content against which legitimacy of such actions can be measured - not even Hobbes's minimalist principle of self-preservation. Despite Schmitt's attacks against the content-neutrality of liberalism and positivism, his theory, in the last [\*1852] account, is nihilistic. n133 In its purest form, a decision emerges out of nothing, i.e., it does not presuppose any given set of norms, and it does not owe its validity or its legitimacy to any preexisting normative structure. No such structure, therefore, can attempt to limit the decision's scope in any meaningful way. n134 Similarly, since the decision is not the product of any abstract rationality, but is rather reflective of an irrational element, it cannot - by definition - be bound by any element found in the rational dimension. n135 As William Scheuerman pointedly notes: A rigorous decisionist legal theory reduces law to an altogether arbitrary, and potentially inconsistent, series of power decisions, and thus proves unable to secure even a modicum of legal determinacy. It represents a theoretical recipe for a legal system characterized by a kind of permanent revolutionary dictatorship ... Decisionism, at best, simply reproduces the ills of liberal legalism, and, at worst, makes a virtue out of liberalism's most telling jurisprudential vice. n136

Alt fails – the international sphere has shifted to make Schmitt’s analyses inapplicable

Scheppele 4 (Kim Lane, Prof of Comparative Law and Professor of Sociology @ U of Pennsylvania, 6 U. Pa. J. Const. L. 1001) jl

In this Article, I have tried to explain why the logic of Schmitt's analyses no longer work as a practical matter to justify states of exception, even when it is clear to the international community that something fundamental has changed in the world system since 9/11. The institutional elaboration of a new international system that has occurred since Schmitt's time make his ideas seem all the more dangerous, and yet all the more dated. There are simply fewer states in the world willing to tolerate either Schmitt's conception of politics or his conception of the defining qualities of sovereignty. Schmitt's philosophy has, in short, been met with a different sociology. For his ideas to be either persuasive or effective, they must be more than internally coherent or even plausible; they must be loosed in a context in which they can win against other competing ideas. Precisely because of the horrors of the twentieth century, much of the international community that has entrenched both democracy and the rule of law has turned away from these extra-legal justifications for states of exception. Instead, such states have attempted to embed exceptionality as an instance of the normal, and not as a repudiation of the  [\*1083]  possibility of normality. Only the United States, with its eighteenth-century constitution and Cold War legacy of exceptionalism, seems to be soldiering on in this new legal space of conflict unaware that the defining aspect of the new sovereignty is that even the new sovereign is bound by rules.

Alt Fails – People

Schmitt assumes politics are divorced from human decisions – all humans have bias, means the alt can’t solve.

Scheuerman 96 (William E., The Review of Politics, Vol. 58 No. 2, Spring 1996, pg. 299-332, JSTOR) my

Second, Schmitt merely reverses Kelsen's juxtaposition of legal science (and its emphasis on the legal norm) to the problem of concrete political power (the will). But he never questions the value of making this juxtaposition in the first place. Very much like Kelsen, Schmitt repeatedly conceives of the "will" as something altogether distinct from the "norm". At the outset of Constitutional Theory, he emphatically observes that the will, "in contrast to mere norms," is something "existential" (seinsmiifige) and thus qualitatively distinct from the "ought" (Sollen) character of norms. "The concept of the legal order contains two totally different elements: the normative element of the law and the existential (seinsmii3ige) element of a concrete order" (emphasis added].48 Later, he adds that "the word 'will' describes-in contrast to every form of dependence on normative and abstract rightness-the essentially existential nature of the basis of [legal] validity."49 The 1922 Political Theology is even more blunt on this point: validity derives from a "pure decision not based on reason and discussion and not justifying itself, that is ... an absolute decision created out of nothingness."50 Schmitt simply turns Kelsen's worldview on its head. For Kelsen, the normative element of law (conceived of as distinct from state authority) is the centerpiece of legal experience, whereas Schmitt posits that the (decisionistically conceived) will constitutes its core. This shift fails to save Schmitt from the errors of his positivist opponent. Schmitt criticizes Kelsen's value-relativism and worries about its nihilistic overtones.51 But is this not even a better description of Schmitt's own restatement of Kelsen's positivism, particularly in light of Schmitt's uncritical view of the "pure decision not based on reason or discussion and not justifyingitself"? Schmitt perceptively comments that Kelsen's conception of the legal system in terms of "pure normativity" smacks of the realm of make-believe. But what about Schmitt's own "pure" decision, his "will" free of all conceivable normative restraints? Admittedly, Schmitt's extremely open-ended conception of the "normative" makes it difficult to imagine exactly what constitutes a "pure decision" or "norm-less will." But a naive question may be in order here: is it not the case that the human will always and inevitably expresses itself in accordance with some type of norm or "normativistic" outlook? As Max Weber comments at the outset of Economy and Society, human action entails that the "acting individual attaches a subjective meaning to his behavior-be it overt or covert, omission or acquiescence."52 This meaning may be simple or complicated, attractive or repellent, liberal or illiberaLink - in any event, our common world is constituted by means of purposeful human action, by modes of human activity having a practical or normative significance for us. Meaning-constitutive human activity inevitably structures the social world, and facticity and normativity thus inevitably overlap in such a way as to render Schmitt's concept of the will-less norm as one-sided and truncated as Kelsen's corresponding norm-less will. Schmitt's idea of the norm-less will deceptively suggests the possibility of a form of unbridled subjectivity probably incompatible with the basic principles of any identifiably human form of subjectivity. Animals and automatons may act outside the parameters of "normative" concerns. But humankind cannot.

Alt Fails – Liberalism

Schmitt’s critique of liberalism fails- doesn’t address details of liberal thinking under the banner of “normativism”

Scheuerman 96 (William E., The Review of Politics, Vol. 58 No. 2, Spring 1996, pg. 299-332, JSTOR) my

As we saw above, Schmitt attributes the ills of liberal constitutionalism to its purported normativism. Recent commentators have interpreted Schmitt's use of this term (and many related ones, such as "normativity" and "normativization") as an instrument for criticizing universalistic elements of liberalism (liberal ideas about the basic equality of all persons, for example). But this reading probably attributes a degree of precision missing from Schmitt's own usage.40 Normativism refers for Schmitt to a tremendous diversity of distinct ideas: it includes early liberal conceptions of natural law as well as modem legal positivism, robust and unabashedly (universalistic) moral ideals as well as value-relativistic theoretical positions, the rule of law (or: rule of legal norms) and liberal aspirations to subject politics to normative (or moral) concerns, diverse liberal views on the origins of constitutional government alongside a panoply of liberal conceptions of judicial decision making. Although Schmitt offers countless examples of "normativism," "normativization," and "normativities," he never defines these terms with any real specificity. The reader will look at Schmitt's massive oeuvre in vain for an adequate definition of what they precisely entail. However effective as a rhetorical instrument for discrediting liberalism, the concept of normativism simply does not provide as solid a basis for Schmitt's ambitious critique as he believes. Repeatedly, Schmitt crudely subsumes distinct liberal ideas under the (vague) category of normativism. This precludes him from formulating an adequately subtle interpretation of liberal ideals and their distinguishing characteristics; by grouping vastly different versions of liberal thinking (Montesquieu and Kelsen, for example) under the rubric of normativism, Schmitt has already taken substantial steps towards "demonstrating" the intellectual incoherence of liberalism even before he has even begun to articulate any real criticisms of liberal ideals. Furthermore, the straw man of normativism simply does not allow Schmitt to capture the essence of liberal constitutionalism in the first place. As any reader of Aristotle's Politics is well aware, modern liberals hardly stand alone in their praise of the rule of law; as Aquinas shows so well, the attempt to subject politics to "normativistic" (universalistic) moral ideals was essential to medieval Christian political thought. Yet Schmitt's use of the term normativism makes it difficult to determine what makes Locke or Kelsen more "normativistic" than Plato, Aristotle, Aquinas, or any of a host of competing classical authors.41 Schmitt's attack on "normativism" may offer a starting point for criticizing the mainstream of western political thought, but it is hardly the best way to identify and criticize the specific ills of liberal constitutionalism.

Alt Fails – Identity

Even Schmittian criticism strips subjects of their political identities – this causes total war

Scheuerman 6 (William E, Professor of Political Science at Indiana University, Constellations, Vol. 13, No. 1, EBSCO) jl

To be sure, this empirical claim derives in part from Schmitt’s odd postwar theses about the theoretical centrality of concrete space and territoriality. Yet it is also easy to see why Schmitt believed that the historical experience of partisan or guerrilla warfare corroborated his theoretical expectations. In Schmitt’s historical narrative, partisans can be found throughout history. They only take on real significance in the Napoleonic Wars, however, when guerrilla forces posed a deadly challenge to French armies in Spain, Tyrol, and Russia. For Schmitt, these early localized “national” fighters represent a pristine example of partisan warfare, and he delights in recalling the fact that substantial segments of Napoleon’s armies were bogged down in skirmishes with untrained Spanish country yokels, who waged a brutal irregular war that substantially raised the costs of the French occupation. They are paradigmatic for another reason as well: their telluric character stands in stark contrast to the universalizing impulses of the Napoleonic project, which Schmitt interprets as having inherited core features of the Enlightenment legacy of the French Revolution. In his view, the fundamental flaw plaguing recent left-wing guerrilla movements is that they risk abandoning the telluric attributes of their historical predecessors. Although they rest on deep ties to the agrarian population and exploit “the geographical specificity of the country,” and ideological appeal is defensive and particularistic (e.g., their opposition to US imperialism and its globalizing aspirations), modern guerrilla movements are probably destined to shed their telluric roots (50).8 First, their Marxist orientation exists in deep tension with any serious political or theoretical emphasis on the significance of concrete space or territory. Like its liberal Enlightenment cousin, Marxism ultimately leaves no room for this approach. Lenin is thus a more authentic Marxist than Mao, Schmitt suggests, but his inconsistencies as a Marxist simultaneously made Mao better able to appreciate the political and military opportunities of partisan warfare (40–41). Second, modern technology works to counteract an authentically telluric brand of partisan warfare. Mobility in contemporary military affairs rests on advanced technology which clashes badly with the deeply rooted localism of the classical partisan fighter, the original backwoods Spanish guerrillero: even the autochthonous partisan of agrarian origin is drawn into the force-field of irresistible technical-industrial progress. His mobility is so enhanced by motorization that he runs the risk of complete dislocation. (14) When successful guerrilla warfare relies on forms of technology which dramatically compress space and time, his intimate relationship to a concrete locality is lost (48–50). He no longer fights with the farmer’s pitch fork and butcher’s knife; now he needs machine guns and advanced explosives. Dependent on complex technology, and tied to global movements having their own universalistic aspirations (e.g., world revolution), the modern-day partisan fighter losses his telluric character and becomes “a transportable, replaceable cog in the wheel of a powerful world-political machine” (14). Why is this trend so threatening to the identity of the partisan? It renders him indistinguishable from his foes, whose universalistic aspirations he increasingly mirrors: both American liberals and their revolutionary guerrilla opponents claim to speak in the name of a (mythical) unified humanity. In this way, partisans abandon the special connection to concrete territoriality which Schmitt considers essential to their political intensity, jettisoning their healthy political instincts for the fictional normative or moral ideal of the “community of humankind.” Unlike the anti-Napoleonic freedom fighters of Spain or Tyrol, they now disingenuously and self-righteously wage wars “in the name of humanity,” and thus are likely to reproduce the terrible ills of Enlightenmentbased political worldviews which, in Schmitt’s account, engender the horrors of modern total war.9 For this reason, The Partisan, no less than Schmitt’s other works after 1945, ultimately remains a deeply nostalgic book. Even though postwar guerrilla movements initially provide some reason to hope that an authentic mode of politics is alive and well, his study ends on a cautious note, strongly suggesting that the most sophisticated mode of guerrilla warfare in modern times was found among the telluric peasants of early nineteenth century counterrevolutionary Spain, but hardly among the revolutionary movements of 1960s Southeast Asia or Latin and South America.

Alt Fails – Moralism

Even a politics grounded in enmity can justify moralistic violence

Scheuerman 6 (William E, Professor of Political Science at Indiana University, Constellations, Vol. 13, No. 1, EBSCO) jl

Münkler also suggests that Schmitt ultimately failed sufficiently to separate two fundamentally different types of partisan or guerrilla fighter. On the one hand, we find backwards-looking partisans who fight in the name of tradition,15 seek the reestablishment of customary law, and wage a defensive battle against modernizing political and social forces. They best correspond to the telluric quality of partisan warfare described by Schmitt. In sharp contrast to Schmitt, however, Münkler believes that it these “reactionary” partisans who most destructively murder innocent civilians and discard any distinction between legal and illegal combatant. For them, the political foe is an absolute enemy whose physical elimination is justified: they understand themselves as the only true representatives of authentic customs and traditions which their political enemies are simply unable to express or share. In their eyes, the enemy is truly an “existentially alien other.” Notwithstanding the weird case of John Walker Lindh, can a young US soldier ever really partake of the communitarian ethos of “authentic” Islam as interpreted by the Taliban or other extremist groups? On the other hand, guerrilla movements, typically of the left, promise a utopian future, wage an offensive battle (e.g., third world and global revolution), and are driven by a coherent political ideal more than an appeal to tradition. In part because partisans of this type ultimately want to convince political opponents of the justice of their cause and bring them over to their side, they shy away from indiscriminate violence. In communist ideology, even the bourgeois can become a party member: Friedrich Engels, after all, was one of the “fathers of scientific communism,” as school children once memorized in the eastern bloc.16

Alt Fails – Turns into Liberalism

The alt turns the K- flawed conception of the political means political thought will include liberalism

Moore 7 (Thomas, U of Edinborough, Mastery and Dominion: Carl Schmitt's Juridical Concept of the Political, www.era.lib.ed.ac.uk/handle/1842/1532)

This thesis examines the juridical framing of the political in the thought of Carl Schmitt. The purpose of this discussion is to draw attention to the fundamental inconsistencies that are present in Schmitt’s thinking on the political. These inconsistencies arise from Schmitt’s desire to advance a concept of the political that can be understood autonomously in terms of the friend-and-enemy grouping. This thesis argues that Schmitt’s concept of the political should not be understood autonomously but in terms of a juridical ethic of mastery and dominion. Schmitt’s desire to ground the political in an autonomous field of meaning—where the political achieves mastery over all other domains—reduces the political down to a juridical moment. Schmitt fails in his mission to construct an autonomous concept of the political, primarily because theology frames Schmitt’s analysis of sovereignty. Moreover, Schmitt’s concept of the political presupposes the state and a decisionist discourse of sovereignty. Schmitt’s decisionism is expressed in terms of a sublime, symbolising the highest region of both political conduct and knowledge. For Schmitt, mastery and dominion are the core values of the political. This has severe implications for the concept of legality and the democratic functioning of the state. Thinking beyond a juridical formula unleashes political thought from the strictures of both proceduralism (liberalism) and decisionism (authoritarianism). This reflexive approach to the political—present in the work of Foucault, Butler, and Mouffe—allows for the shared regime of mastery and dominion to be critically reformulated. Without the imperative of mastery—the unilateral control of conduct by the subject—political thought is freed from the need to exercise dominion and can focus on the ways in which the subject can be constituted in less exclusionary ways.

Link Turn

The status quo’s policies totalize the enemy and present him to be annihilated- the plan shifts away from this

Specter 4 (Matthew, Ph.D candidate in modern European history, 4/26, http://www.politicaltheory.info/essays/specter.htm) my

The Bush administration was born under a Schmittian star. The Supreme Court's judgment in Bush v Gore (2000) delivered the presidency to Bush through one of the most indefensible readings of constitutional law in American history. So bald was this political instrumentalisation of constitutional law, that it would have made Carl Schmitt blush. Aside from the circumstances of its birth, three features of Bush Administration policy make the label Schmittian seem a good fit. First, their decision to define the attacks of September 11 as acts of war reflects an understanding of Schmitt´s belief that politics requires an enemy, preferably a state. Second is their strategy towards international law: formally reject it, or find a way to interpret it in your favor. Third is their use of what Schmitt called the state of exception, or state of emergency to suspend normal constitutional protections. In this category one can put the attacks on civil liberties represented by the so-called Patriot Act, and the illegal detention of terrorist suspects in Guantanamo Bay. Critics of US foreign policy since WWII have long understood the mobilising function of the Communist threat. With the collapse of the USSR, the global military presence of the US required a new justification. Popular culture and intellectuals alike struggled to fill the void that had been filled by the "evil empire." Political scientist Francis Fukuyama eulogised this condition in his 1989 work, arguing that the apparent triumph of liberal democracy and capitalism marked the "end of history." The next major intellectual effort to orient the U.S. in the post-Cold War world was political scientist Samuel Huntington's The Clash of Civilizations and the Remaking of World Order (1996), which has obtained a renewed audience after 9-11. Huntington and Fukuyama's works both contain a Schmittian accent: Fukuyama's is in the characterisation of the triumphant liberal bourgeois order as a world without meaningful politics, political causes for which one would be prepared to die. This pathos of conflict is Schmittian. The same pathos of conflict can be found in Huntington's vision of an inevitable clash between regional power-blocs aligned on cultural lines. Before 9-11, the Bush administration had been casting about for an enemy, and seemed to have settled on China. The advantage of formulating the enemy as "terrorists and the states that support them," was that it gave the administration more discretion to choose whom to attack. Schmitt's treatise on The Concept of the Political was a deep and unsparing critique of liberalism. Schmitt believed that liberalism was not a political theory because it had no "positive" theory of the state. In constitutionalism, he saw only "negative" mechanisms for controlling or separating power. As he writes, liberalism "in a very systematic fashion negates or evades the political…there exists no liberal politics, only a liberal critique of politics." (CP, 70) According to Schmitt, all states have internal and external enemies. Being political means being able to recognise threats to the existence of the state. Since in the extreme case, the defense of the state involves physical killing, Schmitt makes of this extremity the defining criterion of "the" political. As he has famously written: "The specific…distinction to which political actions and motives can be reduced is that between friend and enemy… The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing." (CP, 33) The problem with liberalism, argues Schmitt, is that liberalism denies the existence of true, mortal enemies. "Liberalism…has attempted to transform the enemy into a competitor from the viewpoint of economics into a competitor and from the intellectual point of view into a debating adversary." (CP, 28) Schmitt emphasizes the concreteness of political judgment, repudiating the idea that neutral or disinterested parties can or should make political decisions. "Only the actual participants can correctly recognize, understand and judge…whether the adversary intends to negate his opponent’s way of life and therefore must be repulsed or fought in order to preserve one’s own form of existence." (CP, 27) In formulating its propaganda selling the wars on Iraq and Afghanistan, the Administration picked up on the essentially Schmittian insight that an enemy is not someone you negotiate with; an enemy must be totally annihilated. Al Qaeda was said to want to "destroy our whole way of life". Saddam Hussein's alleged weapons of mass destruction were represented as a "grave and gathering threat." In his book An End to EviLink - How to Win the War on Terror (2003), Richard Perle, one of the neoconservatives making policy in the White House, alleges that the US faces "intolerable threats" from the states who "sponsor" terrorism, and/or are seeking nuclear weapons: Iran, North Korea, Syria, Libya, and Saudi Arabia. The Bush Administration's most notorious tag-lines also have a Schmittian flavor: the "axis of evil," and the "you're either with us or against us" speeches.

No Link – Terror

Nuclear weapons and terrorism distort the traditional purpose of war- regardless of our rationale it isn’t worth risking extinction.

Palombella 07 (Gianluigi, Prof. of Legal Studies, EUI Working Papers, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=987250) my

If war is not an end in itself, but rather the intimate logic of political- type social relations among States, it has a precise relation with the nature of the world order, it is a sort of recourse to the supreme decision for the manifestation or re-production of the order. War produces new forms of social political order, and redefines the scenarios of coexistence, though along the lines of the friend-enemy dual concept. However, the evolution of the world as well as that of technological capacities and the appearance of non-state actors in the scenario of international conflict, seem to deprive war of its once current meaning. The effort to understand war through peace, i.e. through the idea of which social relations the war should produce, does not seem either epistemologically or critically prone to any success. This happens when it becomes impossible to see peace as the outcome of every war, when “the” war changes nature, so much so that it represents a type of conflict that cannot be “won” and maybe not even “concluded”. This is highlighted by changes in war, up to the XX and XXI centuries. The risk of nuclear conflict and global terrorism promote a change in paradigm that deprives war of the possibility to be what it should be: it removes its ultimative character. When the hypothesis of a nuclear war emerges, war cools down, it denies itself, and actors are no longer able to stake everything. The nuclear conflict and terrorism deprive war of its traditional identity and prevent it from being conducted sensibly. Its “solemn” functions disappear: i.e. functions related on the one hand to the chivalrous confrontation between sovereign States and on the other to the affirmation of a “final” dominium, and therefore to the purpose to “re-order” the world, to undergo the cyclic redefinition of the “sense” of international political reality. War, instead, threatens nuclear destruction, or an endless repetition and dissemination, in forms totally uncontrollable by States, through terrorism

No Link – Heg

Spreading hegemony and democracy ensures a break from moral righteousness – collapsing and breaking this ‘double-bind’ leads to global problems.

Buck-Morss 8 (Susan, prof. of political philosophy and social theory, Cultural Critique, Vol. 69, Spring 2008, pg. 145, Muse) my

With U.S. global dominance at the end of the Cold War, the scene was set for the perfect storm, a doubling of the state of exception, as nomic and national sovereignties converged in the same geographic space. When it becomes a matter of U.S. national interest to preserve its own global hegemony—hegemony that was solidified by a onetime, contingent historical event, that is, the implosion of the Soviet Union that left the United States by default as the sole global superpower— then both the globe and the nation are caught in a double bind: We are told that the general universalism of U.S. moral principles needs to be suspended to meet the threat to this country’s particular, national–democratic sovereignty, while at the same time, the law and constitutional guarantees specific to the United States need to be suspended domestically to “spread democracy” abroad. This is the self-contradictory and self-defeating situation in which we have been placed by the U.S. government today. The problem was brought to a head by the terrorist attacks of Al-Qaeda, and in my closing comments I will attempt to sketch out the implications. Al-Qaeda is engaged in postnational politics, which makes it immune from the historically specific, Western logic of national sovereignty based on territorial states. But it is preglobal politics, because of the exclusiveness of its sense of community. Like the medieval European nomos, it is based on the idea of religious legitimation: Its founding principle is the sovereignty of God. Like the U.S. nomos, its bid for global hegemony appeals to the general universalism of moral right. The limitations of both these conceptions of global order have been demonstrated historically, and radical Islam has not (yet) indicated its capacity, or its will to overcome them. But is the alternative the universalization of the principle of national sovereignty as advocated by the United States, and does it justify continued U.S. global hegemony in order to achieve this? If the United States, having been accidentally granted by history a time of global hegemony, had reversed its imperial past and insisted on practicing its own universal principles rather than suspending them, if it had not argued that on the basis of national interests it could not ratify the Kyoto agreements, could not join the International Criminal Court, could not assent to UN control of the disarmament process in Iraq— if, in short, the United States, as the means for spreading democracy, had actually practiced democracy on a global scale, the answer might be yes. But precisely such a practice of democracy has been seen as inimical to the national interests of the United States. U.S. democratic legitimacy as a sovereign nation is on a collision course with U.S. hegemonic legitimacy as a nomic sovereign. This collision has the force to break the old nomos—without, however, when it crumbles, being capable of guaranteeing a new order to replace it. The double indemnity that the world faces when these two sovereign principles collide, seen from the seat of power, leads the sovereign himself into a double bind. And this has important implications for political praxis—important, because the problem is not exclusively that of the Republican administration. It is no accident that the Democratic Party finds very little in principle that it would change in U.S. foreign policy, were it to win the presidency, as the protection of U.S. hegemonic status within a U.S.–instigated global world order is not (yet) considered by any mainstream candidate to be negotiable.

Perm

Permutation: Even if the friend-enemy distinction is good, using it exclusively causes conflict. The perm is the best option.

Thorup 6 (Mikkel Thorup, Ph.D. dissertation @ the Institute of Philosophy and the History of Ideas, January, 2006, “In Defence of Enmity – Critiques of Liberal Globalism,” p. 39-40, TH) NAR

This text is mainly about the potential dangers of the liberal approach to politics. But this is not turning it into an unqualified defence or advocacy of the conflict perspective. As an illustration of the dangers of what we can call ‘manichean decisionism’, I’ll briefly mention an article on Schmitt’s concept of the political by Bernard Willms (1991), in which he classifies two traditions of political thinking: political realism and political fictionalism (try to guess his position!). Political fictionalism “subordinates politics to ‘higher’ principles or ‘truths’”, whereas political realism is “the permanently repeated attempt to conceive of politics as what in fact it is” (1991: 371). It is a (unintended) caricature on the self-professed realist’s sense of superiority because of their courage and ability to confront the really real reality: Political fictionalisms help to satisfy man’s need for consolation, edification, hope and sense, tending to veil real conditions of government. The political realist seeks to identify necessities – irrespective of their severity and without consideration for any need for deceit under the existing government. (1991: 371-2) This is the kind of reductionism of the political that I want to avoid. Working with Schmitt’s categories and critiques entails a danger of falling in the (very self-comforting) trap of proclaiming only one true and ‘hard’ version of the political and of dismissing all others as fictions and wishful thinking. Primacy of the political becomes primacy of foreign policy, organized violence etc. The political is effectively reduced to a few areas – which is just what liberalism is criticized for doing. The friend/enemy distinction or conflictuality may often be a dominant feature of the political, but that is not to say that it is then the political. As Ankersmit (1996: 127) says, that would be the same as making the unavoidability of marital disagreements into the very foundation of marriage as such. I want instead to argue that the political contains a number of styles, sides, variants (or whatever one want to call it) that can very loosely and ideal-typically be grouped in two main forms: Politics as conflict and politics as technique, where neither of them can claim exclusivity. So, I want to avoid a sterile discussion of what the political really is. My interest is far more the various styles of the political that are operative in political debate. Schmitt and many other conflict theoreticians do not see the other face of the political as anything other than a ‘secondary’, ‘dependent’, ‘corrupted’ expression of politics. Liberals tend to exclude politics as conflict, confining it to other spaces in time or geography, as aberration or relapse. What the two concepts each do is to highlight a certain aspect of the political, and my claim is that they are elements of a unity. There’s a certain pendulum process at work and I’ll give that a number of expressions, which basically states the not very controversial thought that the political world is located between the extremes of repetition and break, stability and change, regime and revolution, or, as I prefer to call them, technique and conflict. Depoliticization, then, is a way to describe the attempts to or methods of making repetition, stability and regime universal and eternal – to place areas, practices and actors beyond change and critique – whereas repoliticization describes the opposite movement – disruption, change, recreation of the entire social space.

War Not Inevitable

War is only inevitable if we accept the ‘us’ – ‘them’ mentality. If we accept each other as humans we can all be under the same banner.

Coon 00 (Carl Coon, Humanist, http://www.progressivehumanism.com/war.html) NAR

I believe war was inevitable as long as the main organizing principle of human society, above the level of family and tribe, was humanity's division into groups that identified themselves by their cultural distinctiveness. We have seen how such groups naturally drifted into conflict with each other throughout human history. But this was because the winners in these conflicts were usually the ones with intense internal loyalty and solidarity. How about the other principle, that winners tend to get bigger and more inclusive? Hasn't that produced a qualitative change by now? Yes, and therein lies hope for the future. The culmination of the natural trend for distinctive groups to grow larger was the nation state. World War II was the last act of a long era of human experience that started with the dawn of the Neolithic. Now we are beginning the next, third phase, where culturally identified groups will no longer play the central role in achieving human progress that they have played right up through the middle of the twentieth century. We're not transforming ourselves willingly, or even for the most part consciously, but we're doing it anyway because we have to. We've been pushed by new threats of our own making, notably the population explosion, increasingly obvious environmental challenges, and the threat of nuclear war leading to mutual annihilation. Like our ancestors ten thousand years ago, we are being forced by the results of our own actions and successes to mutate into a new kind of society based on a new organizing principle. The transition has been evident in our own experiences, in our lifetimes, in the United States and a few other places where old-fashioned cultures have been mixed and blended and have lost their harsher outlines. The signs are all around us. Think about it, reflect on the implications of globalization, the internet, the new concept of universal human rights, the political incorrectness of ethnic humor, the growth of transnational economic institutions and regional political ones, new thinking about gender relations... It all is part of a massive change in the way people live and think. We are crashing through a kind of social sound barrier. We are doing it right now, it is happening in our lifetimes. We are witnessing the birth of a new kind of global society. The course for all of us who want to make that brave new world more just and humane is simply this: get rid once and for all of the old culture-bound ways of thinking, first in ourselves and then in anyone else we can persuade. Move to a new level of "us vs. them", where we include all humanity in our definition of "us". Does this mean the end of human progress? Certainly not, any more than the dawn of the Neolithic meant the end of human progress. Competition will continue in the future, but it won't be between cultures, it will be between ideas, schools of thought, philosophies; we shall argue about our goals and how best to achieve them, but we need not enter into armed conflict. We'll know better. We are at a new beginning, and the view ahead, though cloudy, is rich with promise. War will continue for a while, certainly during the rest of our lives, but it will no longer be functional in an evolutionary sense, and it will wither away as everyone comes to realize and accept the essential unity of humankind.

A2: Humanism Bad

**There is a biological truth to being human – we can hold this fact to unite us beyond identity**

Coon 5 (Carl Coon, Humanist, http://www.progressivehumanism.com/Humanismandrace.html) NAR

The view that race is a human construct, not a biological reality, established itself as politically correct during and after the Second World War, as a reaction to the crimes of the Nazis, carried out against Jews, gypsies, and others that their persecutors identified in racial terms. And it was not only the Nazis who were committing ugly acts of racial discrimination. Our own blacks were still getting lynched and our whole country was going through a kind of crisis of conscience. From the liberal point of view, rooting out racism became a crusade, to be waged with any and all available weapons. Under these circumstances it was perhaps inevitable that mainstream liberals, including many anthropologists and other academic authorities, decided to shoot the messenger, and root out any systematic study of race as well as racial discrimination. Scientists with established expertise on racial differences were ignored or worse, while a larger body of biologists, geneticists, and anthropologists assembled a hodgepodge of “evidence” to support their contention that the problem was all in the minds of the offending “racists.” Throughout this period, advances in the biological sciences, particularly in medicine, provided increasingly compelling evidence that the human species is in fact a species like other species, with a tendency to evolve sub-specific variations within populations that live far apart and where, over the generations, there has been time to adapt to different environments. This reality continues to intrude on the fantasies of the politically correct. It is rather like the denials of the Bush administration about global warming, that are getting chipped away by an increasingly comprehensive body of scientific evidence. Just the other day the Washington Post frontpaged a decision by the FDA to approve a drug “...to treat heart failure in African Americans.” The unanimous decision to approve the drug was followed by a majority vote to authorize labeling it as specifically intended for our black population. That labeling crossed the line of political correctness and instantly drew fire, with reactions like the following: “There is no scientific basis on which to claim race-specific efficacy...” “The effort to stereotype this drug as a race drug needs to be universally decried...” Those were ones the Post reported; presumably there were other angry reactions. The drug had been laboriously tested. It appeared to offer no benefit to the general public but was extraordinarily effective among African Americans. This should come as no surprise, as the medical profession has long been aware of various physiological differences between American blacks and whites. One has the sense that the political establishment was less shocked by the fact that this particular racial difference existed, as by the fact that an official agency should publicly recognize its existence. Now this is where humanists should step in and raise a warning signal. We do, after all, believe in the scientific method. We recognize that no answers are perfect in this imperfect world, but that answers arrived at through the laborious method of analysing and testing and cross-checking and testing again are more likely to work for us than answers obtained through some process of revelation or wishful thinking. This is just as important a core value of the humanist world view as the belief that all people are important and deserve a shot at the good things of life. What are we, anyway, if our perception of reality is based on revelation not science? There is a quick and easy way out of this dilemma. We have only to refer to the following quote from Humanist Manifesto II: “We deplore racial, religious, ethnic, or class antagonisms. Although we believe in cultural diversity and encourage racial and ethnic pride, we reject separations which promote alienation and set people and groups against each other; we envision an integrated community where people have a maximum opportunity for free and voluntary association.” In other words, race exists, and when it is used as a way of whipping up antagonisms between groups it is bad. By implication, however, the simple fact that people are different, and part of the difference is racial, is not inherently bad. It is certainly not something to be swept under the rug if possible and generally deplored. It is an integral part of the diversity that makes our species so interesting.

Schmitt = Nazi

Schmitt is a Nazi- believes Jews are responsible for every crisis

Holmes 93 (Stephen, The Anatomy of Antiliberalism, pg. 38-9, Google Books) my

Once the Nazis seized power, he declared triumphantly that the liberal illusion was now doomed to disappear. Germans “have now realized that liberal constitutions are the typical disguise in which foreign domination appears." Perfidious Jewish writers smuggled liberal constitutional principles into Wilhelminian Germany, weakening the monarchy and preparing for the great disaster of 1918; now their noxious influence could be expunged. In his famous article defending the Rohm purge, Schmitt yet again asserted that liberalism had crippled the imperial regime, overprotecting the private sphere and preventing officials from crushing mutineers. At last, in 1933, German victimization had engendered its healthy opposite; "all moral indignation about the scandal of such a collapse has concentrated itself in Adolf Hitler.'" Schmitt's growing celebrity eventually provoked the envy of party hacks, particularly in the SS. Accused of being insincerely antisemitic, he redeemed himself by hosting a conference on "German jurisprudence at war with the Jewish spirit." Published on October 15, 1936, in the official Deutsche Juristen-Zeitung, Schmitt's closing speech was a masterful performance, if he was merely engaged, as his apologists contend, in a hypocritical attempt to please authorities. Holding Jews accountable for a moral crisis in the West, he described them as “the deadly enemy of every genuine productivity of every other people.” To help sustain “the undamaged purity of the German people,” law faculties must create “a German jurisprudence no longer infected by Jews." To avoid the "atrocious suggestion” that German students should use Jewish ideas, books by Jews must be yanked from the shelves and confined to a special section labeled “Judaica." Airy anti-semitic discussions, by which “no individual Jew feels himself personally touched,” are ineffective. Only a detailed public register of Jewish scholars will permit a “cleansing" of German jurisprudence. Footnotes should read, for example: Kelsen, Hans, Jew. “The very mention of the word Jewish will be a wholesome exorcism.”’

The political is not defined by conflict– their affirmation of agonistic conflict is indistinguishable from Schmitt’s Nazism

Gross 0 (Oren , Assistant Professor, Tel Aviv University, Faculty of Law, May 2000, Cardozo Law Review,  21 Cardozo L. Rev. 1825, p. 1867-1868 Lexis) TBC 7/10/10

For Carl Schmitt, normalcy is of little, if any, interest; the exception - emergency and crisis - is what consumes his entire attention. Schmitt has been described as: The outstanding legal theorist of the notion of exception, hence much less a thinker of the norms reflecting normalcy - that is to say laws - than the outspoken legitimizer of the form and practice of measure: acts unilaterally taken by the executive in a state of political despair, as stipulated in a separate legal tradition of martial law, of etat de siege, and of Ausnahmezustand. n190 Schmitt's theory revolves entirely around pathological cases of legal and political orders. His worldview is apocalyptic, inasmuch as he identifies politics with permanent crisis and conflict. n191 Schmitt is confronted with a grave situation in his own country in the early 1920s. His initial attempt to offer one constitutional solution to Germany's troubles takes him in the direction of adopting the model of the commissarial dictatorship. Yet, within a short time, he changes his earlier position and, in [\*1867] 1922, he formulates his radical theory of the exception, which is so succinctly summed up by the opening statement in Political Theology: "Sovereign is he who decides on the exception." n192 Political Theology was originally published in March, 1922. Its second edition, published twelve years later, in 1934, remained, according to the author's own testimony, "unchanged." n193 In fact, in the preface to the second edition, Schmitt invites his readers to "judge to what extent this short publication... has withstood the test of time." n194 When viewed against the history of the Weimar Republic, this lack of change is significant in itself. Schmitt obviously finds no reason to rethink his theory, despite the rise to power of the National Socialist Party and the nomination of Adolf Hitler as chancellor some ten months before Schmitt extends this "invitation to judge" to his readers. Even those who may wish to argue that Schmitt was not fully aware of the dangerous implications of his own theory in 1922, will be hard pressed to argue the same with respect to his clear statements twelve years later. Schmitt's exceptionalism is indefensible as a normative project. His challenge to liberalism's perceived inadequacy in dealing with the state of exception leads him to set his sights solely on the exception to the utter disregard of the normal - the rule. However, Schmitt's attack on liberalism does seem to have a point, insofar as real world practice is concerned. It is this aspect of Schmitt's writing which ought to interest us and which is still significant today.

Schmitt = Nazi

This isn’t just an ad-hom – Schmitt was a Nazi whose ideas directly killed millions. Reject any normative claim emanating from a reading of Schmitt

Gross 0 (Oren , Assistant Professor, Tel Aviv University, Faculty of Law, May 2000, Cardozo Law Review,  21 Cardozo L. Rev. 1825, p. 1867-1868 Lexis) TBC 7/10/10

For ten out of twelve people in my paternal grandfather's immediate family in Poland (four of them young children) the Final Solution exercised by the murderous Nazi machine was no political exercise, nor a theoretical debate. It was their "existential negation." Unlike Carl Schmitt, they did not live to be 96 years old or fulfill their individual potential, because they were decreed to be the public enemy, and for so many of Schmitt's ilk, also a very private enemy. My maternal grandfather, who completed his Ph.D. in law in Germany and practiced there, was luckier. He merely lost his career, not his life, on the altar of homogeneity of the legal profession - necessary, according to Schmitt, in order to achieve determinacy and predictability in the legal order. There are times when academics do not enjoy the privilege of [\*1868] not taking sides and not expressing positions. And when they do, their words and actions matter and they stand accountable for them. Carl Schmitt expressed his positions clearly and acted upon them. All those who continue to debate his legacy must remember at all times that this is not some exercise conducted in the ivory towers of academia with which we are involved. It is a matter of life, and even more so, of death. "Theoretical discussions never take place in a vacuum and there can be no philosophical thought without political consequences." n195

Schmitts own contradictory theories lapse back into fascism

Gross 0 (Oren, Assistant Professor, Tel Aviv University, Faculty of Law,   
21 Cardozo L. Rev. 1825, Lexis) jl

From a normative perspective, Schmitt's theory, simply put, is indefensible. [n14](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1278777793360&returnToKey=20_T9717311048&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.607687.5481712838" \l "n14) In this article, I engage in an internal evaluation of his theory of the exception. Such a critique - taking Schmitt's own goals, parameters, and criteria as our reference point - drives substantial holes into his theoretical corpus. For all the rhetoric of Schmitt and his disciples and defenders, his theory proves to be a crude version of nihilism. Yet, this approach is hidden behind the veneer of overt aspiration to legal determinacy [n15](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1278777793360&returnToKey=20_T9717311048&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.607687.5481712838" \l "n15) and to substantive, semireligious content of the legal order. [n16](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1278777793360&returnToKey=20_T9717311048&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.607687.5481712838" \l "n16) Among other things, Schmitt challenges liberalism for being negligent, if not outright deceitful, in disregarding the state of exception, and in pretending that the legal universe is governed by a complete, comprehensive, and exceptionless normative order. [n17](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1278777793360&returnToKey=20_T9717311048&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.607687.5481712838" \l "n17) Following the guidance of the natural sciences - which, according to Schmitt, do not recognize the possibility of exceptions in the natural world - liberalism presents us with a legal world view that is based on universalism, generalities, and utopian normativeness, without allowing for the possibility of exceptions. Against liberalism's intellectual dishonesty, Schmitt offers an alternative that is allegedly candid and transparent. However, Schmitt's project does not comply with his own yardsticks of legitimacy. His theory falls  [\*1829]  prey to the very same basic challenge which he puts to liberalism. Schmitt's rhetoric of norm and exception does not adequately reflect the real thrust of his theory, which calls for the complete destruction of the normal by the exception. Taken to its logical extreme, Schmitt's intellectual work, especially as reflected in his Political Theology [n18](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1278777793360&returnToKey=20_T9717311048&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.607687.5481712838" \l "n18) and The Concept of the Political, [n19](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1278777793360&returnToKey=20_T9717311048&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.607687.5481712838" \l "n19) forms the basis not only for a normless exception, but also for an authoritarian exceptionless exception. Part I of this article focuses on these themes.

A2: Not Our Schmitt

You can’ separate Schmitt from is authoritarian conclusions – it all relies on the same assumptions

Scheuerman 6 (William E, Professor of Political Science at Indiana University, The Journal of Political Philosophy, Vol. 14, No. 1, EBSCO) jl

Yet a rich array of contemporary analysts of emergency power now apparently considers it possible to accept some of Schmitt’s theoretical claims without endorsing his authoritarian conclusions. In particular, Schmitt’s contention that emergency power is incapable of being effectively contained or restrained by legal and constitutional norms—in Schmitt’s own terms, the idea that the exception necessarily explodes the confines of any general norm—has garnered a number of disciples, none of whom apparently considers Schmitt’s own authoritarianism a necessary consequence. Because of their significance to the present debate, I begin with a critical review of Schmitt’s core ideas about emergency powers (Sec. I), before systematically interrogating attempts to employ those ideas in the aftermath of 9/11. Unfortunately, those who embrace Schmitt’s ideas about emergency power inevitably generate internal conceptual dilemmas that undermine their professed commitments to the rule of law (Sec. II). After underscoring the weaknesses of this approach, I examine some more fruitful attempts to synthesize emergency power and liberal democracy. They start with the anti-Schmittian thesis that emergency power can in fact be successfully legalized, and that legal and constitutional mechanisms for emergency power need not self-destruct. Unfortunately, these proposals are plagued by a series of unstated yet problematic assumptions concerning executive power, the immediate carrier of any emergency government (Sec. III).

Schmitt Kills Democracy

Schmitt destroys democracy

Scheuerman 6 (William E. Survey Article: Emergency Powers and the Rule of Law After 9/11\* Political Science, Indiana University, Bloomington The Journal of Political Philosophy: Volume 14, Number 1, 2006, pp. 61–84) TBC 7/10/10

Tushnet’s proposal is even more vulnerable to some of the criticisms directed against Gross. Most obviously, a model which condones executive crisis measures beyond the bounds of the law while disparaging the possibility of legal controls altogether hardly seems supportive of the rule of law. Tushnet’s radical democratic allusions to a “mobilized citizenry” obviously distinguishes him from Schmitt. Yet his sharp conceptual juxtaposition of democratic politics to traditional elements of liberal legality (e.g., the idea of a people acting “out of [legal] doors”) echoes Schmitt’s attempt to draw a bright line between democracy and liberalism. As has been widely noted in the secondary literature in Schmitt, however, this leaves Schmitt with a portrayal of democracy amounting to little more than mass-based authoritarian rule, in which “the people” become a plaything of their rulers. Democracy without civil liberties, the rule of law, or constitutionalism is not, in fact, democracy, but instead most likely rule of the mob by politically manipulative elites. The same can probably be expected of a democracy in which the citizenry lacks effective legal restrains on executive emergency action. Given Tushnet’s endorsement of some of Schmitt’s ideas, it might be useful for him better to explain how his model of crisis government would help secure us from yet another variety of executive-centered mass rule. Recent political history provides examples galore of political leaders relying on the specter of crises—real or otherwise—to generate “vigilant” public support while undertaking illegal and unconstitutional action. Authoritarian emergency government and some measure of popular mobilization are by no means necessarily opposed.