Exceptions, Distinctions, and Processes of Identification:

The 'Concrete Thought' of Carl Schmitt and US Neoconservatism as seen through Readings of Kenneth Burke and Jacques Derrida

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1. **Introduction. Identity and the politics of concrete thought**

> Belief in a Divine mission is one of the many forms of certainty that have afflicted the human race. […] Perhaps one of the wisest things ever said was when Cromwell said to the Scotch before the battle of Dunbar: 'I beseech you in the bowels of Christ, think it possible that you may be mistaken.' But the Scotch did not, and so he had to defeat them in battle. It is a pity Cromwell never addressed the same remark to himself. (Russell, 1950: 208)

It is either the beauty or the curse of global politics that practically none of its central concepts are clear beyond dispute. Freedom, democracy, war, peace, sovereignty, freedom and so on allow no conclusive interpretation, but literally and figuratively battlegrounds have been littered with failed claims to the true understanding of these and other vague propositions. Their evasiveness as ideas does not, of course, discourage their constant pursuit. The purpose of this study is to examine two detailed instances where 'conclusive interpretations' are attempted, through what I refer to as identity-creating *processes* that are not only combative in nature, but also highly contradictory, perpetually unfinished, and potentially destructive.

The first instance I will examine is the political philosophy of the German theorist Carl Schmitt, perhaps one of the most controversial political thinkers of the Weimar and Nazi era.[1] The second is US neoconservatism, specifically its influence on US foreign policy following the terrorist attacks of September 11th, 2001 ('9/11') and the ensuing 'global war on terrorism.'[2]

I will argue that despite their differing ideological grounds and historical and political contexts, what unites these instances at the abstract level is that they both engage in processes of identity creation that are fundamentally oppositional in nature. Moreover, by examining both bodies of thought two component types of identification will be distinguished: *processes of exception*, and *processes of distinction*. Both contribute to overall *processes of identification* which, because they are strongly 'negatively' founded on the maintenance and perception of oppositions and animosity, are fundamentally unstable. Despite this, an essential underlying motive of Schmittian and neoconservative identification processes is the pursuit of stability; they are, as I will argue, both prime examples of 'thought of a concrete order', which attempt to impose certainty on the identifications they make by seeking to transfer them from the uncertain realm of language into the more stable world of concrete acts and policies − to have the last word, as it were, on the issues and entities they identify in particular ways.

1.1. *Research questions*

This is a study of the rhetorical construction of identities through analysis of two specific cases of concrete political thought, the decisionist theories of Carl Schmitt and US neoconservative

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[1] Schmitt was also an influential legal theorist. The divisiveness of his personal history and intellectual legacy are acknowledged by Habermas (1989: 128): 'even today Schmitt represents a division in the intellectual world.' Caldwell (1995: 357): 'Few figures in the history of German political thought occasion such divergent evaluations as Carl Schmitt', known variously as 'a traditional nineteenth-century liberal, as a Fascist in the Italian vein, as a conservative revolutionary, as an insightful critic of Marx, as an antisemite [sic] and as a brilliant theorist of democracy.'

[2] Neoconservatism is also influential in US domestic policy, but is not the focus of this study and is treated quite briefly; see Chapter four.

rhetoric in the context of the 'war on terror' begun in late 2001. The study is structured on four broad questions connected to what I describe as processes of identification and the processes of exception and distinction that constitute them. The aims of the paper will be to answer the following questions; in so doing, of course, many others will arise which are subsidiary to one or more of these four broad guiding queries, and will be dealt with in turn.

1. What kinds of identification processes are developed in the discourses of Carl Schmitt and post-9/11 US neoconservatism, and how are they conceptually related?
2. How do these processes work?
3. Why are they like this − from where do the respective Schmittian and neoconservative processes get their characteristics?
4. By thinking in terms of such processes of identification, what more can we learn about identity politics and the 'war on terror'?

1.2. ***The structure of the argument: a critique of 'concrete thought'***

It is the nature of these identification attempts and the problems they give rise to that this paper is concerned with. In the case of Schmitt the analysis will remain theoretical, dealing with some of his most significant and influential works. These span the era of the Weimar Republic, Germany's 'experiment with democracy' before the full emergence of Nazism. The examination of neoconservatism will develop further the twofold structure of processes of identification, proceeding from the basic elements established through Schmitt. It is the more in-depth of the two analyses, combining theory from Schmitt, Burke and Derrida and also empirical material, with a case study of a selection of writings from a prominent think tank. The criteria for choosing the empirical material and method for analysing it are specified in sections 5.4. and 5.3. Ojakangas (2000; 2004) calls Schmitt's output 'a philosophy of concrete life', and a key part of my argument will be that neoconservatism engages in identity politics similar in many respects to those of Schmitt. In abstract terms both display a strong tendency towards reification of the identifications they develop; '*concrete thought*' describes this highly authoritarian character of both equally well.

Processes of exception and concrete identities: Carl Schmitt

The ideas of Carl Schmitt, 'the cunning sage of modern tyranny' (McCormick, 1997: 15), form a broad, articulate examination of the state and many of the questions most fundamental to its existence and relationship with its citizenry, and indeed with other states and groups. Schmitt was born in Plettenberg in Westphalia in 1888, and has been called 'one of the most daringly original political and legal theorists of the twentieth century.' (Kelly, 2003: 161-2) Since his death in 1985, his work and personal history have both provoked great interest, although he was ostracised from the academic world due to his anti-Semitism and involvement with the Nazi regime.[3] (Gunnell, 1993: 169-170) However, as Müller (2003) argues in detail he was certainly not rendered inactive

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[3] For a review of selected literature on Schmitt from the late 1990s to 2001, see Caldwell (2005).

after WWII, and played a major role in the spread of his own influence. Posthumously his ideas have regained or even surpassed the attention they brought him before he joined the National Socialist Party in May 1933, shortly after Hitler's election. Three main reasons have been cited for such keen interest in his political thought: he raises essential questions about the relations between liberalism and democracy, between politics and ethics, and the importance of 'enemies' for the legitimation of state authority. (Foreword to Schmitt, 1996: xiii) These are as crucial now as in Schmitt's time; as McCarthy puts it, 'the contemporary world shows many resemblances with the Schmittian political cosmos in which the conditions for politics-as-usual rarely obtain.' (Schmitt, 1985 b: viii) His work appeals to both left and right – perhaps in different ways, but with one main unifying factor being a strong attraction to his critique of liberalism. However, as Müller (2003: 237) warns, such an authoritarian and potentially dangerous source of ideas as Schmitt is a mixed blessing: 'Among liberals and critics sympathetic to liberalism, Schmitt's double role as a diagnostician and a danger continue[s].' Lilla (2001: 75-6) makes a similar observation. Johnson (1998: 28) suggests the revival 'signals a trend in which the deep anxieties nursed by many about the future of democratic processes look to quasi-metaphysical explanations.' In this view, part of the fascination with Schmitt, as I suggest with the title of this chapter, lies in his offer of a political view characterised by absolute certainty to a world dogged by uncertainty and immense complication. As such, his patterns of argument and many of their underlying ontological assumptions typify the types of identity-creating processes this study is concerned with.

Schmitt has done perhaps more than any other theorist to advance a theory of the exception, and there have been a number of recent notable attempts to further develop this in the context of the post-Cold War system and the unfolding changes triggered by 9/11.[4] Through works such as the 1921 *Die Diktatur, Political Theology: Four Chapters on the Concept of Sovereignty* [1922] (Schmitt 1985 a) and *The Concept of the Political* [1927] (Schmitt 1996), Schmitt developed the theories central to his 'decisionist' phase, which spanned the entire duration of the ill-fated Weimar Republic (1918-33). Ojakangas (2004: 115) distinguishes Schmitt's decisionist period from his post-Weimar output, which he describes as 'thinking of the concrete order.' However, in focusing only on the former I will show that it should certainly be described as a sustained body of concrete thinking. The dominant characteristic of this most influential phase, as McCormick (1997: 140, 147) rightly notes, is its absolutism: commissarial dictatorship, Schmitt's proposed, limited form of dictatorship during crisis, was extremely short-lived. It surfaced in *Die Diktatur* and was brought to an abrupt end a year later in *Political Theology*. Schmitt rejected it in favour of *sovereign* dictatorship: unlimited, absolutist and arbitrary rule. The hallmark of his decisionist philosophy, as we shall see, is a steady progression in this direction; that it coincides with the Weimar disintegration and the rise of Nazism is notable, although a discussion of Schmitt's much-disputed connections to and influence on Fascism is beyond the scope of this study.

Processes of exception, to take the first of the two types of identification process, suggests a paradoxical situation where the state of exception has become more or less permanent. Although no

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[4] E.g. Agamben (2005); Prozorov's (2005) connection of Schmitt's exception to deconstructionism is also notable.

detailed efforts have been made to examine Schmitt's theories in relation to US neoconservatism since 9/11, the claim of a permanent state of exception has been made before in different contexts. (Agamben, 2005, 1998; Benjamin, 1989: 181-2; Hardt and Negri, 2004: 5-9) *Exception* in a very broad sense is my main conceptual link between Schmitt and neoconservatism, and as will become clear as the argument develops, it is also the mechanism connecting processes of exception to the other fundamental type of identification process I develop, processes of distinction. As much as exception, *distinction* is integral to Schmitt's theories.

What is neoconservatism?

A brief description of US neoconservatism is sufficient for now. Irving Kristol, one of its major figures, outlined five broad principles: (1) neoconservatives do not oppose the welfare state, provided 'individual freedoms' are not impinged on. (2) Markets are essential for the efficient distribution of resources, and safeguard 'individual liberty.' (3) Order, traditional values and institutions must be respected and maintained for their socially cohesive value. (4) Like 'traditional' conservatives, neoconservatives dismiss notions of equality of human condition. (5) The most important principle for this study concerns foreign policy: a world hostile to US values would be detrimental to the survival of US 'democracy'. (Cited in Halper and Clarke, 2004: 49) After the Cold War and especially since 9/11 this has become the single most important idea in neoconservatism. The neoconservative conception of 'freedom', 'individual liberty', 'social cohesion', 'democracy' and other divisive issues will be taken up in due course.

Critical perspectives: Kenneth Burke

I have outlined roughly 'half' of the overall approach; taking Schmitt and neoconservatism as detailed examples, I will develop the concept of large-scale processes of identification with two principal component types, processes of exception and distinction. I will develop the processes as I identify them within Schmitt and neoconservatism in their more or less 'unproblematic' forms; that is, though I will by no means treat the two bodies of thought uncritically, in the early stages I will concentrate on forming an overall picture of how the processes are *intended* to operate and develop. I develop the analysis further by taking critical perspectives from Kenneth Burke and Jacques Derrida. I apply Burke's ideas to a far greater extent than Derrida's, although these certainly have a justified role in the overall argument, as I will show.

First, my decision to apply Burke's theories needs a brief explanation. Through a number of major works, Burke became one of the leading figures of the 'rhetorical turn' in the social sciences. (Simons & Melia, 1989: vii) Aside from the versatility of the many techniques of interpretation and concepts he developed, which in my view are reason enough in themselves for far greater attention to his output, Burke's own concern with political matters was evident throughout his writings, although often implicitly. His trilogy of Motives – starting with 1945's *A Grammar of Motives,* 1950's *A Rhetoric of Motives,* and the unpublished *Symbolic of Motives* – display 'an explicit political, perhaps more broadly humanitarian, motive of his own: he hoped to foster analytic,

critical, and ultimately philosophical appreciation of the resources and nature of the language that […] culminated too frequently in conflict, scapegoating, and war.' (Williams, 2001: 4) The whole theoretical framework of this paper is shaped by a broad reading of many works by Burke. This includes the concept of processes of identification that are oppositionally constructed and form a 'tautological cycle.' That is, they contain not only fundamental contradictions but also mechanisms, such as Schmitt's theory of the exception, to resolve these contradictions in such a way as to allow the processes to continue without collapsing under the weight of the conflicts and internal tensions they create. The idea most central to my entire argument, *identification,* is one I have elaborated on based on Burke's important definition of rhetoric as a means of identification. Other, more specific features of the paper inspired by Burke will be acknowledged as they emerge.

More generally, in taking an approach not restricted to any narrow theoretical or methodological field I have followed Burke's own example; a varied, interdisciplinary approach is the hallmark of his work, and it is all the more interesting and widely relevant because of it.

Processes and problems of distinction: Jacques Derrida

On the other hand, application of Derrida's theories is restricted almost exclusively to problematising the processes of distinction, where his concept of the supplement and some related observations are important to my argument, especially in terms of the dangers and contradictions inherent in forming the kinds of identifications examined. A further part of the Derridian perspective I make use of is his discussion of boundaries and ambiguity, which is partly drawn from Derrida's own analysis of the 9/11 attacks and their aftermath. (See Borradori, 2003) Although deconstructionism has been highly controversial it does have some advantages to offer, not least the increased range of possibilities when the scope of what constitutes a 'text' is broadened. I have deliberately taken a reserved, selective approach because of the essentially 'destructive' nature of deconstructionism – in reducing a text indefinitely into an endless series of contradictions and dead ends, 'criticism' easily threatens to dispense with anything constructive it may have to offer and instead becomes little more than *elaborate* gainsaying, but gainsaying nonetheless. Moran (2002: 125) is succinct: 'In emphasising the profound effect of impossibilities and unrealisable virtualities on all political thought that is always deemed too crude, deconstruction runs the risk of appearing either as a critical Puritanism or as a series of empty, if largely unobjectionable platitudes.' Rueckert (1994: 10) praises Burke through a similar attack on deconstruction's best-known exponent: 'this extraordinary mind has avoided the sadomasochistic double-binding ironies of a Derrida and [...has not] lost its faith in reason (even as it acknowledges the irrational)...' In a 'Note Against Deconstructionism' aimed partly at distancing Burke's work from the movement he is often taken as a precursor of, Southwell is equally scathing of deconstructionism, the 'intellectual parasite' that is devoid of Burke's essentially constructive contributions to criticism:

> Deconstructionism is most fundamentally defined as the denial of the concept of being; it is the hostile and
> militant antithesis of a philosophy of being [...] However, deconstructionism has had the value of helping us to

recognize our alternatives. The activity of criticism requires a philosophy of being if it is not to become an inanity of repeated deconstructions. (Southwell, 1987: 76-7, 80)

Nonetheless one is entitled to acknowledge the value of *part*s of any approach without endorsing the whole; I take the same attitude to Schmitt's decisionist philosophy. So while sharing the above reservations, I apply specific elements of Derrida's approach in a limited way because, as Norris (1991: 137) rightly remarks, it allows for interpretation 'with an eye sharply trained for contradictions, blind-spots or moments of hitherto unlooked-for rhetorical complication.'

The importance of ontological presumptions to processes of identification

My approach stresses the rhetorical construction of identity – *how* the processes I categorise come to be as they are – but *why* they develop as they do is also essential. For this reason, I also emphasise the ontological positions underlying the arguments of both Schmitt and the neoconservatives. Ontology has long been a neglected topic in IR. (Wendt, 1999: 370-9) This is an unjustified limitation; as Wendt points out, *ideas* should not be treated as secondary to power and interest, the ontological bases of the dominant materialist view. (Ibid. 371) Marsh and Furlong (2002: 21) attribute this dismissive approach to 'the dominance of a fairly crude positivist epistemology throughout much of the postwar period.' As if to exemplify such 'crude' positivism, Blyth (2002: 294) finds ontological issues of interest only for 'sorting out where one stands' *prior* to beginning research: ontology 'is not in and of itself a research strategy. Positing ontologies is a parlour game. One can posit ontologies all day long without either reward or contradiction.' I show the opposite: ontological considerations are vital *throughout* a research project to guide the work and to maintain sensitivity to the pervasive influence of ideology in politics. Indifference to ontological presumptions is indifference to the very *source* of dominant forces in politics; supposedly 'concrete situations' and identities are ideological and social constructions. As Patomäki (1992: 22) writes, 'all methodologies [...] are embedded in a complex set of philosophical, social theoretical, and practical assumptions and presuppositions. Of these [...] ontological assumptions are particularly important, even crucial.'[5] Both Schmitt and neoconservatism, in treating their beliefs as undeniable, concrete facts, display what I'll call the *reifying motive* underlying processes of identification. Schmitt's theoretical approach 'elevates resoluteness to the central measure of authority', in Koepnick's (1999: 42-3) words. As will be seen, neoconservatism does the same in a different context. As Ojakangas (2004) proposes, Schmitt's entire standpoint is an 'ontology of the extreme'. The term *concrete thought* that I have chosen for the sub-title of the paper expresses this absolutist presumption at the heart of Schmittian and neoconservative processes of identification.

Inherently authoritarian, concrete thought is by definition necessitarian. Subjected to the same reifying tendencies that mark the overall processes of identification I focus on, 'necessity' assumes concrete force in Schmittian and neoconservative thought. For Mill, necessitarianism

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[5] See also Patomäki 2002 for a detailed discussion of ontology.

involves much more than mere uniformity of sequence: it implies irresistibleness [...] It is apt to be forgotten by people's feelings, even if remembered by their understandings, that human actions [...] are never [...] ruled by any one motive with such absolute sway that there is no room for the influence of any other. (Mill, 1973 [1843]: 54-5)

In a real or depicted crisis, 'necessity' as a justification for violence and other infringements of individual and collective rights can degenerate into an endlessly malleable and potentially tyrannical appeal to absolute authority if no effective limits are kept on power, which so often tends to 'sway' towards absolutism. This point is especially relevant in the present situation we find ourselves – a 'war on terror' where appeals to crisis and necessity threaten to override any consideration of the need to set and *maintain* limits on what constitutes a justifiable reaction to real or perceived threat. If the rule of law is continually subjugated to the rule of necessity – effectively, the rule of the most forceful instead of the most *reasonable* decision − the danger is that Schmittian and neoconservative 'thinking of the concrete order' will lead to increasingly authoritarian governance. 'Any means necessary' will remain the rule and not the exception in world politics.

1.3. *Previous research on identity politics in the neoconservative foreign policy context*

Although much has been written on Carl Schmitt's political theory, particularly over the last two decades, since 9/11 and the subsequent resurgence of neoconservatism in the United States there have been very few detailed attempts to explain the latter doctrine; Dorrien (2004) is an exception, as is Agamben's (2005) relation of Schmitt to the US post-9/11 context. Surprisingly, there has been very close academic scrutiny of neoconservatism, as Williams (2005) notes. As yet there has been no systematic attempt to relate the work of Schmitt to neoconservatism since 9/11. As Norris (2005: 888) notes, however, with the 'war on terror' 'concepts inextricably linked with Schmitt's name − the legal exception, the unregulated sovereign decision, the mortal conflict between friends and enemies that defines 'the political' − are all heavily back in play.'[6] Gottfried's (1990) *Carl Schmitt: Politics and Theory* is by now outdated; in any case it is excessively focused on distancing Schmitt from neoconservatism rather than exploring parallels between them. Of these there are many, despite Schmitt's largely superficial rejection of the compatibility of moral universalism and militant nationalist politics, which US neoconservatism unites wholeheartedly.

Despite the fact that neoconservatism has received a lot of attention since 9/11, most of this has been in the form of more or less superficial attacks and defences of what are perceived to be the immediate or at least short-term neoconservative objectives. Few treatments go beyond portraying it as more than a temporary aberration in US policy, and particularly in foreign policy.[7] In addition,

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[6] In addition to Norris, Huysmans (2004) gives an interesting analysis of post-9/11 exceptionalism in relation to Schmitt. It may be asked why I have chosen to examine conceptual relations between neoconservatism and Schmitt instead of, for example, between neoconservatism and Leo Strauss. The latter has often been cited as an influence on neoconservatives. While a detailed analysis of Strauss would have course have been interesting and insightful in itself, I hope to provide ample evidence in the coming chapters of the usefulness of examining Schmitt in detail in relation to US foreign policy since 9/11. While there are differences between Schmitt and his one-time student Strauss, I believe that in choosing to focus on the former I have gotten to the source of many of the lines of thought that were common to them, while showing also how such ideas currently take expression in the form of neoconservatism.

[7] Much of the available material on neoconservatism has a distinctly short-term character to it; this includes the many books and articles published in the run-up to the 2004 election, when opponents of Bush and neoconservatism were far more productive than perceptive. Partly because of their contingent nature, very few of these, if any, have any lasting value as studies of the doctrine. Among these 'campaign' treatments of neoconservatism are Eisendrath's and Goodman's

many books and articles written on neoconservatism since 9/11 focus excessively on the personalities involved; there seems to be far more interest in who is or is not neoconservative than in *what* it is and where it is leading. Both Dorrien (2004) and Halper and Clarke (2004) overemphasize the importance of particular individuals to its momentum; to my mind, what is needed is a stronger focus on the ideology itself and how it works. Williams (2005: 331, n.1) observes as much: 'national greatness' neoconservatism has developed into a distinctly 'ideological' stance, separable from specific individuals.' The common tendency to focus mainly on political personalities tends gives the misleading impression that neoconservatism is little more than the latest craze in US foreign policy; in fact, it is far more strongly rooted in US national identity and political culture than this would lead one to believe, and it appeals to long-founded aspects of the national self-image. In an effort to address these oversights, I take the approach of examining neoconservatism as a *process*, that is, as the development of a particular worldview of which the post-9/11 form is only the latest stage. Additionally, I examine the doctrine in relation to Schmitt's decisionist thought, which has not been systematically done so far.

In analysing neoconservatism as part of the overall argument of this paper I also want to emphasise that it is a fairly cohesive ideology in which a number of core principles can be identified. In the past, however, many neoconservatives themselves and a number of commentators have downplayed the extent to which it can be considered a distinctive and unified doctrine, for example Steinfels (1979) and Ehrman (1995). The latter, despite being a good but brief overview of the growth and decline of neoconservative influence on foreign policy from the beginning of the Cold War until the early 1990s, is also excessively personality-focused, and incorrectly predicted the demise of neoconservatism during the Clinton era. Dorrien's (2004) is perhaps the best available account of the resurgence of the movement in the late 1990s, and particularly since 9/11.

While I do hope to address issues related to Schmitt and particularly to neoconservatism in ways that offer some degree of fresh perspective, I make no claim that this paper constitutes a 'contribution' of any originality to rhetoric or critical language studies. These are areas I intend to become familiar with in future, but to keep the present study within reasonable limits of scope and length I have not attempted to place my application of Burke's theories within these wider contexts.

1.4. *The organisation of the paper*

As the first step towards outlining the two component types of process subsidiary to overall processes of identification, Chapter two presents the central themes of Schmitt's decisionist phase in detail. Schmitt's work displays features essential to processes of exception, particularly the 'borderline case' of the state of exception itself. This is the first of three major examples of such

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Bush League Diplomacy: How the Neoconservatives are Putting the World at Risk (Amherst, Prometheus Books, 2004) and George Soros' *The Bubble of US Supremacy: the Costs of Bush's War in Iraq* (New York: Public Affairs, 2004). Although Halper and Clarke (2004) make a well-supported argument against neoconservatism and a good analysis of some of its main historical precedents in US history, they misleadingly treat it as a very narrow doctrine out of character with previous US foreign policy. Also, such an approach overlooks the urgent need to focus attention on the long-term neoconservative agenda, likely to have severe consequences far beyond the US.

processes I identify in Schmitt: the other two are 'collective existentialism' and decisionism, and will be explained in due course. Three major examples of processes of distinction are also identified: *sovereignty* (both domestic and external, the latter being of particular relevance to the overall arguments of the paper). Despite his later claim that 'any war between states, between equal sovereigns, is legitimate' (Schmitt, 2003: 120), some were more equal than others. One of the main indicators of this hierarchical conception of sovereignty is the notion of *Grossraum,* which he modelled on the US Monroe Doctrine. This is the first sign of the relationship between Schmitt's thought and the long-running US exceptionalist genealogy drawn on by neoconservatism. The second sign, and the second process of distinction, is *democracy*, 'equality among equals': 'Every actual democracy rests on the principle that not only are equals equal but unequals [sic] will not be treated equally.' (Schmitt, 1985 c: 9) Whereas Schmittian 'democracy' is a hierarchical principle of rule *within* a state, subject to the ultimate authority of the sovereign decision, he saw sovereignty as a principle of hierarchical relations *between* states. As I argue, neoconservatism continues and expands on this by using 'democracy' as a means of distinction, with serious consequences for conduct of foreign policy both by and *with* the US. Schmitt's third process of distinction is *the political,* as seen in Schmitt's clear separation between sovereign and citizenry. Schmitt found this hierarchical 'decisionist' political power most at risk in the liberal state, where sovereign power is sacrificed to 'rule by discussion' and 'neverending conversation'. I use these and other main issues from the analysis of Schmitt as the theoretical framework for assessing neoconservatism.

In Chapter three I argue that due to its deep foundations in US exceptionalism, neoconservatism inherits and expands on the belief that the United States is unique and somehow qualitatively separated from the rest of the world. Such processes of self-identification give rise to some highly paradoxical tendencies in the national identity. The chapter first traces the genealogies of two particular processes of exception that have developed from this exceptionalist self-perception. The first is the Monroe Doctrine, which has had an enormous role in the development of the United States as a global power with a very wide-ranging definition of its own 'national interest'. As a process of exception, the Monroe Doctrine is discussed not only because of its great historical significance for the development of US dominance, but also because it provides a clear link between Schmitt and the US exceptionalist neoconservative heritage. Schmitt's *Grossraum* ('extended space') concept was based on it, and both *Grossraum* and the Doctrine itself were clear expressions of the already existing *idea* of sovereign hierarchy. Although Schmitt's *Grossraum* vision has never (as yet) materialised, the Monroe Doctrine was put into force on many occasions, and indeed Smith's (1994) account of its 'last years' may yet prove a premature judgement.

The second major example of processes of exception is the rhetoric and practice of the 'war on terror.' Through these particular processes, neoconservatism has had major success in influencing US foreign policy. The 'national mission' has been redefined in opposition to 'terror', perhaps the most significant development in US identity politics since the Cold War.

Chapter four provides a brief history of the emergence and evolution of neoconservatism. The focus is on two aspects: first, the domestic and international factors that shaped the emerging

neoconservative mindset from the 1960s onwards. Second, the factors that led many neoconservatives to redefine their cause from the end of the Cold War onwards.

In Chapter five central themes from the analysis of Schmitt are used as the basic structure on which to develop an analysis of writings on state sovereignty and the 'war on terror' from the American Enterprise Institute (AEI). The AEI has a strongly neoconservative line in foreign policy and a proven influence in the administrations of George W. Bush. After justifying this choice, the actual analysis rests on theories adapted from Burke. Whereas chapters two and three mainly describe processes of exception, the focus here is mainly on processes of distinction.

Chapter six continues the analysis of processes of distinction, focusing on their inherently problematic and contradictory nature. While this chapter is mainly abstract, some examples from the AEI study are reconsidered from a Derridian perspective to illustrate issues essential to understanding how the *overall* identity-creating processes get their unstable, oppositional and 'tautological' character. I supplement the Derridian view with further Burkean elements to argue that processes of distinction are highly problematic – they create uncertainty and ambiguity rather than clearly divided and certain oppositions. To summarise and situate neoconservatism in the wider Schmittian and US exceptionalist context, the chapter concludes with a short excursus based on Burke's *Lexicon Rhetoricae,* an essay on literary forms. My main claim is that Burke's ideas on form allow the *repetitive* character of the US exceptionalist self-image to be highlighted. Repetition defines both instances of processes of identification I discuss. As a repetitive system, the US exceptionalist tradition that neoconservatism is part of creates the conditions for its own legitimation. This is what Burke termed 'the tautological cycle of terms for order'; the dynamics of Schmitt's decisionist theories are remarkably similar in this regard. Therefore an excursus on repetitive form is a fitting framework for integrating the various strands of the overall argument.

Chapter seven reprises the paper's main themes to assess how the research questions in section 1.1. were actually addressed. After looking at some possible alternative ways to treat identity politics in relation to neoconservatism in particular, the paper concludes with a consideration of the broader significance of the main issues.

A note on style

The organising theme of the paper is the use, effects, foreseen and unforeseen consequences of language, so I should say a few words on my *own* use of words. While this is a 'study' and I treat the subject with the detachedness proper to any academic work, as will be seen I have some claims of my own to make. I refer throughout to the development of the 'argument', partly in recognition of the actual approach, and partly reflecting my scepticism towards the prospect of 'value-free' social science. (The senses, if any, in which political research should be 'scientific' raises issues outside my present scope.) Emphasising 'argument' in preference to 'analysis' expresses the obvious fact that the result is a 'subjective' interpretation of the material I've chosen to reflect on; no 'method' could be mechanically applied to replicate my 'findings.' Regardless of my own views, any merits to be found in the final work must stand alone.

2. **Processes of exception: Carl Schmitt's political philosophy**

2.1. Identifying the principal themes in Schmitt's decisionist thought

As Caldwell (2005: 358-9) remarks, Schmitt's style is deceptive, and his bold, apparently explicit declarations set traps for the unwary interpreter: 'his interlocutors remain obscure; his scholarly apparatus reveals some, not all, sources [...] It implies a grand (or perhaps grandiose) philosophy of history and yet remains vague on the details. Its arcana may point to the unspeakable realities of the state and politics − or they may point to prejudices that are carefully not exposed to examination.' I identify seven broad categories within Schmitt's decisionist philosophy.

2.1.1. Sovereignty

The most unequivocal connection between the concepts of sovereignty and the state of exception was provided by Schmitt himself in his *Political Theology:* 'Sovereign is he who decides on the exception. […] There exists no law that is applicable to chaos. For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists.' (Schmitt 1985 a: 5, 13) Keeping in mind that the seven themes I will identify are all interconnected to varying degrees, it will be seen that a very particular form of existentialism also shapes Schmitt's view of the nature and role of the sovereign. Indeed, he believed that the very legitimacy of sovereign power derives from the 'problematic' nature of humanity and the constant threat of disorder that coexistence brings. (Ojakangas, 2004: 87) For this reason, it is the sovereign who commands his subjects' obedience in return for granting them protection from outsiders, and also from disruption from within by maintaining order and unity within the state. In fact, Schmitt claimed that authority could only be legitimate through a clear hierarchical relation between ruler and ruled: 'No form of order, no reasonable legitimacy or legality can exist without protection and obedience.' (Schmitt 1996: 52) As such, the sovereign strengthens the identity of the state because he (or 'it') 'produces and guarantees a situation in its totality', as Ojakangas (2004: 47) puts it. In his view, this conception developed partly through Schmitt's opposition to the legal and constitutional positivism which took hold in German legal thinking in the mid-nineteenth century. (Ibid. 34) For Schmitt its principal flaw was the idea that the essence of law is to be found in the laws themselves rather than in any external source. In attempting to regulate behaviour through the imposition of abstract and supposedly universal norms, it had no real legitimacy since it dismissed the real *source* of legitimacy, which lay only in the sovereign decision. (Schmitt 1985 a: 6)[8] In particular, the inevitability of an exceptional (crisis) situation highlighted for him the irrelevance of such abstractions: 'Every norm presupposes a normal situation, and no norm can be valid in an entirely abnormal situation.' (Schmitt 1996: 46)

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[8] As stated by Kelsen, this holds that 'the validity of a legal norm is established by appeal to the appropriate higher-level norm, whose own validity is established, in turn, by appeal to its higher-level norm, and so on, until the highest level of norms in the legal system is reached.' (Cited in Kelly 2003: 225)

Legal positivism's claim to legitimacy rested on nothing more substantial than the shaky foundations of tautology − positivist law can offer no greater justification for its existence than by pointing to the fact that it exists: 'something is valid if it is valid and because it is valid.' (Cited in Ojakangas, 2004: 34) On the contrary, Schmitt argued following Hobbes, force – sovereign *authority* – makes law, rather than any abstract norm as the legal positivists believed, or some 'higher truth', as the advocates of natural law believed. This led to his decisionist doctrine, which emphasises the central role of the sovereign in the creation of law and in the suspension of it through deciding and acting on a state of exception when he found this necessary. The key purpose of the power Schmitt assigned to the sovereign is the restoration of the personality and identity which he felt legal positivism had robbed from it. (Ojakangas, 2004:37) As a defender of the state, Schmitt strove to reverse this dissipation of sovereign power – the strength of the state was dependent on unity, making both concentration of decision-making in the sovereign and public obedience essential conditions not met by parliamentary democracy. [9] In an analogy drawn from sixteenth-century theorist of sovereignty Jean Bodin, Schmitt argues that the liberal division of sovereignty reduces it to 'a play between two parties: Sometimes the people and sometimes the prince would rule, and that would be contrary to all reason and all law.' (Schmitt 1985 a: 9)

Schmitt's ontological position partly explains his view of sovereignty, as can be seen in contrasting it with Sartre's atheistic view: the latter began from the assumption that if God doesn't exist, then everything is permitted. (Sartre 1965: 19) Schmitt was a Catholic, and did certainly not believe that everything was permitted; on the contrary, in Bendersky's view he had 'an almost chronic fear of political disorder.' (Cited in Kelly, 2003: 161)[10] Assuming Schmitt believed in the existence of God, Sartre's assumption can be reversed to arrive at a legitimation of political order: for Schmitt the sovereign *decision* can be taken as the metaphor for God, and it is this decision that imposes order and obedience. Theological analogies recur throughout his arguments, and place him in still greater opposition to what he saw as modernity's faith not in God but in rationality and technological progress. (Kelly, 2003: 169) In his opposition to the modern idea of 'democratic' representation within the liberal state, Schmitt's concept of sovereignty was an attempt to re-institute a more medieval form of representation, as McCormick (1997: 168-9) notes. Since the categories overlap, more will be said of Schmitt's views on the nature and function of sovereignty.

2.1.2. Existentialism

Although Schmitt stressed the importance of homogeneity within the state, on the international level he accepted the existence and need for pluralism. In this he shared Kierkegaard's rejection of any objective, *universally* applicable truth, which he saw as one of the major

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[9]It is not the intention here to suggest that Schmitt considered it necessary for the sovereign to be a single individual – Ojakangas (2004:53) makes the point that Schmitt's sovereign cannot be identified with the *person* of the sovereign.
[10] However, although Schmitt's work often makes use of theological analogies, it is difficult to determine to what extent his ideas were shaped by religion. In any case, he 'officially abandoned Catholicism', as McCormick puts it, and was excommunicated in 1926. McCormick 1997: 27, 263, n.26

pretensions of liberalism.[11] This is not to suggest he didn't believe in absolute truths at all – he saw 'the people' as a pure and unified entity distinguished by features particular to it and essential to its distinctiveness. McCormick (1997: 5) points out that Schmitt had an even stronger antipathy to socialism than liberalism; as the ruling political order in Weimar Germany the latter weakened Germany's position against socialism both nationally and internationally. For Mann, Schmitt articulated very widespread class-based fears that had grown since the arrival of mass suffrage. The formulation of laws by the rational debate and discussion of the educated few was a thing of the past; mass democracy could only be prevented from disintegrating into complete disorder through authoritarian government. As such, Schmitt 'embodies perfectly' the displacement of the fears of the propertied classes 'onto a positive concern with order and security.' (Mann, 2004: 75-6)

In dealing with existentialism in Schmitt, it is important to distinguish between truth and faith. The sovereign (or the country's elite) were best equipped to determine the 'truth' at the heart of the national identity, whereas the lesser understanding of the people was to be complemented with the essential element of *faith* – in the sovereign's ability to decide for them, and in the characteristics he alone considered essential to the collective identity of the people. Schmitt advocated faith in a *particular*, rather than any universal truth – in the particularism of an ethnic identity with its own 'objective' truth, its unique qualities which set it apart from all other group identities.[12] His rejection of universals can be seen in his opposition to international law. (Ojakangas, 2001: 121; Stirk, 2003) This is an area where Schmitt's ideas converge with those of US neoconservatism, as will be seen later.

Existentialism is not a coherent doctrine that can be concisely defined – rather, it is a disposition so expansive as to contain elements which can appear mutually exclusive at first sight.[13] For example, the definition provided by Warnock (1970: 1) would seem to exclude the possibility for finding any trace of existentialism in Schmitt's work: 'the common interest which unites Existentialist philosophers is the interest in human freedom.' This cannot be said of Schmitt, for whom one of modernity's greatest faults was the primacy it placed on the individual at the expense of both national unity and state authority. However, this does not rule out the possibility of finding existentialist elements in his writings; he shares the existential belief that the spread of technology may simplify problems but also brings about a loss in terms of identity and substance: it 'saps the world of meaning and establishes the possibility for novel and harsher forms of domination.' (McCormick 1997: 18)[14] This point is essential to Schmitt's critique of liberalism, as we will see later. Further examination reveals that the existentialist perspective has a significant presence in Schmitt's political thought. His famous definition of the sovereign as 'he who decides on the exception' owes an intellectual debt to the Danish existentialist theologian Søren Kierkegaard. His

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[11] On Kierkegaard, see Edwards and Pap (eds.) 1973: 505-22.

[12] Citing Heinrich Meier, who has written extensively on Schmitt, Kelly (2003: 162) treats Schmitt's work as political *theology,* due to its 'Catholic theological undergirding [...] its ultimate basis in faith and the truth of revelation.'

[13] Existentialism is treated only superficially – any attempt at detail would lead too far off the main focus. To get an idea of the depth of literature on existentialism, Lapointe (1980) lists over 3,900 works on Kierkegaard alone.

[14] The existentialist view on technology is referred to by Heinemann (1958: 58), and (Edwards and Pap (eds.) 1973: 505).

assertion that 'the exception is more interesting than the rule' and indeed confirms the rule by making its limits visible is owed to Kierkegaard. (Schmitt 1985 a: 5, 15) He also shared the latter's disenchantment with the indecision and lack of visible authority the typified the modern age. (Ojakangas, 2004: 27) In addition, the Danish philosopher was the source of the either/or dichotomy employed in Schmitt's decisionist doctrine.[15] Kennedy (2004: 47-8) also notes Schmitt's intellectual debt to Kierkegaard: the decision and the exception, the latter which she calls Schmitt's 'North Star', both came from him, as did the conviction that life was valuable only when given purpose. According to Ojakangas, Schmitt's political thought overall contains a 'metaphysical core' based on the understanding of sovereignty as the existential decision concerning the state of exception. (Ojakangas, 2004: 28) Others have also referred to the metaphysical content of Schmitt's philosophy, to his existentialist outlook. (Aradau, Huysmans et al., 2005, esp. 6-7) Apart from Kierkegaard, Schmitt has also been identified with other existentialists. Löwith (1994: 32)sees a strong connection between Schmitt's decisionist doctrine and Heidegger's philosophy. Having established that the concept of existentialism can be applied to Schmitt with some qualifications[16], we can now proceed to examine his work from that perspective.

Taken as a whole, the elements of Carl Schmitt's political philosophy dealt with in this study constitute a strong refutation of the Enlightenment idea of a 'clear and simple upward line of human progress.' (Schmitt, 1996: 73)[17] On the contrary, he believed human nature was not naturally inclined towards goodness or rationality, as liberal thought presumed. Ojakangas (2004: 12) believes that for Schmitt life was defined by the constant presence of conflict, with the possibility of reaching the 'extreme' of total destruction kept always open. (Schmitt, 1996: 32-7) This presumption of the violent, warlike nature of mankind extends through his attitude to the state, which Habermas sees as advocacy of dictatorship:

> [Schmitt's] state consists of the ongoing prevention of civil war. Its dynamic consists of the crushing of revolt, the containment of a chaos inherent in the evil nature of individuals. Individuals press for their autonomy and would perish in the terrors of their emancipation if they were not rescued through [...] a power that overcomes every other power [...] And because the subversive forces always appear under the name of truth and justice, the sovereign who wishes to guard against the exceptional situation will also reserve the power to define what is publicly held to be true or just. His decision power is the source of all validity. (Habermas 1989: 130)

Danger for the state was inherent in both the domestic and international order, presenting it not only with threat but also giving it meaning and purpose – '[w]hat would be terrifying is a world in which there no longer existed an exterior (A*usland*) but only a homeland *(Inland)*, no longer space (*Spielraum*) for measuring and testing one's strength freely.' (Cited in Ojakangas, 2004: 12) Although Ojakangas (Ibid. 19) describes him as a 'pessimist', for Schmitt a state or a people without real or potential enemies would lack the means of sustaining its own identity – so he

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[15] For a discussion of this in its original context, see Reinhardt (1952: 23-58).
[16] The main one I make being Schmitt's rejection of individuality in favour of 'collective existentialism.'
[17] While Schmitt's anti-Semitic writings are reprehensible and should not be forgotten, his racist and opportunistic leanings do not discount his other output – this should be judged on its own merits, though as Müller (2003) argues, to adapt him for 'left-wing' or any other purpose should not mean reconstructing his past; interest in Schmitt also risks unwittingly (or otherwise) identifying with more exclusivist and potentially tyrannical uses of his work, which are many.

recognises the *value* of opposition to the identity of a state and a people. This point is essential to the overall concept of processes of identification I will develop. Although Schmitt's is certainly a worldview based on a negative conception of human nature, it is not pessimistic insofar as the reality of struggle and persistent threat is for Schmitt one to be reluctantly welcomed. A harmonious world with no opposition would rob peoples and states of the means of creating identities, not only their own but also those around them. Despite vastly different motives for saying so, it's appropriate to recall here that Sartre (1965: 10, 29) described existentialism as an optimistic doctrine. Indeed, as Ojakangas (2004: 12) acknowledges, for Schmitt 'the space of the outside – the space of conflict – is primary.' Existentialism, rather than pessimism, better describes his approach, since what seems to preoccupy him even more than the threat of physical destruction of a state or a people is this loss of identity – the threat of anonymity in the liberal age of 'neutralizations and depoliticizations.' (Schmitt 1929)

Schmitt's existentialism qualified: 'collective existentialism'

However, whereas Sartre (1965: 19) saw the individual as 'condemned to freedom', Schmitt believed precisely the opposite to be the rightful human condition. The individual's place was within a particular ethnic group, and from this belonging he or she derived identity and purpose. Schmitt showed none of Sartre's resignation − what had condemned the individual to freedom was the Enlightenment belief in rationality and progress. Schmitt's overall approach to the major themes he dealt is fundamentally oppositional. As Ojakangas (2004: 24) points out, Schmitt's main concepts are all in fact 'counter-concepts' – everything is framed in fundamentally oppositional terms. National groupings are defined by who does not belong within them; law is defined and limited by those conditions of exceptional crisis which it is incapable of handling; the norm is defined by the exception, and so on. For Schmitt, life achieves its ultimate meaning and sense of purpose through war, 'the most extreme possibility […] The core of the matter lies in warfare.'[18] Perhaps Schmitt's most extreme set of opposites is contained here: life achieves its greatest meaning when the possibility of death becomes imminent. As will be seen in the discussion of nationalism and the Schmitt's concept of the political later in this chapter, his categorisation of the relationship between friend and enemy is also highly existentialist.[19] According to Ojakangas (2004: 28-9), Schmitt does not believe a state or a people chooses its enemies randomly. Instead, the enemy signifies 'a concrete and existential threat to the way of life of a people.' So his description of Schmitt's political thought as a 'philosophy of the extreme' is fitting: emphasis on the dangers of ignoring the harsh and unforgiving nature of the world meant that for Schmitt the prospect of existence 'without the exceptional […] is no existence at all.' (Ibid. 45)

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[18] Cited in Ojakangas 2004: 28 However, Ojakangas (ibid. 28) believes that Schmitt had 'no tendency to glorify violence or the will to aggression. All aesthetics of horror horrified him.'
[19] For a discussion of the link between existentialism and Schmitt's concepts of the political and the friend/enemy distinction, see Norris 1998.

Existentialism is also evident through his attitude to modernity. Once a devout Catholic,[20] he believed Western civilisations were not most threatened by the danger inherent in the world but by their tendency to attempt to alter this existential reality through treating technology as a cure for all the world's ills. What marked the modern age for him was the decline of the spirit – faith in absolutes was replaced by faith in the possibility of finding a technical solution to meet – or perhaps escape from – every challenge. The outcome was a softening of the individual and collective spirit. (Ojakangas, 2004: 34) He put the problem in theological terms:[21]

> Already in the 19th century technical progress proceeded at such an astonishing rate [...] that all moral, political, social and economic problems were affected. Given the overpowering suggestion of ever new and surprising inventions and achievements, there arose a religion of technical progress which promised all other problems would be solved by technological progress. This belief was self-evident to the great masses of the industrialized countries. They skipped all intermediary stages typical of the thinking of intellectual vanguards and turned the belief in miracles and an afterlife − a religion without intermediary stages − into a religion of technical miracles, human achievements and the domination of nature [...] The 20th century began as the age not only of technology but of a religious belief in technology. (Schmitt 1929)

For Schmitt, faith in rationality and man's ability to transform nature, including human nature itself by means of technical solutions applied following a 'logical' blueprint, means nothing more than the denial of existential will and the inescapable brutality of the social world. As Ojakangas (2004: 38) remarks, the 'limited potency of man' was foremost in Schmitt's thought.[22] This is a further suggestion of his theological leaning, evident also in *Political Romanticism*: 'It is only in an individually disintegrated society that the aesthetically productive subject could shift the intellectual centre onto itself [...]   In this society, it is left to the private individual to be his own priest.' (Schmitt 1986: 20)

It is important to address an aspect of Schmitt's existentialism that has major implications for his conception of the absolute nature of collective identities, as we shall later see. Heller (1991: 333) remarks that Lukács and Heidegger also embraced the 'Kierkegaardian paradox of the existential choice', and like Schmitt they depart from Kierkegaard in transferring that choice from the individual to a collective. Schmitt's decisionist philosophy amounts to a reassertion of the importance of *surrendering* individual freedom for a greater cause, the strength of the people and the state that ruled it. As Heller argues, Schmitt and those others who developed such a form of collective existentialism' made a serious theoretical error: 'The self-choice of a collectivity, if possible at all, cannot be existential. The collective identity is not an 'exister', to use Kierkegaard's term, and thus it cannot choose its existence [...] A collective existential choice could not make persons, real individuals, free.' (Ibid. 334-5) This has essential consequences for Schmitt's concept of the national identity as an absolute truth: it suggests that Schmitt's type of political theorising

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[20] As Gunnell (1993: 166) remarks, this is true at least of his early years. As I mention elsewhere in this chapter, the extent to which religion influenced Schmitt is a matter of strong debate – e.g. Ojakangas 2002: 33-8.
[21] As Kelly (2003: 162) points out, Schmitt did put repeated emphasis on the 'ultimate basis in faith and the truth of revelation.' See also ibid. 161-164 for references to others who have examined the role of religion in Schmitt's thought.
[22] However, he finds heavy emphasis on Schmitt's religious dimensions largely unjustified, obscuring the real nature of his political and legal thinking. As he notes, Schmitt had become estranged from the Catholic church quite early [in the 1920s], having lost faith in it as a representative of the people. Ojakangas 2001: 90-1

which starts from a foundation of 'collective existentialism' is no more than an abstraction, as a collective cannot possibly have a 'real' identity − only individuals can, and even that is rarely entirely stable. In this sense, Schmitt's insistence that the sovereign is charged with strengthening and maintaining the purity of the identity of the people is a justification for authoritarianism in defence of a non-existent ideal − a true and pure collective identity. Further observations on Schmitt's conception of nationalism and identity will be made in section 2.1.4. Regardless of the nature of the ideal, the pursuit of it is very real; it is these tangible efforts which form the particular types of identification we will turn to after outlining the rest of Schmitt's main decisionist themes.

2.1.3. *The exception*

As with so much of Schmitt's thought, opposition is at the heart of the exception. He defines it by what it is *not*, namely law: 'The exception, which is not codified in the existing legal order, can at best be characterized as a state of extreme peril, a danger to the existence of the state, or the like. But it cannot be circumscribed factually and made to conform to a preformed law.' (Schmitt 1985 a: 6) Therefore the exception is defined by *necessity*, which of course raises the obvious question of how, and by who, the conditions and limits of necessity can be defined. He develops the concept of the state of exception in terms of what he defined as the two fundamental elements of law: the norm and the decision. He emphasises the importance of order by focusing on disorder – his view of the abnormal, exceptional situation is intended to highlight the need to create a 'normal', ordered situation to begin with. 'The actual mark of sovereignty' is 'the authority to suspend valid law […] be it in general or in a specific case. [The exception is] analogous to the miracle in theology', which like Schmitt's 'borderline case' of the exception also emphasises what belongs to the routine by itself being completely outside of it and thus inexplicable by reference to anything from the everyday, predictable world. (Schmitt 1985 a: 9, 37) He would revisit this point in *The Concept of the Political:* '[T]he exceptional case has an especially decisive meaning which exposes the core of the matter.' (Schmitt 1996: 35) His determination of the limits of law − rule by adherence to norms − rests on the assertion that 'norms are valid only for normal situations,'[23] this being the main rationale behind commissarial dictatorship. This was the limited form he proposed in 1921 and promptly abandoned in favour of arbitrary and practically unlimited sovereign dictatorship. (McCormick 1997, esp. Ch. 3)

In the state of exception, the sovereign assigns to itself the right to suspend certain or all limitations on its authority. (Schmitt 1985: 12) However, as he notes (ibid. 13), the sovereign also decides on the law, that is, on the *normal* situation, not only on deviations to it. For Schmitt the exception has greater significance than being merely an emergency measure: on the very first page of *Political Theology,* in defining sovereignty, he writes that 'the exception is to be understood to refer to a *general concept* in the theory of the state, and not merely to a construct applied to any

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[23] Schmitt, *Legalität und Legitimität* (1932), cited in McCormick 1997: 146

emergency decree or state of siege.' (Ibid: 5, emphasis mine) It is a general feature of Schmitt's political thought that he attached especial importance to those 'borderline cases' which defy categorisation and therefore control by routine means, such as laws and procedures planned in advance. What *is* the exception exactly? From Schmitt's 'anti-description' it is hard to escape the impression that it is anything more than a theoretical dressing for arbitrary rule. It allows the sovereign to issue decrees and take other measures that have force of law, but it is not law; it arises in opposition to the established legal order it suspends, but neither is it disorder. It is the imposition of the 'unlimited authority' of the state: 'the state remains, whereas law recedes. Because the exception is different from anarchy and chaos, order in the juristic sense still prevails even if it is not of the ordinary kind.' (Ibid. 12)

In Agamben's view, it is precisely because the state of exception is legitimised by claims of 'necessity' that it is inherently antidemocratic and even dictatorial in nature. The problem with the state of necessity as a legitimation for enacting a state of exception is that 'necessity' is not an objective reality, and cannot be subjected to the same scrutiny as the written provisions of a constitution: '[t]he attempt to resolve the state of exception into the state of necessity' is ultimately a subjective decision. (Agamben, 2005: 30) Schmitt's emphasis on the general nature of the state of exception suggests that the frequency of its use as a mechanism for governance may be greater than is absolutely necessary to control situations when the entire order underpinning the state is as risk. Put differently, the ease with which it can be enacted on the grounds of necessity, and the difficulty for others to effectively challenge this claim means the door is always kept open for dictatorship. McCormick (1997: 147) suggests this also: 'by 1932 Schmitt had moved so far [...] that the distinction between commissarial and sovereign dictatorship no longer had any meaning.' Schmitt, however, denied this; the sovereign decided on the state of exception and also on the form it would take, but only to 'produce the normal situation.' (Cited in Ojakangas, 2001: 103) Schmitt proposes the exception as a mechanism of governance that when enacted, temporarily changes the source of legitimacy from which the sovereign derives its power to act: rule by force of law is suspended and replaced by rule by force of necessity. His view of the relation of the exception to law is shown in Fig. 2.1. below − an opposing model of this relationship based on Agamben is shown in Fig. 2.2.

My argument is that the state of exception arises not only in situations objectively definable as times of crisis or great danger for the state, but *also* as a direct consequence of the dogmatism of the 'collective existentialist' worldview. In a governing power's use of the state of exception 'necessity' will always be invoked, justifiably or otherwise; but because of the oppositional nature of Schmitt's outlook, there is at all times a very strong incentive for 'necessity' to be expressed in concrete form by force, for example through emergency laws or military force or both. Schmitt's peculiar type of existentialism is based on the perception of threat to the identity of the people, and ultimately on the ever-present possibility of the destruction of the state's identity or even its physical presence. Such a powerful perception of animosity and 'problematic' human nature at the root of all political relations suggests that when crisis threatens, a sovereign power guided by such

a worldview is unlikely to react in a restrained manner – the total destruction of the new enemy may well become the new national mission.
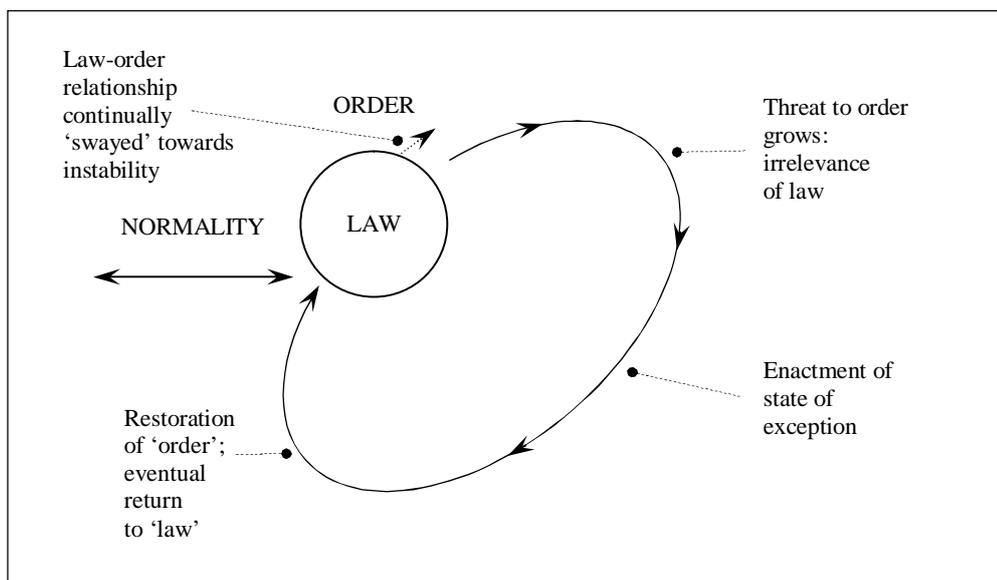
Fig. 2.1: **The relation of the exception to law according to Schmitt**

So the severity of the subsequent state of exception is unlikely to be limited to meeting the severity of the crisis, contrary to Schmitt's argument. (1985 a: 12-3) Where 'any means necessary' becomes a legitimate course of action, a state's justification of an extreme response by appeals to the dire necessity of the moment becomes indistinguishable from the arbitrariness and 'fullness of powers' of a dictatorship. (Agamben, 2005: 47-8) In this case the state of exception may become the new law over time, if the ones it displaced remain in permanent or indefinite suspension. (Ibid., 2005: 9) Walter Benjamin, Schmitt's contemporary, argued that the 'extraordinary' has long been the permanent condition, and any resistance to oppression must begin with acceptance of this fact:

> The tradition of the oppressed teaches us that the 'state of exception' in which we live is the rule. We have to develop an understanding of history which recognises this. Then we would have before us the task of achieving the *true* state of exception: we would improve our position in the fight against fascism. To no small degree, the possibilities of fascism arise from the fact that those who oppose fascism in the name of progress consider [the supposedly 'unusual nature' and rare occurrence of the state of exception] to be the historical norm. (Benjamin 1989: 181-2. Translation and emphasis mine)

Fig. 2.2. shows how Agamben sees the relation of the exception to law; Benjamin's view is similar, with both suggesting that the exception imposes itself on and interacts with law in a continuous cycle − that is, law becomes exception becomes law, and so on.
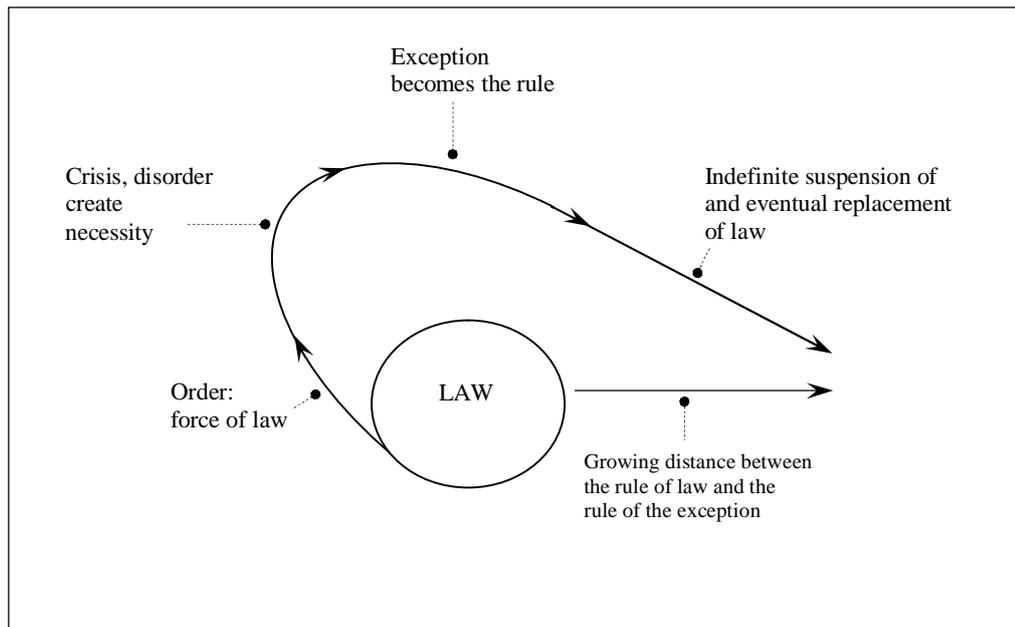
Fig. 2.2: **The relation of the exception to law according to Agamben**

2.1.4. Nationalism and identity

In a literal sense and in its historical appearance the state is a specific entity of a people. (Schmitt 1996: 19)

'The people', a nationality armed, a mythical 'person' supreme and irresponsible, under the title of the sovereign State, occupied the centre of the political State at the end of the nineteenth century. A new Leviathan had been made. (Ward 1928: 44)

I will argue that Schmitt was an advocate of militant nationalism by discussing the importance he placed on identity and homogeneity. Typically, in developing these ideas he drew on his ever-present themes of existentialism and opposition – in his view a group can only become, and remain, a homogenous and unified entity if heterogeneity and dissent are excluded. Ojakangas (2002; 2003) rejects the possibility of treating Schmitt's philosophy as a theory of nationalism. However, as I will argue, his justification for this position is insufficient – I believe it is indeed possible to consider Schmitt as an advocate of militant, ideological nationalism. Furthermore, I will extend this argument in a later chapter by applying a similar categorisation to US neoconservatism. Identity was already mentioned in relation to Schmitt's understanding of sovereignty, and I will now elaborate on it. Identity for Schmitt must be fought for and protected against both physical and symbolic attack – not only is it threatened from outside by competing peoples and states, but also from within by dissent and diversity.[24] However, whereas Schmitt believed that struggle and

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[24] Saukkonen (2004: 90) warns that in discussing 'national identity' there is a danger of ignoring the fact that this term is used to mean very different things; for example, the political and national identity of a state, the identity of a collective or a national group. It also refers to the way in which individuals identify themselves with a nation or a state or both.

competition between rival peoples and states strengthened the state's internal unity and homogeneity by accentuating its distinctiveness through opposition, the real danger to a people's identity came from the abstractions of liberalism and the normative legal order. In his view, these were destructive for national identity not only because they fragmented the authority of the state by leading to permissiveness and heterogeneity, but also by depriving a people of its distinguishing features, condemning it to a bland, anonymous existence:

> The enemy is a negated otherness […] However great an injustice it would be not to respect the human worth of every individual, it would nevertheless be an irresponsible stupidity, leading to the worst chaos, and therefore to even worse injustice, if the specific characteristics of various spheres were not recognised. (Schmitt 1996: 63)

A 'negated otherness' is his rejection of assimilation: as Ojakangas (2003: 411) argues, the identifiable enemy of a people is not Schmitt's *real* enemy because it fulfils the purpose of confirming the identity of the people through opposition. Rather, it is the *assimilated* enemy that is in fact the true enemy of the people, as he cannot be easily located and filtered out.

The overall model of processes of identification I will develop in this paper include the making of distinctions which lead to identification of both the self and all others in relation to it. These processes are frustrated in Schmitt's case because the assimilated other, although he lurks within and corrupts the 'self' of the people, thereby corrupting its identity, cannot be easily distinguished. The same problem faced Schmitt in legal and political form: he considered the Weimar constitution a prime example of the lack of distinctiveness and conviction that for him typified liberalism. It represented 'the serious lack of political decision-making capacity which marks the agony of our contemporary life. [The Weimar constitution] stood for nothing and permitted everything.' (Cited in Gunnell 1993: 171) Schmitt saw part of the solution in renewal of the capacity for decision, which was possible only through a political system which felt the need for a public enemy, thus giving the state and the people back the 'meaningful enmity' (Müller, 2003: 245) they desperately needed. Private enemies were insufficient: 'The enemy is solely the public enemy, because everything that has a relationship to [a collectivity], particularly to a whole nation, becomes public by virtue of such a relationship.' (Schmitt 1996: 28) Differences *between* groups were to be accentuated and preserved, as these *perceptions* of group distinction were precisely what would homogenise and unite it against those who belonged elsewhere: 'The political *entity* presupposes the real existence of an enemy and therefore coexistence with another political entity […] The political world is a pluriverse, not a universe.' (Ibid. 53, emphasis mine) It is interesting to note here how Schmitt's existentialism is such that it leads him to believe that the will of the individual has to be suppressed, and aggregated into a monolithic unit – his emphasis is on the security not of the individual but of the group. As Strauss points out in his commentary on *The Concept of the Political,* this is something of a reversal of Hobbes, whose state of nature was a state of war of *individuals*: 'Whereas Hobbes in an unliberal world accomplishes the founding of liberalism, Schmitt in a liberal world undertakes the critique of liberalism.' (Ibid. 92-3)

Ojakangas (1997) contends that Schmitt's political philosophy is defined above all by the concept of the pluriverse referred to. Schmitt advocated the particular as the antithesis of the universal he so strongly opposed. In practice he argued for a world of particulars in constant flux – a 'pluriverse' of states in alliance, competition with and often opposition to each other. This concept can be understood as part of Schmitt's defence of state sovereignty and nationalism in the face of what he saw as the prevailing tendency towards global homogeneity. Ojakangas (ibid. 7) points out that Schmitt's pluriverse was antithetical to the idea of universality as a whole – not only to the liberal version of it. A 'universe' could also be totalitarian; he claimed that, if realised, *any* form of universe would be totalitarian in the sense that it led to total 'depoliticization' (Schmitt 1929), leading in turn to the total dehumanisation and destruction of the enemy. This is treated further in section 2.1.6. Homogeneity was desirable only on the *national* level (Stirk, 2003); Schmitt did certainly not believe in international harmony. As seen in the discussion of his other concepts, the competitive and dangerous world of states was shaped by ever-changing animosities, wars and strategic alliances. 'The people' must be shaped and disciplined by the sovereign so as to truly form a single identifiable unit, the 'collective existential' entity I've referred to. To achieve this he advocated a clear distinction between state and people (Ojakangas 1999: 105), their relation being provided by what Eatwell (1995: 117) calls the 'Führer principle' of strong leadership.

Now to justify the claim I made at the beginning of this section that Schmitt was a proponent of militant nationalism. When unified under the command of the sovereign, the people must be ready at all times to fight and die, to make 'the threat of conflict, of war, felt and feared so as to make war's outbreak all the more unlikely domestically and its prosecution more easily facilitated abroad.' (McCormick 1997: 257) In this way war and the threat of it are instruments for purification of the state.[25] This vision of the people as a 'fighting collective' (Schmitt 1996: 32-7) highlights Schmitt's belief that the friend/enemy distinction was far more than merely a metaphor for competition and rivalry:

> Just as the term enemy, the word combat, too, is to be understood in its original existential sense. It does not mean competition, nor […] pure intellectual controversy nor symbolic wrestlings in which, after all, every human being is somehow always involved, for it is a fact that *the entire life of a human being is a struggle and every human being symbolically a combatant.* The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy. (Ibid. 33, emphasis mine)

In this sense Ward's description of the people as 'a nationality armed' is applicable to Schmitt's view of the nature and purpose of nationalism, as I suggested at the beginning of this section. Caldwell (2005: 373-4) makes a similar observation, considering Schmitt's concept of the political as 'an intense, existential phenomenon that involves the constant possibility of war on the part of the collective […] not unlike Nazi rhetoric about the fighting national community.' Ojakangas has argued that Schmitt's writings are nationalistic, because he sees Schmitt's definition of the people as an existential grouping which must at all times be ready to fight and die is a 'purely formal' one'

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[25] For an account of the role of homogenisation in state control over citizens, see Rae (2002), esp. 14-54.

incompatible with 'nationalism', which he defines as 'the political sublimation and intensification of some natural disposition (race, language, culture), which makes possible the enemy vis-à-vis other races, languages and cultures.' (Ojakangas, 2003: 413; 2002: 19-20) This is an oversimplification, because it ignores the fact that nationalism can also have a strong ideological component.[26] Indeed, Scruton has described nationalism as '*the* ideology of the modern state.' (1999: 280, emphasis his) As Ojakangas (2002: 19) does however note, Schmitt did not find it necessary for the enemy to be determined in advance – but this in no way rules out ideological nationalism, which is practically indistinguishable from patriotism in more chauvinistic interpretations of that term. Ojakangas' argument fails to discount the description of Schmitt as a proponent of militant ideological nationalism; his advocacy of the myth of the nation – what I have described as collective existentialism – was intended to counterbalance the Soviet myth of a worldwide stateless and classless society. For Schmitt the only myth likely to be effective against the Soviet myth of a stateless, classless global society was the myth of the nation. (McCormick 1997: 140) According to McCormick (ibid. 10), Schmitt's theorising of the identity of the people was an attempt to impose his form of 'Nietzschian Lebensphilosophie and the will-driven project to seize technology in a supernationalistic [sic] reactionary project' that among his contemporaries was rivalled only by Heidegger, also a Nazi Party member.[27]

Furthermore, when this ideological component is taken into account, as it must be, it becomes clear that so-called 'natural dispositions' are by no means as concrete as both Ojakangas and Schmitt believe. Although Schmitt presented many of his central concepts as absolute and objective truths based largely on his 'collective existentialist' ontology, he seemed well aware of the value of nationalism. In its more strongly ideological forms its inevitably leads to ethnocentrism, as distinctions have a consequently greater need to be given 'concrete' form. This is obvious; a good deal of the commonly proposed 'defined natural dispositions'[28] that serve as criteria for national distinctiveness are far from being objective realities.[29] For example, different languages are not naturally occurring entities – over time they have developed from dialects into separate languages in order to distinguish groups on ethnic *and* ideological grounds.[30] Regional

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[26] Kellas (1998: 27-41) describes nationalism as both an ideology and a form of behaviour. Hans Kohn believed that nationalism has a strong psychological element, i.e. it is not determined wholly by reference to 'objective' natural dispositions. (Cited in Snyder 1990: 63). According to Breuilly, 'ideology can still be regarded as a powerful force which was essential to the work of co-ordination, mobilisation and adding legitimacy to what was carried out by a nationalist movement.' (Cited in Smith 1998: 86) In *Political Ideologies* Heywood (2003: 156-7) describes nationalism as a 'political creed' which by the end of the nineteenth century 'was increasingly taken up by conservative and reactionary politicians. Nationalism came to stand for social cohesion, order and stability, particularly in the face of the growing challenge of socialism…' This is part of the ideological context in which Schmitt's political thought developed; he was not immune to the growing tendency to endorse nationalism in its ideological form.

[27] As well as the need for collective identity, Schmitt saw the political as another essential form of 'bias' *(Voreingenommenheit)* in the maintenance of a strong state, and socialism was among the many modern developments that threatened the bias needed to maintain identity. (Schmitt 1985 a: 65)

[28] Ojakangas 2002: 19 (Translation from the Finnish mine) 'Nationalismi perustuu rodullisen, kielillisen, tai kulttuurisen erityisluonteen – määrättyn luonnollisen disposition – ylevöittämiseen ja intensifioimiseen...'

[29] After joining the Nazi Party in 1933, Schmitt's references to the homogeneity of the *Volk* more explicitly nationalist; when the Nuremberg laws appeared he 'celebrated the end of the mere legality of earlier German constitutions, which did not originate in German blood or German honor'. (Cited in Caldwell 2005: 375; quote attributed to 'Schmidt.')

[30] I would consider cultural differences as part of of ideology, as they are very few concrete, objective borders distinguishing them from each other. For the role of language in the formation of national identity, esp. as a mechanism

dialects may vary to such a degree that they are mutually incomprehensible, yet are denied the status of separate languages so as to preserve national unity. On the other hand, many languages such as Norwegian and Swedish, Dutch and Flemish, and Russian and Ukrainian may have fewer differences between them, but they have gained full status as separate languages for the purpose of separation and distinction. (Bauman and May, 2001: 140-141) Therefore, I see no reason why Schmitt's existential definition of the people should be let off lightly by treating it as merely a 'formality', as Ojakangas does.[31] Rather, the ontological premises on which Schmitt's understanding of nationalism is founded must be recognised and taken seriously for what they are; as will be noticed throughout this and the following chapters as the description and analysis of processes of identification develops, Schmitt's underlying presumptions and the authoritarian views they lead to are still of great relevance today, even if the specific historical details and context have changed. Furthermore, his assertions of the objective truth of the identity of the people is undermined by his deeply flawed 'collective existentialist' ontology. The consequences of this for Schmitt's and neoconservatism's similar processes of identification will become evident.

For Schmitt, the creation of national identity by the expulsion of undesirable elements did not mean that the state that insisted on absolute unity would be undemocratic. On the contrary, he argued that true democracy could exist without parliamentarism and its harmful effects on national unity through the separation of powers, which for Schmitt meant the *diminishment* of powers. Not only could democracy exist independently but the concept of *parliamentary* democracy had become a contradiction in terms:

> [T]he distinction between liberal parliamentary ideas and mass democratic ideas cannot remain unnoticed any longer. [...] The belief in parliamentarism, in government by discussion, belongs to the intellectual world of liberalism. It does not belong to democracy [...] Every *actual* democracy rests on the principle that *not only are equals equal but unequals [sic] will not be treated equally.* (Schmitt 1985 c: 2, 8,9, emphasis mine)

Rather than liberal democracy through parliamentarism – 'government by discussion' (Laski 1921) – Schmitt believed the state could gain the strength and unity it needed to survive and prosper through the restricted form of democracy inherent in absolutism – rule by sovereign decision.[32] Schmitt's conception of democracy is hierarchical and exclusivist, and is one of the key principles through which processes of distinction operate.[33] An individual's position within the type of

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for drawing distinctions between groups, see Hobsbawm 1990, esp. pp.51-63. Hobsbawm rejects the notion of languages as 'natural dispositions'; as he remarks, '[L]anguages multiply with states – not the other way round.' (Ibid. 63)

[31] Elsewhere Ojakangas (2004: 55) states that Schmitt did indeed develop a theory of ethnic identity – it is unclear why he does not consider this equal to a theory of nationalism, especially considering that much has been written on the issue of national identities as ideological groupings and 'imagined communities.' Ethnic identity is itself an ideologically determined category to some extent – second-or third-generation immigrants, for example, may define themselves or be defined either by that term, by country of residence, by ancestors' country of origin, or by a combination of the last two.

[32] This is what Schmitt referred to as sovereign as opposed to commissarial dictatorship. Heywood (2004: 164) points out the difference between absolutism and rule by absolute power: 'Absolutism is the theory or practice of absolute government [...] Absolute government and absolute power are not the same thing, however. The absolutist principle resides in the claim to an unlimited right to rule, rather than in the exercise of unchallengeable power.'

[33] As I argue in Chapter three, the exceptionalist ideology which neoconservatism is to a large extent derived from shares Schmitt's basic conception of democracy as a principle of distinction, *not* of absolute equality. Lowi & Ginsberg (2002: 20-21) provide a forceful demonstration of the inequality of the democratic principle that was created through the drafting of the Constitution: slaves were denied the vote, and agreement on how slaveholding would affect the allocation of congressional seats to the states was settled between Northern and Southern states by the Three-Fifths Compromise.

democratic system Schmitt envisions is determined by specific criteria. Such criteria were a part of earlier political systems, and he seems to long for their return:

> In the democracy of English sects during the seventeenth century democracy was based on a consensus of religious convictions. Since the nineteenth century it has existed above all in membership in a particular nation, in national homogeneity. Equality is only interesting and valuable politically so long as it has substance, and for that reason at least the possibility and the risk of inequality. (Ibid. 9, footnotes omitted)

We will return to Schmitt's view of democracy in section 2.1.5. In sum, in Schmitt's discussion of group identity one can see the recognition of a twofold, opposing pressure that comes from the technological and liberal political developments imposed by modernity. This paradoxical situation, which Schmitt's emphasis on the importance of group homogeneity was a response to, was stated well by his contemporary Paul F. Ward:

> The State compounds men's heterogeneous interests into an equilibrium internally and an effective homogeneity externally. But the diversification of interest is such that the group which can hold together without dangerous internal stresses is decreasing in size, while modern machinery is causing the territorial unit capable of effective political organization to increase in size. (Ward 1928: 189-90)

Schmittian processes of identification, in both types that constitute them, involve the identification of particular characteristics as absolute truths particular to 'the people', while denying the possibility of absolute *universal* truths. Contrary to what Schmitt believes, there can be no unquestionably concrete essence of a people; to try to impose such 'complete reifications', as we shall see, is not only an impossible task but a potentially destructive one, both for the identifier and others. Much of what Schmitt had to say about the issue of identity was in connection to his critique of liberalism, to which we now turn.

2.1.5. **Anti-liberalism**

> An election is coming. Universal peace is declared, and the foxes have a sincere interest in prolonging the lives of the poultry. – George Eliot (Mary Ann Evans), *Felix Holt, The Radical* [1886]

'General clauses and vague concepts have invaded the spheres of legal life.'[34] To Schmitt, these were symptoms of the liberalist weakness of will, which threatened to replace all faith in absolute truths and decisive action with fragmentation of powers and 'everlasting conversation.' (Schmitt 1985 a: 53) He believed liberalism to be fundamentally flawed, and in considering this critique one should keep in mind the circumstances that prevailed in Weimar Germany; importantly, McCormick (1997: 5) points out that Schmitt was more opposed to socialism than liberalism. Why then did he pay far more attention to the latter? In McCormick's view, the most plausible reason is that liberalism's weakening of the sovereign power of the state made the

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This meant that '[t]he seats in the House of Representatives would be apportioned according to a 'population' in which five slaves would count as three persons.' They add that one of the primary goals of the framers of the Constitution was to prevent 'excessive democracy', any notion of universal equality within the state: 'The concern exhibited by most delegates was how much slaves would count towards a state's representation rather than whether the institution of slavery would continue. The Three-Fifths Compromise, in the words of political scientist Donald Robertson, 'gave Constitutional sanction to the fact that the United States was composed of some persons who were 'free' and others who were not.'
[34] Schmitt, cited in Ojakangas 2004: 54

German republic highly vulnerable to both internal and external socialist threats. Commissarial dictatorship, on the other hand, suspended the constitution in times of crisis in order to *save* it, whereas liberalism tries to 'blindly maintain it and allow for its destruction.' (McCormick 1997: 142) This criticism has a parallel in the US approach to the international legal restrictions faced in 2002 in its efforts to invade Iraq. Before the war, in an address to the UN General Assembly Bush suggested the UN attempts to maintain legality would have a high cost for the world if exceptional measures were prohibited. He declared that any such attempts would risk making redundant the very regulatory system they emerged from:

> The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace. Iraq has answered a decade of U.N. demands with a decade of defiance. All the world now faces a test, and the United Nations a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?[35]

For Schmitt, part of the problem came about through the liberalist fixation with stability: liberal legal-political structures were in his view incapable of dealing with conditions that threatened the stability of the state, since the existence of the exception had been in effect been denied. The consequences still have great relevance today, and explain why even powerful states are still eager to hold onto international law and other multilateral constructions, even if only for appearances: 'The only apparent recourse available […] to actors confronted with a political exception is to act – illegitimately – and hope to pass off such action as legitimate.' (McCormick 1997: 151) However, Krasner (2005: 68-70) believes that in the event of intensified terrorist attacks such superficiality would be quickly dropped, and what I later describe as the largely tacit principle of sovereign hierarchy of states would become much more explicit:

> The day after a megaterrorist [sic] attack, [...] major powers will no longer tolerate the discrepancy between rules and capabilities [...] Sovereign equality--the principle of one nation, one vote--would end. Major powers would dispense with winning a fig leaf of legitimacy from states with minimal resources and capabilities. Territorial and juridical independence would no longer provide a state with automatic access to international organizations, including financial institutions [...] At the international level, conventional rules of sovereignty would be abandoned overnight. The major powers would implement new principles and rules. Their interests would demand it and their muscle would make success possible.

The issue of *stability* is of major importance to the overall argument I will make about processes of identification – what characterises these processes at both their levels of development, as processes of exception and distinction, is that in various ways they are directed towards the ultimate goal of achieving stability for the myriad conditions they name. Although Schmitt produces a powerful critique of liberalism in this respect, his own arguments are perhaps even more driven by the urge to achieve and maintain stability than the liberalism they partly emerged as a critique of. As I will show throughout the paper, Schmittian processes of identification and the neoconservative ones that are in many ways comparable to them both create many serious side-effects in their efforts to impose such certainties, not least of these being paradoxical *decreases* in

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[35] 'President's Remarks at the United Nations General Assembly' September 12, 2002,
http://www.whitehouse.gov/news/releases/2002/09/20020912-1.html

stability in many forms. These issues are essential to our overall subject, and I will return to them in detail as the argument develops. In Schmitt's view, attempts to precisely regulate the state of exception are not only futile but dangerous, as the legal order liberalism tries to impose on it is not designed to deal with chaos: '[a] jurisprudence concerned with ordinary day-to-day questions has practically no interest in the concept of sovereignty. Only the recognizable is its normal concern; everything else is a disturbance.' (Schmitt 1985 a: 12) Legislating for exceptional situations that are by definition impervious to it is likely to mean the downfall of any political system that ignores this reality. Such was the case, Schmitt argued, with the Weimar Republic.

Apart from liberalism's 'negation of the political' both nationally and internationally, another important theme of Schmitt's anti-liberalist critique is that liberalism makes a false claim to being the natural source of democracy. (Ojakangas, 2004: 24) Parliamentarism – openness, negotiation, discussion, rationality, the rule of law, the division and balance of powers, − is essential to *liberalism*, but not to *democracy*: 'democracy requires first homogeneity and second – if the need arises – elimination or eradication of heterogeneity'. (Schmitt 1985 b: 9) This statement can be read as a crucial principle of distinction underlying processes of that sort, and therefore processes of identification themselves; it is far from the common, and perhaps commonly misunderstood, conception of democracy as a principle of equality: '[e]quality without the possibility of inequality, equality which it is impossible to lose, is worthless and inconsequential.' (Schmitt, cited in Ojakangas, 2004: 97)[36] As we have seen, because the creation of enemies – the maintenance of the friend/enemy distinction – is essential in order to preserve the identity of the nation, any possibility of absolute equality is automatically excluded. (Ojakangas, 2004: 97) Unconditional equality would mean that all individuals were deprived of the chance to struggle and compete; meaning also, in Schmitt's view, that the point of life itself is removed. Schmitt's version of democracy is existential in the same way his conviction of the concrete nature of 'the people' is *collectively* existential, an authoritarian form that bears little resemblance to Sartre's conception. To quote Hirst's (1999: 9) summary: 'Dominated as it is by the friend-or-enemy alternative, the political requires not discussion but decision. No amount of reflection can change an issue which is so existentially primitive that it precludes it.'

Closely connected to the issue of democracy is Schmitt's charge that liberalism creates a form of moral universalism that at its extreme is itself highly illiberal. For him this arose from the liberalist attempt to 'tie the political to the ethical' which would inevitably result in the dehumanisation of the enemy and thus to total war. (Schmitt 1996: 61; Ojakangas, 2004: 133)

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[36] Despite his apparent clarity, Kennedy (Schmitt 1985 b: xxxii) makes the surprising argument that 'Schmitt's conception of democratic homogeneity has frequently been misinterpreted as simply requiring that the people be a naturally (or racially) homogenous community, in fact the argument made [in the first, 1923 edition of *Die geistesgeschichtliche Lage des heutigen Parliamentarismus,* which Lilla (2001: 60, n.8) remarks is 'virtually untranslatable in English' but carried the 'misleading' title of *The Crisis of Parliamentary Democracy* in Kennedy's 1985 translation] does not depend on any such homogeneity.' Such a view overlooks Schmitt's own comments on the matter; in the introduction to very book Kennedy translated he claims that '[e]very actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally.' (Schmitt 1985 b: 9)

Drawing on Schmitt's critique of liberalism and the inherent danger in its moralising tendencies, Ojakangas (ibid., 132-3) argues:

> The total war can be seen as the logical conclusion of the democratic development of Western countries […] the epoch of democratic nation-states has proved that to destroy a state presupposes that all of its citizens are killed [...] Because killing now took place under the auspices of justice it even intensified. The symmetrical confrontation between 'just and equal enemies' was replaced with an asymmetrical relationship between […] international police and […] international criminals […] The enemy […] became the enemy of humanity.

For Schmitt, the Treaty of Versailles was the first major step towards such delegitimisation of the enemy through law, because it broke with the tradition of direct negotiations between the winners and losers of a war. From this viewpoint, Schmitt's critique of liberalism appears as a critique of universalism in general. Schmitt had little faith in the invocation of noble causes for war, as this could never be more than a façade to obscure the presence of the political: '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.' (Schmitt, cited in Ojakangas, 2004: 76) There is a striking similarity here to the argument of Schmitt's contemporary E.H. Carr (2001) and his objections to 'utopianism.' The development of international legal norms merged with a growing tendency of governments to rely on democratist, universalist rhetoric for public support to provide the façade behind which the particularist, political motives for war were hidden.[37] This aspect of Schmitt's critique has particular relevance when applied in the present-day context of the 'war on terrorism' and the militant promotion of 'democracy', as will be discussed in later chapters.

So far it is clear that Schmitt's versions of democracy and sovereignty appear as two different levels of the same concept of distinction – whereas 'democracy' here refers to a hierarchical principle of rule *within* a state, subject to the ultimate authority of the sovereign decision, the Schmittian term 'sovereignty' could be applied also to signify the hierarchical principle of relations *between* states, the only true sovereign in this case being that state that can lay claim to the sovereign decision in a given situation. Both principles have as their objective specific identifications of the group and of the 'enemy' or at least outsider; both are concerned with stabilising the identifications they make and destabilising or destroying completing claims – as a consequence, making their *oppositional* nature both a criterion for their survival and a key factor in endangering it. By applying Schmitt's understanding of democracy to the present US context, I intend to argue that neoconservative rhetoric uses democracy as a similarly exclusionary device. However, they go much further than Schmitt, who arguably was anti-pluralist only on a national level, (Schmitt 1996: 53), because neoconservatives seek to use democratist rhetoric as an exclusionary means towards anti-pluralism – 'the eradication of heterogeneity' – on a *global* scale.

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[37] Simpson (2000: 449) offers an explanation as to why liberal attempts to bring about global peace through international law had opposite consequences: 'Idealism's failure was also international law's. International lawyers had created institutions, developed laws and established regimes to abolish war. All this work had simply led to another war [WWII] by erecting an edifice of illusion around the hard realities of international life. By abolishing war on paper, international lawyers had provided a stimulus to world statesmen to disregard its dangers, its causes and its continued prevalence in an anarchic world.'

2.1.6. **The political: conflict and pragmatism against relativism and procedure**

> The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much
> more political the closer it approaches the extreme point, that of the friend-enemy grouping. (Schmitt 1996: 29)

Schmitt was strongly opposed to the idea of normative concepts**,** and it is therefore ironic that by basing his theories on the absolutist ontological presumptions identified earlier they themselves cannot escape becoming normative theories of a different sort. This is true of his discussions of sovereignty and democracy, as we have seen, but also, I will argue now, of his concept of 'the political'. Rather than providing normative definitions, Schmitt's stated intention was to find 'a special distinction which can serve as a simple criterion of the political and of what it consists […] The specific political distinction to which political actions and motives can be reduced is that between friend and enemy.' (Schmitt 1996: 26) Therefore, we can define the concept of the political as the third of the three major examples of processes of distinction in Schmitt's decisionist philosophy. As will be seen it is thoroughly antithetical, being most of all Schmitt' antithesis to the perceived dangerous utopianism of the liberal worldview. This opposition at the heart of the concept of the political is highly characteristic of his overall existentialist worldview. Liberalism's denial of politics would mean that a people was indifferent to ensuring its own survival: 'If a people no longer possesses the energy or the will to maintain itself in the sphere of politics, the latter will not thereby vanish from the world. Only a weak people will disappear.' (Ibid. 53)

If one accepts the assertion that state sovereignty is not an absolute principle of equality among states but rather an organising myth sustained to hide the true, hierarchical nature of the international state system,[38] then one can assume that the declaration or enforcement of a state of exception by a dominant state will, if its effects extend beyond the domestic level, constrict the sovereign power of a weaker state. So whereas Schmitt's definition of the sovereign suggests that the sovereign has full control over employing the state of exception, the existence of hierarchy among states puts limits on this. Such hierarchy implies that a state's use of the state of exception as a tool of governance on an *international* level will also have an effect on the sovereign power of other states. These observations will be related to neoconservatism in Chapter five. For Schmitt, nothing defines modernity better that 'the onslaught against the political' that stemmed from the belief that governance was possible through the adoption and implementation of 'anonymous' norms and procedures – in other words, politics is substituted with 'organisational-technical tasks.' (Schmitt 1985 a: 49, 65) Although he believes liberalism 'has not radically denied the state', the controls it places on government through parliamentarism has fragmented and limited its ability to decide and act. Schmitt (1996: 61) suggests this negative impact denies liberalism any claim to legitimacy: '[it] cannot be characterized as either a theory of state or a basic political principle.' *True* legitimacy in his view depends on decisionist authority, and it is this capacity for single-minded assessment and action which liberalism most lacks. He considered the rejection of the political as liberalism's defining weakness, meaning: if a government is weak and fragmented and

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[38] For a discussion of sovereignty as a principle of hierarchy among states see Lake 2003; for an analysis of the use of sovereignty as a form of 'legalised hegemony' within the framework of international law, see Simpson 2004.

therefore incompetent to 'assume the state's power and thereby decide on the friend-and-enemy distinction and, if necessary, to make war, then the political entity is destroyed.' (Ibid. 38) In Ojakangas' opinion, Schmitt's concept of the political can be understood more broadly as a rejection of the liberalist aspiration to unify the world. As he puts it, Schmitt's attempt to re-establish the importance of the political and the key assumptions of opposition, conflict and pragmatism that it is based on is 'a guarantee that globalization, the worldwide enclosure of absolute immanence, will not reach its ultimate aim, the Babylonian unity of the world.' (Ojakangas, 2004: 63) The sovereign is the element most essential to Schmitt's political because the friend/enemy distinction constitutes an especially significant case of the exception, one more fundamental than all others; as we have seen, this demands a strong sovereign to save the state from chaos and destruction. For Mouffe (1999: 1-5), Schmitt's concept of the political is a rejection of the idea of politics as consensus – aspirations of a 'third way' and the possibility of deliberative democracy are no more than wishful thinking in her view.

Although he claims his concept of the political is characterised by pragmatism (Schmitt 1996: 26-7), in putting the distinction between friend and enemy at the centre of it Schmitt cannot himself escape making normative categorisations of a potentially extreme nature. On the one hand, he argues it is 'inherently objective': the political 'neither favours war nor militarism, neither imperialism nor pacifism.' This, along with his statement that the antitheses of friend and enemy 'are neither normative nor spiritual antitheses' (Ibid. 27, 33, 28) ignores the nature of the criteria that will inevitably be used to categorise friend and enemy. As Ojakangas (2004) argues, Schmitt's political philosophy can rightly be considered 'extreme', because his definition of the political, like many of his other definitions, is distinguished by the outlying cases: the enemy is 'existentially something different and alien, so that in the extreme case conflicts with him are possible.' (Schmitt 1996: 27) The idea of exception is inseparable from that of the political: 'These [extreme cases leading to conflict] can neither be decided by a previously determined general norm nor by the judgement of a disinterested and therefore neutral third party.' (Ibid. 27) Judgement of who is 'disinterested and therefore neutral' is *itself* a decision that cannot be made neutrally; it will inevitably be shaped by ideological or other presumptions cloaked in the legitimacy of moral convictions or 'moral values' of some sort. Elsewhere in the same book Schmitt flatly contradicts himself by acknowledging the 'inevitable lack of objectivity in political decisions'. (Ibid. 32)

In the case of neoconservatism also, as will be seen, enemies are distinguished to a large extent by subjective criteria. Although Schmitt (Ibid: 23) lists religion, culture, economics, law and science as the 'antitheses of the political', one would be hard pressed to argue that states do not take any of these into account when making decisions on who their friends and enemies are, including the decision to go to war against the latter. It is then hard to see how the political can in fact be 'inherently objective', as he claims it to be − all distinctions and decisions of a political nature are based on subjective values to some extent, be they of a cultural, economic or some other nature. Any political decision will be informed to some extent by some of the 'antithetical'

elements Schmitt refers to – the political cannot exist without them. Although he is correct in emphasising the pervasiveness of the political, it is pointless to insist that other, equally pervasive factors such as economics and culture are antithetical to it and thus entirely apolitical – none of these concepts, the political included, are freestanding. To varying degrees, they are all interlinked and mutually influential; some conflict between them is not enough to make them 'antithetical'. Therefore, Schmitt's attempts to separate the moral from the political in defence of the latter are in the end unconvincing, for one thing because he fails to show what is left behind is truly political if all the major 'antitheses' to it are excluded. Also, a decision on what is not political is *itself* a political, and therefore necessarily subjective, decision; my claim is that politics can *never* be a 'value-free' practice. Hypothetically − because in reality it is impossible − to remove all 'values', which in any case will vary in their 'moral' quality from one opinion to the next, would be to remove every possible motive for human action itself, which can only mean death or complete destruction of the value holder. This is an essential issue we will encounter throughout the study; what is at stake here in Schmitt's 'philosophy of the extreme' is precisely the issue I refer to with the title of the paper, the notion of 'concrete thought', is in practice an open invitation to authoritarian rule. A concept of the political that attempts to remove all moral content from what it identifies in effect attempts to completely reify that 'thing' as an object with a concrete, undeniable and unchangeable nature. I will gradually develop this argument that what lies behind processes of identification − specifically, behind processes of distinction − is the *reifying motive*. In doing so, I will claim first that neoconservatism operates in the same way as Schmitt's concrete philosophy, and second, that such processes of identification, because they seek to have the last word on all they identify, are contradictory and ultimately self-defeating.

In *The Concept of the Political,* Schmitt's often-used strategy of discussing concepts through negative definitions shows its limitations most clearly. As a polemical device, detailed discussion of 'antitheses of the political' may be effective, but it fails to provide a substantial explanation of what the political actually *is* apart from making clear what he thinks it is not. The problem of negative definitions is an additional factor that destabilises the oppositional identities that result from them: they continually seek clarity and affirmation of what they are *not* rather than of what they are. [39] A further criticism can be made of Schmitt's definition of the political as being the source from which all other considerations emanate, including all the above concepts he believes to be antithetical to it. Placing *all* considerations within the realm of the political allows Schmitt to speak of reversing the fragmenting effects of liberalism. What he does not consider is that this would itself lead to the 'dilution' of the political, as it would by necessity have to incorporate other essential concerns which would in turn exert influence on political conduct, such as law, religion and economics. In other words, over time Schmitt's critique of liberalism took a u-turn into self-contradiction; although he started out by condemning the liberal total state, he eventually begins to

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[39] In setting out six rules for valid definitions, Kelley (1988: 39-41) states that not only do negative definitions fail to provide information about what a concept is rather than is not, but they also usually violate the 'rule of essentiality' − the requirement that a definition refers to fundamental attributes of the concept that cause or explain the existence of other, less fundamental attributes of it.

advocate his own form of state totality – this would succeed in eliminating liberalism as the threat to politics in name only, as other considerations are inseparable from it.[40] In effect, Schmitt's cure is as bad, if not worse than the 'disease' of liberalism and the turn towards a non-political, administrative state. Allocating all other responsibilities to the political can only mean greater restrictions on political autonomy. Dunn (1991: 35−7) makes a similar argument in relation to the limitations placed on sovereign power by modern, highly diversified and professionalised society.

Schmitt's friend/enemy distinction is based on the premise that the identity of the nation is absolute, but the identity of the enemy is not. This latter distinction cannot however escape absolutism, and because of this it *cannot* prevent total war as a likely outcome of competition and animosity between states. His prioritising of the political above all else will not prevent states from seeing the enemy as an absolute evil with which a *modus vivendi* cannot be found, as Schmitt argues it will. Rather, if states are to give priority to the political in the way Schmitt advises they will not stop going to war for reasons other than politics, for instance for economic reasons or control of natural resources (Klare, 2002). Instead, such wars will be legitimated as 'existential' struggles for the security or even the physical survival of the state or for the integrity of its 'values'. This problem is further exacerbated by the fact that states need to continually reinforce their inner homogeneity as a means of deflecting attention from unsolvable or unpopular domestic political issues. This is a key point of Gilbert's critique (1999) on the 'constraint' of democracy at home through aggressive foreign policy. One method of such reinforcement is through 'exceptionalist' discourse – strong perception of real, manufactured, exaggerated or imagined crisis creates a domestic environment of complicity which can allow measures to be taken that would otherwise be difficult to implement.[41]

When the identification of the enemy is given concrete substance through liberal legal mechanisms, Schmitt's much-lauded pragmatism, which implies (reluctant) coexistence *does* in fact give way to the creation of the 'absolute enemy' who can be 'utterly destroyed.' (Cited in Ojakangas, 2004: 76) Despite the forcefulness of his anti-liberalist stance on this ground, Schmitt's argument cannot escape being open to the very same critique on the issue of morality. In his notes to *The Concept of the Political,* Leo Strauss notes Schmitt's self-contradiction by pointing out the inseparability of moral and political views:

> [Schmitt] affirms the political because he sees in the threatened status of the political a threat to the seriousness of human life. The affirmation of the political is ultimately nothing other than the affirmation of the moral […] Schmitt is tying himself to his opponents' view of morality instead of questioning the claim of humanitarian-pacifist morals to *be* morals; he remains trapped in the view that he is attacking. (Schmitt 1996: 101, 104, Emphasis in original)

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[40] Ojakangas (1999: 105) points out that Schmitt distinguished two types of total state: the *qualitative* total state, which corresponds to his view of the liberal state, is total in its weakness. By attempting to meet every conceivable need within its boundaries, it dissipates its sovereign power and becomes incapable of decisive governance. The *qualitative* total state, on the other hand, is total in its strengths. It maintains what Schmitt feels is the necessary distinction between state and society by claiming a monopoly over sovereign (decision-making) power, thus placing itself above society.

[41] The USA Patriot Act passed by Congress shortly after September 11th, 2001 is a good example of this, as is the 'extra-legal zone' at the US military base at Guantánamo Bay, Cuba following 9/11. See, for example, Agamben 2005: 3-6, and the debate on military commissions in the American Journal of International Law 96, No.2, April 2002.

In general, although it is possible to find much to object to in the solutions proposed by Schmitt,[42] as the surge of renewed interest in his work has shown there is at least some limited validity in the criticisms he makes of rationality, faith in science and historical progress, and of liberalism in general. His theory of the political can be looked on as something of a summary of all the major concepts he developed, because the question of how to produce a system of 'pure' political order seems to have been his main concern. Gunnell (1993: 165) remarks that '[i]n a world in which politics as a distinct form of life was viewed as disintegrating, Schmitt invented the idea of the political much as Aristotle had invented the idea of the *polis.*'[43] Striving for purity of order, that is, *concrete* order, is another way of expressing the reifying motive behind processes of distinction I have referred to above, and is clearly evident also in the last of the seven themes I distinguish in Schmitt's concrete philosophy.

2.1.7. **Decisionism: government by will versus government by constitution** [44]

> Perhaps the age of discussion is coming to an end after all. − Schmitt, 1926 (Schmitt 1985c: 1)

Decisionism refers to the sovereign's enacting of a decision that imposes a norm and an order – in the decisive case, the state is 'the ultimate authority.' (Schmitt 1996: 19−20) In this way, the state of exception can be considered the most extreme case of the decisionist approach – the norms and legal order that are valid under 'normal' circumstances are most comprehensively suspended in times of crisis. (Ojakangas, 2001: 96) For Schmitt, the decision is at the heart of what constitutes political power; it is the sovereign who *decides* on both norm and exception, suggesting at the very least a tension in Schmitt's deceptively simple statement that opens *Political Theology*. (Schmitt 1985 a: 5) As Ojakangas remarks, Schmitt sees the decision as 'a grounding concept […] the sovereign is not in fact anything but a name for the taking place of the absolute decision.' (Ojakangas, 2004: 53) Rather than reify the 'sovereign', in other words, Schmitt seems here to give priority to the decision itself; while the *act* is assigned the status of being essential, the actor is authoritative only insofar as he fulfils his side of the political obligation to 'enact' the *correct* act. In a dispute over power, the identity of the sovereign will be revealed by the concrete fact of who has the power to make the most important decision: 'The sovereign decision is an absolute beginning and the beginning is nothing else than a sovereign decision.' (Schmitt 1985 b: 43) Rather than being the sovereign which makes the decision, it is the decision which makes the sovereign.

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[42] Bendersky comments that Schmitt 'laid bare the deficiencies of the system without considering the demoralizing effects his criticism would have on German society.' (Cited in Kelly 2003: 176)

[43] However, Heller (1991: 332) suggests that, although Schmitt did much to develop the concept of the political, he did not 'invent' it as Gunnell claims: in her view that distinction belongs to Schmitt's teacher Max Weber. Möllers (2000: 61-63, 124) argues that as a political theorist Schmitt was far less innovative that his followers have claimed, as indeed did Schmitt himself; in his view, Schmitt's statism and the related notion that the people possessed a natural unity that pre-existed law was in fact the dominant conservative approach in Germany in Schmitt's time.

[44] This is a phrase Schmitt borrows from Bolingbroke in his critique of parliamentarism. Schmitt 1985 b: 43

What become apparent here are two contradictions. First, there is the problem of *in*distinctness that arises when, as we see above, Schmitt reifies the act rather than the actor. My point here is that for those witnessing the 'ideal situation' of the sovereign in action committing a succession of essential acts for the ultimate benefit of the people, it will soon appear as if the sovereign *himself* is in fact the essential element – not the acts he commits. Second, the sovereign, being human (either one or more individuals), is likely to develop the same impression that he is more important than the position he is charged with. In other words, Schmitt's initial reification of the act has inadvertently led to the reification of the actor. This reversal is essential to understanding overall processes of identification, because as will become evident in later chapters the attempted reification of the actor – of the object of any given identification – and not the act is crucial to the processes being able to continue at all. Why this is so will become clear after we have discussed the two constituent types of identification process in more detail, including their occurrence in the neoconservative context.

Löwith was among those who recognised the tautology at the heart of Schmitt's entire concrete philosophy: 'it will remain to be asked: by what faith is Schmitt's demanding moral decision sustained, if he […] has faith only in the power of decision?' (Cited in Kelly, 2003: 197) Löwith's charge was that Schmitt was a 'Romantic occasionalist' who by choosing always to favour the decision would side with whoever happened to be in power, or as Müller (2003: 40) puts it, 'try as he might to appear as a true Nazi — Schmitt was ultimately not only the kind of Romantic he himself had condemned, but a nihilist without any real beliefs whatsoever.' Other tautologies are also evident in Schmitt's works. Two major ones have already been encountered – first, his treatment of the political as being 'inherently objective', although it can only be decided on by the sovereign, who is therefore at liberty to impose his own moral preferences on – indeed, *as* – the decision-making process. Second, his definition of democracy as 'equality among equals' which like his other tautologies only becomes meaningful when one realises that these and other concepts he developed, far from being objective truths as he claimed, were in fact absolutist. Being tautological, they cannot be justified by 'external' reason, and if questioned to the extent that their purely self-legitimating nature becomes evident it will also become apparent that these 'arguments' rest ultimately on coercive power. This explains why he shows little interest in *reasoning* his position – in the event of opposition to enactment of his blueprints for political action, he seems to imply, simple force will decide. As Russell (1935: 87) put it in an essay entitled *The Ancestry of Fascism*, 'in general the appeal to reason is thought ineffective with those whom we mean to devour.'

In Chapter five, by applying Burke's concept of the tautological cycle of terms for order we will see how this apparent contradiction in Schmitt's overall argumentation serves as an important mechanism for resolving many of the otherwise paralysing contradictions that characterise all such processes of identification. My view that Schmitt's contradictions resolve themselves within the context he designed for them is shared by Kelly (2003: 187): '[Schmitt's] 'tautology' that the state

is political unity is the state is something that gradually became clearer as his work developed, and it was dependent upon a particular understanding of the representative capacity of the state.' It was precisely the issue of unified decision-making power, or rather the lack of it, which Schmitt identified as the source of the 'crisis' that faced parliamentary democracy in Weimar-era Germany. Liberalism had become obsessed with the 'abstractions of normative juridical thinking' (Ojakangas, 2004: 51) that it had itself created, and was now incapable of even recognising when a decision was needed, let alone acting firmly in response to that need. For Schmitt, a utopian faith in human rationality set liberalism beneath any political theory worthy of the name: it ignores 'the remarkable and, for many, certainly disquieting diagnosis that all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being.' (Schmitt 1996: 61) Because liberalism lacked any existentialist foundations, Schmitt believed the preferred liberal form of parliamentary government was incapable of accepting anything as an absolute truth; it is incapable of *decision*, and can produce nothing more distinctive than 'the gruesomely comic fantasy' of 'everlasting conversation.' (Schmitt 1985 a: 53) Another source of his antipathy to parliamentarism was the fragmentation of power it led to, not only through the principle of the separation of powers, but also through party politics. He thought this latter feature of parliamentarism cheapened the value of the political by reducing political struggle to a popularity contest judged incompetently by the voting public:

> The inevitable lack of objectivity in political decisions […] manifests itself in the regrettable forms and aspects of the struggle for office and the politics of patronage […] Parliamentarism has already produced a situation in which all public business has become an object of spoils and compromise for the parties and their followers, and politics, far from being the concern of an elite, has become the despised business of a rather dubious class of persons. (Schmitt 1996: 32; 1985 c: 4)

As I argued in the previous section, Schmitt himself failed to find a solution to the 'inevitable lack of objectivity' he refers to. His implication is that because the parliamentary system involves the separation of powers, the result is a state that can no longer be considered complete, and therefore lacks the authority that only an 'entire' state would have: 'In its entirety the state as an organized political entity decides for itself the friend-enemy distinction.' (Schmitt 1996: 29-30) Although Schmitt was careful to give the concrete power of the decision priority over the entity responsible for it, nonetheless a large part of his political theory can be seen as an attempt to restore an element of personality to political rule. (Ojakangas, 2004: 37) By emphasising norms and procedure at the expense of the distinctive character of the personal decision, liberalism had emasculated the sovereign. It was this situation that Schmitt's decisionist approach was intended to redress. [45] As will be noticed, in Schmitt's vision of the state the sovereign had a monopoly over all

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[45] According to Ojakangas (1997: 13), for Schmitt the Aristotelian emphasis on the force of law can never be enough to constitute a legitimate decision: what is needed is the *persona,* which for Schmitt can only be found in the sovereign. The sovereign cannot be a people, because only the sovereign as a persona is capable of indisputable decision, and therefore of representation in the true sense. However, in a later analysis of Schmitt's concept of the sovereign Ojakangas (2004: 53) no longer seems to believe that what Schmitt had in mind was the reification of the sovereign but rather that it was the sovereign *decision* that had a concrete identity – the entity that was capable of the decisive act – of making the authoritative decision – was the one which earned the position of sovereign. In this context, and contrary to his

major decisions, and these cover a wide range. Table 2.1. below summarises the different forms that the decision takes in Schmitt's philosophy – or to put it another way, the different forms of decision that the sovereign is empowered to take. They can be categorised according to two broad functions: order (or authority), and unity (or identity).

In opposing parliamentary democracy from this decisionist standpoint Schmitt denies two commonly held perceptions: first, that parliamentarism and democracy are mutually dependent, and second, that democracy and dictatorship are mutually exclusive. (Schmitt 1985 b: 32) Heywood, for one, upholds this second position in his criticism of absolutism, a position which is shared by Agamben (2005: 2-4).[46] Schmitt's solution to what he sees as the problem of the loss of unified decision-making power through the subjugation of the political is to go from one extreme to the other – from liberalism's dehumanisation of the enemy through moral exclusivism, to dehumanisation through the subjugation of *everything* to the political. Decisionism very easily becomes a legitimation for unchecked power, with all the potential consequences that entails. In relation to neoconservatism, a relevant example given by Ermarth (2005: 25) on the rift between Germany and the US over the 2003 war in Iraq:

> Prominent and ordinary Germans are disputing US insistence that the world after the terrorist attacks of 9/11 is facing the sort of either/or 'decisionist' moment that earlier Germans in the vein of Carl Schmitt brooded over and acted upon, only to be met with the catastrophic consequences of two total world wars, systematic genocide, and enduring infamy.

Schmitt condemns liberalism also for what he sees as its subjugation of the 'concrete act' of the decision to abstract norms – but who is to decide on the difference between an abstract norm and an absolute truth? What is the absolute truth for one person may well be an abstract norm for another. The clearest example of this is Schmitt's own reification of 'the people' and the invocation of what he saw as the absolute and indisputable truth of its 'pure' identity which had to be distilled to its homogenous 'core.' In reality this 'core' will always be an individual, *subjective* determination– Schmitt wishes to expel all that he believes to be alien to it, all he finds 'heterogeneous.' Even if another person was to recognise the same heterogeneity as Schmitt, it is perfectly that they would see no need and perhaps a great deal of harm in any attempts to remove such diversity – society can thrive on difference, a perspective which seems to be completely absent to Schmitt's understanding. No human population can be entirely homogenous, and to claim otherwise can only lead to the creation of a chauvinistic national identity because one group's claim to homogeneity and to distinction based on a particular set of attributes will necessarily mean that these attributes are then denied to or downplayed in other groups. If this were not so, no distinction would be possible, and the identity of the group would collapse into 'heterogeneity', which would for Schmitt represent a humiliation and defeat of the nation.

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interpretation in his 1997 article, Ojakangas remarks that Schmitt sees the decision as 'a grounding concept […] the sovereign is not in fact anything but a name for the taking place of the absolute decision.'
[46] Heywood 2004: 164-5: The 'objectionable feature of absolutism is that is now widely seen as merely a cloak for tyranny and arbitrary government. Modern political thought, linked to ideas such as individual rights and democratic accountability, is largely an attempt to protect against the dangers of absolutism.'

Table 2.1**: Schmitt's various types of sovereign decision**

ORDER/AUTHORITY:	UNITY/IDENTITY:
- The likelihood or existence of a crisis: i.e. the conditions necessitating a state of exception	- Sovereign determines essentials and non-essentials of national identity
- *Autoritas, non veritas facit legem* − sovereign determines law, its limits and the extent and duration of its suspension in states of exception	- Democracy − who is equal and 'unequal'
- *Law = norm + decision*; sovereign decides on the criteria for the existence of norms	- Friend/enemy distinction: subject to continuous change in accordance with political needs
- The sovereign determines the nature and existence of internal and external threats to the state;	- and decides also on internal and external threats to the unity and identity of the people
- The sovereign decides on when order has been restored; i.e., on conditions are suitable for a return to law (Schmitt's 'commissarial' dictatorship)	- The sovereign is the moral guarantor of the state and the people − monopoly on moral judgement, and the limitations imposed on it by pragmatic (political) considerations
- The sovereign decides on the domestic hierarchical order, and prevents disorder and dissent by maintenance of that hierarchy	- Sovereign responsible for state's hierarchical standing internationally − including through maintenance of internal unity
- Sovereign determines criteria for necessity and severity of exception, acceptable limits of dissent, etc.	- Sovereign determines criteria for *distinctions*: homogeneity/heterogeneity, equality/inequality, insider/outsider, etc.

Three main principles of distinction were identified in Schmitt's political theory − sovereignty, democracy, and the political. The first of these was elaborated on in this chapter, particularly with reference to how the state of exception is drawn on to create this new rule of sovereign hierarchy. The three processes of distinction and the relations between them are outlined in Table 2.2. below.

Table 2.2. **Schmitt's processes of distinction − sovereignty, democracy and the political**

SOVEREIGNTY **Main distinction:** **authority/odebience**	**DEMOCRACY** **Main distinction:** **equal/unequal**	**THE POLITICAL** **Main distinction:** **friend/enemy**
The sovereign state's monopoly on all decisions limited from outside: by its relative position in the sovereign hierarchy of states	*Schmitt's democracy a principle of 'equality among equals'; based on political criteria, 'equals' will enjoy the same treatment in the state/nation, 'unequals' subjugated or removed.*	*Criteria for making distinctions such as friend/enemy and all others are political decisions for Schmitt*
Other antithetical pairs:	**Other antithetical pairs:**	**Other antithetical pairs:**
order/disorder	acceptance/rejection	objective/subjective
obedience/dissent	obedience/dissent	political/non-political
friend/enemy	member/alien	decision/neverending conversation
homogeneity/heterogeneity	privilege/denial	action/hesitation, inaction
exception/routine	homogeneity/heterogeneity	certainty/hesitation
necessity/routine	authentic: entitled to democracy; 'fake', 'unequal' and so denied it	absolutism/relativism
identity (personality)/anonymity	insider/outsider	authority and order/permissiveness and confusion
unity/division	sameness an asset, granting democratic privilege; difference a liability to the group, leading to the denial of this privilege to an individual	clear meaning and purpose/aimlessness and drift
protection/war, etc.		seriousness/triviality

2.2. *Schmitt's hidden framework: the metaphysical*

> For all the clarity of his language [Schmitt] retained the bearing of a metaphysician who descends into the depths and at the same time unmasks a base reality [, one which] has been hollowed out by positive law and robbed of the substance of its authority. (Habermas 1989: 133)

Having discussed these seven main themes in Schmitt's decisionist writings, here I will interpret these issues on a more abstract level to gain a better understanding of the more

fundamental assumptions and beliefs that guided his political thought. Keeping in mind Caldwell's remark cited at the beginning of this chapter and Habermas' above, Schmitt's writings seem at once openly declarative and 'self-consciously 'private' and subversive', as Marks (2003: 250) puts it. As it is for Müller (2003), also 'for Habermas, the way in which Schmitt communicate[d] his ideas and exert[ed] an influence is as distasteful as the ideas themselves.' (Marks, 2003: 150)

The aim here is to identify the ontological position from which he developed the principal theoretical elements discussed. Ojakangas (2004) argues that Schmitt's work is unified by a metaphysical strand that runs through it, an 'ontology of the extreme.' Here I will expand on Ojakangas' idea by trying to determine the precise nature of the metaphysical framework in which the seven themes identified can be located. Because a lot of attention has been paid to Schmitt's ideas already, this section will necessarily be brief in comparison. As Loux explains, ontology and metaphysics in general is an enormously wide field and neither term allows an easy definition. An attempt to identify the ontological foundations of any given position involves identifying 'the most general concepts at work in our representation of the world, the relationships that obtain among those concepts, and the presuppositions of their objective employment.' (Loux 1998: 8) As said in Chapter one, I believe that attempting to understand arguments and ideologies in ontological terms is extremely useful in the sense that it encourages us to look beneath the surface in search of the most fundamental, *definitive* beliefs behind a given standpoint. In other words, an attempt to look for the ontological basis of an argument, even if it can never be entirely successful, is a critical, questioning approach that seeks to go beyond accepted and unquestioned assumptions. This effort will be justified if it helps us question arguments that are all too often taken for granted and passively accepted solely on the merit of constant repetition: the spread of 'freedom and democracy' throughout the world is rarely justified by its proponents through reasoned and thorough arguments as to what these concepts involve, what they will supposedly be replacing in the places they are 'introduced' to, why this imposition is thought necessary and on whose authority this need is determined? Concepts such as 'freedom' and 'democracy' seem to be frequently excused from critical analysis because of the positive emotional impact they carry – what will they mean *in practice* in the societies they are imposed on, what and who will they exclude, and how will all inclusions and exclusions be justified? On what criteria will 'freedom', for instance, be granted, and on what and whose criteria will it be denied or removed? Who is competent to decide on these matters and act on those decisions, and on what grounds – in what ways can any intervening body claim legitimacy, if it can justifiably claim any at all? How should inevitably contesting claims to legitimacy be dealt with? On this last point, I assume (because I believe) that branding all dissent to a particular view as 'terrorism' or 'a threat to security' should always be treated with scepticism, and where found to be false, thoroughly exposed as a cynical manipulation of the 'necessitarian' tactic.

Such an attempt to get to the core of issues that in the minds of many seemingly no longer even need to be constituted as *arguments* is always needed. Rather than being a form of 'moral

relativism' that is incapable of distinguishing 'good' from 'evil', 'liberators' from 'terrorists', such an approach implies a high level of trust in the power of a good argument – for example, any genuine attempts to bring about global democracy will certainly not be derailed by sustained, impartial and critical questioning of the presumptions and values it is based on. Such a critical evaluation *will*, if engaged in thoroughly, stand a good chance of exposing the weakness of many present justifications for intervention, action and inaction of one kind or other, be it the spread of democracy or any other project. It is a rejection of 'decisionism' as Schmitt defined it, meaning that any monopoly over decision-making power has to be questioned in terms of its competence, legitimacy and representativeness, the latter two of which should be conceived of in broader and less authoritarian terms than Schmitt himself conceived them.[47] By leaving behind a passive acceptance of 'arguments' that have been reduced to the intellectual level of mass-communicated dogma, real arguments and counter-arguments will be given the chance to be heard, considered and evaluated on as large a scale as possible. Having reiterated the argument made briefly in the opening chapter as to the practical value of sensitivity to ontological presumptions, we can consider Schmitt's decisionist philosophy from this perspective.

His antipathy to liberalism, as we have seen, was partly directed against what he saw as its universalist pretensions and consequent denial of particularistic arguments such as his own; Kelsen in effect 'solved the problem of the concept of sovereignty by negating it.' (Schmitt 1985 a: 21) Liberal ontology is precisely what Schmitt rejected with the following assertion:

> All significant concepts of the modern theory of the state are secularized theological concepts not only because of their historical development – in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver – but also because of their systematic structure […] (Ibid. 36)

In Schmitt's view, the theology and metaphysics that the modern state is grounded in attempts to subjugate the sovereign to a higher force – a legal order based on supposedly universal truths, on Kelsenian foundational norms. For Schmitt, the principal ontological base of parliamentarism is open discussion. (Ojakangas 1999: 110) At the same time, this leaves no room for the existence of anything that cannot be defined and regulated by legal norms – that is, no room for the exception, for Schmitt the element that gives the sovereign its very reason for being. To McCormick (1997: 17), Schmitt himself 'aestheticizes what is at first presented as an analytical category, the exception, into an occasion of almost divine will.'

In section 2.1.7. we discussed the means by which the original reification of the sovereign act is reversed so that the actor now becomes what is reified, leaving acts open to all, in a sense. It bears reiterating that this reversal in what is reified is fundamental to processes of identification. Therefore, because of the reversal in Schmitt's argument, the state of exception itself is reified to a position of absolute authority, because it is an 'actor' in the sense that it *creates* a particular state of

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[47] It is worth quoting Habermas' refutation of Schmitt's authoritarian approach here as being antithetical to the idea of the public sphere: 'The medium Schmitt ridicules, that of public discussion guided by arguments, is in fact essential to any democratic justification of political authority […] it is only discursively that one can check whether compromises have come about under fair conditions.' (Habermas 1989: 138)

affairs, namely a threat to political order. In assessing decisionism it was argued that the decisive *act* was of greater importance than the sovereign himself, although the process 'goes wrong' in allowing the sovereign and his inferiors to delude themselves into thinking that the sovereign *office* exists to serve the particular occupant, reversing the rightful order. We can now go a step further; the state of exception is condition that possesses concrete force, and so it is more important than the decision itself, which is then relegated to the status of being a *reaction* to that exception. Being the ultimate justification behind the existence of the sovereign, the exception is therefore one of the essential elements of the ontological position on which Schmitt's philosophy is based. To borrow his own habit of drawing theological analogies, one can say he does not reject the rationalist faith that liberalism is based on because it claims to be *universal* – I would argue that Schmitt has no objection to universality as such, rather that he objects to universalism of the 'wrong' kind. It is the *nature* of the universal that liberalism professes faith in that Schmitt is really opposed to. It is made all the more objectionable due to its attempted banishment of the exception.

What follows in the remainder of this chapter is a number of simple iconic models derived from Schmitt's decisionist philosophy. These inevitably lead to oversimplification of many of the issues discussed, but they serve their purpose if they help to clarify some of the main arguments I have made about Schmitt, and the main points I have so far made about processes of identification and the processes of distinction and exception which constitute them. I have adapted the notion of iconic models from Patomäki (1992), although his are of a radically different nature than anything based on Schmitt's theories. Though he argues that his critical realist models can be 'unproblematically metaphorical and metonymical' (ibid. 191) in representing causal connections, I want to show how reducing Schmitt's decisionist arguments to their underlying ontological 'iconic models' reveals their highly *problematic* structure. As we will later see this is a characteristic shared by neoconservative processes of identification (and perhaps others) which function along similar lines and share comparable ontological presumptions.

2.2.1. *Schmitt's ontological presumptions*

Schmitt's own universals, then, could be summarised by restating a list of terms: the ultimate authority of the exception; the 'collective existentialist' conviction of the concrete reality of the identity of the people; the world as a 'pluriverse' of such concrete entities defined and unified in opposition to each other; the 'by no means unproblematic, dangerous and dynamic' reality of human nature, which rules out the possibility of Enlightenment rationalist universality; the primacy of the political as the ultimate expression of this nature as an objective truth and therefore an end in itself; the 'collective existentialist' identity of the people taking official form as the state, the political aggregate, the 'specific entity of the people'; the sovereign as the authoritative entity charged with leading the state; and so on. Alternatively, this incomplete list could perhaps better serve as the beginnings of our efforts at mapping Schmitt's ontological presumptions in a number

with very simple iconic models – the pattern of 'tautological' interconnections thus formed is shown in fig. 2.3.
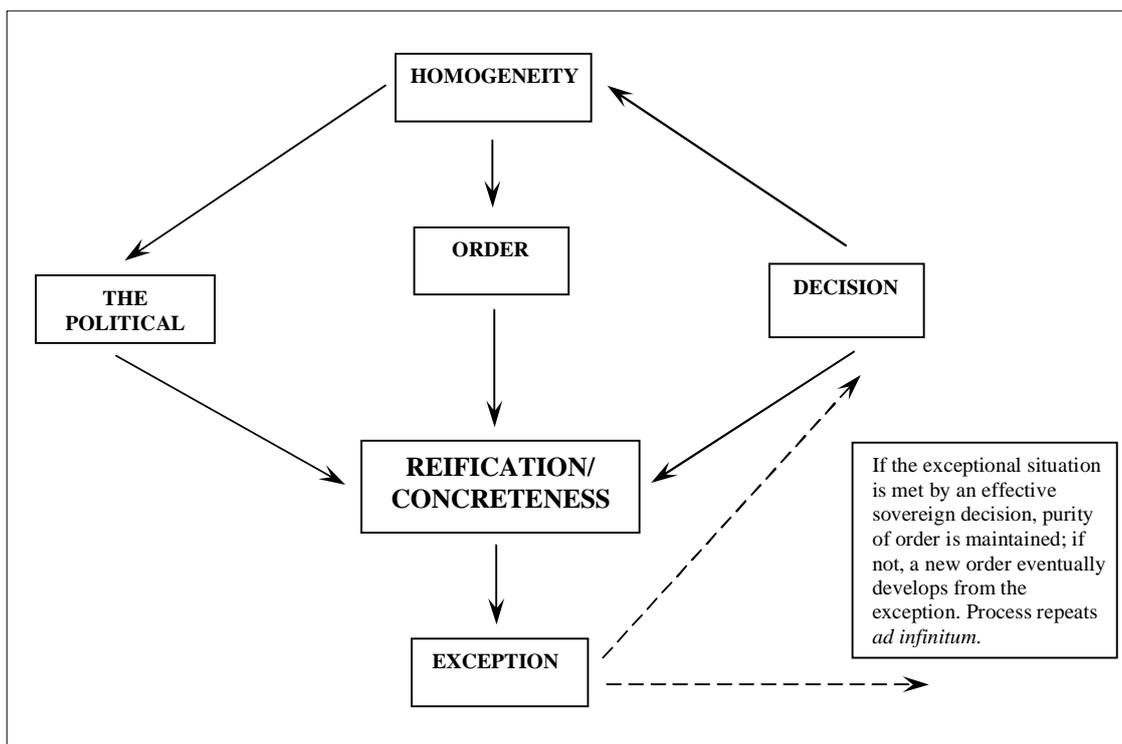
Fig. 2.3: **The 'tautological cycle' of Schmitt's concrete philosophy**

Keeping in mind the arguments that have been made so far, it will be seen that these presumptions form a system which is essentially self-contained not only in the sense that Schmitt saw the pluriverse of states as one made up of homogenised entities defined in varying degrees and forms of opposition to each other, but also in the sense that these systems provide the means of their own legitimation. Following Burke (1958), the ontological foundations that Schmitt's decisionist thought is based on therefore form a 'tautological cycle' where questions of authority and legitimacy and others, including the already referred-to contradictions that arise, are resolved in ways that are in keeping with the particular type of rules that have the *real* force of law in Schmitt's metaphysical world − primary among these being the rule of the exception. After this come the other 'rules' that have been implicit in our analysis − the needs that for Schmitt were self-evident from the concrete facts of the identity of the people, their collective nature as a unique fighting collective, their clear separation from and subordination to the sovereign, and so forth. These are the principles that underlie the processes of exception and identification in his decisionist thought − the structure of Schmittian processes of identification, with the main being outlined, are presented in Fig. 2.4. below.
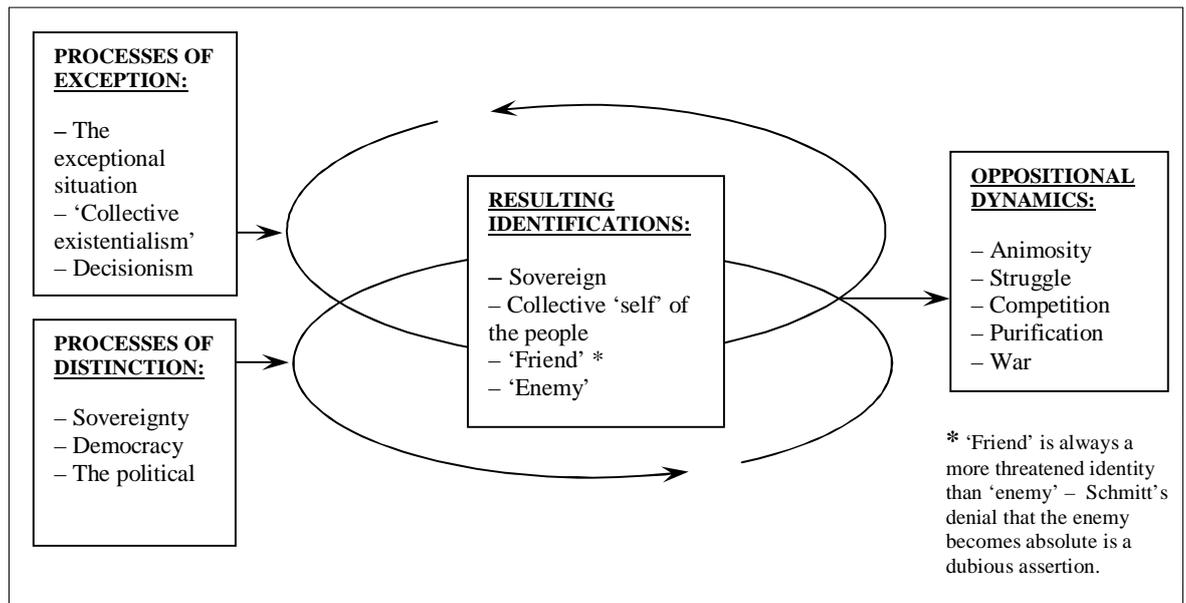
Fig. 2.4: **Schmittian processes of identification**

2.2.2. *The principal ideal of Schmitt's concrete thought: purity*

Although it may seem provocative, or misguided, to describe Schmitt as an 'idealist' in any shape or form, I suggest that perhaps more than anything else the ontological core of his philosophy of the concrete is characterised by the ideal of *purity*. Müller (2003: 245-6) captures Schmitt's particular brand of idealism well as a view of the world centred on need to fulfil the essential condition of 'meaningful enmity': 'Perhaps the very preoccupation with a kind of enmity that was not merely a fact but a value precluded a more realistic view of politics by a thinker frequently – but falsely – lauded for his 'realism.' Schmitt cherished purity in many ways: purity of sovereign power, of sovereign authority and of the hierarchical division between sovereign state and people; spatial purity, as we will see in section 3.4. through his *Grossraum* concept; and purity of the identity of the people in terms of both ethnicity and consensus. Purity of the state-people separation can be restated as purity of the relation which Schmitt believed to be necessary for authority to be legitimate, namely the relationship between authority and obedience. Also, he desired purity of the decision, of decision-making power, and purity of the political as being separate from and above all other considerations of the state.

Considered as a theoretical model that was also intended by its creator as a blueprint for political action, this relentless pursuit of purity by Schmitt can be divided into four categories: purity of act, purity of expression, purity of identity, and purity of order. These are shown in Fig. 2.5. below. Some of the overlap is accounted for by certain elements changing context from one

category to the next − distinction, for example, as the expression of purity of *act,* refers to the 'verbal' sense of distinction. On the other hand, when expressed as purity of *identity* it denotes 'outcome' the overall processes of identification lead to − although it is never a real outcome because it is never finished. So distinction here refers to the oppositional nature of these processes, and can also be read as a requirement; under the category of purity of *identity*, distinction also denotes the demand for all identifications to be *continually* made distinct from each other. A major contradiction becomes evident here, as this compulsion to constantly maintain, reinforce and reshape distinctions − to keep the processes of distinction going − comes into conflict with the opposing impulse to reify we have earlier begun to examine, the impulse to set identifications firmly and with finality in the desired spot, as it were. This central issue will be returned to in further detail in later chapters. The political overlaps the categories of *expression, order* and *act*; it is probably most fundamentally an *expression* of what Schmitt called the 'by no means unproblematic, dynamic' character of human nature itself. In this sense, everything else − all acts, constructed orders, including exceptions, distinctions and identifications in all forms – are consequential to it. One point must be made here, keeping in mind the inherent contradictions of processes of identification: contradictions may be 'illogical', but they are an inevitable outcome of the basic troublesome nature of humanity that is at the heart of Schmitt's political ontology.

PURITY

ACT	**EXPRESSION**	**IDENTITY**	**ORDER**
Force (incl. threat)	Exception	The people	Authority
War	Sovereign	The state	Obedience
Decision	Will	'Collective	Identity
Distinction	Concreteness	existentialism'	Force
	Homogeneity	Fighting collective	Homogeneity
	Distinction	Distinction	Legitimacy
	Competition		Exception (e.g.
	(when action less		'pure' disorder
	serious than		or complete
	'threat')		reversal of old
	Force		order to create
			a 'pure' new
			order.

Fig. 2.5: **Schmitt's implicit ideal of purity in four categories**

We can make the point another way – human nature *guarantees* the occurrence of the exception, and all other conditions are subjugated to this necessarily recurring feature. Therefore, the three fundamental ontological presumptions of Schmitt's decisionist thought are *the problematic character of human nature, the certain and continual re-occurrence of the exception*

this leads to, and the requirement of purity at all possible levels that is the most important pursuit of all tasks for the sovereign, the individual and the nation.[48] While this does not 'resolve' the inherently contradictory nature of processes of identification, it explains why they developed in the first place; it will be clear also by seeing the 'problem' of human nature from this Schmittian perspective that any resolution of the contradiction in a given case can be at best temporary. Perhaps it is the awareness of this unsatisfactory fact that leads to killing, the only certain way of resolving the contradictions of identity-creating processes. The intense demand for purity that Schmitt's philosophy is only one expression of leads at the very least to authoritarianism, or in even more intense expressions (and potential interpretations of Schmitt) to totalitarianism and killing, the only act that satisfies this need for complete resolution. At the same time, this is the fullest and most literal interpretation of the need he saw for homogeneity.

In the same way, finally, identity comes also under the category of *order* in fig. 2.5. because the inevitable repeated occurrence of the exceptional situation, since it constitutes a threat to the state and to order, is also an existential threat − what Schmitt termed an 'existential negation' − to 'order' within a state. From this perspective not only war, but for example a truly effective system of international law (if one were ever to be possible) would be a threat to order within the Schmittian state. It would also threaten the political autonomy of that state's sovereign. This is so even when that 'autonomy' is exercised through expansion, 'muscular diplomacy' and domination − in short, through the development of sovereign hierarchy, which we will examine in the following chapters in relation to US neoconservatism. In a similar way, the degree of obsession with security that leads to its pursuit through war is the expression of the desire for security in 'pure' form: unless this desire is followed to it ultimate conclusion, such pursuits result only in greater *in*security. We will later consider these points not only by examining the issue of reification in greater detail, but also by taking into account Burke's perspective of the 'paradox of purity'.

2.2.3. *Summary*

Three main examples of processes of exception were identified in Schmitt: the 'borderline case' of the exceptional situation itself, the 'collective existential' view of the identity of the people as a fighting collective, and decisionism, which through the prioritising of the taking of the 'purely political' and therefore always exceptional decision neatly incorporates all the various instances in which sovereign decisions are taken in Schmitt's overall model of concrete philosophy. Three major examples of process of distinction were also identified: sovereignty, democracy, and the political. We will later consider all of these Schmittian theoretical elements in the neoconservative context. In so doing we must examine their US forms in historical perspective, which we do next.

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[48] For McCormick (1997: 251), in Schmitt's thought the political is irreducible to any other element. Although I accept this claim I have chosen to take a different perspective, in which the political becomes one (albeit fundamental) element in an ontology shaped most strongly be exception and the 'by no means unproblematical' character of human nature.

3. A genealogy of the exception: the heritage of US neoconservatism

3.1. Introduction

> There is a messianic tendency that runs through US thought. In time the United States would provide the model for the world. The perfected Union would bring ideological development to an end […] The birth of US diplomacy in the modern world made it a child of the Enlightenment with an exceptionalist self-perception. Messianic tendencies in its early visions imbued its subsequent diplomacy with a moral force. (Ryan, 2000: 27, 38)

The purpose of this chapter is to develop an analysis of current US neoconservatism based on the framework of processes of identification derived from Schmitt's theories. This framework itself will be developed, as it will throughout the following chapters also. The specific focus for now will be on US exceptionalism, which has a very strong presence in neoconservative ideology. I will mainly examine processes of exception, although in many cases this will be very suggestive of our other category, processes of distinction. As all apparently clear distinctions are to some extent arbitrary, there is some overlap in my own division of identification processes into two types; where processes of distinction become evident they will be discussed as necessary. By moving from a discussion of US exceptionalism as a dominant aspect of the national identity to a presentation of a few key examples of the development of processes of exception, I argue that the concept of exception in its various forms has been used by the US to develop a system of sovereign hierarchy in the international system. I do not imply that exceptionalism typifies US nationalism as a whole − two distinct traditions are generally recognised, although opinions differ on their precise forms. The simplistic view of one as 'isolationist' and the other 'interventionist' should be treated sceptically, however.[49] That said, a typology of US nationalisms is not the object of this study.

The US exceptionalist genealogy leads back to the Puritan colonists, who wrote of the uniqueness and moral superiority of 'America' from the early decades of the seventeenth century. (McEvoy-Levy, 2001: 24) As Linenthal (1980: 243) writes, 'myths of innocence and moral perfection' are 'deep-seated in the American psyche'; in 1630, Massachusetts Bay Colony Governor John Winthrop declared the Puritan mission in America to be a moral beacon for the world, a 'city upon a hill'. (McEvoy-Levy, 2001: 24) This is still a good description of today's exceptionalism, although some neoconservatives are opposed to what they see as its potentially isolationist and even cowardly connotations: Kristol and Kagan (1996) describe the 'city on a hill' idea as a 'charming old metaphor' with little contemporary relevance:

> Because America has the capacity to contain or destroy many of the world's monsters, most of which can be found without much searching, and because the responsibility for the peace and security of the international order

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[49] On the nature of US nationalism, Ryan (2000: 43) identifies the 'two nationalisms' as US political philosophy and state security. This improves on the usual isolationist/interventionist distinction by granting that both can be interventionist, for different reasons. Snyder (1990: 11-12) makes the standard distinction: 'One [form] retained its emphasis upon the Melting Pot and the egalitarian formula. This liberal nationalism presented the best of humane, pluralistic concepts, combining love of country and the dignity of the human individual. [The other] was the xenophobic, expansionist nationalism stressing integral nationalism and calling for force to extend the American dream to other peoples in the world.' Hodgson (1999: 337-355) is more innovative, seeing the two foreign policy traditions as 'immigrants and frontiersmen'; 'isolationism' meant only isolation from Europe, but a free hand in the Americas and elsewhere, e.g. the Philippines. Analysis of US exceptionalism suggests the 'two sides' are more closely linked than is often noted; the standard division may mislead rather than inform.

rests so heavily on America's shoulders, a policy of sitting atop a hill and leading by example becomes in practice a policy of cowardice and dishonor.

Such rhetoric was originally part of an attempt to forge a sense of identity, not only through its cohesive effect, but also through creating an obvious distinction – the morally superior are above and at a distance from the rest. Where this view diverges from Schmitt's thought is in its more or less explicit presumption of moral distinction; with Schmitt, as I have argued, one must dig deep to uncover the moral elements, but they are there to find. Nationalism in the US context tends to be overlooked; as Lind (1995: 6-7) notes, discussions of US identity usually exclude it.[50] He finds this ironic, considering nationalism the most influential form of identity in the US and a much stronger force than in Western Europe, 'where 'post-patriotic' attitudes […] are much more prevalent.' As with Schmitt's conception of nationalism and the identity of the people, what I refer to in the US context is *ideological* nationalism: although in any case a dubious concept heavily influenced in many cases by ideology, the 'common ethnicity' that many other nationalisms are based on is absent here, and is largely substituted with the exceptionalist self-perception.

US exceptionalism pervades US politics, accentuating the uniqueness and superiority of the country's origins, political system, social organisation, values, and cultural and religious characteristics. (McEvoy-Levy, 2001: 23) Describing it as 'an ideology which includes a set of dogmas about the nature of a good society' that owes its emergence to revolution, Lipset (1996: 31) cites G.K. Chesterton's view of the US as 'the only nation in the world that is founded on a creed. That creed is set forth with dogmatic and even theological lucidity in the Declaration of Independence […]' Similarly, Lind (1995: 3) defines exceptionalism as 'the belief that the United States is not only different in kind from other countries but superior in its morals and institutions.' Its evolution can be seen as an important part of the development of US nationalism as a 'civil religion'[51]. Berger (1974: 139-140) defines this as 'an amalgam of beliefs and norms that are deemed to be fundamental to the American political order […] the American polity not only bases itself on a set of commonly held values (this is true of any human society), but that these values add up to something that can plausibly be called a religion.' The following description by Huntington emphasises the theological aspects of US national identity:

America's civil religion provided a religious blessing to what Americans feel they have in common. It is perfectly compatible with each American belonging to his or her own denomination, believing in a Christian or non-Christian God, or being Deist, as were several of the Founding Fathers. It is not compatible, however, with being atheist, for it is a religion, invoking a transcendental Being apart from the terrestrial human world […US] civil religion is a nondenominational, national religion […] Yet it is thoroughly Christian in its origins, content, assumptions, and tone […] the American civil religion is Christianity without Christ. (Huntington, 2004: 103-6)

Two connections of the exceptionalist self-perception to Schmitt come to mind here. First, the criterion of faith in belonging to a group denotes distinction. Identity, as for Schmitt, is constituted by exclusion – the existence of the exception, of those who cannot be admitted, gives the US civil religion its force as a form of national identity; conversely, it is worth noting,

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[50] From the overall context, Lind clearly refers to neoconservatism in discussing what he calls 'democratic universalism'.
[51] In *Civil Religion in America,* Bellah (1967) traced this to Rousseau, to whom he credits the term. De Tocqueville dealt with its prominence in US society in *Democracy in America,* (1835/1840), particularly in Volume 1, Chapter 17.

exceptionalism suggests that those who *are* included constitute the real exception.[52] According to Tuveson (1968: 127), the civil religion had drifted from Protestantism by the nineteenth century, being partly replaced by faith in the sacredness and moral meaning of the Constitution. As seen in discussing Schmitt's existentialism, the idea of faith is crucial to the creation and maintenance of the identity of the people. In the US, political ties to religion (or vice versa) are nothing new: in *Democracy in America* de Tocqueville found the latter 'mingled with all the habits of the nation and all the feelings of patriotism.' (Cited in Huntington, 2004: 103) As Snyder (1990: 8) observes, although lacking a common religion or other cohesive force on which to build a national identity, the creation of the quasi-religious exceptionalist myth was a partial solution. As regards US foreign policy, the combination of civil and confessional religion has long contributed a messianic element, as Galtung (1990: 138) has noted. He views US foreign policy as a theological system founded on antitheses, such as order versus disorder. Discussions then become framed in a manner that solidifies certain identities; options for the conduct of international relations are then clearly, if tacitly constricted: 'With anarchy [meaning here hierarchical rule, not chaos] decried this option is rejected; what is left is hierarchy. In a hierarchy the strongest have to be on top […] The rest almost becomes a tautology.' A similar argument is made by McEvoy-Levy (2001: 25): the belief in its manifest destiny was so strong it compelled the US to see itself as being at 'the head of the constructing and redeeming nations of the earth.'

Manifest destiny has been described as a 'nationalistic theology', which according to Tuveson (1968: 92-3) 'implies that simple nationalism, the pride of a new and ambitious new nation, with many virtues and advantages, spontaneously generated a religious justification for its desire to acquire new and rich territories.' Although the term was first used in the US in 1845 (ibid. 92-3), the concept behind it, which Tuveson describes as an ideology based partly on self-interest and chauvinism, existed long before that. (Ibid. 125)[53] It remains relevant, as the present form of neoconservatism is very much a product of the search for a new moral mission for the US to replace the Cold War. Michael Ledeen, for one, prefers 'neo-Manifest Destinarianism' to the neoconservative label. (Dorrien, 2004: 2) Despite the US not being unique in believing in its own uniqueness, Tuveson argues that the US sense of mission takes at least two conflicting forms. First, citizens have a duty to develop and protect their land as a refuge to inspire others to carry out similar revolutions against ancient tyrannies and injustices.[54] On the other hand, the 'American mission' has a second, conflicting form, requiring the population to be constantly on guard against the intrusion of evil and corruption from outside enemies: this vigilance was intended 'not only to make a greater country out of what we have but to form the kind of nation that would save the world.' (Tuveson 1968: 131-3) He finds the combination of the two dangerous: 'to assume that

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[52] After 9/11, Novak (2001 a) is adamant: 'The present war is not a war between a secular nation and a Muslim nation. Ours is not a secular nation. We are the single-most religious of all the advanced nations, and the third- or fourth-most religious of all nations anywhere on Earth […] To think of us as secular is to mistake the most vocal 8 percent for the religious whole.'

[53] I use 'chauvinism' in its original context in preference to 'jingoism.' See e.g. Snyder 1990: 52-53; Arendt 1945: 457.

[54] As Edward Said has argued, '[the] rhetoric of power all too often produces an illusion of benevolence when deployed in an imperial setting.' Cited in Ryan 2000: 14

what is good for America is good for the world, that saving the United States is saving mankind, is to open up a large area of temptation.' (Ibid. 132) This warning is still relevant; the neoconservative Project for the New American Century (PNAC) was founded on the beliefs that that 'American leadership is good both for America and for the world; that such leadership requires military strength, diplomatic energy and commitment to moral principle; and that too few political leaders today are making the case for global leadership.'[55]

3.2. *US exceptionalism: a Schmittian perspective*

Here I apply Schmitt's approach to identity to argue that the United States has sought its place in the world by using its sovereign power to declare *itself* the exception to the international order – in other words, it seems to have gone further than other states in its use of the exception as a means of self-identity as well as governance. In this sense, Agamben's (1998) treatment of the exception as a kind exclusion takes on the meaning of self-exclusion – the United States does not seek to obliterate the rule but to put itself outside it; rules are to remain in place to constrain others. This is evident in the approaches of successive US administrations to international law, as Krisch (2003) has shown.[56] From this position of self-exclusion the Puritan vision of a 'city on a hill' is an appropriate description of this double tendency towards separateness and privilege. Apart from more clearly discernible moral overtones and the expansion to a global scale, there is some resemblance to Schmitt's distinction of the sovereign from the society he rules.

The US transformation from a regional to a global power was partly due to its image of the world as a boundless source of dangerous and corrupt 'others' to define its emerging identity against. This overtly combative moralism has fed the urge for internal homogeneity and external distinction, as Huntington (2004: 262) notes: 'America's creedal identity leads it to grade and classify states by the extent to which they engage in evil behaviour, such as suppressing human rights, supporting the drug trade, backing terrorist groups, and persecuting people because of their religion.' The continued, and continuously changing, presence of the 'outside' highlights 'the continuity of conviction'[57] that is a hallmark of US identity, a further turn inwards from the wider world; Ryan (2000: 22-3) shares this view of exceptionalism's psychological foundations.

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[55] PNAC website: http://www.newamericancentury.org/

[56] The particular way US 'legalised hegemony' (Simpson 2004) develops has not been entirely through rejection of international law, as one might expect from many of the G.W. Bush administrations' controversial decisions. (Krisch 2003: 53) Of these, perhaps the main examples are the Kyoto Protocol, the Rome Statute of the ICC, and the termination of the ABM Treaty. Rather, Krisch recognises the US tendency to treat international law as a series of legal implements from which it can select constraints that can best be applied to other states. At the same time, it seeks to exclude itself from those provisions which would impose restrictions on the pursuit of its own foreign policy, either explicitly or by creating a requirement of reciprocity. He claims the US' overall aim here is to keep the international legal system 'in a primitive state – characterised mainly by indeterminate, primary rules, few and weak institutions for lawmaking and enforcement, and a strong fragmentation without a defining center.' (Ibid. 53) The US sees international law as always subordinate to the Constitution. For the same reason, it favours implementation of international legal agreements as *contracts* rather than multilateral treaties – although it actively pursues negotiation of multilateral treaties as a means of imposing its own brand of legalised hegemony on other states, only to later exclude itself from the provisions of the treaty that others then become bound by. (Ibid. 62)

[57] George Weigel, cited in Lind 1995: 220 This faith was used to impose unity on a highly diverse population: in the Pledge of Allegiance in the 1920s 'my flag' was changed to 'the Flag of the United States of America' in case there was any doubt in the minds of immigrants about what country's flag they were pledging allegiance to. (Ibid. 222) In the Cold War Congress amended this, voting in 1954 to add 'under God' to the Pledge. (219)

Despite being a stability-seeking mechanism of US identity-creating processes, exceptionalism is a concept in constant danger of destabilising itself, in two ways. First, it creates tensions through its cohesive quality of promoting freedom, homogenization and control, periodically verging 'between overconfidence and self-doubt', while at the same time tending towards violence. (McEvoy-Levy, 2001: 24) However, Stoessinger believes it was the *lack* of violence in the early US perception of the world that led to an exceptionalist self-perception characterised by Enlightenment universalism: human institutions were perfectible, so peace came to be considered normal and conflict an aberration. A consequence was the emergence of an absolute faith in the rightness and universality of the US model. Differences among states were considered unnatural: 'Such obstacles could be removed and peace and harmony restored, given sufficient patience and goodwill.' (Stoessinger 1979: 6) Second, McEvoy-Levy (2001: 24) points to exceptionalism's inherent contradiction between sovereignty-maintaining and globalising impulses. Ryan (2000: 53) makes the point more explicitly, referring to the Monroe Doctrine: '[t]he irreducible contradiction between messianism and exceptionalism was not resolved, unless one assumes that its primary aim was to galvanise US society and enhance its identity.' In the case study of neoconservative writings in Chapter five both of these will be seen to have a forceful presence. Ryan (ibid. 12) sees an element of struggle in the maintenance of identity that may be less of a problem for nations whose unifying characteristics, while not unquestionably concrete, are at least less abstract: in the US, 'maintaining the consensus required constant reference to essential identities filtered through ideology.'

The notion that the US exists as a moral force for good in the world contradicts Schmitt's expressed principle of the pluriverse – the idea that although states should be homogenous entities, the international plane should be heterogeneous. This brings us to a major paradox within the US national identity, and one that neoconservatism fails to resolve. This is the conflict between exceptionalism on the one hand and a missionary identity on the other. While the United States believes it is unique and represents a revolutionary improvement on all other, flawed nationalisms, the paradox is that such a perception of superiority is accompanied by and has itself partly led to the development of a very powerful self-image as a model for others to aspire and to conform to. Because of this, a form of US nationalism based to a great extent on US exceptionalism, as neoconservatism is, is in constant danger of destabilising itself. One cannot remain exceptional and unique if they succeed in their efforts to shape others in their own image. In terms of Schmitt's ontological positions of identity and existentialism, this messianic national identity is inherently unstable, even self-destructive – for Schmitt a people ensured its own survival by emphasising its distinctiveness, without seeking to create concerts. From Schmitt's perspective any people that adopts a universal mission is engaging in the destruction of their own identity. Henry Kissinger acknowledged this paradox in a similar manner:

> In the twentieth century, no country has influenced international relations as decisively and at the same time as ambivalently as the United States. No society has more firmly insisted on the inadmissibility of intervention in the domestic affairs of other states, or more passionately that its own values were universally applicable. No nation has been more pragmatic in the day-to-day conduct of its diplomacy, or more ideological in the pursuit of

its historic moral convictions. No country has been more reluctant to engage itself abroad even while undertaking alliances and commitments of unprecedented reach and scope. (Kissinger 1994: 17-8)

Although opinions differ on the exact nature of the paradoxical dual identity of the United States, the outcome is not that the two sides are diametrically opposed, or even irreconcilable; rather, they often come together in a belief that the national interest is closely informed by universal moral principles. With Schmitt's outlook in mind, one could perhaps attribute this ambiguity to US failure to sufficiently homogenise the national self-perception; hampered by indecision, the image presented to the world is a conflicting and, Schmitt might think, in the end a debilitating and self-defeating one.

3.3. *Hierarchical state sovereignty: the role of the exception in US interventionism*

Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad. – James Madison in a letter to Thomas Jefferson, 1798 (Jentleson, 2000: 91)

Although the genealogy of the concept of exception and exceptionalism in the US will be traced somewhat superficially as it is not the central focus of the overall paper, a few of the more significant historical examples are needed to show how current neoconservatism represents only the latest link in a long chain of exceptionalist thought in the United States. To return to the issue of US foreign policy as a theological system, Harries (2005: 228) comments that although most countries do not feel the need to have a grand purpose and mission, 'Americans do. They have a great taste for doctrines that set out the principles and objectives that are to determine policy […] They expect their leaders to have a 'vision', a much-used word in American politics.' He cites the Monroe Doctrine as an example of this.[58] This is one of the major examples of the state of exception in US history, 'one of the most significant of all American State papers'. (Ryan, 2000: 40)[59] It had far-reaching consequences both for US sovereignty and for the development of international sovereign hierarchy. Described by Ryan (ibid. 40) as 'symbolic in US policy of the combination of ideals and universals with more pragmatic particulars', the Doctrine was formulated in 1823 and had become policy by 1860. (McEvoy-Levy, 2001: 24) Through it the US effectively declared the Americas closed to Old World powers; attempted intervention would be considered by the US 'as dangerous to our peace and safety.' The Doctrine contained a reciprocal promise that the United States would not interfere in European spheres of influence. At the same time, this declared state of exception put the newly independent Latin American states in a position where they were subordinated to the sovereign decision of the US, and therefore, following Schmitt, subject to its 'protection'. The latter, having declared that the entire Americas were its 'sphere of influence', had effectively placed itself at the top of a regional system of sovereign hierarchy in the Americas through the Monroe Doctrine. This was consolidated by many subsequent instances which constitute further developments in this particular process of exception,

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[58] Also the 1904 Roosevelt and 1912 Lodge Corollary to it, and the Platt Amendment, by which the US 'guaranteed Cuban independence from all powers except itself', as Smith (1994:93) puts it. This Amendment was formally terminated by bilateral treaty in 1934 but was still enforced after that (ibid. 93), was similar in tone to the Monroe Doctrine.
[59] The main author of the Doctrine was John Quincy Adams, Secretary of State for both of Monroe's terms. (1817-1825) Ryan (ibid. 42) claims that Adams in particular had a 'vision of US empire.'

some of which will be dealt with below. That US assertions through the Doctrine that interference in US affairs should cease, and that these 'affairs' could be defined so as to encompass many other supposedly 'independent', sovereign states − were allowed to stand can be explained by *reciprocity*. Simpson (2000: 447) writes that '[t]he activities and claims of powerful states are tempered by the knowledge that other states may engage in the same activities and make the same claims on a reciprocal basis. This discourages rogue behaviour on the international plane but at the same time can convert unilateral claims into customary international rules.' Ryan (ibid. 46, 41) attributes the historical significance of the Doctrine to its expansiveness – and 'malleability'. In the context of the issues we are mostly concerned with, it is crucial: 'The enduring essence of the Monroe Doctrine has repeatedly contributed to US exceptionalism and the politics of identity.' [60] Most notable here is the scope it grants US 'rights and interests':

> As a principle in which the rights and interests of the United states are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers […] We owe it, therefore, to candor and to amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. [61]

While the Monroe Doctrine outlined only a reactive US role, Theodore Roosevelt's policies made it clear that in the twentieth century the US would become far more assertive globally. His Corollary to the Monroe Doctrine is a clear statement of this ambition: Roosevelt declared in 1904 the US prerogative to intervene when it suspected other states in the Western Hemisphere were in breach of their obligations to international creditors; the US would see to it that other American states did not violate US 'rights' or invite 'foreign aggression to the detriment of the entire body of American nations.'[62] In practice this meant that military force was increasingly considered necessary to 'restore internal stability to states in the region', as the U.S. State Department website euphemistically puts it. As such, the Roosevelt corollary constitutes a declaration of the state of exception in its own right, and one that developed a more active role for the US in creating a system of sovereign hierarchy than the original 1823 declaration of the Monroe Doctrine did.[63] It is therefore another development in the US processes of exception we are here concerned with.

Although Thomas Paine had declared in the late eighteenth century that the US had it within its power to begin the world all over again, US exceptionalism only really became a globalising force through the World Wars. (McEvoy-Levy, 2001: 25-6) The most obvious expression of this was Wilsonianism, described by Ryan (2000: 52) as 'the universal application of the Monroe Doctrine.' Wilson's Fourteen Points shows a missionary zeal not new to the US exceptionalist worldview, as we have seen, although it was certainly more intense: 'The people of the United States […] are ready to devote their lives, their honor, and everything they possess. The moral climax of this, the culminating and final war for human liberty has come, and they are ready to put

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[60] Ryan (ibid. 54) also suggests that rhetoric of 'defence of Western values' as both a cohesive factor and a justification for the use of force has its origins in the proclamation and implementation of the Monroe Doctrine.
[61] *The Monroe Doctrine (1823)*, http://usinfo.state.gov/usa/infousa/facts/democrac/50.htm
[62] Roosevelt Corollary: U.S. Department of State website: http://www.state.gov/r/pa/ho/time/gp/17660.htm
[63] However, Roosevelt undertook little foreign intervention under the Corollary; Wilson was far more active in this regard.

their own strength, their own highest purpose, their own integrity and devotion to the test.' [64] According to Smith (1994: 29), it was clear to Wilson that a US role in WWII would mean a breach of its own Monroe Doctrine's warning against foreign intervention. He resolved this by boldly interpreting the Doctrine as a declaration of universal principles:

> I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world: that no nation should seek to extend its polity over any other nation or people, but that every nation should be free to determine its own polity, its own way of development, unhindered, unafraid, the little along with the great and powerful. ('Fourteen Points' speech to Congress, 8 January 1918, cited in McEvoy-Levy, 2001: 26)

As will be seen, although the principle behind such explicit universalism would seem abhorrent to Schmitt, this by no means meant he rejected outright the instrument Wilson's vision was to draw on: Schmitt would draw inspiration from the Monroe Doctrine as a blueprint for a global system of sovereign hierarchy. This we will consider from the perspective of the systematic progression of processes both of exception and distinction. The argument is based on a development of Schmitt's ontological presumptions as they were outlined in the previous chapter.

3.4. Grossraum: The Monroe Doctrine and Schmitt's 'extended space'

In 1940, an article by Schmitt was published in Germany presenting his concept of extended space, *Grossraum*.[65] He took the Monroe Doctrine as the model for his concept, citing as its most important effect the unilateral creation of an international 'political space' 'defined by a particular political idea.' (Gregor, 2005: 181)[66] This is very close to the effect of creating a 'sphere of influence' that is often attributed to the Monroe Doctrine, and lends support to my argument that Schmitt's theories served to develop state sovereignty as a principle of sovereign hierarchy. Schmitt's own comments suggest that he saw the Monroe Doctrine as a declaration of the state of exception: since its proclamation it had uncertain status in international law, and was defended variously as 'not depending on technical legal right, but upon policy and power', and at other times as having arisen from the necessity that justifies supposedly exceptional US state powers − as a 'right of legitimate defense'. (Ibid. 181) Schmitt claimed the US urged other powerful states to formulate and implement similar doctrines of their own, to divide the world into a number of extended spaces. (Ibid. 181)[67]

I should point out here that although he saw in the Monroe Doctrine a model for a world ruled by a handful of supreme sovereign states, by no means did he admire the United States, which he felt hypocritically intervened around the world to further its own interests in the name of humanity. (Müller, 2003: 42) Schmitt's belief in the need for a people to be a homogenised and

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[64] Wilson's 'Fourteen Points' speech to Congress, 8 January 1918, cited in McEvoy-Levy 2001: 26.

[65] See the two essays on this in Schmitt 1995: 234-268; 269-371. Gregor (2005: 181, n.53) notes that the Nazi regime also showed interest in the Monroe Doctrine as a blueprint for expansionism: Hitler announced that National Socialism supported a policy like that of the Doctrine for the new Germany in a speech on the 28th of April 1939.

[66] See ibid. 179-188 for an account of the influence of Schmitt's *Grossraum* in Fascist Italy.

[67] Smith (1994: 35) argues otherwise; the US were incensed with Japan's attempt to follow suit with the Amau Doctrine in 1934. This declared Japan's 'special responsibilities in East Asia' by reserving the right to act alone to preserve 'peace and order in East Asia.' US Secretary of State Hull refused to acknowledge any similarity between 'the defensive and benevolent Monroe Doctrine and the selfish, aggressive aims of Japan [...] Hull brooked no rival in the realm of self-righteousness.'

unified entity is evident also as part of the *Grossraum* thesis, and for Gregor (2005: 182) the Monroe Doctrine's 'moral commitment' to the exclusion of intervention by representatives of opposing political ideas is a reflection of this emphasis on homogeneity. The language used here makes the Fourteen Points in effect a declaration of the state of exception on a global scale. 'Moral climax' and 'culminating and final war' are powerful appeals to necessity. According to Stoessinger (1979: 11), Wilson's sense of mission meant that presidential power was never to be used without a moral purpose: 'it was to become a major instrument in the struggle against evil.' In 1917 Wilson turned the dispute with Germany into a moral crusade, and succeeded in mobilising domestic support for the war by declaring it the moral duty of the United States to bring peace to the world through force: 'to fight a war to end wars, and to make the world safe for democracy.' (Ibid. 13-4)[68] This declared state of exception justifies the decision for war by invoking two justifications: peace and democracy. In light of Schmitt's antipathy to moral universalism, based on his criteria it is unlikely that Wilson's appeal for a war in the name of humanity can be considered legitimate: if we consider Schmitt's view that the identity of the true, authoritative sovereign was revealed by identifying the figure who exercised decisive power in the state, peace and democracy as criteria for necessity are problematic. Because they lack any clear definitions, there is no way to tell when and if they are met. Invalid appeals – appeals to false or at best indeterminate necessity – cannot provide legitimacy from a Schmittian perspective; once again, the problem of indistinctness frustrates these exceptionalist processes of identification.

Alternatively, we can briefly examine Wilson's comments in terms of their inherent appeal for the US to be considered a global protector. As we saw, the Monroe Doctrine successfully established US-led sovereign hierarchy in the Americas because its stated intention to exert decisive power to back up its claim went unchallenged. In Schmittian terms, Wilson's aim to expand US authority to a *global* scale, to 'make the world safe for democracy', required the 'obedience' of Congress to send the country to war on the grounds that world peace and democracy needed protecting. For Wilson, this justified US aspirations to global authority as what Stephanson (1995) calls the 'empire for right'. It is appropriate here to point out that some historians have expressed reservations about the common perception that Wilson was a committed internationalist – Stephanson (ibid. 114) believes this was certainly not the case:

> Wilson was not averse to the brazen use of power […] nor can Wilson's reform of international power politics, the 'new world order' to use his term, be reduced to sheer idealism. He had hoped, in fact, that the United States would be able to dictate [the League of Nations] program to exhausted participants at the end of the war [...] Wilson's new world order was certainly a regenerative, liberal one, and it was to be led, in no uncertain terms, by the United States.

A later example of the state of exception can be found in the US internments of Japanese citizens in prison camps following the Japanese attacks on the US military base at Pearl Harbour in 1941.[69] On

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[68] From 1914 to 1917 Wilson kept the United States out of WWI, leading European leaders to see him as 'a phrase-making evangelist who showed little appreciation of their problems.' (Stoessinger 1979: 13-4) With the outbreak of the War, US businesses developed a lucrative arms trade with the Allies, one heavily reliant on Britain's control of the seas. The German U-boat campaign of 1917 and mounting loss of US life and capital forced Wilson to commit the US to war.
[69] For Jentleson (2000: 93), 'perhaps the most profound violation of civil liberties in the name of national security' to take place in the US. After 9/11, he might agree that US internments at Guantánamo are equally grave violations.

February 19 of the following year, US President F.D. Roosevelt issued Executive Order 9066 which established the camps in the name of national security. Over 120,000 Japanese Americans were interned without trial. (Jentleson, 2000: 93)[70] As with Wilson's Fourteen Points, this exception was founded on an appeal to protection − to necessity.

Harold Lasswell's concept of the garrison state can be seen as an interesting account of how the entire Cold War constitutes a state of exception. Although he later developed it in light of the Cold War Lasswell's the idea dates back to the late 1930s. (Friedberg, 2000: 57) Lasswell's was a critique of a developing 'exceptional situation' in the form of the growing Cold War militarization of societies: preparations for total war and the intense atmosphere of continual crisis were leading to a steady expansion of state control over society. Both US and Soviet moves in this direction would force other countries to follow, leading to a world of 'garrison states'. Morgan (2004: 6) finds the concept still relevant, citing the expanded roles of military and police organisations since 9/11 as evidence of this. Such discussions of the restriction of US civil liberties are relevant here only insofar as they address instances of the state of exception that have an effect on relations between states. I will restrict attention to cases where the exception and exceptionalism contribute to the development of hierarchy within the system of sovereign states; this keeps the focus on the large-scale processes of identification this paper examines. Two such exceptions are of particular relevance here: the US government's internment of 'enemy combatants' in Guantánamo and its establishment of military commissions. These will be considered below to set the context for a more specific examination of neoconservatism in the following chapters.

3.5. *Guantánamo as a sovereign decision on the exception*

> Guantánamo was an experiment in two things […] In interrogation techniques, and in how far you could go before people began to object. In 2002, nobody was objecting.[71]

The US detainment of individuals at its Guantánamo military base in Cuba represents one of the clearest combinations of US exceptionalism with Schmitt's idea of the state of exception. The decision of the US executive to detain what it classifies as 'unlawful combatants' in response to the 9/11 attacks constitutes two general forms of the state of exception: first, the government claimed that capturing alleged terrorists outside of US jurisdiction and detaining them at Guantánamo was justified by the exceptional nature of the 9/11 attacks.[72] This issue will be returned to below in the section on military commissions as a form of exception. Second, Guantánamo constitutes an exception based on the principle of extraterritoriality: the US executive argues that since the detainees are being held outside of the US, they can have no recourse to US laws.[73] In particular, it

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[70] For a comprehensive account, see Daniels 1993.

[71] Richard Bourke, a lawyer for some of the detainees. 'Held in Contempt', *The Financial Times,* August 28/29 2004.

[72] Wedgwood sees military tribunals as now essential: 'the prior effort to investigate Al Qaeda through the criminal justice channels of grand jury and trial was not sufficient to deter or intercept the [9/11] attacks.' Mundis et al. 2002: 330

[73] Roosevelt (2005: 2021 - 2022) cites a US Circuit Court ruling in the 1948 *Eisentrager v. Forrestal* case to argue against the applicability of extraterritoriality to the US' detainment of individuals without right to trial at Guantánamo.

has asserted that this extraterritorial status denies the detainees any claim to *habeas corpus*[74] – in effect, using extraterritoriality to justify the establishment of an extra-legal system. (Roosevelt, 2005: 2017-2018) That this extra-legal zone is firmly within US control cannot be explained from a rationalist legal point of view, but, as the antithesis of this latter view, it can be explained by reference to Schmitt's mechanism of the exception. The authoritative, and therefore legitimate, decision is justified (at least from the perspective of the sovereign) by the necessity to act in the exceptional situation – for Schmitt law was necessarily suspended in such situations, as it was incapable of regulating the extraordinary. In these terms, the Guantánamo suspension of the writ of *habeas corpus* provided for in the US constitution is justified claiming the existence of disorder. However, the parliamentarian democratic principle of the separation of powers that Schmitt so strongly opposed has challenged the authority and legitimacy of the US executive's Guantánamo exception.[75] Therefore, under the separation of powers the sovereign has not obtained the 'obedience' of the Supreme Court necessary to meet the criteria for a decision to be genuinely authoritative under Schmitt's own maxim that a legitimate authority is one that establishes the relation between protection and obedience. Since it lacks such authority, the US executive's Guantánamo decision cannot be legitimate in Schmittian terms. So although the executive could enact the Guantánamo exception to the rule of law because 'in 2002, nobody was objecting', such tacit obedience soon began to dissipate at a high level, as shown by the Supreme Court decisions.

3.6. *Military commissions*

As mentioned above, following 9/11 the US executive claimed for itself the authority to capture and detain non-US citizens *outside* its won jurisdiction. Based on this, Guantánamo is just one instance of a wider state of exception granting truly global reach to the US executive. Under Military Order No.1, issued on November 13, 2001, Bush assigned to himself the right to have any non-US citizen captured and detained anywhere in the world.[76] The Order authorises the death penalty for anyone convicted by a military commission set up under it. (Mundis et al., 2002: 322) A military tribunal operating under the Military Order will possess powers over the individual [77] on trial that are absolute in the Schmittian sense: neither a right of appeal from the judgments of the military commission nor any form of *habeas corpus* is available, and hearsay and other types of evidence that would be inadmissible in civilian courts or before courts-martial will be admissible

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[74] The right of a defendant to be tried in a court of law and to mount a legal challenge to the charges. See the US Constitution, Section 9, clause 2: 'The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.' The 9/11 attacks did clearly not constitute a rebellion; the term 'invasion' would have to be severely stretched to allow it to be used to justify the establishment of any institutions operating under the suspension of *habeas corpus*.
[75] Roosevelt III (ibid. 2017) refers to three cases decided by the US Supreme Court in October 2003 rejecting the government's establishment of zones where constitutional principles are suspended.
[76] Military Order, Detention, Treatment, and Trial of Certain Non-Citizens in the War against Terrorism, 66 Fed. Reg. 57,833 (Nov. 16, 2001) Although the Constitutions grants Congress the power to send the US and should therefore also be the sole authority competent to set up military commissions, historically it has left the establishment of these to the executive branch. Before the 'war on terror', military tribunals were last used by the US in World War Two; they were provided for, but not used in the Korean War. (Mundis et al. 2002: 321)
[77] Not 'defendant'; under the provisions of the Military Order he or she has no option of legal defence.

before the military commissions. (Ibid. 322)[78] From the perspective of Schmitt's theories we can examine Bush's own justification of the Order and other arguments made in its defence. The first question that needs to be asked is how those held under the Order can be categorised as 'unlawful combatants' and therefore stripped of their rights under the Third Geneva Convention, Article 4 of which defines prisoners of war. Article 5 of the Convention provides that persons captured during an international armed conflict are entitled to the protections of the Convention even if their status as prisoners of war under Article 4 is unclear, until such time as a 'competent tribunal' has determined their status.[79] In other words, as a party to the Convention, like all other parties to it the United States is not competent to decide on the lawfulness or otherwise of combatants based only on the unilateral decision of the US president. Therefore, because of the existence of the Geneva Conventions and other provisions for the regulation of international armed conflict, we can conclude that the there is no proof of the *necessity* of the military commissions established unilaterally by the US under the Military Order of 2001. In Schmittian terms necessity is equated with disorder – if the Military Order given by Bush was unnecessary, as we have determined it to be, it is so because there already exist the provisions to address the issue of prisoners of war – not within the United States' own provisions, since the problem is an international one, but within international law. If international law can provide authoritative rules for dealing with issues relating to prisoners of war, we must conclude that here there is no *necessity,* and so no true *disorder* that would legitimately require such a Military Order.

Having established the absence of disorder, we can make two points. First, the references to Articles 4 and 5 of the Third Geneva Convention make it clear that Bush's decision on the state of exception on a global scale that constitute the Military Order was not a legitimate one, as he did not have the authority to make such a decision. Second, the Military Order cannot be considered a legitimate state of exception because any conditions of necessity that emerged from the 9/11 attacks could be adequately dealt with through *existing* international and US domestic legal provisions. There are two ways to determine this by reference to Schmitt. First, he declared that authority rests on the relation of protection to obedience. (Schmitt 1996: 52) So the existence of sufficient provisions within international law to address 9/11 means that because no condition of necessity exists that cannot be met by already existing legal provisions, there are no legitimate grounds for 'obedience' to be granted: the exception is asserted illegitimately, as no legitimate ruler-ruled relation exists for it to take place through. 'Protection' is in this case provided by the international legal provisions relating to prisoners of war. The Military Order would have a global reach, and so would require obedience on a global scale to be authoritative. Even is such *were* possible to secure, it is safe to assume Bush did not do so before making his decision. The authority to make decisions on states of exception that have a global reach cannot exist within any one state, because the international nature of the problem means that such a unilateral imposition of order

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[78] See ibid. 321-4 for a summary of the main contents of the Military Order.
[79] See Mundis et al. 2002: 325-8 for an outline of the international humanitarian law relating to prisoners of war in cases of international conflict.

would infringe on the sovereign decision-making power of other states. Second, and for a similar reason, from Schmitt's perspective the Military Order is not a legitimate decision on the state of exception, as all three for validity − necessity, obedience and authority − are absent.

3.7. A different kind of exception: the 'war on terror'

> The [National Security Strategy issued by George W. Bush on 20 September, 2002] might aim for peace, but it amounts to a blueprint for a permanent war. [...H]ubris of an epic size obviates any historical or self-consciousness about the costs of empire. What ends not predestined by America's righteousness are to be preempted [sic] by the sanctity of holy war. The NSS leaves the world with two options: peace on U.S. terms, or the perpetual peace of the grave. (Der Derian, 2003: 24)

We will examine one further event that has taken place since 9/11 in order to better understand the possible long-term implications of the use of the state of exception in world politics. The focus here will be on the rhetoric is used to imply that the 'war on terror' constitutes an exception to conventional war. Drawing on Schmitt's argument that liberal attempts to shape the international order led to total war by delegitimising the enemy, I will argue that the neoconservative Bush Doctrine that is based partly on the National Security Strategy Der Derian refers to shares the same aim, but takes a somewhat different route than in Schmitt's critique.[80] As was shown in section 2.1.6., Schmitt believed that war had come under the influence of the liberal attempt to regulate the state of exception through international law, and he saw such attempts as not only futile but dangerous since they led to the creation of an 'absolute', dehumanised enemy by no longer including the possibility of war within the framework of law. As such, all competition and rivalry between states that would lead to war, which Schmitt saw as a natural and legitimate part of the process of interstate politics, became outlawed. This, obviously, does not mean prevention.

My argument is that an important element in the 'war on terror', and an important part of the reason it can be said to constitute a different kind of war[81], is that the US executive under neoconservative influence has become frustrated with the restrictions that have been placed on war in the past[82] and have taken steps to counteract these. The link to Schmitt is that the Bush Doctrine operated on the same premise that the sovereign's power to decide and act independently is impeded by such liberalist 'abstractions' as the Geneva Conventions, Article 2(4) of the UN Charter, and so on.[83] One instance of this approach has been mentioned already −the designation of

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[80] The National Security Strategy is available online through the White House main page: http://www.whitehouse.gov/
[81] Then White House legal counsel Alberto Gonzales in a Jan. 22, 2002 memo to Bush outlining means of avoiding possible future legal cases against US military or CIA personnel: '[t]he war against terrorism is a new kind of war [... with a] high premium on other factors, such as the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities against American civilians [...] In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions', allowing Bush to 'preserve his flexibility' by bypassing a 1996 US law banning 'war crimes', defined to include 'any grave breach' of the Geneva Conventions. 'The Roots of Torture', *Newsweek International Edition*, May 24 2004.
[82] For literature on the laws of war see Malanczuk 1997: 342, n. 1.
[83] Article 2 (4) forbids 'the threat or use of force against the territorial integrity or political independence of any state' without Security Council approval. The only exception, in Article 51, is the right of self-defense in the event of 'armed attack', but whether ior not it justifies pre-emptive war is controversial. See Fisler Damrosch et al. 2003 a: 553-628, and 2003 b, pp.803-860. Malanczuk (1997: 309-10) notes that Art. 2(4) is badly drafted – prohibition of the threat or use of

detainees in Guantánamo as 'illegal combatants' was designed to put them outside the reach of all legal provisions, both of US[84] and international law.[85] Here I will take an example from the 2003 war in Iraq. Much has been made of the fact that although the US proclaimed victory after three weeks, the majority of all casualties in Iraq have taken place since the invasion on the 20th of March 2003 was declared over.[86] Rabkin (2004: 1) typifies the apparent triumphalism at the 'end' of the war in May 2003: 'This 'unilateral' resort to war provoked intense criticism at the United Nations and in national capitals around the world. As it turned out, Anglo-American forces were able to defeat Saddam's armies and occupy all of Iraq in a three-week war that caused minimal casualties.' Rather than US arrogance and foolishness, as is commonly claimed,[87] I suggest that the 'three-week war' tactic should instead be seen as a new development in how the state of exception is used to legitimise state actions by freeing them from international legal constrictions.[88]

By declaring the war over at such an early stage, all ensuing US and allied actions could arguably be then placed outside the reach of the laws of war, such as they are. Indeed, this is implicitly acknowledged in Sikorski's (2005 a) reference to the 'three-week war' as 'the conventional phase' of the war. As a variation on Schmitt's critique, subsequent actions taken by the invading side could then be framed in terms of necessity: the US was no longer engaged in a war with a *legitimate* enemy, but was engaged in attempts to put down an illegitimate 'insurgency'.[89] There are both elements of Schmitt's thought and elements of the liberalist view he opposed in this argument. On the one hand, in Schmittian terms the rhetoric of 'a different kind of war' that exists outside the reach of existing international laws and also some US laws qualifies the 'three-week war' as a state of exception. If the war was indeed over, Iraq had presumably fallen to the US and therefore was now under US authority − part of US order − as the chief occupying force. Therefore, all acts against US and allied forces after the war was declared over could be construed as *disorder*. By correlation, by declaring the laws of war to be inapplicable outside of war, the US as the *de facto* sovereign felt justified in whatever exceptional actions it subsequently took in response to 'insurgent/terrorist' attacks by appealing to necessity to justify 'exceptional' measures. This is a classic application of Schmitt's state of exception: by rendering the force of law inapplicable the 'borderline' space for force of 'necessity' is greatly extended.

From this we can see that the actions taken by the US were in accordance with the 'Schmitt Doctrine', if we can use that term, in two ways. First, they constitute a rejection of liberal attempts to legislate for and so regulate the state of exception through international law: second, US actions

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force only 'against the territorial integrity or political independence of any state' could, and often has, been used to claim that use of force for ends other than territorial claims or political domination is allowed.

[84] Among these the denial of writ of *habeas corpus* to the Guantánamo detainees. See sections 3.5. and 3.6.

[85] Guantánamo lack of clear legal status was quickly exploited − on the 9th of January 2002 John Yoo of the US Dept. of Justice's Office of Legal Counsel co-authored a 42-page memo concluding that neither the Geneva Conventions 'nor any of the laws of war' applied to US military actions in Afghanistan, from where detainees in Guantánamo were transferred from early January 2002 onwards. 'The Roots of Torture', *Newsweek International Edition*, May 24 2004.

[86] Bush declared 'an end to major combat operations' on the 1st of May: 'Bush Says Major Combat Over: Text of Bush Speech', CBS News, May 1, 2003.

[87] E.g. *Imperial Hubris: why the West is losing the war on terror,* which was fiercely critical of the Bush administration's follow-up to the 9/11 attacks. (Anonymous 2004)

[88] See also 'After the Three-Week War' (Ledeen et al. 2003), and 'Relax, Celebrate Victory.' (Perle 2003)

[89] E.g. Metz (2003) for one of the many discussions of the Iraq insurgency following the declared end of the war in 2003.

can be plausibly explained through Schmitt's theories. On the other hand, by delegitimising the enemy's acts US actions have led to the same effect that Schmitt criticised in liberal attempts to regulate war: the creation of an 'absolute', dehumanised enemy. Considered in terms of Schmitt's critique of liberalism, it may seem that a sovereign state's only escape from a legal system that aims to provide a rule to cover every eventuality is by the principle of rupture: denial of the system's authority to judge it.[90] However, as Krisch (2003) has shown, the US cannot and does not deny the authority of international law *fully;* to do so would be to forfeit many of the benefits it derives from it.[91] Therefore, and contrary to Schmitt's critique of liberalism, a strong sovereign state that fights against international legal constraints on its power cannot afford the option of denying the authority of that system outright, objectionable as it may find it. Instead, its only option is to engineer an indeterminate 'exceptional' space in which its sovereign power is not only freed from the constraints of the international legal system it now exists outside of, but for the same reason aims to *increase* its sovereign power where law no longer reaches.

3.8. Summary

America has always believed that it is exceptional […] However, not only is America not exceptional, but even American exceptionalism is not exceptional. […] I have met French exceptionalists and I have met Russian exceptionalists. There are Indian and Japanese, Italian and Portuguese, English and Hungarian exceptionalists. […] And Polish exceptionalism is the match of any other. Exceptionalism is the marrow in the bones of almost all the civilizations our world has produced. (Wallerstein, 2000: 414)

Overall the development of the exceptionalist aspects of US self-perception were instrumental in fuelling the tendency to treat identity not only as a process of forming distinctions, but of forming absolutist distinctions between good and evil. In Schmitt's existentialist terms, this led to an either/or approach to how the United States engaged with the world, and indeed in how it continues to do so. However, the US case also goes against Schmitt in delegitimising the enemy, as in Iraq with the 'three-week war' tactic. The use of the state of exception in the US seems more closely linked to the maintenance of a unified and coherent national identity than elsewhere. This is because in asserting its right to push forward the boundaries of its behaviour not only geographically but also legally and politically, the US appeals not both to the exceptional nature of a given situation and to its *own* exceptionalism. Equating the US national interest with the global interest only reinforces the use of sovereignty as a hierarchical principle – as a means of drawing distinctions between states based on what Ryan (2000: 40) aptly calls 'conceptual geography'. This exclusivist view of world order got new force through the rise of neoconservatism, as we shall see.

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[90] Whereas Vergés' (1981) 'trial of connivance' occurs when the defendant accepts the authority of the legal system tyring thim and disputes only the charges being made against him, in a trial of rupture the defendant refuses to recognise the authority of the system which attempts to try him. I use the concept of rupture in the US context loosely, to highlight the dilemma faced by the US. Although US governments use the idea of rupture to escape international legal constraints, as Krisch (2003) shows, complete rupture would also reject international legal constraints useful to US interests.

[91] That powerful states stand to gain most from the order they shape is argued by Simpson (2004). See also Krisch (ibid.); as the currently dominant state in many spheres, the United States acts to create a two-tier international legal system − weak insofar as US compliance with international legal provisions is inevitable or even beneficial, strong insofar as it applies to other states, which therefore find themselves constrained by legal provisions that the US has opted out of.

4. The development of US neoconservatism

4.1. Introduction

The focus here is on two main things. First, the domestic and international factors that shaped the emerging US neoconservative mindset from the 1960s onwards. Second, the factors that led many neoconservatives to redefine the movement from the final years of the Cold War to find an ideological cause to replace the fight against communism. It is this latter incarnation of neoconservatism that has been dominant since the events of 9/11, although its shift in focus from the perceived communist threat to an even more broadly defined 'terror' threat was not entirely new: 'The post-9/11 policy was in fact grounded in an ideology that existed well before the terror attacks and [...] was taken off the shelf, dusted off and relabelled as *the* response to terror'. (Halper and Clarke, 2004: 4, emphasis in original) Lindberg (2004: 20, 3) is less critical. As I have argued, for him also neoconservatism is part of a lineage that extends through US history.

To set the context for the analysis of neoconservative rhetoric in Chapters five and six, here the aim is to show how the neoconservative approach to issues central to this study have developed over time: identity and national unity, the existentialist perception and need for opposition and crisis shared with Schmitt, and their concern at the perceived loss of authority and political order both within the United States and in its foreign relations. In this sense neoconservatism shares Schmitt's anti-liberalism to some extent, although they should not be seen as being entirely separated from the liberal tradition, as Lindberg (ibid. 10) notes: 'in a sense, neoconservatism began as a dialogue with liberalism and, in fact, emerged out of it − something old-style conservatives would never say of themselves.' This chapter is brief – I will provide just enough background detail on neoconservatism for later analysis to be located within its broader historical and social context. More detailed accounts can be found in the sources cited in this chapter.[92]

4.2. The origins of neoconservatism

An important period in the formation of neoconservatism was the early phase of the Cold war and the preceding decade. As Nash (1976: 86) writes, this was a period of domestic political turmoil for the United States, with ongoing, bitter conflict among liberals and conservatives and mutual suspicion of communist infiltration among the ranks of both. Early in the Cold War, the conservative movement 'was molded by its vision of communism and by the relentless 'inner civil war' in which it became engaged'. He divides the effects of the Cold War on conservatism into two categories: responses to threats from abroad and from within. The latter was a wave of self-criticism, fuelled by fear and paranoia: 'Why were we reeling before communism on the march?

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[92] Bloom (1986), Steinfels (1979) and Ehrman (1995) all provide detailed studies of the origins and development of what I refer to in this essay as the 'original' neoconservatism, that is, Cold War-era neoconservatism. Halper and Clarke (2004) provide a good analysis of the changes that took place within neoconservatism from the latter years of the Cold War onwards, and they write in detail about the neoconservative influence in the first administration of George W. Bush. However, they tend to downplay the extent of neoconservative influence during Reagan's two terms in office in their efforts to distance the Reagan legacy from neoconservatism. Dorrien (2004) is a good, balanced introduction to the current generation of neoconservatives.

Why had the euphoria of Yalta yielded to the daily fear of global war? Who lost China? Who had so glaringly mishandled our foreign policy?' Blame was laid firmly at the door of the liberals, in government since 1933: 'At best, the liberals had been ineffectual; at worst, they had been duped or infiltrated by Communists.' (Ibid. 88−9) During this period one of the main conservative claims was that the policy of containment of the Soviet threat had failed. Perhaps the most influential of the new conservatives was James Burnham, who devised a rationale and strategy for the destruction of communism. He had been on the far Left in the 1930s, but now felt that communism presented a very real threat to the existence of Western civilisation. As the self-appointed leader of the West, it was the US' duty to accept that world peace was not an available option:

> It is quite false to believe that, in politics, all issues can be compromised […] basic issues […] must be *settled*. That means that on basic issues one side must win and the other must lose. Compromise in such cases can do no more than postpone the inevitable showdown, with the usual result of an increase in cost of the final settlement. (Burnham 1947: 176-7)

Such Schmittian decisionist, either/or sentiments are integral to neoconservatism, as will be seen, and suggest that even after the 9/11 attacks it retains its Cold War perceptions of the world. Indeed, the current neoconservative advocacy of US global 'benevolent hegemony' (Kristol and Kagan 1996) is reminiscent of the offensive role that Burnham believed the United States needed to adopt in the 1950s to defeat communism: '[t]he reality is that the only alternative to the communist World Empire is an American Empire which will be, if not literally world-wide in formal boundaries, capable of exercising decisive world control […] the United states cannot help building an empire.' (Ibid. 182, 184) Naím (2004) notes neoconservatism's inflexibility:

> Disappointments in Iraq also dealt a blow to a worldview that, for all its references to the terrorist attacks of September 11, 2001, as an epochal event, still hearkens back to the Cold War. Instead of concentrating all energies and resources to fight the strange, stealthy, and stateless network that perpetrated the attacks, the United States launched military assaults against two nation-states.

A similar point is made by Barber on the neoconservative Bush Doctrine: it 'is designed to apply to known terrorist perpetrators […] whose location and origins remain uncertain; it has been applied however, to states whose location is known and identity obvious even though their connection to actual aggression is far less certain.' (Cited in Wheeler, 2005: 183) Also indicative of the lingering Cold War mentality is the revival of the Committee on the Present Danger (CPD), an anticommunist think tank that came increasingly under neoconservative control from the Carter administration onwards. (Ehrman 1995: 111-4) Nominally at least, it has found a replacement for the communist threat: its Internet address is 'www.fightingterror.org': 'The [CPD] is dedicated to protecting and expanding democracy by winning the global war against terrorism and the movements and ideologies that drive it. We will support policies that use appropriate means – military, economic, political, social – to achieve this goal.'(CPD website) According to Helo (2004: 363), 'the harsh Puritanical spiritual tradition' is still partly evident in public religious debate in the US. As an example he cites the claim by Democrat Joseph Lieberman, Al Gore's running mate in the 2000 presidential campaign, that although the US Constitution permits freedom of religion this does apply to those who deny the existence of God. Lieberman is currently a US

senator and honorary co-chairman of the CPD. 'Freedom' here – and therefore any form of 'democracy' based on such a conception of it – is as much a principle of distinction as of equality.

Some of the features characteristic of neoconservatism from the 1960s to the late 1980s do not apply to the contemporary version of the doctrine. (Halper and Clarke, 2004: 42) These transformations and the circumstances which led to them will be explored later. To revise Kristol's fifth principle on the need for a broad definition of the US national interest in relation to the rest of the world (see section 1.1.), it may be more correct to say that neoconservatism now sees *any* hostility – domestic or foreign − to US 'values' however defined as detrimental to the preservation or attainment of US dominance in all areas, especially militarily. I will return to this argument.

4.3. *The social factors behind neoconservatism*

[A] kind of historical cunning must be ascribed to Neo-conservatism [sic], for it was but the latest of a sequence, starting with Burke's *Reflections* [*on the Revolution in France,* 1791] of reactive relationships between conservatism and turmoil. (Nisbet 1986: 99-100)

Widespread civil unrest in the US in the late 1960s, escalation of the Vietnam War and growing domestic opposition to it were all reasons for the pessimism of the emerging neoconservative movement. (Halper and Clarke, 2004: 52) By the end of the decade liberalism had split into two broad factions: the radical left, and those such as Irving Kristol who believed the US must take decisive action against the left-wing assault on its core values; underlining his ideological shift, Kristol chose to back Nixon's 1972 Republican presidential campaign. (Ibid. 52) According to Gottfried and Fleming (1988: 60−1), apart from this often-cited reaction to the 1960s counterculture, religion and ethnicity were also important factors in the emergence of neoconservatism. Norman Podhoretz, for example, the editor of the neoconservative journal *Commentary,* was among a number of leftwing Jewish intellectuals driven to the right by their opposition to black radicalism as a threat to Jews. His controversial 1963 article 'My Negro Problem – and Ours' is an example of a critique of 'social engineering' founded on what Podhoretz and other neoconservatives saw as the misplaced desire of US governments to attempt to design solutions for ethnic and other social problems. In this sense, neoconservatives seem to share with Schmitt a belief that, although national unity is essential, its 'natural' limits should be recognised; assimilation of the 'different' is damaging to homogeneity.

In Kristol's view, the developing counterculture was due to inherent flaws in US society. Like Podhoretz, he saw ethnicity and desegregation as manifestations of social dynamics that could not be legislated out of society. Liberal-minded political programmes designed to alter these social facts inadvertently led to social degradation and in any case were bound to meet with failure. (Halper and Clarke, 2004: 53) One of the ironies in many accounts of the history of neoconservatism is that although it emerged partly as a reaction against attempts at social engineering in the United States, its post-Cold War advocacy of the imposition of democracy and 'Western values' on a global scale as essential conditions for the preservation of the US security and interests has led to many of the foreign policies the ideology has influenced, such as war and occupation in Iraq, constituting large-scale examples of social engineering in themselves. Halper

and Clarke provide an interesting example of this.[93] US global military and other intervention lead to expanded government, contrary to 'traditional' US conservative principles.

4.4. *The role of foreign policy in the emergence of neoconservatism*

The United States is the envy of much of the world and the despair of many of our friends. Envied because of our wealth, our freedom, and our vitality, we are despaired of because of the often foolish impulsiveness of our international behavior. (Ledeen 1985: 34)

The changes in [US] foreign policy were more tangible [than domestic policy changes]; the neoconservatives reacted to the defeat in Vietnam and Kissinger's détente with the feeling that America's resistance to world communism was being crippled by a sort of moral disarmament. (Habermas 1989: 24)

The 1972 elections and Democrat George McGovern's presidential campaign were decisive provocations in the full emergence of neoconservatism. The Coalition for a Democratic Majority (CDM) was formed to pull the Democratic Party away from the younger, radical element that supported McGovern and his anti-Vietnam War 'America Come Home' stance. Although the CDM was a fairly diverse group, a unifying factor was the shared conviction that the US needed a more aggressively anti-communist foreign policy instead of mere containment. Essential to the emerging neoconservative ideology drawn together through the CDM was the belief that 'American values' alone were not enough to prevent the spread of communism – a more aggressive foreign policy was essential. For neoconservatives détente showed lack of nerve, and was not only naïve but dangerous for the United States. Neoconservatism gathered strength through its persistent criticism of the foreign policy of a succession of administrations, from Nixon to Carter. (Halper and Clarke, 2004: 56-7) The latter's advocacy of human rights prompted another facet of neoconservative foreign policy critique; to charges of inconsistency in the administration's support for human rights and 'moral' issues were added accusations that the lack of a more aggressively principled stand on foreign policy would eventually create regimes hostile to the US.

Reagan's election promised the arrival of a fellow ideologue in high office, and many neoconservatives expected significant posts in his administration, confident the committed anti-communist would, as Podhoretz put it, 'assume the responsibility for containing Soviet expansionism.' (Ibid. 69) However, significant neoconservative appointments were restricted to very limited. (Ibid. 70) Due to their increasingly alarmist media style, neoconservatives soon lost credibility in the face of a changing international environment. Incapable of flexibility, the more conciliatory approach of Gorbachev's Soviet Union reduced them to a 'state of confusion'. (Ibid. 179) Despite their combative style having been instrumental in their 1970s ascendancy, it was now

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[93] A document entitled 'Should Islam be the Religion of the New Iraqi State?' circulated among the civilian administration in Baghdad in May 2003. (Ibid. 21−2) At the very least this shows a tendency to impose a simplistic, inflexible ideology on complex and delicate matters that may yet be neoconservatism's downfall, as Halper and Clarke predict. The current neoconservative fearmongering and hysteria over Islam displays their selective use of religion and human rights as a foreign policy weapon. The document referred to is contrary to the US constitution itself – the First Amendment provides stipulates that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…' Exactly which 'American values' apply to other countries as part of the democratising project seems a subjective choice.

a principal reason why neoconservatism was beginning to look like an anachronism. By 1989, there were predictions that the neoconservative era would end along with Reagan's. Symbolically, both were marked with the ratification of the INF treaty. (Halper and Clarke, 2004: 74) [94] The post-Cold War years were a period of transformation for neoconservatism that owed much to generational changes: Charles Krauthammer, William Kristol, Joshua Muravchik, Robert Kagan and others assumed prominent roles in updating the doctrine. (Ibid. 179) However, there was to be no mellowing of neoconservatism's combative character. The focus shifted towards the search for a new mission to revive the movement.

Post-Cold war neoconservative renewal should be seen in the wider context of the sudden absence of an easily identifiable threat to the United States after the Soviet collapse. As Ryan (2000: 184) puts it, '[t]he end of the Cold War deprived the United States of a mission; consolidation was never as attractive or as inspirational as regeneration.' However, the 'American way of life' was still not completely safe: during the Cold War anticommunism was equated with the pursuit of free trade, and now that the bulk of the communist threat to the US was no more, the US mission was partly re-defined as a global campaign to defend and impose the principles of free trade. (Ibid. 184) This is one area of partial consensus in the sometimes uneasy alliance between neoconservatism and neoliberalism in the US, as Harvey (2005) shows in detail. Throughout the following decade, neoconservatism began to recover from the setbacks of the 1980s and set about reinventing itself as a form of 'forced-based hard Wilsonianism' (Ibid. 74), which focused mainly on US foreign policy. These changes marked a radical departure from the neoconservatism of old, in three important ways. (Ibid. 74-6) First, neoconservatives now embrace the use of force as 'the preferred policy option.' Second, Halper and Clarke identify 'black and white moralism as the preferred form of analysis' as typical of the post-Cold War ideology. Also, there is little patience with the more analytical and intellectual character of earlier neoconservatism. Ryan (2000: 12) finds this impatience with complexity a longstanding feature of US foreign policy; simple categorisation 'assisted in the management of information overload and created a clear direction to US foreign policy. Complexity was shunned at the conceptual level and simplicity was rewarded in the political process.' This more combative outlook and simplified (or simplistic) approach to complex issues is well illustrated by Krauthammer's vision of US 'universal dominion' in a 'unipolar' world. (1990) The younger generation of neoconservatives had long focused on the Arab world and especially Iraq, which Krauthammer (ibid.) considered a prime example of a 'weapon state' that posed an existential threat to the West. In his view, the adoption of 'a robust and difficult interventionism' on the part of the US – meaning the threat or use of military force – was the only alternative to international chaos. This leads to the third feature Halper and Clarke (2004: 77−81) consider characteristic of post-Cold War neoconservatism, a strongly unilateralist foreign policy.

Apart from a very short phase early in Clinton's first term in office, the neoconservatives soon settled back into dissident mode, a role to which they now seemed better suited than ever

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[94] The Intermediate-Range Nuclear Forces Treaty between the US and USSR was signed on Dec. 8, 1987 by Reagan and Gorbachev, and ratified by the US Senate on May 27, 1988. It came into force on June 1 of that year.

before. They were no longer tied to the intellectual heritage that Irving Kristol and others had built up. (Ibid. 101, 88) After the Cold War, whatever philosophical 'shades of grey' neoconservatism had developed in the 1960s and 70s had been pared away – instead the new generation concentrated on 'very simple and doctrinaire' notions. (Ibid. 101) Today's neoconservatives seem to be unwilling to allow themselves to be tied down to alliances when these threaten to interfere with their single-minded pursuit of their interests. Richard Perle's blunt dismissal of European governments' offers of support to the US after 9/11 is a clear example of this: '[W]e no longer need them in the way that we once did. They are no longer vital to the defense of our interests in the world.' (Ibid. 95) What has been accentuated is the perception of the United States' duty and right to impose its unilateral vision of world order. This highly militant form of exceptionalism which has become predominant since the end of the Cold War and especially since the 9/11 attacks represents the latest phase in the evolution of the exceptionalist self-perception. Post-Cold War neoconservatism focuses on the promotion of 'economic freedom.' Military action, as the 'response' to 9/11 shows, is closely linked to this; neoconservatives strongly favour increased spending on defence; in common with the first generation, today's neoconservatives see little real prospect of settling differences through negotiation. (Ibid. 101, 164) The perceived 'culture of appeasement' among the Democratic Party in the early 1970s had been a key stimulus behind neoconservatism's emergence, and the militarist aspect of the doctrine is now far more pronounced than before, as this comment from Boot (2002: 352) shows:

> In deploying American power, decisionmakers should be less apologetic, less hesitant, less humble. Yes, there is a danger of imperial overstretch and hubris – but there is an equal, if not greater, danger of undercommitment and lack of confidence. America should not be afraid to fight 'the savage wars of peace' if necessary to enlarge 'the empire of liberty'. It has done it before.

4.5. **Existentialism and identity**

Another prominent feature of neoconservatism was, and still is, its use of fear and the maintenance of a widespread perception of crisis to both motivate political support and discourage dissent. There is a clear parallel here with Schmitt's 'collective existentialist' ontology: the US is 'hated because of what and who we are.'[95] Although this intense faith in distinction through opposition and animosity may be vital to the neoconservative position, it illustrates equally well how fear and suspicion can be harnessed as powerful motivating force for action and unity. This was true of the original neoconservatism, and is even more characteristic of the contemporary form. An example is Michael Ledeen's comment after 9/11 that 'the struggle between good and evil is going to go on forever.' (Cited in Halper and Clarke, 2004: 102) The appeal to crisis and necessity − in Schmittian terms, as grounds for decisive force when faced with an exceptional situation − is exemplified by Charles Krauthammer in his regular *Time* column before the 2004 US elections:

> Never in American history has fear been a more appropriate feeling. Never has addressing that fear been a more relevant issue in a political campaign [...] When you live in an age of terrorism with increasingly available weapons of mass destruction, it is the absence of fear that is utterly irrational. The '90s are over. It's not the

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[95] Norman Podhoretz, cited in Halper and Clarke 2004: 50

economy, stupid. It's Hiroshima--on American soil. If that doesn't scare you, it should. We could use more fear in this election, not less.[96]

'Never in American history' is a strong invocation of the necessity for exceptional measures on the grounds that the current situation has no historical precedent; therefore, the normal rules can be justifiably suspended by force of necessity. Although religion plays a strategic role in neoconservatism, with Islam replacing communism as the key oppositional element, it is more accurate to say that attempts to establish 'American values' of a particular kind are the core content and driving force of its mission. That is, religion is only a complementary factor, even though neoconservatives skilfully exploit the Christian fundamentalist position to their benefit, as Mead (2004) and Northcott (2004) show.

While they use fear of the rest of the world as an effective mobilising tool, neoconservatives seem themselves motivated by fear of a different kind; there is an elitist element in neoconservatism, the movement being just one manifestation of what Said (2003: 34) calls 'a sense of competitive angst in 'the best and the brightest' caused by Cold War rivalry. Gottfried and Fleming (1988) make a similar point: neoconservatism started out as a 'revolt of the intellectuals' that arose from an elite's fear of lower-class rebellion and upheaval. They were impressed by Hannah Arendt's argument that both totalitarianism and anti-Semitism developed from the inability of the ruling classes in France, Germany, and the Slavic countries to preserve their legitimacy in the face of growing lower-class revolt. (Ibid. 61) Conditional support for social welfare stems more from this elitist desire to preserve existing social hierarchies by limiting public dissatisfaction rather than from any devotion to equality, which they do not believe in. (Ibid. 66-7)

4.6. Neo - or non-conservative?

The 'conservative' element in neoconservatism is highly disputed, some of the harshest criticism coming from 'true' conservatives who feel its radical, ideologically driven rival not only damages the US image and interests abroad, but also the conservative heritage as a whole. Halper and Clarke (2004) take this position, as does Ryn (2003). In Brands' view (2001: 127), Carter's presidency was so ineffectual that conservatives could reorganise after the controversies of Watergate and Vietnam: 'new varieties of conservatism, largely unrecognizable to pre-Cold War conservatives, sprung up. Of these the noisiest and most pretentious was neoconservatism, a hybrid ideology that afforded a haven for refugee intellectuals of the old Left of the 1930s who now denounced socialism as fervently as they had once embraced it.'[97] Gottfried and Fleming (1988: 71-3) note that relations with conservatism have long been tense, for financial as well as ideological reasons: although think tanks such as the Heritage Foundation, the Hoover Institution,

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[96] Charles Krauthammer: *The Case for Fearmongering*, in Time, 10/18/2004, Vol. 164, Issue 16. 'Hiroshima on American soil' is bizarre – presumably he does not deliberately intend to suggest that the 9/11 terrorist attacks on the US share the motivation that was behind the US nuclear bombing of Hiroshima in 1945. According to Said (2003: 36), the Cold War was part of an overall pattern in which threats to culture are harnessed and used as a political and cultural tool, which shows 'how useful a hostile Other is in such circumstances.'

[97] While Brands may be correct here in explaining how neoconservatism gained influence at this particular time, his claim that the alleged stagnation of the Carter administration led to the emergence of the movement is mistaken; as I have shown, neoconservatism began to develop as a distinct ideology much earlier and for different reasons than Brands suggests.

and the American Enterprise Institute were set up to promote traditional conservative values, by the mid-1970s they began to channel significant resources to the neoconservatives at the expense of the 'Old Right'. To Ryn (2003: 28), heavy media exposure has led the public to equate neoconservatism with what he considers 'real' conservatism, also to the latter's detriment.

Competing claims to define US national identity are central to the long-running struggle for the conservative throne. Typical of this is the assertion by William Kristol and David Brooks that 'what is missing from today's conservatism is the appeal to American greatness […] an exceptional nation founded on a universal principle.' (Cited in Ryn, 2003: 25) The Soviet collapse led to a battle for control over the renewal of US foreign policy. The outcome was not only greater disarray within conservatism as a whole, but also growing friction within neoconservatism itself. This was instrumental in shaping the presently dominant form of the doctrine. The younger generation felt the US needed a new global mission, shunning the more realist, pragmatic line of Kirkpatrick and others that '[i]t is not within the United States' power to democratize the world.' (Cited in Halper and Clarke, 2004: 78) Kirkpatrick (1982: 95) had dealt with the same tension as US ambassador to the United Nations: 'the very question [of promoting universal values] testifies to the difficulties encountered when a government attempts to invoke universal moral rules as the justification for a policy which will necessarily be selectively applied.' Irving Kristol, probably the most influential 'old' voice, saw the newly activist impulse as 'a dangerous manifestation of Wilsonianism.' (Halper and Clarke, 2004: 77) The more radical and purely ideology-driven approach dismissed such objections as 'right isolationism'.[98] This missionary form would have major influence on the US executive after 9/11 (see section 5.4.) It is characterised also by a rejection of multilateralism and adherence to UN-sanctioned procedures as unjustifiable restrictions on US foreign policy. The revised Middle East agenda that is so divisive in the 'war on terror' germinated in the early 1990s, spurred by anger that the Hussein regime was left in power after the 1991 Gulf War. Unlike Bush senior, neoconservatives did consider 'democracy' part of the US 'mission' in Iraq. (Ibid. 77-81)

4.7. *Echoes of Schmitt: militarism at home and abroad*

Although this paper deals with neoconservative foreign policy, it would be misleading to exclude all consideration of the neoconservative approach to US domestic politics. Indeed, I have already referred to domestic matters in outlining neoconservatism's emergence and development. To conclude we must return briefly to US domestic policy, for one major and rather obvious reason: because the neoconservative foreign policy approach is characterised above all by moralistic justification of interventionism, failing to pay even brief attention to the political and social model they wish to see imposed on other countries would be a major oversight of any study. So although we cannot consider it in any detail, we will look at the political and social model they argue for in their own country. Because they continue the conviction that what is good for 'America' is good for the world, learning more about what that model would be is certainly

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[98] Joshua Muravchik, cited in Halper and Clarke 2004: 80

relevant to our main, foreign policy concern. So what would a neoconservative state look like? Part of the answer has already been given: they favour the neoliberal economic model, but have strong objections to what they see as its damaging effects on social order. As the brief history in section 4.3. showed, neoconservatism 'has long hovered in the wings as a movement against the moral permissiveness that individualism typically promotes.' (Harvey, 2005: 83) In particular, they object to the tendency of free markets to diminish 'moral standards' and the general obedience of a population, strongly paralleling Schmitt's purist ideal of the homogenised 'fighting collective.' On 'the neoconservative answer' to the socially and politically destabilising effects of neoliberalism while retaining its effects on economic productivity in the United States, Harvey concludes that although 'there are dangers in the neoliberal dalliance with nationalism of a certain sort, the fierce neoconservative embrace of a national moral purpose is far more threatening.' (Ibid. 81)

'Democracy' is a major theme in neoconservative legitimation of US military and other intervention. As Harvey (ibid. 81-6) argues, it would be unwise indeed to allow a superficial advocacy of democracy to conceal the highly authoritarian elements of neoconservatism. In offering only 'two cheers for capitalism' (Kristol 1978), it emphasises 'militarization as an antidote to the chaos of individual interests.' (Harvey, 2005: 82) This is evident, for example, in the debate on civil liberties since 9/11, as the prominence of this and related issues in neoconservative journals such as *Commentary, The Public, First Things* and *The National Interest* show. Neoconservative militarization of US society means 'they are more likely to highlight threats, real or imagined, both at home and abroad, to the integrity and stability of the nation.' (Ibid. 82) In *Commentary* Bork (2003: 35) typifies this: 'people who recklessly exaggerate the threat to our liberties in the fight against terrorism do give ammunition, moral and otherwise, to our enemies.' This is not new: as Hofstadter (1965) argues, the 'paranoid style in American politics' has been much used in US history to stifle dissent, in what we could call a very Schmittian manner. This authoritarianism is what Harvey (ibid. 84) calls a 'neoconservative turn' which 'relies heavily on appeals to ideals of nation, history, religion, cultural tradition, and the like.' Ironically, this incorporates an enormous amount of what Schmitt considered 'antithetical' to the political. The US is not alone in stressing its uniqueness in these terms, and because it offers a means of combining a coercive social and political order with the neoliberal economic model, the 'neoconservative answer' is one that may not only strengthen its hold on US society and those it advocates intervention in, but is likely to be replicated by others. This may already be under way: 'The further turn to neoconservatism is illustrative of the lengths to which economic elites will go and the authoritarian strategies they are prepared to deploy in order to sustain their power.' (Ibid. 201-2)

Having very briefly sketched neoconservatism's development from the Cold War to the 'war on terror', we will examine a sample of neoconservative rhetoric in relation to the latter. In so doing, we will make further use of the theoretical elements developed earlier, and introduce new ones to round out the concept of processes of identification developed so far.

5. Terms for distinction: A case study of neoconservative rhetoric

[S]ociety's nouns need many adjectives, and its verbs many adverbs. – (Burke 1957: vii)

And so, in the end, men are brought to that most tragically ironic of all divisions, or conflicts, wherein millions of cooperative acts go into the preparation for one single destructive act. We refer to that ultimate *disease* of cooperation: *war.* (Burke 1950: 22, emphasis in original)

5.1. Introduction: The significance of Burke's 'philosophy of rhetoric' [99]

Here we will take a more in-depth look at neoconservative processes of identification, focusing especially on processes of distinction. The form of analysis is a case study of a selection of writings on state sovereignty in the 'war on terror' published by the American Enterprise Institute for Public Policy Research (AEI). I will return shortly to the neoconservative materials analysed, after explaining the theoretical perspectives I will use. The chapter title has a dual meaning; '*terms* for distinction' implies, first, the *conditions* necessary for the conduct of political order to deviate from the normal state of affairs shaped and constricted by law. In this sense 'terms for exception' would apply equally well, but this type of process has already been examined and we must now elaborate on the other subsidiary type of identification process. The second meaning concerns the theoretical perspective behind the analysis: here *'terms'* implies the language and argumentation used to legitimise distinctions. This second usage is based on Kenneth Burke's particular approach to the study of rhetoric in *A Rhetoric of Motives.* He showed that an important but overlooked function of rhetoric is *identification*:

[The] classical notion of clear persuasive intent is not an accurate fit [...] for describing the ways in which the members of a group promote social cohesion by acting rhetorically upon themselves and one another [...] [W]ith this term [identification] as instrument, we seek to mark off the areas of rhetoric, by showing how a rhetorical motive is often present where it is not usually recognized, or thought to belong. (Burke 1950: xiii, xiv)

I will use Burke's discussion of identification and terms used to denote it as the framework for examining the neoconservative approach to sovereignty. By extension, I will argue, Burke's perspective can be used to interpret these writings as expressions of the particular exceptionalist 'self-identification' of the United States I have already attributed to neoconservatism. A one key objective of this chapter is to further support this claim. As Burke points out, the search for terms for identification opens up a wide range of possibilities, and so should also aid understanding of the empirical part of my paper, the neoconservative writings I have selected. Burke saw many terms for identification in all its various forms, − or, as he puts it,

many terminologies by which writers can represent the process of change [...] The range of images that can be used for concretizing the process of transformation is limited only by [...] imagination and ingenuity [...] we

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[99] Burke 1950: xv

emerge from the analysis with the key term, 'identification'. [...] Noting that tragic poets identify motives in terms of killing, one might deduce that 'they are essentially killers.' Or one might deduce that 'they are essentially identifiers.' Terms for identification in general are wider in scope than terms for killing [...] We are proposing that our rhetoric be reduced to this term of wider scope, with the term of narrower scope being treated as a species of it. (Ibid. 12, 20)

It is logical to assume that Burke means *all* terms which display a more limited purpose are 'terms of narrower scope', and are therefore terms for identification of some sort; the principal sort we will be concerned with are terms for *distinction*. These can be further divided into groups, as I will later show. The specific concern here is with the neoconservative effort to reshape US national identity; as will be seen, a major part of this effort involves the use of specific terms to assign identities not only to the 'self', that is, the US, but also to friends and enemies. As will become evident, all such assignations are at once highly complex, contradictory, and potentially hazardous. Despite all these dangers, the compulsion to *identify*, in a seemingly unlimited number of ways, is both inevitable and an essential condition of social life.

A few more points must be made. How can Burke and Schmitt, contemporaries with seemingly very little else to unite them in terms of their respective philosophies, be connected? We have already seen Schmitt's intense criticism of the lack of decision-making power and 'everlasting conversation' (Schmitt 1985 a: 53) that he saw as the hallmarks of parliamentary democracy, while for Burke the 'unending conversation' was the key feature of all dialogue, and action, in all the forms these take. (Burke 1973: 110) This apparent methodological contradiction or incongruence in dealing with Burke and Schmitt together is worth considering briefly. Burke argues that 'we can treat 'war' as a '*special case of peace'* – not as a primary motive in itself, but purely as a *derivative* condition, a *perversion.'* (Burke 1950: 20, emphases his) The rhetoric of the 'war on terror', as we will see, is a further fulfilment of this function of identification, as it is presented as a distinct case, a break with the established norms and laws of both war and diplomacy, such as they are. For Schmitt, life achieves its ultimate meaning – its greatest possibility for *identification* – through war, 'the most extreme possibility […] The core of the matter lies in warfare.' (Cited in Ojakangas, 2004: 28) From their radically different perspectives, both Burke and Schmitt recognised the importance of oppositional dynamics to identity, the perception and creation of difference. Therefore I believe they can both be usefully incorporated in the same framework, despite being poles apart ideologically.

5.2. *The objectives and structure of the chapter*

Taking the two meanings of 'terms for distinction' together leads to the material analysed here. I examine Cornell University professor of government Jeremy Rabkin's 2004 book *The Case for Sovereignty: Why the World would Benefit from American Independence*, published by the Washington-based think tank, the American Enterprise Institute for Public Policy Research (AEI). As the main title suggests, Rabkin claims to make a defence of the general principle of state

sovereignty against what are widely assumed to be the sovereignty-diminishing effects of globalisation and the influence of international legal and other institutions. However, as I will show, what he actually does is produce a polemic in favour of sovereignty as a particularistic means of *distinction*. His 'case for sovereignty' is the case for, and *only* for, the 'independence' of the United States. Rabkin's use of 'sovereignty' and 'independence' interchangeably is a vision of the US as 'chosen nation', a theme familiar in earlier contexts from the last two chapters. In addition to Rabkin's book I will examine a selection of short articles from the website of the AEI, namely those filed under 'national sovereignty and global governance'.[100] Analysis focuses on articles published under that category from September 11th, 2001 until September 2005. The reason for choosing 9/11 as the starting date is obvious; as will be seen, the responses of the vast majority of AEI writers to the attacks are highly relevant to the central issues of my overall study. The issue of state sovereignty and its still-evolving system of hierarchy under the lead of the US has been given great impetus by 9/11, and I will try to show how these writings, Rabkin's book included, create and reinforce hierarchical distinctions through sovereignty-related themes. I treat sovereignty as one just one expression of the broader, and therefore more theoretically significant, concept of *identity*. As for the end date, September 2005 gives a four-year period which is long enough to show how the relevant themes which emerged soon after 9/11 have changed over time. It takes in not only the Iraq war, its long build-up and highly divisive follow-up but also the AEI writers' arguments on how the 'war on terror' should proceed. As will be seen, over the four-year period there has been a steady advocacy of US military action against various countries, not only Iraq. Otherwise, the most significant development in the writings is the steady increase in hostility towards the United Nations, a theme already present soon after 9/11.

The aim is to examine themes of distinction in the neoconservative identification processes from a combined Burkean and Schmittian perspective; to highlight how neoconservatism is dedicated to reshaping the identity of the United States by identifying it oppositionally through its 'enemies', as these are assigned to it by the AEI writers. This part of the identification process – the identification of the enemy – is of even greater importance than the positive identification of the 'self'. In fact, any *positive* conception of the US identity, as with Schmitt, is also for neoconservatism very weak. Therefore the empirical material here will allow us to develop and refine the basic concept of oppositional identity integral to processes of identification in Schmitt and neoconservatism. The idea itself is partly based on Burke's 'paradox of the negative':

> Quite as the *word* 'tree' is verbal and the *thing* tree is non-verbal, so all words for the non-verbal must, by the very nature of the case, discuss the realm of the non-verbal in terms of *what it is not*. Hence, to use words properly, we must spontaneously have a feeling for the *principle of the negative* [...] This principle [...] is potentially a problem from the very start. (Burke 1970: 18, 219, emphasis in original)

In addition to demonstrating how such oppositional dynamics within neoconservatism are 'potentially a problem from the very start', one further objective is to determine whether, and if so

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to what extent Schmitt's themes of hierarchy, exclusion, purity and others are present in neoconservative rhetoric.

5.3. An outline of the approach: Schmittian themes, Burkean analysis

I will analyse the material from a Burkean perspective, and will develop terms for distinction by *indexing*, the method Burke developed and used in a number of works, including his 'Fact, Inference and Proof' essay. (Burke 1954) It will be described below, after outlining the central themes from Schmitt which I use to structure the analysis of AEI material. What Burke seems to have been mostly concerned with in recasting rhetoric as a means of identification as examining more or less sporadic *acts* of identification. I am most interested in i developing this approach to treat the AEI body of writings as part of a systematic *process* of identification, that is, a conglomeration of rhetorical acts and policy proposals with a more or less unified set of objectives, even though I do not suggest that there is complete unanimity among the writers of the articles I analyse. Overall I will assess how these neoconservative writings develop themes of distinction by grouping such terms into four broad Schmittian categories:

1. Terms for necessity;

2. terms for authority;

3. terms for legitimacy;[101]

4. terms for hierarchy.

My argument will be that, taken together, these categories add up to *terms for distinction* − that is, they stand as an accurate summary of neoconservative ambitions in the field of US foreign policy, since they capture the central characteristics and dynamics of the overall neoconservative process of exceptionalist identification. Before going further, perhaps it will be useful to give a brief example in order to clarify the rationale behind this approach. In treating neoconservative terms for sovereignty, for example, I will include them under the heading of terms for *authority* in general, as sovereignty is only form of authority among many. Under the same category of authority I place *protection* and *obedience,* among others, because of the essential connection these have with the concept of sovereignty in Schmitt's thought. I have said I will carry out the analysis through indexing, which Burke (1954: 145) described very simply as a systematic approach 'concerned with the taking of preparatory notes for the purposes of critical analysis [...] there must be grounds for paying more attention to some terms than to others.' In other words, by using the Schmittian themes listed above we already have a basic framework on which to expand the task of indexing. Terms are used 'to keep one's inferences under control, yet [going] beyond them, for purposes of inference, when seeking to characterize the motives and 'salient traits' of the work, in its nature as a total symbolic structure.' (Ibid. 145) As he notes, a certain amount of care needed to

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[101] As will be seen, categories 2 and 3 here are the result of a somewhat 'messy' but necessary separation.

recognise which terms gradually emerge as more important than others. In this way, the process of indexing becomes necessarily selective; this should not be looked on as a flaw, but rather as a method that is flexible enough to allow attention to be turned to those terms and themes in the material which clearly have most significance in the wider context of the study.

5.4. Empirical material: The American Enterprise Institute

The reasons for choosing the AEI instead of any other neoconservative think tanks operating in the United States are given below, after a short introduction. The AEI was founded in Washington, D.C. in 1943 as an institute dedicated to limited government, private enterprise, and 'a strong foreign policy and national defense.' It describes itself as 'an independent, non-profit', 'strictly nonpartisan' institute that takes 'no institutional position on pending legislation or other policy questions.' (AEI website) As Ricci (1993: 220-1) points out, however, just because issue advocacy is not openly declared does not mean it is absent: 'these institutions receive substantial contributions from major corporations, which cannot be entirely indifferent to the economic and political implications of research that they effectively subsidise.' [102] By the 1980s the AEI was one of the largest and most influential think tanks in the US, and 'several dozen' of its staff were appointed to posts in both of Reagan's administrations. (AEI website) During the same period, according to Halper and Clarke (2004: 48) the AEI came under increasing neoconservative influence. According to Media Transparency, a left-wing organisation that monitors the sources of funding behind 'conservative media', including think tanks, the AEI at present is 'regarded as exercising significant influence in Washington circles.' [103] From the late 1990s onwards, it was one of a number of institutions that had become 'important elements in a neo-conservative coalition of intellectuals, ex-government officials, political advisors, media figures, and key conservative personalities, all pressing for the era of American supremacy.' (Halper and Clarke 2004: 103) The AEI is an excellent source of empirical material on neoconservatism because:

1.   It has a proven track record as a neoconservative institution – many of the most prominent and influential neoconservatives are affiliated with it.[104] In *America Alone: Neoconservatives and the Global Order,* Halper and Clarke comment wryly that '[t]he positive side of their [neoconservatives'] public availability is that they and their views are easy to identify': they can be found, among many other places, among 'most foreign or defense studies scholars at the American

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[102] The left-wing Media Transparency has attempted to trace the financial contributions received by the AEI: see http://www.mediatransparency.org/recipientgrants.php?recipientID=19 See also 'US Thinktanks Give Lessons in Foreign Policy', *The Guardian,* August 19, 2002; Halper and Clarke 2004: 108-9.
[103] http://www.mediatransparency.org/recipientgrants.php?recipientID=19
[104] Among AEI staff are Jeane Kirkpatrick, former US ambassador to the UN; Irving Kristol; Michael Ledeen, a former consultant to the National Security Council and US State and Defense Departments and key figure in the Iran-Contra scandal in the 1980s, holds the title of 'Freedom Scholar'; Richard Perle, former assistant secretary of defense for international security policy, is Resident Fellow, as is David Frum, special assistant to George W. Bush for economic speechwriting 2001-2002. With Perle, Frum co-wrote *An End to Evil: How to Win the War on Terror* (2003), and is credited with Bush's 2002 'axis of evil' State of the Union address. ('How I created the axis of evil', *The Guardian,* Tuesday, January 28, 2003)

Enterprise Institute.' (Ibid. 14) Therefore, it is representative, an important criterion for case study selection.[105]

2.   It also meets a the important criterion of *significance* − it has proven influence on foreign policy decisions of the US government. In his remarks at an AEI annual fundraising dinner in 2003, George W. Bush commented: 'At the American Enterprise Institute, some of the finest minds in our Nation [sic] are at work on some of the greatest challenges to our Nation. You do such good work that my administration has borrowed 20 such minds.' (Bush 2003) This is particularly true of the first, and also the second Bush administration. Arguing that academic standards at the AEI are in decline, Wallace-Wells (2003: 25) contends: 'the whole idea that regime change in Iraq should be at the center of American policy was nurtured at AEI, by current and former AEI fellows who became the architects of the administration's war in Iraq, including [defense] advisor Richard Perle and Under-Secretary of Defense Douglas Feith.' Vice president Dick Cheney and Paul Wolfowitz are former AEI members.[106]

3.   Although the AEI focuses on a very wide range of issues relating to both domestic and US foreign policy, it has published a large number of articles relating to the two main issues of interest here, state sovereignty and democracy. The majority of these publications are in the form of short articles. However, this should not be seen merely as evidence of a 'lightweight' approach to research on the part of the AEI: on the contrary, as Ricci points out, short articles are more likely to be read by policymakers and other influential figures in government with heavy workloads, and therefore have a higher likelihood of influencing the decisions made by these people than longer publications would have. Ricci (1993: 160-161) writes that during its years of most rapid growth in the late 1970s and early 1980s the AEI published relatively few books, focusing instead on mainly edited volumes of essays often taken from papers delivered at its conferences, as these were likely to reach a wider readership than long books. Now of course the AEI uses the internet effectively, and generally follows the same format described by Ricci: short articles, conferences and relatively few books. This approach was implemented by William Baroody Jr., the head of the AEI from 1978 to 1986, who decided that 'think-tank books were no longer effective across the board, that they had become a technical device which did little to convey ideas since target audiences lacked sufficient time to read them.' (Ibid. 171)

4.   A practical reason for choosing the AEI is that they have a well-organised website that allows free access to articles and longer publications, making it feasible to conduct a thorough study of the institute's positions on the issues relevant to the present study. Having justified the AEI as a valid subject for a case study of neoconservatism, we begin the analysis along the lines already set out.

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[105] However, as Alasuutari (1995: 143-5) remarks, research on a particular area should take most care to fulfil the requirement of *local explanation*, meaning that the explanation of the material must 'fit as neatly as possible with the empirical material of the study.' 'Generalisability' need not be a primary concern.
[106] According to *The Economist,* Cheney and his wife, AEI Senior Fellow Lynne Cheney have a 'long-standing relationship' with the AEI. 'The charge of the think-tanks', *The Economist,* February 15 2003: 33.

*5.5. **Identity beyond bounds: Terms for identification in AEI writings***

*5.5.1. **Terms for necessity***

As our first step towards extracting the overall exceptionalist identification of the United States from our source material, we will take the theme of *necessity,* one of the essential requirements for the declaration of the exception in Schmitt's theory. For Rabkin (2004: 176) it is expressed most strongly by the 'terror threat' revealed by the 9/11 attacks. By adapting Burke's method and reducing the theme of necessity to its key constituent terms, I show how the AEI writers' chief use of the necessitarian tactic is to identify the United States as the entity with the greatest *capacity/power, justification, authority* and so on to – in short, as uniquely placed to shape and spearhead the fight against 'terror.' That they attempt to identify the United States as an *entity* is in itself a point worth noting, because as we will see in general the writers share Schmitt's concern with the need for homogeneity and unity of purpose among the national grouping.

Perhaps the most common, and potent, term for necessity in the writings is *threat.* This and related referents to the concept of threat are a recurrent means of framing arguments from necessity in the texts. On Guantánamo, for example, Cucullu (2005) writes that the internment camps are fully justified by the nature of the threat presented by the detainees.[107] His approach to a controversial subject that had already been addressed repeatedly over the preceding years is somewhat inventive; in his view, not only is the system that developed soon after 9/11 justified by the threat of those held there, but allegations of abuse are countered by Cucullu's claims that it is the US soldiers in Guantánamo, not the detainees, who are having their safety and dignity threatened by the system they are forced to share, albeit on radically different levels. Threat, and the closely related term *urgency* are prominent in Yoo's less emotive justification of the Guantánamo system: in an article entitled 'Terrorists Have no Geneva [Convention] Rights', published after the US torture and abuse of Iraqi prisoners at Abu Ghraib prison was revealed in May 2004, he claims that the resulting controversy 'ignores the unique demands of the war on terrorism and the advantages that a facility such as Guantanamo can provide.'[108] Bork (2002) takes the same view on the controversy of military tribunals, an issue linked to the Guantánamo debate.

'Ignorance' or 'ignoring' bring us to further terms for necessity: *obligation* and *responsibility.* In Yoo's comment, justification occurs by contrasting those who object to Guantánamo and related actions and transgressions of 'acceptable' norms of conduct as part of the 'war on terror' with those who *act* against the threat – that is, those who choose not to 'ignore' the

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[107] 'These 'detainees' are not innocent foot soldiers, or confused Afghan opium farmers drafted by the Taliban. They are Islamic fundamentalists from across the Middle East, rabid jihadists [sic] who have dedicated their lives to the destruction of America and Western civilization. Among the residents are al-Qaeda organizers, bomb makers, financial specialists, recruiters of suicide attackers, and just plain killers.' How these claims can have been reliably ascertained without any recourse to legal process is not explained by Cucullu.
[108] Yoo 2004 a. However, he does not argue that the Geneva Conventions are inapplicable in the case of the Abu Ghraib abuses, although he does attempt to make light of the Abu Ghraib abuses: 'We can guess that the unacceptable conduct of the soldiers at Abu Ghraib resulted in part from the dangerous state of affairs on the ground in a theater of war.'

responsibilities they are burdened with. Claiming that one's actions are made necessary by such acceptance of 'obligations' is in fact a sort of plea of innocence, a negation of blame by implying *irresponsibility,* that is, non-responsibility: the 'unique demands' of our fight justify whatever means impose themselves as necessary, therefore we are not responsible for engaging in acts which by 'normal' standards would be judged unacceptable. Necessity portrayed in this manner means that 'responses', even if they constitute torture, have been somehow *forced* on the '*respondent*', not the victim. The former then point to the inhumanity of those who perpetrated the original offence – here the 9/11 attacks – as the only truly justifiable place to lay blame for any and all actions that follow in 'response'. By the same token, the 'softer' approaches favoured by the United Nations and the European Union, among others, display *irresponsibility* in the more commonly-used sense of the term − lack of awareness, and perhaps concern, for the consequences of inaction and weakness of will. Ledeen (2001c) suggests terrorist suspects should be sent for interrogation to countries where methods of doing so are more 'rigorous' than is allowed under US law; he sees Israel as the prime candidate for practices that have since become known as 'renditions'.[109] Torture, although he does not use that term here, appears justified to Ledeen by the extreme necessity imposed by 9/11. Notably, he has no hesitation in assuming that all those who would be subjected to such 'rigorous' interrogation would be undoubtedly guilty even before they've been questioned. From a Schmittian perspective, the enemy here is the absolute enemy; as such, we can also identify *obligation,* and, as a consequence, *irresponsibility* in the appeals to necessity here, the latter again in the sense of non-responsibility due to the urgency and overwhelming threat of the situation.

Obligation as a term for necessity should be considered further. Rabkin (2004: 1) cites the moral obligation weighing on the US to act as justification for the 2003 invasion of Iraq: 'By putting an end to Saddam's murderous rule, the [2003] invasion undoubtedly saved countless Iraqi lives. Yet critics, particularly in Europe, remained indignant.' This connects *obligation* to *capacity* and *power*, other terms for necessity that I have mentioned briefly and will return to at the end of this section. Closely connected to *obligation* is j*ustification;* the latter is used by Rabkin to argue that various forms of US intervention, including military force, are not only justified but demanded by the 'terror threat.' All four terms can be seen in the following comment: 'Terrorists pose even more threat [sic] to smaller nations, especially those with substantial Muslim populations [...] It is important to keep other states from being intimidated by terror forces. It will often be necessary [for the US] to assist them in battling a common menace.' (Rabkin 2004: 176) In a similar reference to *obligation*, in a February 2002 presentation to the US Senate Foreign Relations Committee, Perle (2002 b) refers to the need to promote human rights as part of the justification for a war against Iraq.[110] Again the focus is firmly on states, as opposed to non-state actors, as the appropriate US response to 9/11. *Obligation* in these contexts implies *protection,* itself a term for

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[109] On renditions see Garcia (2005), a report for the US Congressional Research Service on their legal status.
[110] 'The first priority of American policy must be to transform or destroy rogue regimes.[...] And while some states will observe the destruction of the Taliban regime in Afghanistan and decide to end their support for terrorism rather than risk a similar fate, others will not. It is with respect to those regimes that persist in supporting and harboring terrorists that the question of the role of democratization and human rights is particularly salient. And foremost among these regimes is Saddam Hussein's Iraq.'

necessity. However, because of the strong hierarchical overtones that are identifiable in the rhetoric of protection, we will reserve any further discussion of *protection* to section 5.5.4. 'Common menace' is itself a justification of sorts; since the US sees threat to itself, the broadness of its response can be legitimised by claiming that a threat to the US is a threat to all – so here we have *justification* of the acts of one state through those acts being taken out of a feeling of responsibility for global security. The same attitude is expressed in Bush's 2005 inaugural speech:

> The best hope for peace in our world is the expansion of freedom in all the world […] America's vital interests and our deepest beliefs are now one […] Advancing these ideals is the mission that created our Nation. [...] Now it is the urgent requirement of our nation's security, and the calling of our time. ('Bush: 'No justice without freedom', Washington Post, January 21, 2005)

Rabkin unites the theme of *obligation* with ambiguity – the latter issue which we will consider later, and in detail in the following chapter – to argue for conditions which not offer the right to intervene, but impose the *duty* to do so. By appealing to past interpretations of the principle of sovereignty, he claims a government

> that expected neighbours to respect its sovereign authority in its own territory had to exercise that authority in ways that made it a tolerable neighbour: it had to ensure that its territory did not become host to guerrilla bands or pirate gangs – or, in our day, to terrorist organizations – that would attack its neighbours. This is still an essential obligation of sovereign states, and this obligation has no more reliable means of enforcement than the demands of other states. (Rabkin 2004: 20)

What constitutes a 'tolerable' neighbour is left unclear by Rabkin – terrorism is a notoriously difficult term to reach consensus on.[111] It is this lack of clarity that allows wide scope for other intervening states to decide what constitutes necessity as a justification for intervention. Rabkin (ibid. 29) returns to the theme of obligation to argue for the United States' need to reject international legal constrictions, and, more broadly, to reject the idea of global governance: 'If international authorities can claim supremacy over national states, no state can fulfil its obligation to its own citizens to protect their national community.'[112] This brings us to another important term for necessity – echoing Bush's statement, *security* is also frequently employed in AEI writings. It is used in a number of contexts: the shattering of US security by the 9/11 attacks themselves, and more figuratively in the subsequent fear and panic, is used to justify the invasion of Iraq: 'Still reeling from the terror attacks of September 11, most Americans saw the logic of overthrowing a government that was shown to be intriguing with international terror networks and seeking

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[111] For a short history of the origins and evolution of the term, see Hoffman 2005: 'Terrorism, in the most widely accepted contemporary usage of the term, is fundamentally and inherently political' (Ibid. 255) - which is to imply also that one should be aware, and often wary, of the reasons for its application in a particular context. Like so many of the other concepts I refer to in this paper, terrorism is another that is sometimes, but by no means always an objective fact. References to terrorism, particularly since 9/11, constitute invocations of necessity that range from self-evident and plausible to dubious and opportunistic. Acts of terrorism in themselves do not make particularly interesting subjects of study – the conditions leading to them and the conditions that arise from them do. As Hoffman points out, one of the main reasons why 'terrorism' is such a difficult term to define is that its meaning has frequently changed over the past two hundred years. (Ibid. 256) As such, all references to terrorism, including those by Rabkin and all the other neoconservatives who never tire of using the term, should be approached critically – they should not be allowed to stand as a blanket justification for 'any means necessary' as an acceptable political response to acts of terrorism.
[112] He is inconsistent here – elsewhere he argues that it may be necessary for the sovereignty of states to be infringed when their behaviour constitutes a threat to their neighbours (ibid. 20) or when other states, such as the US under the Monroe Doctrine, take it upon themselves to assert the 'independence' of the citizens of a foreign state when the intervening state deems this necessary. (Ibid. 74) Rabkin offers no reasons why such decisions to intervene in a particular state could not be reliably made multilaterally – that is, by multiple states acting through international authorities.

weapons of mass destruction.' (Rabkin 2004: 2) In this single sentence, Rabkin makes three very broad and controversial claims without offering evidence to support any of them. In the same quote, *logic* is implied as a term for necessity, by suggesting that to ignore the concrete and urgent need to act against a looming threat would be illogical, as well as irresponsible. *Threat* as the 'negative' of *security* is continually used by Rabkin as a term for necessity. (Ibid. 4,10) For example, the 'burdens of defense', in being laid on the US, also grant the prerogative to decide how, and what, action should be taken. (Ibid. xi) In another context, Rabkin (ibid. 22) links security with *power* to claim that self-identification as a hierarchical sovereign power is justified by this form of necessity: 'It is entirely consistent with sovereignty for one state to pressure another in the name of security.' The difficulty here arises from the fact that 'security' is a conveniently vague concept − it can be interpreted as broadly as political considerations deem necessary to legitimate foreign intervention. Attention to 'security' in purely preventive terms, rather than increasing the feeling of security, tends to have the opposite effect. By the same token, the scope for identification through the use of this and other endlessly pliable terms for necessity is greatly increased.

To give a slightly theological turn to our interpretation of threat as a term for necessity, there are a number of instances in the AEI texts where references to it suggest opportunities for renewal. In these cases, we can see even more clearly the enormous potential for restructuring of 'self-identity' (i.e. the neoconservative vision of − and *for* − US national identity) in oppositional rhetoric. Calling 9/11 'not terrorism but war', Glassman (2001 a) suggests they 'will make the United States and the rest of the world stronger. The fall of communism [...] created a vacuum that, for want of a better term, the Terror State, has filled. In the end, the defeat of the Terror State will pave the way to greater prosperity and peace' − redemption will come, supposedly, through destruction. The 'vacuum' suggests US weakness of character after the Cold War due to the lack of an enemy.[113] As I argue throughout this paper, *animosity* has an essential role in identity; the lack of it, as seen through the fall of communism, leads to anonymity and lack of purpose. The discussion of Schmitt's 'collective existentialism' and his overall understanding of nationalism and identity (sections 2.1.2. and 2.1.4.) are recalled by this depiction of threat and renewal in neoconservative rhetoric. Writing shortly after the 9/11 attacks, Gedmin (2001 b) expresses satisfaction at the 'immense opportunity' which the attacks offer the US in reshaping US foreign policy after the post-Cold War years: 'an extraordinary opportunity presents itself: [...] if U.S. policy succeeds, the Islamic world will find itself quickly divided into two camps: between those who sponsor terrorists and the rest who do not − between those states who cooperate with the United States and those who choose to be designated as enemies.' As we will see in the next chapter by reference to Derrida, the type of distinction Gedmin finds easy to make becomes highly ambiguous. Although it may have its uses for the identifier, once let loose ambiguity becomes very hard to control. In the same vein, Novak (2005 a) sees not only disaster, but also enlarged scope for the 'new birth of freedom' that the 9/11 attacks have inadvertently ushered in.

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[113] He expresses the same sentiment in a later article (2001 b) – US success in the 'war' declared on 9/11 will bring an economic 'rebirth': 'The attack of Sept. 11 could help unite nations, increase prosperity and, perhaps most important of all, spread it worldwide.' In considering the certain prospect of war, he seems unable to hide his optimism.

The presence of *threat* and *urgency* in the AEI texts leads us to two further terms for necessity, *decision* and *action*. Naturally, identification of these brings to mind Schmitt's decisionism and its inherent authoritarianism. For the moment, however, I want to stay with the Burkean perspective; perhaps enough has already been said about Schmitt for one to make connections between him and neoconservatism without belabouring the point. *Decision* and *action* could equally well be treated as terms for legitimacy, which we will turn to shortly, but because their usage is strongly founded on appeals to *threat* and *necessity* they can be discussed here. Writing in October 2002, Gingrich (2002 c) calls for US decisiveness on Iraq: '[I]f there is to be action, we should act early, and we should have unrestricted options.' Even earlier, in an article posted on the AEI website two days after 9/11, Mylroie (2001 a) has no hesitation in identifying Iraq as a key part of the threat playing out against the US.[114] Also referring to a possible US invasion of Iraq, Frum (2002) calls for decisive action in an October 2002 article entitled 'There is no Making Deals with Dangerous Regimes.' Absolutism is evident here in the title alone, as is ambiguity: 'dangerous regimes' are absolute enemies, but it is far from clear what constitutes a 'dangerous regime' in Frum's view. In fact, Gingrich's and Frum's appeals for 'decisiveness' in naming the enemy – Iraq – and their forceful calls for unrestricted 'action' against it suggest that the neoconservative conception of Schmitt's friend/enemy distinction has a degree of finality and absolute vilification which Schmitt superficially denied. His insistence on the 'pragmatic' nature of the friend/enemy distinction stands in contrast to the neoconservative vision here.

In a later article, the same absolutism in Gingrich's approach is evident: the 'war on terrorism' is 'a critical time in our nation's history […] the civilized world is in the fourth year of a global war against committed ideological enemies bent on using terror.' (Gingrich 2005) A number of observations should be made about this statement. Here we can find at least three of the terms for necessity we have considered above; most obviously, *urgency* is expressed by 'critical' in this context. More significantly, however,[115] it is expressed in Gingrich's statement in a number of more broadly-phrased ways. '[A] critical time in our nation's history' expresses urgency, and also *unprecedentedness* – the exceptional character Gingrich attributes to the 'war on terror'. We come close here to a Schmittian depiction: to suggest, as Gingrich does, that there are no precedents for a situation is to infer that there are no *rules* to govern or restrict the response of the 'victim' – here the United States – to the attack. *Threat* is evoked here in the form of fear, specifically fear of the unknown; the implication of the phrase I have isolated above is that the US is now facing

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[114]'States have far more capabilities for terrorist actions than do individuals [...]It does not make a great deal of sense to attribute to one man--Osama bin Laden--all the acts of terrorism which are regularly ascribed to him, including Tuesday's assault.' Curiously, although she refers to the Sudanese involvement in the attacks through its official support for Osama Bin Laden, her article calls for the US to attack Iraq only. Ledeen (2001 b) also presumes the US is 'going to go after Saddam Hussein' in response to 9/11. Very soon after the 9/11 attacks, Gedmin (2001 b) refers to then-Deputy Secretary of Defense Paul Wolfowitz's comment that the US should consider 'ending states' that support terrorism: 'As a target with considerable strategic value, there is currently no better candidate than Saddam Hussein's regime in Iraq.'
[115] Here I was tempted to write 'More subtly', but subtlety is not a defining characteristic of neoconservative writings. Having said that, however, as Caldwell (2005) and McCormick (1997) both pointed out with Schmitt, strong declarative and *apparently* unequivocal tones should not mislead the reader into thinking that there are *no* underlying, hidden 'messages' in the supposedly direct and unambiguous polemical articles I am analysing here. While they are by no means 'subtle', that is not to deny that nothing beyond their most superficial and explicit meaning can be obtained from analysing them. I hope to show in my overall rhetorical analysis in this chapter that there is in fact a wealth of detail and hidden discourse beneath the 'rough and ready' surface of these writings.

something of a nature and magnitude never before faced, and, importantly, something with enormous consequences for its national identity and for the wider, 'civilised' world the US identity is here strongly identified with. Also through asserting that the war is 'global', Gingrich extends the *obligation* to take sides to those beyond the United States itself. The scale and unrelenting nature of the *threat* depicted here stands out clearly as perhaps the central message of his statement; it can be condensed as (1) 'a critical time' for (2) 'the civilised world' in (3) 'a global war' against (4) 'committed ideological enemies bent on using terror'. Perhaps enough has been said about (1); (2) has been looked at also, but should be examined further as a mechanism in the creation of a friend/enemy distinction here by Gingrich. First of all, such a distinction is apparent on the most obvious level, between those of 'the civilized world' − the friend − and the enemy depicted in (4). But there is more to it than this; 'the civilized world' is both a tautological statement, and so a *challenge* (a further term for necessity) to those who feel they belong on the safer half of the friend/enemy divide, a distinction to which Gingrich has added an enormous degree of ambiguity.

'Enemy' is a vague and expansive category, leaving the potential for *threat* wide open as a two-way technique of identification. The first 'way' is the threat posed to the outsider; if you displease me, I will label you the enemy, with all the repercussions that can entail. The second 'way' this identification is directed is against potential friends; Gingrich refers not only to the threat faced by the United States and the rest of the 'civilised world'; nor only to the threat he makes to the enemy 'identified' as such within the large and indeterminate boundaries of (4). He is *also* posing a challenge − a *threat* − to those who wish to see themselves as part of the 'civilized world' and consequently who want to avail of the security offered by belonging in the 'friend of the United States' category created by Gingrich. What I am most interested in drawing attention to here is that, in general, the friend category is just as unstable − perhaps even more so − than the enemy category. Another very significant element adding to the instability of the friend category, however, is the absolute vilification of the enemy in (4), who is however given no clear identity. The only thing certain about the enemy here is that, whoever it may be or whatever name it may exist under, it is thoroughly, absolutely evil. This indisputable badness, and the possibility that, just like a virus, it could be anywhere, perhaps laying dormant but always ready to strike, is what is intended in such rhetoric to most strongly mobilise the prospective friend. The aim is to make him afraid, and to create in him the suspicion that *he* could at any time be uncovered as the enemy in disguise − and therefore stand condemned in the strongest terms, as in (4) above. Such an 'absolutist' tactic is what Burke (1984: 220-4) calls 'being driven into a corner': a dogmatically held position is sustained by charging all those who partly dissent with complete rejection of the entire outlook, including perhaps all the shared concerns expressed through it. Gingrich view of the 'friend' fits the Schmittian category of the 'assimilated enemy' − there are few friends, only well-hidden enemies, among those who are not (for the time being) *openly* hostile to the United States.

I have given a relatively large amount of attention to one statement among many, because I believe that the inherently oppositional nature of neoconservative identifications is well illustrated by this analysis of Gingrich's statement. The essential point to remember is that in such instances,

where a distinction is *apparently* created between friend and enemy, the dividing line is far from apparent: The identifier is actually far more intent in taking aim at the prospective friend than at any actual, clearly determined enemy. Although we will return to the problems inherent in the process of oppositional identification in the next chapter, we should already be able to see how hazardous it can become, not only for 'friends' and 'enemies' but for the entity making the distinction itself. This oppositional, 'if you're not with us you're against us' approach can harness enormous identifying power which can then be turned into political power. This then adds to the furtherance of sovereign hierarchy among states, although any such benefits to the identifier are balanced or even outweighed by the problems it creates. For one thing, the assumption all too often seems to be that those being 'identified' as either friend or enemy are themselves static and incapable of making identifications of their own − this can be seen, for example, in a comment by Gingrich (2001) shortly after 9/11: 'Repeatedly, around the world, it is amazing how many people decide that they are on the side of civilization when the United States is serious.' Rather than subscribing to such a behaviourist and needlessly inflammatory worldview by sitting and waiting to be labelled and assigned a role by the United States, as Gingrich and many of the other AEI writers assume,[116] other states are free to determine that regardless of whether or not they make any simplistic and unrealistic definitions of the US as either friend or enemy, increasingly belligerent behaviour and open assumptions of hierarchy of the kind Gingrich gives voice to are not conducive to mutually beneficial international relations.[117]

Obviously I cannot treat every single such case in the same depth as with Gingrich's statement.[118] What I will do, however, as briefly as possible, is provide a similar example of this tactic of employing deliberately ambiguous terms for necessity in Rabkin's *The Case for Sovereignty*. As this is the only book in the case study it forms a large proportion of the material examined. The curiously *indistinct* nature of the neoconservative friend/enemy distinction is expressed clearly in relation to US foreign policy. International engagement on a multilateral basis a threat to US political integrity (ibid. 188), and Rabkin's general approach to foreign relations seems far more strongly shaped by animosity than by possible or actual friendship. The latter is anything but a guarantee of security − on the contrary it carries for others the constant obligation of identifying oneself time and time again as *not* the enemy of the United States, based on whatever the latest criteria for such an oppositional identification may be at any given moment: 'Apart from actual enemies, there are countries we must recognize as potential enemies. Apart from all those with which we maintain 'friendly relations' there are countries we would hope to maintain as special friends.' (Ibid. 186) Rabkin's placement of quotation marks around 'friendly relations'

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[116] A good example of this is Ledeen's (2001 a) article of September 18, 2001, 'Are you with us?'

[117] Needless to say, there is a rapidly growing literature at different levels and from different perspectives on this issue of how other states choose to 'deal with' the United States and it is largely outside the scope of this study. See, however, Malone and Khong (eds.) 2003, and Gurtov and Van Ness (eds.) 2005 for collections that provide a broad view of US unilateralism is perceived in different geographical regions and in different fields, such as economic relations.

[118] Other AEI articles which employ the same tactic in more or less explicit form are Falcoff, Gedrich and Dowd 2003; Falcoff 2003; Frum 2002, 2005; Gedmin 2001 a., 2001 b., 2005 a.; Ledeen 2001 a., 2001 b.; Perle 2002 a.; Gerecht 2002.; Schneider 2001 a.; Sikorski 2005. This is not a complete list; as I said, a key characteristic of neoconservatism, at least as demonstrated in the AEI writings I have analysed, is the instability, deliberate and otherwise, of identifications and other assertions that at first glance seem unambiguous to the point of dogmatism.

suggests a potential third category of enemy here. Even 'special friend' is given only conditional status by the caveat 'we would hope.' In short, Rabkin discusses terms − both *expressions* and *conditions* − for friend and enemy both as rhetorical identification of the self, i.e. the US, and of all others. The latter are arranged in a highly conditional and extremely unstable hierarchy, with any 'distinction' between friend and enemy being kept in a very volatile state of flux. In other AEI writings also we can see that the pragmatism of the Schmittian friend/enemy distinction has not been totally discarded in favour of the absolutist division Frum (2002) advocates: Like Schmitt, Yoo sees law as an obstacle to *necessary* action:

> Acts required to [fight terrorism] may fall afoul of different federal laws. Rules prohibiting fraud, interference with the security of the Internet and banking systems, and cooperation with former terrorists might have to be changed or interpreted to exclude operations designed to undermine terrorist groups hostile to the United States.

Here we have two instances of the ambiguity I will discuss in Chapter six as a major complicating factor in any process of distinction. First, taking *ambiguity* itself as a further term for necessity; Yoo rejects any absolute friend/enemy distinction by proposing that the US may decide – 'might *have* to' is his appeal to necessity that diminishes the responsibility incurred in *making* such a choice – to engage with '*former* terrorists.' 'Former' implies an ambiguity in process of identification of the enemy that Frum and Gingrich seem to rule out. Schmitt would perhaps approve of Yoo's statement for its clear-minded pragmatism and lack of moral presumption. Absolutism and ambiguity are features of neoconservative rhetoric that are in constant interplay; the former features strongly in an article by Ledeen (2005b) urging 'action' against Iran as an essential part of the continuation and expansion of the 'war on terror': 'Everything we know about Iran demands that we take action. Every day we learn more. It is hard to explain why we, and the rest of the Western world, continue the farce of negotiations and do nothing to bring down a regime that will surely kill as many of us and our allies as possible.' The 'farce of negotiations' would suggest a much stronger affinity here with Frum than with Yoo's more ambiguous strategy of identification.

Ambiguity, which creates greater scope for appeals to necessity, plays precisely this role for Gedmin. (2001a) Like many of the articles written shortly after 9/11, he believes the US needs to focus on states, not exclusively on individuals such as Osama Bin Laden: 'What of the state that makes the terror possible?' Perle (2001a) offers a similar justification of retaliation against states. Gedmin's argument is that the use of pre-emptive military force against such states would be the most effective way to deal with the individuals involved in 9/11 and possibly other attacks. Apart from the ambiguity here in the question of who or what should be held ultimately responsible for terrorism, it is also present in Gedmin's article in another way, this time with a broader function. It is notable that he argues that inconclusive evidence linking a state to a terrorist attack or group is no reason to rule out the use of pre-emptive war against that state. (Ibid.) In Schmittian terms, this creates a very broad margin within which the enemy can be distinguished. The more ambiguous and therefore expansive the criteria for defining the enemy the greater the possibility of war, the state of exception taken to its extreme. To conclude on the issue of ambiguity, it is necessary only

to reiterate that threat, fear and uncertainty, which are all different degrees of *uncertainty,* are heavily reliant on the power of indeterminacy that a great number of the terms for necessity we have considered in this section are founded on. 'The power of indeterminacy', as we will see, cannot be harnessed without great risk to all parties.

Throughout his book Rabkin uses the term *independence* as a byword for sovereignty, and defines independent nations as 'nations still able to fight their own battles or ignore the United Nations when necessary.' (Rabkin 2004: ix-x) In a further reference to the UN, he invokes necessity by contrasting the ultimate expression of the power to act − war − with the UN's aspirations, which he sees as Utopian and powerless: 'The United Nations would make war unnecessary. And if it could not do that, it could at least make it illegal − even for those seeking to enforce internationally recognised international obligations.' (Ibid. 4) By 'obligations' in this context Rabkin seems to imply that the UN *itself* is preventing the fulfilment of international obligations, and so presumably the attainment of peace, by denying the necessity of war. Rabkin again draws on *capacity* and *power* in addressing the 'response' to 9/11. Choices and positions advocated by the writers are presented in starkly necessitarian terms as the only possibilities – 'responses' – available in times of crisis. For example, *capacity, power* and *response* are all drawn together in the following statement which shows how ambiguity, crisis and confusion are seized upon to legitimise war: after 9/11, 'Americans were not prepared to wait for the long term. Other states, with less capacity to respond, also felt less urgency about doing so.' (Ibid. 10) As well as justifying the actions taken, Rabkin also frames invocations of necessity in the widest possible terms to leave scope for the legitimation of future policies and actions also. The implications of this can be effectively limitless, as the establishment of 'extra-legal' zones in Guantánamo and elsewhere have shown. *Urgency* is called on twice: 'Americans were not prepared to wait', and the charge that other states not only lacked the capacity to 'respond', but the will to do so. Overall, there is a moral stance implicit here. Other states and the international legal order embodied by the UN are not only incapable of meeting the need to fight terrorism, but lack the moral fibre to do so. For example, Rabkin (ibid. 192) claims 'we cannot ignore the fact that the very preponderance of American power gives the United States choices and, therewith, responsibilities that no other nation faces.' *Choices* and especially *responsibilities*, as we have seen, as terms for necessity are also indicative of Rabkin's use of rhetoric for *hierarchical* identification of the US as not only materially and militarily but also morally above others: 'the United States may still provide the greatest service to the world by the power of its example.' (Ibid. 193)

On the subject of law, Rabkin condemns the ICC for what he sees as its failure to distinguish between good and evil: '[T]he central point of the ICC [is] to prove that there is impartial justice, so liberators may be condemned along with tyrants.' (Ibid. 89) The belief in the existence of good and evil seems to be a departure from the pragmatism of Schmitt's political. However, as I argued in Chapter two, Schmitt himself failed to separate the political from moral considerations. For that reason, the neoconservative approach to law as outlined by Rabkin does indeed share the moral and political foundations it has in Schmitt's political thought − for instance, he declares 'law must have

a moral and political context or it is mere ideological assertion.' (Ibid. 98) But his reasoning is flawed; how can 'mere ideological assertion' be distinguished from sovereign − i.e. *unilateral* − political and moral assertion?[119] Schmitt himself had no answer to this, so avoided it by asserting the political as 'inherently objective.' Rabkin does the same through his plea for the world to rely on US benevolence as a sufficient guarantee against any possible abuse of the supreme sovereign power he claims for it. Having discussed *morality* as a term for necessity, this leads us to the second category of Schmittian terms for distinction.

5.5.2. *Terms for authority*

In attempting to identify terms for authority in the AEI writings, the overall task of examining neoconservative exceptionalist identification builds on what was shown above; from looking at what the neoconservative outlook presents as the necessity of the US to act as it sees fit on the global scale, we move to the more wide-ranging rhetoric of the unique *authority* to act on, and determine, this necessity. Indexing the AEI material in the way I am doing is not to suggest any concrete boundary between these themes. For example, the theme of authority was already suggested in discussing terms for necessity, for instance in Rabkin's statement that '[i]t is entirely consistent with sovereignty for one state to pressure another in the name of security.' This necessity to exert 'pressure' is a synonym for an assertion of authority over the state being pressured; as such, this in itself displays an assumption of hierarchy. This is even more clear from Rabkin's comment on the US 'seizure' of sovereignty from Iraq in 2003, by which he reiterates his assertion that sovereignty is decided by force: because Iraq could not retain its sovereignty under US attack it was not truly sovereign in the first place. (Ibid. 35) This reasoning is tautological − Rabkin defines 'sovereign political communities' as those states that 'continue to retain their sovereignty.' (Ibid. 35) Such an argument can only be validated by accepting that a claim to sovereignty is ultimately dependent on military force. Isolating terms for authority from the other three categories is further complicated by the presence of another major issue which is inextricable from any discussion of authority. Issues of *legitimacy* would seem logically to be open for consideration only *after* issues of authority have been raised; that is, they are inseparable, but nevertheless describe different *stages* of the same process of the identification of power or its inverse. For this reason I examine terms for authority first; these denote the *existence* of an assertion, whereas legitimacy denotes the need for that assertion to be proven to be a justifiable one or otherwise. Echoing Schmitt's fondness for negative definitions, in many of the AEI writings exceptional authority is attributed to the US partly through the *lack of alternatives* in the global system that would have any credible level of authority. Rabkin is particularly scathing of attempts at 'global governance' through the UN, the ICC and others. Acceptance of these would mean 'allowance of international bureaucrats' to 'second-guess decisions of the American military.' (Ibid. 7) The priority, and therefore the *authority,* given to the US military here is striking, and brings to mind Schmitt's frequent reference

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[119] This is an important question in the broader context of international law and global politics; for one interesting discussion of it from an international legal perspective, see Koskenniemi 2002.

to Hobbes' dictum that 'authority, not truth, makes law.' In Rabkin's statement, authority is constituted through sheer physical force − but as we have seen in the previous section, the identification of the US as also *morally* superior is an important reinforcement of this.

Sovereignty itself is a term for authority, which is why I do not treat it separately in this chapter as a term for exceptionalist identification in its own right. This holds true in the material analysed here: Rabkin describes sovereignty as a doctrine that relies 'on the commonsense idea that authority to rule must rest, in the first instance, on *the capacity to enforce.*' (Ibid. 14, emphasis in original) Considered alongside his comment on the US military, the identification of the US is attempted on a very expansive scale here. As previous attempts at empire have proven, however, expanded claims to authority is one thing; sustaining these claims is quite another, raising the difficult issue we turn to now.

5.5.3. *Terms for legitimacy*

As said, authority is eventually *always* dependent on legitimacy; without it, it degenerates into simple domination.[120] In many of the writings, *legitimacy* arises in oppositional terms; as we have seen, this is typical of neoconservatism, and is due to its strong exceptionalist heritage, as shown in Chapter three. The similarities with Schmitt's approach to constructing his own polemics should also be noted. In light of Rabkin's portrayal of US authority as resting firmly on US military force, it is perhaps not surprising that he goes to some lengths to emphasise other, non-military sources of US authority. Otherwise, the charge of domination and the abuse of power could be too easily used to refute Rabkin's overall argument.[121] Throughout the book, his 'defense of sovereignty' relies very heavily on negative definitions and the construction of oppositional identifications in general. His references to the EU are a case in point: echoing the aforementioned theme of authority as *force*, he argues the EU lacks real legitimacy as it can never be a state and so its attempts to 'coordinate without compulsion' are bound to fail. (Ibid. 67) Rabkin suggests *illegitimacy* by implying, in very Schmittian terms, lack of *homogeneity* as a further failing of the EU: 'It is already so diverse, it can see its governance techniques as almost universal' (Ibid. 68) − implying it reveals its own illegitimacy through over-ambitiousness and delusions of grandeur.

As I will show, neoconservative attempts to legitimise their identification of the US as an exceptional, ultimate source of authority in the global order operate most commonly through references to entities that are claimed to lack authority, for many reasons − because they are cowardly, corrupt, incapable of enforcing order, unwilling to do so, and so on. In discussing sovereignty, Rabkin makes an interesting move: by referring to morality, he not only introduces *legality* as a further term for legitimacy but suggests that for a legal claim to be legitimate one must

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[120] Although it is a marginal point here, one could argue that blatant domination is also unsustainable, which would explain the need for hegemony, or 'soft power' to borrow Nye's (2002: 140-2; 2004) more euphemistic phrase.
[121] That is not to say, of course, that his argument could not be refuted on this and other grounds anyway - although it may be tempting to try to do so, the purpose of this essay is not to try to refute Rabkin's arguments directly. Any successful rhetorical analysis should be expected to make clear the strengths and weaknesses of the arguments it analyses, and in this case at least what steps are taken from there is a separate matter.

take into account the soundness of its moral foundations: '[s]overeignty is, in the first place, a legal claim − but like any fundamental legal claim, it is one that rests on wider moral or political premises.' (Ibid. 13) His argument here is similar to Schmitt's, at least insofar as it refers to political premises, and like Schmitt with his belief that the concept of the political could remain free from moral considerations, Rabkin contradicts himself. He concedes that sovereignty has a political and moral basis, but criticises attempts at global governance because of their moral claims. (Ibid. ix-xv) Again his reasoning is tautological; moral claims are valid only if they rest on 'wider' premises, but this latter condition is left as an unspecified, highly ambiguous one. 'Wide' moral aspirations held by the EU are illegitimate in his view because of their universal pretensions, but the 'wideness' that is a weakness here is treated as a strength by Rabkin in his assertion of the conditions under which specifically US claims to sovereignty are valid. Keeping in mind that Burke is our guide here, what terms for legitimacy does all this give? *Inverse authority* would seem to capture the process most accurately. It is not a 'term' in the sense which I have been extracting terms from the source material so far, more an approach to argumentation that can itself be reduced into terms derived from the AEI source material. The rhetorical tactic of inverse authority occurs throughout the writings: one of the many terms for legitimacy it leads to is *protection,* seen earlier as a term for necessity. It is implicit in the previous section's exploration of terms for authority, which once again demonstrates a further instance of ideological affinity with Schmitt; neoconservatism shares his emphasis on the importance of identifying and if necessary *compelling* obedience by creating a perception of extreme necessity in order to legitimate the particular assertions of authority they make. By this token, Rabkin argues from the perspective of inverse authority: after 9/11, the United States 'will not entrust its security to 'authorities' that have no means of protecting the US.'(Ibid. 11) Rabkin's somewhat curious implication of the overriding and presumably *global* authority of the US military, which we discussed already, is a similarly forceful use of the tactic of inverse authority; the possessor of superior *physical* force, in Rabkin's view, has the last word in any debate as to where – that is, under the command of which state − ultimate authority lies. Through these and other examples, Rabkin builds up an argument for the lack of any system of authority on the global level that the US could accept as legitimate.

Why is this? One reason he repeatedly returns to is the lack of decisive force that any aspiring global 'authority' such as the United Nations has at its disposal. *Force* is therefore a term for legitimacy, fitting within the framework of inverse authority. We have already seen that the AEI writers express the primacy of the United States' *moral* force; this goes hand in hand with their very frequent assertions of the primacy of US military force. So we can say that, from the neoconservative perspective, (1) the militarily superior state in a (2) sovereign hierarchy is (3) self-legitimating. (2) and (3) are 'subjective' assertions that neoconservatism holds as absolute and concrete truths by which attributions to the US of global sovereign power are legitimated. Only (1) is really 'objective', if we read it as meaning that the United States *currently* far outstrips all other

states and other actors in terms of military power.[122] From this three-point assertion we can see that the problems of identification stem from the fact that no interpretation of any situation can ever establish itself as the undisputed and only 'correct' one. Any identity, be it the identity of the nation, the state, the sovereign, the individual, or of any other type is compelled to constantly strive for stability by whatever means it sees fit, but it can never achieve it; and if it did, what further purpose would it have? Schmitt recognised the importance of struggle very clearly, even if he seriously mistook the fundamentally oppositional nature of all identities as a justification of the view that there was such a thing as the 'true' spirit of a people.

In Rabkin's view 'differences and divisions' not only make peace a highly unlikely prospect, but undermine the legitimacy of governing bodies that seek to incorporate such heterogeneity. (Ibid. 86) Rabkin appeals to the right for states to assert their independence with the very strange statement that 'no one can 'respect' a different opinion without embracing it for oneself.' (Ibid. 169) Regardless of whether or not Rabkin is familiar with the work of Schmitt, the similarity here on the issue of homogeneity is striking. His view makes little sense; an argument in defence of the *universal* principle of state sovereignty, which Rabkin's book claims to be, is a call for others to respect the preferences and actions of each individual state insofar as the effects of these are largely kept within the limits of that sovereign territory. However, as pointed out earlier, Rabkin's book is not a defence of sovereignty as a general principle; it is a defence of US 'sovereignty' alone.

Since we are discussing terms for legitimation of authority from the perspective of inverse authority, that is, through the negation of all other possible sources of authority, we need to identify terms for *ill*egitimacy. Schneider (2002 d) seeks to limit the scope of US diplomacy by claiming its use in the 'war on terror' is effectively ruled out in many cases, as it would confer an air of legitimacy on regimes the US should unconditionally regard and treat as illegitimate. In referring to the Palestinian situation, he suggests that Bush's endorsement of their right to a state may have 'made their resistance seem more legitimate, since Palestinians see their side's violence as legal defiance of a foreign occupation, not as terrorism.' (Ibid.) This criticism is similar to the issue discussed in section 3.7. – the speedy declaration of victory in Iraq in May 2003 and the subsequent, often-repeated rhetoric of the three-week war was an effort to delegitimise all opposition to US use of force. Gingrich (2002 a) makes a very similar argument, where 'the Palestinians' are again presumed to be homogenous in their support for and practice of terrorism: 'The forces of hatred, terrorism and ferocity dominate Palestinian society today. These forces glorify the suicide bomber, teach hate for Israelis and educate the young to fight a war of annihilation against an Israel that is not recognized by Palestinian schoolbook maps.'

Staying with diplomacy and the inverse authority tactic, we can recognise instances in the AEI writings where US concessions of authority to international bodies is warned against: 'Preserving American sovereignty cannot be a debating point in our diplomacy.' (Rabkin 2004: 173) Once again, we have an example of Rabkin's preferred argumentational tool, the tautological

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[122] One could of course challenge this claim; my point is here has very little to do with trying to prove the military superiority of the US or otherwise, rather, I want only to illustrate how this assertion, which is probably as close as we can ever get to an 'objective fact', can like all others be subjected to innumerable, mutually contradictory interpretations.

statement; anything that is a potential 'debating point' can be effectively ruled out if it can be plausibly labelled a threat to US 'sovereignty.' This statement is a good example of the process of distinction in action. As seen in discussing Gingrich's statement, an essential consequence and aim of any act of distinction is the ambiguity it creates. In creating this rhetorical state of exception in the ambiguous space between the two poles of a distinction, the distinguisher − for convenience, we can call him the sovereign from now on − has two advantages. First, by declaring he has an enemy, he provides the oppositional element essential to strengthening his own self-perception. Second, as shown in analysing Gingrich's statement the sovereign creates for himself a one-way bargaining tool, the wide potential for manipulation of those who aspire to the honour − and safety − of being recognised as the 'friend' of the sovereign. As we are still discussing terms for legitimacy, that is, both *conditions* and *rhetorical means* by which the sovereign's claims to authority can be legitimised, Rabkin's statement above amounts to an assertion that diplomacy is such a one-way tool. Therefore he relegates it to a minor position in the exercise of US foreign policy. Anything that would threaten 'American sovereignty' effectively rules out its usefulness in resolving a dispute. A similar argument on the non-negotiable route the US must take in leading the 'war on terror' is made by Gedmin (2001 b) shortly after 9/11. The need for coalitions does not mean the US should accept 'any unreasonable constraints' imposed by them: 'In the long term, nothing could be more conducive to advancing American interests and promoting global security than to reestablish [sic] the credibility of a united West under American leadership.' Similarly, Perle (2002 a) sees multilateralism as a disastrous method of conducting a 'war on terror': 'Indeed the United Nations has behaved in relation to Iraq exactly as its impotent predecessor, the League of Nations, did in respect of Hitler's Germany in the 1930s.'

The overriding priority of 'preserving American sovereignty' brings us back to the definition of 'security', which as we have seen is expanded to such a degree that neoconservatives perceive the US 'national interest' in global terms. Yoo (2003 b) argues that the legitimacy of the 2003 invasion of Iraq need not rest on finding weapons of mass destruction, which was the original justification for the war. Rather, the war is legitimate as an act of *global* defence:

> Perhaps the better way to judge the legitimacy of the Iraq war is not as self-defense, but rather as a safety regulation. Iraq, with its marriage of WMD, a hostile and repressive dictator, and support for terrorism, represented a threat to the international system. [...] The United States and its allies acted to remove this destabilizing threat to the international system, effectively promoting a public good that benefits all nations.

Therefore, the *common good* and its preservation is a further term for legitimacy, as is its equivalent *universal benefit,* or *universality.* This example serves to reiterate the strong reactive relationship between rhetoric and action; the more frequently and aggressively US power is wielded globally, whether through outright military action or through 'mere forceful diplomacy' (Rabkin 2004: 75), the greater the rhetorical efforts to depict such US actions as being those of a 'benevolent hegemon'.[123] Rabkin makes a number of interesting references to *universality,* in using

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[123] Kristol and Kagan 1996: 21−2: '... America's allies are in a better position than those who are not its allies. Most of the world's major powers welcome U.S. global involvement and prefer America's benevolent hegemony to the

it both to argue against UN and EU aspirations to global governance, and for the legitimacy of US global dominance. He does not reject universals, only those of the 'wrong' kind:

> empires throughout history have claimed to speak for humanity [...] In asserting our independence, Americans should remember that they act from principles that have always offered much more to the world than the sullen resentments or hysterical hopes of Europe. (Ibid. xv)

The legitimation of US actions is also possible through suggestions of *benevolence,* by attempting to justify the exceptional conditions that in the past led to actions that may appear anything but benevolent: 'American policy sometimes verged on bullying and abuse, particularly in the chaotic and unstable states of Central America.' (Ibid. 75) It could well be asked whether US bullying and abuse had done anything to add to or create the Central American chaos and instability Rabkin refers to – his comment seems formulated to rule out such a possibility from the outset. The suggestion is that US intervention was necessitated by the unstable nature of the region, and so US behaviour was to be excused to some extent − US actions 'verging' on bullying and abuse implies, of course, that the reality was of a more benevolent nature than appearances would lead one to believe, being only 'sometimes' of doubtful benevolence. The flaws of other states, however, are not given such a charitable reading by Rabkin. US standards of conduct, he implies, are the fault of the 'chaotic and unstable' nature of the Central American states themselves. Very closely related to *protection, benevolence,* and *common good* as terms for legitimacy is *freedom.* A single example is enough to underline the point that broad actions demand legitimation in correspondingly broad terms. Ledeen's conflation of the Arab-Israeli conflict with the wider context of the US 'war on terror' invokes the cause of freedom, while displaying the familiar simultaneous absolutism and ambiguity: 'That broader conflict is the latest battle between freedom and tyranny, and our only choice is: to win or lose. We cannot opt out, we cannot find clever solutions. It is simply win it or lose it. [...]We are fighting a war for freedom.' (Ledeen 2002 a)

A brief Schmittian critique of the neoconservative position is relevant at this stage; to return to Yoo's statement, he equates the US national interest with the global interest, contrary to Schmitt's notion of the pluriverse of states. Ledeen does similar in declaring a 'war for freedom', a war in the name of humanity − a rhetorical turn which Schmitt discounted, as we saw in section 2.1.5. In his view, there could be no such thing as a universal interest; his 'collective existentialism' meant the notion of universals denied what was for him the basic, irreducible truth of the identity of the group. Insofar as neoconservatism promotes the particular as a universal, it runs counter to one of the main stated premises of Schmitt's political thought. As we have seen, however, no simple ideological link between Schmitt and US neoconservatism can be determined; in the following comment by Rabkin, for example, we can again see a strong affinity with Schmittian thought. 'Sovereignty appeared as a way of ordering and constraining political life. It insisted that law and force must be joined, and that the power to command must be linked with the power to protect – especially against outsiders.' (Rabkin 2004: 15) The prospective authority's invocation of necessity to protect against outsiders makes sovereignty a process of distinction and exclusion, which itself

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alternatives.' Secretary of State Condoleezza Rice's 'transformative diplomacy' is suggestive of the forcefulness Rabkin advocates. 'Pointed queries directed at Rice: State nominee defends Iraq war − and herself', USA Today, Jan. 19, 2005

constitutes a form of hierarchical ordering of social and political affairs. This brings us to our fourth and final category of terms for distinction in neoconservative rhetoric.

5.5.4. *Terms for hierarchy*

Since the overall argument of the paper concerns the construction of identities, in analysing specific processes of identification we need to recognise the rhetorical efforts to make these constructions *permanent*. This is the whole point of treating terms for hierarchy as a special case of terms for authority in our AEI analysis. Whereas the latter could be seen as more or less 'immediate' efforts to identify the US as an exceptional and therefore authoritative entity among lesser state, by giving special attention to terms for hierarchy we can focus on how such an asymmetry can be solidified for the long term. In articles published shortly after the 9/11 attacks, many of the AEI writers recognised this difference between authority and hierarchy as a difference of *scale,* which is the point I want to highlight. Gedmin's (2001b) comment is a case in point:

> The post-Cold War world is finally over; terrorism has emerged overnight as the new great threat. This threat will either unite or cripple America and its allies. While senior officials cobble together various coalitions to prosecute the anti-terror campaign ahead, an immense opportunity presents itself to the United States [...] In the long term, nothing could be more conducive to advancing American interests and promoting global security than to reestablish [sic] the credibility of a united West under American leadership.

He clearly goes beyond focusing on the possibilities for short-term gains in US authority through international sympathy and pledges of support in the aftermath of the attacks. To better understand the overall neoconservative identifications of the US itself and of others we must do likewise, by looking for the rhetorical means by which the long-term continuum of authority – i.e. *hierarchy* – is established. This brings us back to *security*. In the above statement Gedmin equates the promotion of global security with the advancement of US interests. Therefore, *benevolence* and *universality* are also important terms in the legitimation of hierarchy; that the United States will lead this is beyond question for Gedmin. Similarly, after arguing the need for US 'sovereignty' to be protected, Rabkin (2004: 173-4) adds that the US 'should certainly want to shape the outside world in ways that make the United States more secure − but that means making the United States, under its own Constitution, more secure.' Hierarchy is expressed here through a clear inverse relationship: as the perceived need to intervene abroad in defence of US 'interests' increases, there seems to be a simultaneous decrease in the desire to engage or cooperate with other states, either directly or through international institutions. Kissinger's observation (section 3.2.) comes to mind here. The neoconservative vision of US 'sovereignty' restates the concept as an exceptionalist principle shaped exclusively towards the task of pursuing US domination of a global hierarchy. As the intervention/engagement gap widens, continued strengthening of the particular strand of US national identity advocated in these writings would lead to an increasingly paradoxical national identity; simultaneous growth of interventionist and isolationist impulses would seem both unsustainable and destabilising.

A further term for hierarchy in the texts is *subordination* − this has been alluded to already in mentioning Rabkin's discussion of threats and enemies in their various forms, from terrorism to international law. As regards the former, sovereign hierarchy is suggested here by Rabkin in a statement reminiscent of the Roosevelt corollary to the Monroe Doctrine: 'governments that cannot control their own territories may end up as unintentional hosts for terrorist organizations plotting attacks on others from 'safe' retreats.' (Rabkin 2004: 19) Yoo's (2005 a) position is virtually identical; the goal of the US on a global scale 'should be to restore sufficient order in a failed state to prevent it from becoming a base for terrorism.' In another context, *subordination* takes on a more *permanent* hierarchical meaning than the short-term goal of defeating the enemy: US sovereignty is to be shielded by taking a highly selective and instrumental approach to international law. All international legal agreements must be subordinated to the US Constitution.[124] This is Rabkin's (2004: 46) main reason for US opposition to the ICC. As a term for hierarchy, *subordination* also occurs in a human rights context in two, opposing ways. First, if the US were to accept ICC jurisdiction, it would be allowing rights issues to handicap its foreign policy: 'Policymakers at the Pentagon, for example, could be liable for prosecution because they planned and ordered an air strike which the ICC's prosecutor regarded as a 'war crime', even though the United States government took a different view.' (Ibid. 46) Second, he believes human rights law violates the prerogative of the sovereign state − in his view, effectively meaning *only* the US − 'by rejecting some of the most fundamental presumptions in modern thinking about law and politics.' (Ibid. 103) His main objection to human rights law is its insistence that the individual, and not the state, be recognised as the most fundamental subject of international law. Contrary to this, Rabkin sees a number of 'obvious advantages' in the traditional state-centric approach to international law, and here the perception of a sovereign hierarchy among states is again evident. Even 'a small state might [...] have allies or protectors who were stronger.' (Ibid. 103)

Staying with international law and the terms, that is, both the material conditions and the language, for hierarchy related to it, many of the AEI writings depict the UN as being detrimental to the interests of the United States, in a number of ways. S*ecurity* is once again one of the key terms for hierarchy here, and the following comment by Sikorski (2005 a) is typical: 'the realization is dawning […] that the UN must help deal with the grave security concerns of the most powerful country on [E]arth. It should abandon its Third World ethos and embrace the spirit of the democratic age.' The 'spirit of the democratic age' raises one of the central themes around which neoconservatives construct identities, and because of its importance we will examine it in detail shortly. Others follow the same line on security. In an October 2003 article rejecting calls for the US to hand over post-war reconstruction of Iraq to the UN, Gedrich charges that to do so would be 'dangerous… [it would] put U.S. interests, the welfare of the Iraqi people, and global security from

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[124] However, it is not clear that Rabkin is justified in the view that international commitments necessarily constitute infringements of the US Constitution; it implies a reading of the constitution that is oblivious to historical change. In contrast, Woodrow Wilson believed that the constitution should be interpreted according to the 'Darwinian principle', meaning that the interpretation of the constitution would take account of historical changes. This was indicative of Wilson's progressivist, pragmatism approach which Rabkin's view is at odds with. For 'progressivism' and the 'Darwinian principle' in relation to Wilson's approach to interpreting the US Constitution, see Pestritto 2003: 550.

terror' in the hands of an organisation that is doing 'a poor job.' (Falcoff, Gedrich and Dowd 2003) Dowd adds: '[b]ureaucrats at the U.N. must never be allowed to control and validate U.S. military action.' The 'war on terror' is clearly depicted as a state of exception here: 'At this juncture in history, America hasn't the luxury of allowing the Lilliputians to tie it down.' (Ibid) However, as I argued at the beginning of this section, the neoconservative project of identifying the United States as the leader of the global sovereign hierarchy is one that is focused on solidifying this and all other necessary identifications, such as the 'terror threat', for the long term. In general the articles analysed look beyond 'this juncture in history' in favour of reshaping and cementing current relationships of authority involving the United States in an established hierarchy. Although this is the neoconservative aim, it is impossible; these processes of identification can never achieve stability because they are so fundamentally oppositional and contradictory. The compulsion to identify through opposition is in constant conflict with their stability-seeking impulses.

Moving on from *security* as a term for hierarchy, Rabkin (2004: 35) claims that 'Governments can lose their sovereignty altogether after total defeat in war, as happened in Germany and Japan in 1945 and in Iraq in 2003.' Providing 'protection' for another state regardless of that state's desire or requirement for it is an effective means of establishing a hierarchical relationship, as shown in Chapter three. Whether or not there is genuine need, the outcome is the same – the unequal relationship of protector to protectorate is analogous to sovereignty, and the degree of hierarchy increases when sustained over time, as seen with the Monroe Doctrine and the numerous corollaries and reinforcements made to it. What re-occurs here is *benevolence:* 'There is an inherent asymmetry in every American partnership... [There is no] large variety of states on a continuum of power. On the largest strategic issues, there is, in effect, one great stakeholder with many small beneficiaries.' (Ibid. 143) Here Rabkin assumes that all those beneath the US which do not pose a threat to it and so do not constitute enemies nonetheless benefit from this asymmetry, presumed to be never less than benign. In other words, US supreme sovereignty is partly justified by the assumption that US pursuit of its interests on a global scale will necessarily bring good for those beneath it, as long as they avoid angering the 'great stakeholder.' This 'superordinate' identification of the US is further legitimated by identifying those beneath it not as subordinates but 'beneficiaries' – even if many fail to see themselves as such. In the hands of less benevolent states, sovereignty may become something of a liability for the 'great stakeholder':

> [T]he United States still faces a world with many independent states, some of which are hostile, many of which are suspicious or even resentful, few of which are prepared to conduct themselves in all ways as Americans might wish [...]as a very great power, the Unites States can afford to be generous and forgiving with fretful or constrained partners [...F]or the United States, the obvious alternative is independent action – the exercise of its sovereign rights [...] It is not in the American interest nor that of other states to leave the impression that the United States will be there when others need assistance, even if they ignore American aims or work to frustrate American policy in the meanwhile. (Ibid. 168, 182, 185)

Although the US' own actions are the product of 'American policy' and are characterised by an inherent benevolence, actions of other states are negatively defined in terms of whether and how

they 'frustrate' US policy.[125] They are not actions that are treated as being on the same, autonomous level but sovereign acts of a lesser kind. Rabkin's view seems to suggest that the major decisions of all other states are fundamentally tied either positively or negatively to the United States; even when other states are oblivious to such a metaphysical connection, as when they 'ignore American aims', they must eventually be made aware of it. *Subordination* is suggested also by Ledeen (2001 a), who demands that European states in particular must display 'total commitment' – presumably unconditional, unquestioning support – of the United States in the 'war on terror' that was still in the early stages of development after 9/11. Burke's notion of absolutism and exclusion – 'being driven into a corner' – comes to mind here. Ledeen's justification is that the entire 'free world' − a curious remnant of Cold War terminology − knows it is led by the United States, so the leader of the sovereign hierarchy cannot be ignored or defied by all those which owe it their freedom. (Ibid.) In a later article, he combines *subordination* with *benevolence* by portraying calls for US 'action' against Iran as 'support' for the Iranian people 'against their terror masters' after the 'farce' of the 2005 Iranian elections. (Ledeen 2005 a)

A closely related term is *constriction* − if the US is to be made 'independent' by the principle of sovereignty in the hierarchical way Rabkin wishes, then other states must be constricted by the very same principle. Sovereignty in this sense is a process of distinction in the same sense that Schmitt argued with his concept of *Grossraum,* 'extended space', regions comprised of inferior sovereign states forming self-contained spheres of influence of a handful of superior sovereigns. The major difference is that the neoconservative vision allows only *one* superior sovereign. This again suggests *universality* − returning to his theme of rejecting claims to universality of the wrong kind, Rabkin (2004: 184) argues that 'we [the United States] do a disservice to smaller states if we do not indicate the limits on our obligation to international organization.' The suggestion here is that by weakening international institutions, the US identifies itself as the unique entity with the boldness to speak out for a multitude of states on the presumption that this is actually what smaller states *need.* In keeping with the hierarchical mindset, what they might actually want, if a state can be said to 'want' anything, is held to fall into place neatly in line behind the US national interest. This theme, that the United States is taking up the burden of fighting for the 'correct' set of universal values in its opposition to global governance, is one of those which emerges most clearly from the entire body of writings analysed in this chapter. We have seen ample evidence of another of the major paradoxes that characterise neoconservative rhetoric: a majority of the AEI writings assert distinction of the US and universality with equal force, although this is a highly contradictory and thus unsustainable combination. This is nowhere more evident than in the neoconservative advocacy of 'democracy' as the US global mission.

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[125] Schneider (2001 a) unwittingly offers a caricature of the US exceptionalist, benevolent self-image: 'Many of the world's poor people resent the United States because we are rich. Of course, most of them would like to move to the United States and become rich themselves. But as long as they can't, they'd just as soon hate us […] The United States is not an imperial power. We don't set out to dominate or rule others. We use military force to save others, as we tried to do in Kosovo and Somalia and Kuwait and Vietnam. When the Vietnam War went beyond helping others and began to look like an imperial mission, Americans turned against it.' Schneider 2001 a.

5.5.5. *Democracy as a term for hierarchy – and a Schmittian principle of distinction*

It would seem that nothing can more effectively set people at odds than the demand that they think alike. – Burke, 1961. From the Foreword to *The Rhetoric of Religion* (Burke 1970)

At this stage, it may be helpful to reiterate a number of points to clarify the direction the analysis is taking, and to highlight the connections so far made between this empirical part and the theoretical foundations of the thesis. *Democracy* is the fundamental term for hierarchy around which neoconservatism constructs its set of 'correct' universal values. In this chapter so far we have dealt with how the other two Schmittian processes of distinction – the political and its central element, the friend/enemy distinction, and sovereignty itself, the central theme of the AEI writings. Here we take democracy, the third of Schmitt's three main processes of distinction, to see what treatment it receives in the AEI writings.

In his book *In Praise of Empires,* an expanded version of a lecture given at the AEI in 2002,[126] Deepak Lal (2005: 35) sees democracy as one of the US' various 'habits of the heart' which it is currently 'attempting to legislate around the world.' Perhaps the clearest challenge to UN-led global governance that neoconservatives have so far developed is the 'New World Order Forum' jointly organised by the AEI in July 2003 on the UN's future role in 'global security.'[127] One of the three proposals for reform was 'A Community of Democracies as an Alternative Body', the objective of which would be to 'develop new norms for military intervention that go beyond existing definitions of state sovereignty.' This body would be led by the US and would distinguish between sovereign and *non*-sovereign states on the basis of democracy:

[T]here would be a major international conference, 'under American leadership,' to create a new body that is widely accepted as having 'a new moral legitimacy' founded upon the idea that *only democracies are sovereign.* Membership in this group would be open only to states that meet certain standards of democracy and that are committed to individual freedom. The Community of Democracies would be independent of, but alongside, the UN Security Council, and membership would be by invitation only. (New World Order Forum 2003. Emphasis mine, quotation marks in original)

This is a major step forward from sovereign hierarchy as a tacit principle − instead of restrictions on sovereignty, it would now be denied outright to particular states. As a result, those not invited to join because they do not qualify as democracies − the criteria for this are not defined − would in effect become non-states as they would no longer be considered sovereign. The UN would be effectively relegated to the sidelines of international politics in this new vision:

The UN would probably be limited to dealing with soft 'humanitarian concerns,' while the new Community would be seen as destined to grow in power and authority and to be viewed by failed states and sponsors of terrorism as a force to be reckoned with. The Community would also have to establish the terms by which preemptive [sic] military intervention could be used against non-democracies. (Ibid.)[128]

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[126] http://www.aei.org/events/eventID.1066,filter.all/event_detail.asp

[127] New World Order Forum 2003. The phrases in quotation marks that follow are direct quotations from the Forum which were reproduced in the event summary on the AEI website:
http://www.aei.org/publications/pubID.18049,filter.all/pub_detail.asp

[128] According to Sikorsky (2005), the Community of Democracies was a group founded in 2000 in Warsaw. He calls it 'the most promising initiative for reform within the UN today.' Frum (2005), however, is more explicit in the view that such a community would not merely be complementary to the UN but would be an alternative to it.

However, the use of democracy as a means of institutionalising differences between states in the global order is not entirely unprecedented. At the First Assembly of the League of Nations in 1920, the French representative declared: 'A nation desirous of entering here must have a free and responsible government; it must be a democracy.' (Cited in Simpson 2004: 262) Frum (2005) makes it equally explicit that such a community of democracies would not merely be complementary to the UN but an alternative to it. On the issue of pre-emptive military intervention referred to in the quote above, note that this implies a higher threshold for the use of force than *preventive* intervention. A pre-emptive strike is defensive, undertaken when there is justifiable reason to believe that an armed attack is almost immediate. According to Gurtov (2005: 11), what the Bush Doctrine advocates is *preventive* war, 'waged offensively to destroy an enemy's war-making assets and its government so as (presumably) to render it unable to become strong enough to attack.' 'Presumably' is the key word here; a state's claim of the necessity of   preventive war, even when it insists on another name for it, will be extremely difficult to prove in most circumstances. Whether or not the aggressor state is acting in good faith is hard to judge. Many of the other writings make similar justifications of US sovereign hierarchy based on *democracy* and other closely related terms for hierarchy. Gingrich, typically, is even more strident in arguing that only 'democratic' states are sovereign and that the UN must recognise this:

the first seven words of the U.N. Charter − We the Peoples of the U.N. − are only accurate as they apply to its democratic members [...] This ongoing reality that the U.N. is a mix of democratic and non-democratic states explains why […] the challenges and problems faced by the U.N. can only be addressed through consistent and concerted action by the world's genuine democracies. (Gingrich 2005)

To this end, he recommends

strengthening the Caucus of Democracies as an operational entity capable of organizing concerted political action to counter gross violations of human rights and to save lives and creating or strengthening alternative channels of influence outside the institution [the UN], such as the Community of Democracies. (Ibid.)

For Muravchik (2002 b), the UN's 'corruption' and 'bias' against the US and Israel confirms

the wisdom of American unilateralism, and the folly of submitting to any new accretion of international treaties and organizations or any further role for the UN in Middle East peace efforts. Independent American action need not be a token of superpower arrogance or high-handedness. It is much more a matter of doing what we alone have both the power and the heart to do − namely, to inject a modicum of principle into the 'community of nations.'

Here again we have *benevolence* as a term for hierarchy, but through Muravchik's contrasting of United States' virtue with the lack of it the UN, we can see perhaps more clearly the role which such rhetorical terms play in shaping offensive tactics and policy proposals. Repeated assertions of 'American values' add up to an impression that neoconservatives not only attribute these benevolent characteristics to the US, but *claim* them*,* that is, deny their occurrence in the other entities be it states or organisations or others, that they refer to. In terms very reminiscent of Schmitt, Gingrich (2001) identifies courage and decisiveness as the rightful US characteristics in the following statement on the need to control the media as part of the 'war on terror':

> The timid and the undecided will seek every opportunity to explain why we should accept minimal results, why we should be patient, and why we should avoid aggressive action. […] Mistakes will happen. It is vital that the right explanations and the right language be available for the news cycle. […] Information campaigns are the decisive campaigns of the twenty-first century. They have to be well organized, supported, and led just like any other aspect of warfare.

This again highlights the fundamentally oppositional nature of the processes of identification we are concerned with. Muravchik's comment shows how far this *claiming* – simultaneous attribution to the self and denial to others – of positive characteristics for the US goes. That the 'community of nations' is unprincipled and morally adrift without the United States' moral presence and disciplinary power is not merely implied here, it is strongly asserted. Similarly, on the controversy over Bush's nomination of John Bolton to the post of US ambassador to the United Nations, Yoo and Posner (2005 a) conclude that the 'U.S. and its envoy must understand that demolition is the order of the day − and sometimes demolition is best accomplished from within.' Frum (2005) continues the argument in favour of the 'democratic option' proposed in the New World Order Forum in no less certain a manner:

> Perhaps the US could form, outside the UN, an informal caucus of democratic states, not only European but also Asian and Latin American. In this caucus, issues could be debated with less posturing and fakery than at the UN. This forum could reassure democracies without a Security Council seat that their interests will be championed by the one country with the power and the breadth of vision to speak up for something other than its own immediate interests.[129]

We have a whole host of terms for hierarchy here, mostly phrased in terms of moral superiority, again presumed in the US and denied to others. Frum's United States is reassuring of likeminded but less powerful allies with its power and breadth of vision and championing of 'something other than its own immediate interests' – something, that is, more universal than the pursuit of *national* interest. To accept this would also mean accepting that obstruction of the US in any manner would be something far more serious than the obstruction of one state's pursuit of 'its own immediate interests.' It would be an obstruction of these universal values which the United States – 'the one country' – stands alone in championing. This is Burke's dilemma of 'being driven into a corner' on a grand scale. Schneider (2001 b) writes on the same theme, but comes even closer to unwittingly parodying the US exceptionalist self-image: the objective of the United States has 'never been' and even after 9/11 still 'is not to defeat other countries but to persuade them to share our values and cooperate with us …' He fails to explain how imposition of values and gaining the 'cooperation' of other countries is qualitatively different from 'defeat' of those peoples who will be the target of the 'persuasion' he advocates. Gedmin (2001 b) also turns to the idea of a hierarchy of democratic states and connects it to invasion of Iraq in response to the 9/11 attacks:

> Ousting Saddam would have other positive effects. It would put an end to naïve and unworkable notions, which have been all too prevalent both in the U.S. and abroad, about multilateral, supranational institutions and their

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[129] For a neoconservative view on the 'limits of multilateralism' and the 'need' for them to be firmly under US control, see Kirkpatrick (2002): 'The need to maintain a consensus in multilateral arenas often forces the powerful to make concessions they would not otherwise offer. [...] Ultimately, the result of multilateral processes is often war by committee and peace by committee. Neither works very well.'

usefulness in providing the essential elements of hard security. Instead, the 'posse' model would be reborn. If America wants a world conducive to its interests and values, it will need the democracies to band together. Tactically aligned with others, they can promote a new system of international relations in which the idea of American leadership can once again become respectable and desirable.

To take Schmitt's term, to arrange states hierarchically on the basis of 'democracy' and claimed possession or lack thereof represents the development of a *global* principle of 'equality among equals'. Rabkin (2004: 186) adds the further requirement that states can be considered 'independent' – that is, fully sovereign – only through constitutional government, which he feels most European countries are now in the process of rejecting: 'An independent American policy is one that looks to independent partners. States disabled from pursuing an independent policy should not be allowed to present themselves as independent states. At least, they cannot expect to be taken seriously by American diplomacy.' In the style of Schmitt, again he combines a negative definition with a tautology; the judgement that a state lacks an 'independent policy' can be used as a condemnation of any action a particular state, in this case the US, finds objectionable. There is little consistency here; by Rabkin's logic those EU states which supported the US invasion of Iraq were judged to have done so independently, while those that opposed it were displaying their lack of independence. His use of 'independence' as a synonym for sovereignty is deceptive – it means a very different level of sovereignty in the case of the US than it does, for example, when Rabkin refers to Latin American countries and US relations with them on the basis of the Monroe Doctrine: '[T]he Monroe Doctrine was sometimes portrayed – even by Latin American statesmen – as a kind of alliance. But [US] policy was to protect the independence of Latin Americans, whether their rulers of the moment wanted American [i.e., US] protection or not.' (Ibid. 74) The disparaging phrase 'rulers of the moment' sets the Latin American states in contrast to the higher authority granted the US through the timeless quality of its constitution: the chief traits of US exceptionalism are clearly evident here. The Monroe Doctrine, he claims (Ibid. 176), was necessary 'to keep hostile powers from extending their conquests anywhere near [US] borders', giving extraodrinary reach to the definition of 'anywhere near.'

Democracy, then, and its expression through related terminology such as *benevolence, principle, leadership, champion, vision,* and so on, has emerged as a major term for hierarchy, and as such allows us to establish that, as I argued in Chapter two, the three principles of distinction that were identified in Schmitt's thought are all closely echoed in neoconservative rhetoric. It is notable, however, that because of the insistent identification of the US in such strongly oppositional terms, a consequence of the neoconservative polemical approach is that US identity itself is a very unstable construct. The combined outcome of the depiction of US identity in the AEI writings is that it lacks an 'inner substance', instead being overly dependent on appeals and references to what is antithetical to US identity. In this regard it is very much like Schmitt's concept of the political – it is more of an anti-concept than a clear expression of any definite content. Despite both having a fixation with order, the almost obsessively oppositional tendencies of both Schmitt and neoconservatism verge on nihilism; this was Löwith's view, shared by Müller (section 2.1.6.). We return to the oppositional, antithetical nature of processes of identification in the next chapter.

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5.5.6. Conclusion: 'The fog of names and words' and the 'use and misuse of symbols' [130]

In 'Identity and Difference in Global Politics', themes that form a main part of the focus of this paper, Connolly (1989: 334) makes the following comment on 'terrorism', a major catalyst of the particular expression of these themes we have just analysed:

> The of 'terrorism' to characterize nonstate violence by those closed out of the system of states runs roughly parallel to christian definitions of polytheism, idolatry, and sacrifice in the sixteenth century, for both justify ruthlessness against the other by concealing points of similarity between the other and itself, and both deploy this ruthlessness (or its rhetoric) to ward off signs that the system has begun to compromise on its own preconditions of stability.

Re-read in light of what has been shown about neoconservatism in this and the previous chapter, this captures very well the perceived potential for regaining 'stability' of a particular sort. Although in reality this has been threatened by certain manifestations of underlying structural problems (intensifying global inequality, foreign policies that prolong repression and abusive regimes, and so on), re-directing attention instead onto the 'terrorist threat' is a manoeuvre that proves quite effective, as the political impact of neoconservatism on US foreign policy has shown. However, there are two related points that Connolly's observation overlooks. Before going on to summarise what has been shown in this chapter it is important to consider these, as they serve to place the focus of the AEI writings in their broader context. First, as we have seen in the AEI analysis and as the official US 'response' to 9/11 showed by attacking two *states* and naming two others as part of an 'axis of evil', 'terrorism' is no longer used only to denominate non-state violence, as Connolly claims. Indeed, the long-running controversy of the term and the past history of an overwhelming majority of states begs the question of whether 'terrorism' was *ever* only rightfully descriptive of non-state acts of violence. As we have seen, neoconservatism puts far greater emphasis on state 'terrorism' than that of individuals such as Osama bin Laden, as the majority of the AEI writings analysed show. The second point Connolly overlooks is what I have tried to highlight in this chapter by focusing on *hierarchy* − the overall neoconservative objective, in which the proposed 'community of democracies' may well prove to play a significant role, is that certain *states,* not just individuals as Connolly claims, will be excluded from the ranks of those deemed 'properly sovereign.' As Krasner (2005) argues, an escalation of terrorist attacks against Western powers could abruptly end the continuing pretence of sovereign equality. Of the states considered by neoconservatives to be genuinely sovereign, the United States itself is clearly held as the indisputably supreme sovereign of the proposed neoconservative hierarchy.

Overall the subtitle of Rabkin's book, *Why the World would Benefit from American Independence,* expresses a vision of the US as a state unbound − freed by the conviction that it is

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[130] The former is taken from Schmitt (1929); the latter is an adaptation of Burke's description of man as the 'symbol-using, symbol-making, and symbol-misusing animal. In referring to the misuse of symbols, I have in mind not only such demagogic tricks as I have already mentioned. I also think of 'psycho-genic illnesses', violent dislocations of bodily motion due to the improperly criticized action of symbolicity.' (Burke 1966: 7, quotation marks in original)

above the constraints that apply to other states. As we have seen, these constraints take many forms. This leads, briefly, to a term we have not considered above − *freedom.* To understand freedom as a term for distinction, we should first consider it as a term − in fact, as a synonym − for independence. Keeping in mind as Burke did the perhaps innumerable ways in which terms for identification can be created and used for political impact, incessant repetition of 'freedom' by US politicians, intellectuals, think tank fellows and so forth should not be allowed to hide the fact that *freedom* itself could be reduced to many sub-categories would be at odds with each other to varying degrees. Burke's following comment on identification is instructive in this regard: in some cases, identification 'gives a sense of freedom, since it transcends our limitations (though the effect is made possible only by the awareness of our limitations).' (Burke 1950: 325) His qualification in parentheses can explain why the AEI writings argue for greater independence for the United States. The limitations they reject, or transcend as Burke would have it, after having first identified them, are international law and the limitations and reciprocal obligations adherence to it would entail, 'weak' states, 'rogue/terror' states, states who 'appease' these, and so on. In other words, their polemics create what Burke calls an 'awareness' of limitations on the United States.

It is precisely this self-made *perception* of being bound by its enemies and inferiors which neoconservatives then use to reinforce and capitalise on the US self-identity as an exceptional nation fighting against such unjust and dangerous constraints. The most relevant example of the complexity of 'freedom' and terms for it should be seen in Rabkin's subtitle, which also summarises the sentiment of the other AEI writings. 'Why the world would benefit from American independence' certainly advocates 'the benefit of American' freedom*,* but it is by no means offered as a universal benefit. On the contrary, the argument made in defence of US 'independence' is a highly exclusivist one, and contains the damaging clash between the desire to make the US distinct from all others and the desire to make 'American values' universal. In short, all the terms we have considered here are terms for the distinction of the US as an exceptional nation, and for its unique prerogative to act, to put it in a suitably paradoxical phrase, according to the rule of the exception. Burke himself recognised the importance of division and opposition to identity:

> The *Rhetoric* [*of Motives*] deals with the possibilities of classification in its *partisan* aspects; it considers the ways in which individuals are at odds with one another, or become identified with groups more or less at odds with one another [...] 'identification' is [...] is to confront the implications of *division* [...] Identity is affirmed with earnestness precisely because there is division. (Ibid. 22, emphases in original)

Identification therefore takes place through, and because of, the inescapable reality of *togetherness,* which must be seen *both* negatively *and* positively. Neoconservatism is rich paradox, and the sum total of these would seem to leave two eventual options: it can be allowed to exert continual influence on US foreign policy and lead to even greater levels of conflict than the US is currently engaged in, or efforts can be made to curtail its influence in favour of more reasoned positions. I see these two only as the possible *eventual* outcomes, because a foreign policy based on the extreme positions expressed in the AEI writings means that continued acceptance of it can only

lead, at some point, to the political, economic, and, most importantly, human cost of endorsing neoconservatism becoming too much to bear. It such realisations are not made in US government they may be made by others; contrary to neoconservative assumptions, the United States does not possess a monopoly on 'forceful diplomacy.' The overall neoconservative paradox can be reduced to this: it is a movement driven to both separateness and strife. The irresolvable but nevertheless inescapable contradiction that results is nicely depicted in the following comment by Burke:

> In pure identification there would be no strife. Likewise, there would be no strife in absolute separateness, since opponents can join battle only through a mediatory ground that makes their communication possible, thus providing the first condition necessary for their interchange of blows. But put identification and division ambiguously together, so that you cannot know where for certain where one ends and the other begins, and you have the characteristic invitation to rhetoric. (Ibid. 25)

What is dangerous in neoconservatism is the same as in Schmitt – the demand for *pure,* concrete and final identification, but the desire to somehow achieve it through continual conflict and opposition. This brings us to the subject of the next chapter, a major aspect of the issue of exceptionalist, oppositional identification that must be considered on a more theoretical level in order to understand how such combative and contradictory identifications as those of Schmitt and neoconservatism can actually sustain themselves. So far I have not systematically examined these processes in terms of their possible repercussions, and what we can assume to be their largely unintended or uncontrollable side-effects. This is the ambiguity and uncertainty that Burke alludes to in the above statement. The main aim of the following chapter is to address this issue, to confront some of the most seriously damaging 'implications of division'.

6. **Processes of distinction: A Derridian perspective**

The brevity of the appellation [9/11] stems not only from an economic or rhetorical necessity [...] We do not in fact know what we are saying or naming in this way [...] The telegram of this metonymy − a name, a number − points out the unqualifiable by recognizing that we do not recognize or even cognize, that we do not yet know how to qualify, that we do not know what we are talking about. – Jacques Derrida, October 22, 2001. (Borradori 2003: 86, 186, n.2)

6.1. *Introduction*

This chapter concerns two main things. First I examine processes of distinction in more detail from a Derridian perspective. Second, and further developing this, Derrida's theories will be applied along with some further concepts from Burke to round out the analysis and draw together the various theoretical strands of the paper, the commentaries on the Schmittian and neoconservative processes of identification. What we can say in general about neoconservatism at this stage is that although the contexts have developed and the specific identities against which the US exceptionalist mindset defines itself have changed, all the *types* of oppositional identity we have encountered have retained essentially the same structure. That is, viewed historically, the *process* in all its phases and at all levels continues much as before; it is only the occupants of roles that vary, by moving on in some way, often through exchanging places with each other over time; yesterday's 'allies' become today's 'axis of evil' 'rogue states', with familiar consequences.

6.2. *'That dangerous supplement:'* [131] *distinction and the impossibility of true reification*

As Derrida recognised, *distinction* as a process, as an attempt to create a stable argument or identity through assertion, is fraught with the danger of instead leading to greater instability. The term 'irresolvable dialectic' (Culler 1981: 41) is highly illustrative of this unfinishable process. In this way, the particular distinction made in any given case contains a margin of indeterminacy where the border between the two binary oppositions of the distinction would be presumed to lie. In the analysis of AEI writings we have seen many examples of this 'supplementarity', the 'power which, inaugurating speech, dislocates the subject that it constructs', as Derrida (1976: 141) writes.

By 'supplement', Derrida means 'the strange unity' of elements of any discourse which are placed in opposition to each other, seeking to create unequivocal divisions through such apparently unproblematic distinctions of 'accord and discord.' (Ibid. 144) The idea of the supplement itself is only one example of Derrida's broader concept of *différance,* based on the Hegelian notion of sublation, 'the basis of whose movement is identity-in-difference'. (Payne and Habib 1990: 19-20) It is therefore founded on the same system of oppositional operations I am concerned with. Even if Derrida has been at pains to put his work beyond such a framework of 'binary oppositions', at the same time he has to acknowledge their inevitability:

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[131] Title of Section 2, Part II of Derrida's 1967 work *Of Grammatology,* (Derrida 1976: 141 – 164)

[T]hat which differentiates is the common root of all the oppositional concepts that mark our language [...] We know what always have been the *practical* (particularly *political*) effects of *immediately* jumping *beyond* oppositions, and of protests in the simple form of *neither* this *nor* that [...] The necessity of this phase is structural; it is the necessity of an interminable analysis: the hierarchy of dual oppositions always reestablishes [sic] itself [...] Since this conflictuality [sic] of *différance* [...] can never be totally resolved, it marks its effects in what I call the text in general, in a text which is not reduced to a book or a library ... (Derrida 1981: 9, 41-2, 44, emphasis in original)

Recognising the ubiquity of 'the text in general', then, allows for broad application of the deconstructive approach, as will be seen below through highlighting the problems of distinction as they occur in neoconservative rhetoric. Derrida suggests that what makes the supplement 'dangerous' is not only the ability of any observer to call into question the certainty of the oppositional identifier's categorisations, although it can be taken to mean that also. However, what is most significant about the supplement in furthering our analysis of identity-creating processes is that, by the act of creating distinctions through language, the identifier *himself* can be drawn in and deceived by the supplement he unwittingly creates, by reifying his own speech and thus creating the illusion of absolute certainty where in reality it is only an arbitrary distinction: '[T]here is a fatal necessity, inscribed in the very functioning of the sign, that the substitute make one forget the vicariousness of its own function and make itself pass for the plenitude of a speech whose deficiency and infirmity it nevertheless only *supplements.*' (Derrida 1976: 144, emphasis his)

To illustrate how this concept is significant for what I want to say about processes of distinction, we can take a few examples of neoconservative rhetoric from the previous chapter's analysis of AEI writings. Rabkin justifies his opposition to international law, using the example of the International Criminal Court, by the assertion that such attempts to universalise the reach of a legal system that is applicable to all regardless of merit would be invalid as it would then create the illusion of 'impartial justice, so liberators may be condemned along with tyrants.' Here we have an instance of the reification Derrida implies. Rabkin's distinctions have passed over from language into reality, which begs the question that typifies the deconstructionist approach that the supplement is essential to: if the identities of liberators and tyrants have the concrete stability that Rabkin asserts, why is it still necessary for polemics such as his to be sustained so vigorously? If identities were really so fixed, the entire project of rhetoric as both persuasion and identification would be redundant. Rabkin depicts three identities – the impartial justice of the ICC, liberators and tyrants. Of these, only the last two are presented in absolute terms, that is, their concrete truth is used to expose the falsity of the first. What his reification suggests is that liberators are as incapable of acts of tyranny as tyrants are incapable of acts of liberation, therefore for justice to be valid it must recognise this through partiality to the liberator. But such a sure assertion falls apart when one considers the supplementary element here, impartial justice. Rabkin's other two identities can only hold true if this one is accepted to be false; if justice were truly impartial, then by definition it would be able to fairly distinguish *acts* of injustice regardless of the identity of agent committing them, and by this 'deconstructive' act 'tyrants' or 'liberators' would cease to exist as established identities. All subjects of such a legal order would bear equal responsibility for their

acts, on the same legal footing as all others. A truly impartial legal system is necessarily indifferent to its subjects' identities – it must operate from behind a 'veil of ignorance', as Rawls (1971) put it.

Similarly, the support expressed by many of the AEI writers for the creation of a US-led community of states held together along the dividing line of a distinction between 'democratic' and 'non-democratic' states and so 'go beyond existing definitions of state sovereignty' can be called into question by reference to Derrida's supplement. Because the states excluded from the proposed community of democracies would be effectively deemed non-sovereign by those within,[132] this would mean a very real reification with serious consequences for those thus deprived of the protections offered by legal sovereignty. At the same time, as with the Rabkin example, this would mean that all acts by states distinguished as 'non-democratic' would have little consequence as regards their position relative to states within the 'community of democracies' – and, by the same token, those within the community would no longer have to bear the burden of living up to the label of 'democratic state' by virtue of having been assigned that label in effect *conclusively* – since their *identity* is the supposedly secure, the precise nature of their subsequent acts has less relevance. In this case, it is conceivable that many forms of behaviour that may bear little resemblance to 'democracy' in some interpretations could then be legitimised within such a community. States excluded, on the other hand, would have no further *external* incentive to act 'democratically' – except, that is, the threat of force from 'democratic' states.

What is 'supplementary' in the second AEI example above, then, is the very label of 'democracy' itself. It serves to destabilise the distinction proposed by the neoconservatives, the community of democracies, by highlighting the inconsistency and therefore falsity of the concrete distinction created between 'democratic' and 'non-democratic states'. If states, like all other entities, are to be judged by what they do, then to judge what they *are* – democratic or non-democratic – on the basis of past acts is in effect to pass judgement on what they have not yet done. In effect all future acts are declared invalid in advance, as they would have no further contribution to make to any processes of identity, which would in practice thus be declared finished. In this sense, the very act of *naming* in this case, because of the supplementary nature of such a distinction, serves to potentially disqualify the exact same criteria the original distinction was based on – a 'non-democratic' state will no longer have the incentive to engage in any 'democratic' acts because it has already been judged to be bad, but the 'democratic' state, because it has already been judged or has judged itself to be good, to some extent will no longer have the burden of living up to its 'democratic' title. The point here is that, by such reification, as we saw repeatedly in the last chapter, rather than acts being judged on their own merits, through the process of distinction they come to be judged in light of who is committing them. Because it is the identity of the actor and not the act itself that is reified, the act of a 'liberator' or 'great stakeholder' will be made to look very different from the same act committed by a 'tyrant', or even a 'small beneficiary'. It is obvious that the logic behind these neoconservative distinctions is deeply flawed. As Arendt (1998: 138-9, 96)

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[132] See the citations from the 'New World Order Forum' in the section on democracy as a principle of sovereign hierarchy in the previous chapter.

argued, such 'true' reification is impossible, and even if it were so it would destroy that entity, by depriving it of all possibility of continuing the processes of identification which it depends on for survival, and at the same time 'the constant process of reification' itself would also end. Without repeating this exercise of identifying the supplement unnecessarily, it should be obvious that the Derridian perspective is a valuable one in realising the problematic nature of processes of distinction – and therefore, we see that the overall processes of identification that such processes form part of are subject to a further element of inherent instability. What the above application of the Derridian perspective highlights is the problematic issue of *legitimation* as regards such processes of distinction, and it is worth considering further.

To return to the example from Rabkin, from a Derridian perspective it is hard to determine where and how legitimacy is justified – if the virtuous acts of a particular state lead to its general distinction as a 'liberator', by what criteria can all subsequent acts be judged? In other words, we have come to the Schmittian problematic of sovereignty and legitimacy, albeit in moralistic terms would be unlikely to approve of. Should acts of the 'liberator' be considered legitimate by definition, as Rabkin's statement and indeed the entire argument of his book suggests, or is it in itself illegitimate to write oneself such a 'blank cheque' in terms of legitimacy, as our Derridian interpretation would suggest? In any case, perhaps no more certain conclusion can be drawn than to recall in passing Schmitt's warning against the creation of 'absolute' identities, an act which, paradoxically, he was himself guilty of in his 'collective existentialist' view of the concrete identity of the people of a state. Despite this, as seen in section 2.1.5. an absolutist conception of the enemy, as in Rabkin's distinction of 'tyrannies', leads only to their absolute vilification. In politics based on such distinctions nothing less than the opponent's total destruction counts as success – particularly so in a war portrayed as a war on 'terror', the latter being synonymous with 'tyranny.'

Derrida's discussion of '9/11' addresses this potentially hazardous process of naming which is essential to any process of distinction – not only can it either describe or disguise that which it names, but these functions can be corrupted to signify something other than what the identifier intended. In naming the US, and other states' actions following 9/11 as part of a 'war on terror', naming operates as a two-way identification. First, by naming what *is* 'terror', naming the response to it as 'war' implies, second, that what actions will be taken are not, and cannot, themselves be called 'terror'. This rhetorical manoeuvre has a double purpose, and is doubly dogmatic. How? First, acts of the 'war on terror' are presented as reactions, acts in *response* to a potentially unlimited 'terror' threat; therefore, acts against terror are themselves depicted as being sufficiently legitimised by this appeal to endless necessity, meaning in effect that the 'war on terror', because it is thus identified as the antithesis to a vague and limitless 'terror', is itself potentially unlimited in its scope and nature. Second, and as a direct result of this first purpose, the identification of the 'war on terror' as such also legitimates the acts that constitute that war in yet another way, as always negative constructs; whatever these acts are they are *not* 'terror' since the presumption is

that they cannot be what they are 'against.' 'Pre-emptive'[133] war is therefore itself preceded by pre-emptive manipulation of language: violent acts are portrayed as 'defence', even though they are committed before the alleged act they are a pre-emptive 'response' to. What neoconservative rhetoric therefore attempts to legitimate is the bizarrely Orwellian situation where a violent 'response' is justified so as to allow it to take place before the act predicted to provoke it.

Because naming as I discuss it here is a process of double identification – the 'tyranny' is identified in the process of identifying the 'terrorist', for instance – the problem is that the border between the two poles of this double identification are by no means clear. On a wider scale, we have seen that this ambiguity is a central factor in Schmitt's entire conception of the identity of the sovereign and the identity of the people as oppositional identities. On one hand, this ambiguity is not a 'problem', as it is precisely what allows sovereign powers to extend their authority under cover of an indeterminate appeal to necessity. As Derrida remarks on the problematic notion of 'international terrorism', 'what remains obscure, dogmatic, or precritical does not prevent the powers that be, the so-called legitimate powers, from making use of these notions when it seems opportune. On the contrary, the more confused the concept the more it lends itself to an opportunistic appropriation.' (Borradori 2003: 103-104) On the other hand, in the case of 'terrorism' for instance this problem of the supplement becomes evident, for the simple reason that those who commit 'terrorist' acts justify them in the very same manner as those who name themselves 'anti-terrorists'. As Derrida observes, 'all terrorism *presents itself* as a response in a situation that continues to escalate' (Ibid. 107) – just as the 'war on terror' in neoconservative rhetoric is justified by invoking a continually escalating threat against which US identity and sovereign authority can be defined. We can expand on the observations made in the previous chapters by considering some of Derrida's ideas in relation to those of Schmitt and Burke.

6.3. *Derrida and Schmitt: oppositional identity, the friend/enemy distinction and 9/11*

The United States still retains the power of accrediting before the world a certain self-presentation: it represents the ultimate presumed unity of force and law, of the greatest force and the discourse of law. (Derrida, October 2001, in Borradori 2003: 95)

Derrida suggested that a critical reading of Schmitt could help to understand 9/11 and what continues to follow it; (Borradori 2003: 100, 102) I will do this briefly, by connecting Derrida's own interpretation of 9/11 to Schmitt's friend/enemy distinction and the pragmatism of 'the political.' In relation to the instability of the US national identity I referred to in the last chapter being due in large part to its fundamentally oppositional nature, Derrida's concept of *suicidal autoimmunity,* – 'that strange behavior where a living being, in quasi-*suicidal* fashion, 'itself' works to destroy its own protection, to immunize itself *against* its 'own' immunity'[134] – provides a useful perspective on some of the potential ramifications of a continuously shifting, pragmatic response to the need for this negatively grounded US identity to continually re-situate itself in

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[133] Actually *preventive* in the case of Iraq 2003 – see Gurtov 2005 and section 5.6.5.
[134] Derrida, in Borradori 2003: 94 (Emphases in original)

opposition to others. Shortly after the 9/11 attacks, Derrida referred to the recurring tendency of US foreign policy to base itself on this logic of 'my enemy's enemy is my friend' as *'doubly suicidal':*

> [L]et us not forget that the United States had in effect paved the way for and consolidated the forces of the 'adversary' by training people like 'bin Laden', who would here be the most striking example, and by first of all creating the politico-military circumstances that would favor their emergence and their shifts in allegiance [...] What will never let itself be forgotten is thus the perverse effect of the autoimmunitary [sic] itself. For we now know that repression in both its psychoanalytical sense and its political sense − whether it be through the police, the military, or the economy − ends up producing, reproducing, and regenerating the very thing it seeks to disarm. (Ibid. 95, 99)

In this light, the instability of the US identity I referred to in AEI rhetoric can be seen as having concrete, and highly destructive, consequences that may also have immediate effect, as the 9/11 attacks did, as well as less easily discernible outcomes. Derrida refers above to the inadvertent creation of terror through the 'suicidal paradox' of sovereign acts informed principally by animosity and extreme pragmatism, the latter in effect meaning actions that are wilfully unaware of their widest possible range of possible repercussions. In his view, the creation of 'terror' is precisely that − a *creation,* arising through the suicidal paradox of acts and decisions that result from a process of self-identification that is so thoroughly oppositional it is even a danger to itself. Derrida's 'suicidal paradox' can be read as a critique of Schmitt's friend/enemy distinction, and by extension of neoconservatism, which as we have seen is heavily based on the same Burkean 'paradox of the negative', the same intensely oppositional logic as Schmitt's theories advocated. A decisionism where the nature of the sovereign act is shaped most of all by extreme pragmatic and oppositional motives can be not only destructive, but self-defeating and *self*-destructive. From a Derridean perspective, then, one can see how the neoconservative conception of the US national identity works not for, but *against* the US national interest, if the ultimate 'national interest' of any state can be said to be that of ensuring the well-being and survival of its inhabitants. Short-term, narrowly focused pragmatic considerations, such as those Derrida refers to above, would seem not to be conducive to this ultimate goal of a responsible sovereign state.

*6.4. **Identity as a never-ending conversation: theoretical affinity between Derrida and Burke***

Derrida is perhaps best known for his declaration that 'there is nothing outside the text' and the deconstructionist approach this attitude gave rise to; Kenneth Burke, for his part, has been described as 'a founding father of the current movement to reconceive the human sciences in rhetorical terms' (Simons & Melia 1989: 5) and, consequently and quite accurately, as 'a prefashionable deconstructionist.' (Ibid. 5) There are many points at which Burke's perspectives on the implicitly contradictory nature of identification share some affinity with Derrida's thought. I have already shown in the previous chapter that Burke, as much as Derrida, was keenly aware of the difficulty and ambiguity at the heart of all attempts at identification. Although I used the phrase 'identity beyond bounds' (5.5.) to introduce the Burkean reading of neoconservative writings in the last chapter, he recognised as clearly as Derrida that identity could *never* be put beyond bounds,

although it may make every effort to do so; it can only change one set of bounds for another, and often binds itself in unintended ways that can constrict or even suffocate it. One of Burke's major early contributions to the study of rhetoric was 1931's *Counter-Statement*; every 'statement', be it Schmitt's assertion of the pure identity of the people, the neoconservative distinctions looked at from the Derridian perspective above, or any other that presents itself as unequivocal carries within it the seeds of its own contradiction. In this sense, his idea of the counter-statement should be seen as a close precursor of Derrida's idea of supplementarity; every statement invites, or incites, a counter-statement; or as Derrida would prefer, every effort at distinction takes place through the creation of a more or less, but always ambiguous boundary − the supplementary factor being the 'slur' or slip that reduces the coherence of the initial statement, obscuring its intended meaning or even overturning it entirely.

Burke captured the 'counter' nature of all statements in *The Philosophy of Literary form,* published ten years after *Counter-Statement.* He brilliantly depicts the perpetually reshaping identification processes through dramatism's key notion of the 'unending conversation':

> Where does the drama get its materials? From the 'unending conversation' that is going on at the point of history when we are born. Imagine that you enter a parlor. You come late. When you arrive, others have long preceded you, and they are engaged in a heated discussion, a discussion too heated for them to pause and tell you exactly what it is about. In fact, the discussion had already begun long before any of them had got there, so that no one present is qualified to retrace for you all that had gone before. You listen for a while, until you decide that you have caught the tenor of the argument; then you put in your oar. Someone answers, you answer him; another comes to your defense; another aligns himself against you, to either the embarrassment or gratification of your opponent, depending upon the quality of your ally's assistance. However, the discussion is interminable. The hour grows late, you must depart. And you do depart, with the discussion still vigorously in progress [...] [I]t is in this 'unending conversation' that the assertions of any given philosopher are grounded. *Strategically,* he may present his work as departing from some 'rock-bottom fact' [...] Actually, the very selection of his 'rock-bottom fact' derives its true grounding from the current state of the conversation, and assumes quite a different place in the 'hierarchy of facts' when the locus of discussion has shifted. (Burke 1973: 110, 111, n.27, emphasis his) [135]

There is a striking similarity to Derrida's ideas of a generation later. No identity emerges from a vacuum, just as no conversation ever starts from the start, nor can it be traced back to its beginning. This last point is important for both a refutation of Schmitt's collective existentialist argument for the pure identity of the people, and for a better understanding of why the neoconservative writings we have studied seized the theme of 'terror' and the absolute urgency of fighting against it by any means necessary with such surprising single-mindedness. Regardless of how they stand up to rigorous scrutiny or to assessment as reasoned arguments − or rather, their failure to do so − one has to grant them a certain level of polemical power; they communicate the strength of the neoconservative sense of purpose very well. But what is their purpose on a more abstract level? This is harder to discern, despite the fact that the vast majority of the AEI writings contain very clearly stated *immediate* goals and proposals. I would suggest that they can be taken together as an

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[135] In Rueckert's view, the two principal elements of Burke's theory of dramatism are the two-part theory of rhetoric – persuasion and identification – and the theory of hierarchy; both elements were most fully developed in part three of *A Rhetoric of Motives.* See Rueckert 2001: 100.

attempt to inject *certainty* into the process of defining the US national identity; to put an end to the unending conversation before it can continue in a direction that would threaten to destabilise the identity they seek to present as the true, 'pure' and definitive self-identity of the United States. In such an interpretation of Burke we can find a refutation of both the Schmittian and the neoconservative demand for certainty; although the most coherent expression that can be deduced from the AEI articles of what the US national identity actually *is,* is that it is a state which is fighting and 'leading the war on terror', this tells us no more than that neoconservatives tell us what the United States is *not* − it is not a terrorist state. I have already argued why such a position is inherently unstable and self-destabilising from a Derridian perspective. Viewed from the dramatist perspective of the unending conversation, we can see how such unequivocal rhetoric as we have come across in the AEI writings is a furious attempt to create a strong and stable identity through advocating various levels and forms of opposition, from testing where the loyalties of US 'allies' lay to engaging in war on 'states that engage in or support terror'. As Burke points out in the above quote, no 'conversation' can be traced back to its beginning − to try to do so would not only be an impossible task, but would destabilise and even destroy all the assumptions that all conversations, and therefore perhaps all identity-creating processes, are based on.

In the case of neoconservatism, the certainty and polemical character of their stance amounts to not only the desire to have the last word, as we have said already, but also, and perhaps just as significantly, to draw a line under the *beginning* of the conversation − that is, to assert that the conversation cannot be traced back any further, and so shift the 'locus of discussion' away from a direction where it may lead to even further destabilisation of the certainty it tries to maintain. In this way, an attempt is made to preserve the clarity and finality of the distinctions created through the rhetoric of liberators and tyrannies, a community of democratic states under the leadership of the 'one great stakeholder' of the global order, and so on. Not to do so would be an admission that *all* assertions of identity, including perhaps the most fundamental oppositional identification that runs through the neoconservative AEI writings, that the US is not a terrorist state, can be questioned. Derrida has analysed the meaning of the term '9/11' very perceptively (Borradori 2003); from a Burkean perspective, neoconservatism's insistent identification of the terrorist acts of the 11th of September, 2001 as an 'event' with a clear name, '9/11', can be understood as an assertion that the 'conversation' that is the 'war on terror' began on that date; the locus of inquiry cannot be allowed to flow backward. One can very easily disrupt the finality of the distinctions by tracing lines of inquiry into the past, as Derrida did, and find US actions which would allow the terrorist actions of 9/11 to been understood as a counter-statement in their own right, as a very bloody interjection in the unending and often violent conversation between differently-identified entities. In theory at least, one could follow perhaps innumerable such lines back in all possible directions, and the only certainty which would remain unshattered by such rigorous 'pushing of the analysis', to borrow Derrida's phrase, would be that no identity can withstand such scrutiny. This is the sort of temptation deconstruction too easily leads to. Such exercises cease to be of any real benefit if undertaken just because they *can,* this is the same logic that led neoconservative Paul

Wolfowitz to declare after 9/11 that an invasion of Iraq was justified because it was 'doable.'[136] Deconstruction taken to extremes merely for its own sake becomes destruction with intellectual trimmings. The point is not to question *everything*, but to question in order to reconstruct practices and hegemonic discourses which have proven themselves unjust and in need of change. The foundations and distinctions on which Schmittian and neoconservative certainties rest, and perhaps even less strongly oppositional identities also, can always be dug away in other to undermine and destabilise them. To claim they are then be exposed as false is not the real point; they like all other identities can be shown to be based on nothing that can withstand attempts to take it apart into innumerable uncertain elements and assumptions. All that is then *conclusively* proven is that myths, although they have great force, can neither be fully articulated, still less controlled, by any party. National identities are of the same mythical nature; as in the case of US exceptionalism they develop their own momentum and inevitably feed subsidiary ideologies such as neoconservatism, with unpredictable consequences. Burke noted the effect as follows:

> [T]here is always some unifying principle around which [...] attachments as a group are polarized [...T]he communal relationships by which a group is bound do not possess such primary reality [as do concrete objects]. However vital they are in promoting historic successes, they are 'myths', quite as the Gods of Homer were myths. To search for them critically is to dissolve them, while a few rudimentary 'realities' take their place. If you find a man attached to some cause, and keep pressing him with questions, he will not be able to point out the nature of his attachment in the way he might if you asked him to point to his house. Yet for all the elusive character of his attachment, we know that it may be a genuine social motive behind his actions. 'Myths' may be wrong, or they may be used to bad ends − but they cannot be dispensed with. (Burke 1935)

Elsewhere, in distinguishing between irrational and non-rational Burke makes the following comment that would seem to apply very well to the exceptionalist myth that has led to the development of neoconservatism. Rather than being content to endlessly 'deconstruct' in the manner of Derrida, Burke attempts to offer some insight into how to minimise the harmful consequences of such 'non-rational' myths as US exceptionalism:

> To call such processes 'irrational' is to desire their elimination […] If we consider them simply as 'non-rational', we are not induced to seek elaborate techniques for their excision – instead we merely, as rational [people], 'watch' them, to guard against cases where they work badly. Where they work well, we can salute them, even coach them. (Burke 1984: 171)

Myths, ideologies and symbols are all cases of the non-rational that Burke's writings were directed at gaining better understanding of and thus better control over their use and misuse. Earlier I discussed the problems of assigning names and distinctions and although brief mention was made of the problem of legitimation that arises in this regard, no answer was found. Perhaps this is because there can never be such thing as universal legitimacy; this is the conclusion that any reading of Schmitt would suggest, even if one refuses to accept the type of views which Schmitt then attempted to justify based on this insight. What one will in effect do, then, in refuting the neoconservative view is to agree with Schmitt only as far as is necessary to acknowledge the non-existence of any universally acceptable legitimations. What we can say is that processes of

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[136] Richard Ingrams, 'Inside the viper's nest', *The Observer,* Sunday March 20, 2005.

identification in the work of Schmitt and of the neoconservative writings are legitimated by appealing to the same ideological sources they originated from. This makes them tautological – neoconservatism developed from US exceptionalism, it owes much of its influence to the ways in which it appeals to the same exceptionalist self-perception which is a powerful element in US national identity, and, in completing the circle, as it were, as we saw through the AEI polemics it seeks legitimacy through appeals to that same exceptionalist ideological source that gave rise to it. This may be a 'tautological cycle', as Burke describes such an order (see below), but it *is* an order, and within its own bounds it can justifiably claim some level of legitimacy. For this reason, as Prozorov (2005: 100) remarks, 'it is hardly productive to focus criticism on the question of the legitimacy of order since any form of order establishes the conditions of its legitimacy in a retroactive fashion...' The problem arises, of course, when such any such particularistic, largely self-contained tautological cycle moves *outside* of its own self-legitimated path and attempts to impose itself on the global stage, as neoconservatism does, and is not content to share space with views it is in conflict with, in territory where its actions have no legitimate clearance.

Throughout this paper my argument has not been that US neoconservatism draws from exactly the same ideological well as that of Carl Schmitt – I *have* argued that they both develop very similar *processes* of identification, although their outcomes differ in some regards. What I am more interested in doing than 'naming the ideology' is making a point recognised very clearly by Burke, which is that ideologies, being as they are more or less comprehensive but flawed and incomplete systems of identification, are thoroughly oppositional and self-conflicting: 'An ideology is not a harmonious structure of beliefs or assumptions: some of its beliefs militate against others […] An ideology is an aggregate of beliefs *sufficiently at odds with one another to justify opposite kinds of conduct.'* (Burke 1957: 163, emphasis mine)

6.5. *The tautological cycle of processes of identification*

Here we will draw together the overall strands of the argument so far presented in the paper, by considering the mechanism contained within processes of identification that resolve the self-constructed tensions and conflicts that arise in such a way that they are manageable − they provide the oppositional conditions essential for identification, but at the same time must ensure that such conditions do not get out of hand and destroy the system they emerge from. The concept that best provides a model for understanding such dynamics is Burke's idea of the tautological cycle (Burke 1958). His model will be described briefly before applying it. He distinguishes three types of order − natural, verbal, and sociopolitical − which in becoming intertwined lead to confusion, giving rise to 'a kind of logical pun whereby our ideas of the natural order can become secretly infused by our ideas of the sociopolitical order.' (Ibid. 176) The difficulty arises from the fact that the sociopolitical order is fundamentally a product of language − that is, a product of the *verbal* order. The natural order is not dependent on this for its existence, but because the sociopolitical order is necessarily located within the natural order, the latter can only form part of human experience by

being transmitted through language: 'the sheerly 'natural' order contains a verbal element or principle that from the purely empirical point of view could belong only in the sociopolitical order.' (Ibid. 178) Through the metonyms and metaphors that allow construction of the verbal order, the already blurred distinction between the other two orders leads to terms for the natural order, where conditions are of a concrete nature, being mistakenly used as terms for sociopolitical order, thereby giving a particular, subjective political position a concrete authority it can never objectively possess: 'For instance, if Churchillian rhetoric gets us to thinking of international relations in such terms as 'iron curtains' and 'power vacuums', then we must guard lest we respond to the terms too literally − otherwise we shall not conceive of the political situation accurately enough.' (Ibid. 176)

This point, hopefully, has become increasingly evident throughout the previous chapters as the details of the argument have been progressively put in place. Although he does not use the term, in discussing the role of language in creating confusion between the natural order and the one of human interaction Burke demonstrates the *reifying* effect that characterises the 'concrete thinking' of Schmittian and neoconservative processes of identification. We've seen it is a problem of the Derridian *boundary* − the fundamentally indeterminate process of distinguishing between what is natural, and therefore identified as unchangeable, and what is socially constructed, and therefore identified as amenable to thorough restructuring if deemed necessary. In the case of Schmitt, 'thinking of the concrete order' combined with the ontological core of his philosophy, the ideal of purity argued for in section 2.2.2., imposes the unchangeable solidity of the natural order on the idea of 'the people', which despite endless efforts to assert otherwise cannot be purified of the instability that comes with all sociopolitical and verbal creations. In the case of neoconservatism, although there are many parallels with Schmitt's type of concrete thinking there is also a sense in which where the reification process operates in the opposite direction. Entire societies come to be seen as being as unproblematically mouldable as artefacts from the natural order would be. For example, to assert that 'protecting freedom requires building nations' (Gingrich 2002 b) is to assume that what already exists not only fails to constitute an already-built nation with its own history populated by individuals with their own contending conceptions of the good society, but that it can be reduced to a set of materials which others claim the power to construct their own preferred model from. This not only denies that target for 'nation-building' its *own* 'history' (for there is no single, authoritative history), but eliminates all products of past and present sociopolitical orders which that history brings with it. In this way Burke's, concept of the tautological cycle can be seen to also include not only confusions from natural to sociopolitical order through the ambiguities of language, but also confusions in the opposite direction. Here the target is reified as 'terrorist state' or 'tyranny' and denied any legitimacy as a state, in effect treating *all* parts of it including its inhabitants as products of the natural order, as nothing but raw materials, some of which are suitable for re-use in 'building', some only fit for destruction.

A few more points are in order in applying Burke's concept of the tautological cycle in applying it here. It is largely based on his theory of dramatism, of which four concepts are most

relevant here: scene, act, and two products of their interaction, the 'scene-act ratio' and the 'attitude-act ratio'. To show their relations perhaps direct reference to Burke is best:

> As regards the Dramatistic [sic] tautology in general, an act is done by an agent in a scene. But such an act is usually preceded by an agent with a corresponding attitude, or 'incipient act' (as when an act of friendliness follows a friendly act on the part of the agent). The scene is motivational locus of the act insofar as the act represents a scene-act ratio (as, for instance, when an 'emergency situation' is said to justify an 'emergency measure'). But as an act derives from an attitude of an agent, the agent-act ratio can be reduced to an attitude-act ratio, as when a friendly agent does a friendly act. (Ibid. 180−1)

Drawn from Burke's model, Fig. 6.1. shows the tautological cycle of identifications based on the overall argument. The notion of 'motivational locus' is important, as it largely determines the actors' reactions, and is itself shaped and re-shaped by actor-and act- identifications. From this it follows that 'the scene as motivational locus' is itself a tautological construction, as are the patterns of interactions that take place within it. From the quote above, one can easily imagine the causal patterns of interconnections between scene, acts, actors and attitudes becoming so convoluted as to make it virtually impossible to isolate any one specific set of linkages − there are far too many interconnections for such neat determinations to be made. It is this chaotic situation when the tautological character of processes of identification achieves maximum effect, and for this reason I have placed the state of exception at the centre of the cycle, as shown. As fig. 6.1. shows, Schmittian and neoconservative processes of identification follow largely similar tautological trajectories with only slight deviations. The most obvious difference between them is the approach to morality − whereas neoconservatism is characterised by aggressive moralism, Schmitt denied outright any place to moral concerns in the concept of the political. However, as argued in Chapter two he failed to support any such claim − his own models are inescapably bound to moral positions by another name. Therefore, what appears as a major difference between Schmitt and neoconservatism is accounted for by an inspection of Schmitt's ontological presumptions and unveiling of the moral positions he tried to hide; this we have done in Chapter two also. Another possible point of divergence between the two is the related issue of universalism − while neoconservative rhetoric is stridently universalist in tone, Schmitt denied the possibility of universalism as energetically as he denied the place of the moral in the political − and for related reasons, as we saw. While it cannot be said that Schmitt advocated any particular universalist model, a political philosophy based on the ideal of purity, with faith only in decision and action of such extreme certainty that all other considerations are subjugated to it, itself constitutes a universalism of sorts. Whereas neoconservatism advocates aggressive moralism, Schmitt, despite strenuous efforts to conceal it, founded his positions on aggressive purism. Both, therefore, have strongly expansionist and ultimately universalising tendencies; they differ only in tone and detail.

CONFLICT/ OPPOSITION

Affirmation and reinforcement: of scene, of responses, of all agents' identities, of all attitudes

Scene = motivational locus of the act: 'war on terror'

Similarly preconditioned reaction of second party: 'insurgency/repeated attack on freedom'

STATE OF EXCEPTION/ 'EXCEPTIONAL' SITUATION

Actor: established identity: 'victim/freedom-loving nation'

Preconditioned identity-based ideological position: = attitude: 'attack on freedom'

Second party: 'enemy' (Schmitt); 'terrorist state/tyranny' (neoconservatism)

Action (sovereign act): 'war of liberation'

Attitude-conditioned response = decision: 'fight for liberty/ defence of democracy'

Fig. 6.1: **Tautological cycle of identifications in Schmitt and neoconservatism**

Metonymy: reference and reinforcement

The tautological cycle is Burke's demonstration of how terms for different orders become intermingled and often confused. This identification and inevitable misidentification occurs through the verbal order − but through what specific acts of language? Put another way, what principal rhetorical elements give processes of identification get their characteristics? Burke (1969:

503–517) considered this issue of language in terms of 'master tropes'. Two of them, metaphor and metonymy, are significant for present purposes. The neoconservative reduction of 'terror state' to simple raw material either for re-use in 'nation building' or destruction follows the circular pattern of 'metaphorical extensions' described by Burke. (Ibid. 506) Two phases are distinguished, as is also the case in the following description, where our own elaboration in the neoconservative context is developed alongside Burke's: First, the reification of state to 'terror state': 'Language develops by metaphorical extension, in borrowing words from the corporeal, visible, tangible and applying them by analogy to the realm of the incorporeal, invisible, intangible; then in the course of time the original corporeal reference is forgotten, and only the incorporeal, metaphorical extension survives...'(Ibid. 506) Here I must emphasise that this paper is concerned not with what happens in practice when neoconservative visions are transformed into the bombs, handshakes and resolutions of foreign policy – what needs to be kept in mind is that we are concerned here with what they do *rhetorically,* how their visions of the world come to constitute the particular dynamics we define as processes of identification and the two main components that combine to form them, processes of exception and distinction. As seen the justification for choosing to analyse writings from the AEI in section 5.4. there is no doubt that rhetoric has a major role in shaping policy – and the consequences of that policy, in turn, feed back into the development of the same rhetorical patterns which partly led to those consequences. Looked at from this perspective, the whole 'scene' of interconnected and interdependent rhetoric, policy and consequences is revealed as a thoroughly tautological cycle. Real change only occurs when something 'non-tautological' enters the cycle. But as any ongoing conflict shows these cycles are exceedingly difficult to interrupt. Their continuation leads to increased momentum, making attempts to break the flow not only more difficult but also increasing their likelihood of failure, and consequent resumption of the cycle. Second, the reversal of the metaphorical extension, from 'terror state' to 'transitional' stage of 'newly emerging democracy'. Here we modify Burke's description of the reversal. Instead of getting back to, or to an approximation of, the original 'corporeal' state, what is *intended* to happen in the neoconservative vision is that by reversing the cycle the process of identification attempts to produce a *new* 'corporeal' state with 'democratic' characteristics. This is in contrast to the earlier phase in which it was reified as a 'terror state'. Therefore, the modification of Burke's model notwithstanding, we arrive at reversal 'by a 'metaphorical extension' back from the intangible to a tangible equivalent; [...] and this 'archaicizing' device we call metonymy.' (Ibid. 506)

At this point it is important to examine briefly some other properties of metonymy, as it is evident that this 'archaicizing' device is of major importance in understanding how identifying processes function through language. Two other properties are especially relevant. First, metonymy has large potential for creating new identifications because it involves 'the contextual establishing of a propositional content rather than the reinterpretation of an already determined [sic] and evaluated one' (Leezenberg 2001: 179) However, this distinction seems to attach too little importance to the reifying potential of metonymy, which seems essential to making identifications 'stick' through being repeated and acted on. In this regard Hebron's classification is more

appropriate: unlike metaphor, which creates new associations, metonymy tends to reinforce already existing associations through repetition. (Hebron 2004: 149) Metaphor has the main task of increasing understanding; while metonymy also does this, this is secondary to its *referential function* (Lakoff and Johnson 1980: 36) – its use of a specific symbol to stand for a larger concept. Metonymy is not always referential (Barcelona 2003: 83-5), but that need not concern us here.

For present purposes, the essential implication of this combined referential and reinforcing quality of metonymy is its *legitimating* role: it is precisely through repetition that metonyms and the identifications they assign become more concrete, so that determined labelling of an enemy as 'tyrant', for example, will be successful if it leads to more support (or at least less active resistance) among a population for actions and policies directed by the sovereign against the 'tyrant'. In this sense, through repetition metonymy can as easily create misunderstandings as well as the opposite. Similarly, assigning and repeating the metonyms of 'patriot' and 'patriotism' to support (and supporters) of government policies of militarization at home, and war abroad creates an environment in which these sovereign acts are more easily legitimated; at the very least, the accompanying negative metonyms of, say, 'appeaser', 'anti/un-American' and 'demoraliser of the troops' will prove effective identifications in stifling the conduct or even expression of dissent.

In the model in Fig. 6.1. there is no starting point as such − in keeping with Benjamin's critique, the state of exception could more accurately be described as the rule, particularly keeping in mind the neoconservative view of the 'war on terror' as an unending war for 'freedom and democracy'. In that sense, events such as an attack may intensify the exchanges that take place at certain points in the tautological cycle, and some different actors may enter the scene, but regardless of these and similar modifications the *cycle* will continue; and what makes it tautological is that in following its trajectory it produces and continuously regenerates the conditions for its own legitimation. When the intensity of interactions increases, in keeping with the model above there is a corresponding intensification of processes of identification, because of the oppositional nature of the identities involved (keeping in mind that we are discussing the model in the context of Schmitt and in particular neoconservatism). So self-identification, say, as a 'liberator' engaged in a 'war for freedom' is reinforced, and as a result actions then advocated by that agent (writers of neoconservative articles do not themselves go to war) are justified both by the identity of the 'liberator' and the cause he identifies as his 'war for freedom'; being tautological, such processes of identification operate with greater effect when the causal relationship becomes so convoluted it can no longer be unravelled or traced back to its source.

Keeping in mind the state of exception or 'exceptional condition' as the axis around which our cycle revolves, we must consider the essential element that Schmitt based so much of his theorising on − the *decision* that the exceptional situation demands. From a Burkean dramatistic perspective, the scene ('a time of terror and great uncertainty' or 'a battle between the civilised world and tyranny'), act ('war for freedom'), and actors ('tyrants/terrorists' and 'forces of liberty') all greatly influence each other. The act for Burke constitutes a demand; the desire to establish a

particular 'order' means taking a decision that will banish a particular type of 'disorder.' What then becomes evident is that the ultimate Schmittian act, the purely sovereign decision, itself becomes part of the tautological cycle:

> 'Temptation' is but a tautological aspect of the idea of 'order.' It is grounded in the idea of a verbal command, which by its very nature contains possibilities of both obedience and disobedience [...] We reserve our commands (or requests!) for language-using entities that can, to varying degrees, resist. And the command is backed, explicitly or implicitly, by promises or threats. (Ibid. 186)

So in the case of the Schmittian decision, then, we could imagine that the attitude-conditioned act, if it is imposed in overtly aggressive *terms*, whether or not these correspond accurately to the acts that follow, will if directed against a similarly aggressive target significantly precondition an aggressive response − the command is met with disobedience of some sort, thus justifying the enactment of the threat of actual force that came with the demand. By being made in a manner that increased the likelihood of a negative response, the sovereign command produces its own conditions for legitimating the subsequent act which gives the decision concrete form − the tautological loop is closed. In the case of neoconservatism, the polemics of the AEI clearly demonstrate how political decisions that are influenced by confrontational processes of identification lead to combative foreign policy stances easily becoming self-fulfilling prophecies.

What the discussion of the tautological cycle and a number of other Burkean dramatistic concepts is intended to do is to aid understanding of how the mechanism of tautology serves to resolve the tensions produced within processes of identification through their self-contradictory nature in such a way as to take advantage of their essential oppositional effect while reducing the likelihood of their leading to excessive instability. As a further aid to this, Fig. 6.2. below shows a more detailed model, again based on Burke's dramatism. I should point out a modification of Burke's 'dramatistic pentad' of scene, act, agent, agency and purpose. (Burke 1969, 1973) Instead of five I have four categories; 'agent' is changed to 'actor'. Also, in addition to 'scene', 'act' and I add the fourth category of 'attitude', a combination of the pentad's 'agency' and 'purpose'.

Although we have placed Actor at the centre of the cycle, all four elements are equally 'tautologically' interrelated; the centrality of the actor here is meant to emphasise the centrality of processes of *self*-identification, although as can be seen from the diagram other identifications are bound up in it, such as those of enemies, rivals, the 'scene' (in the case of neoconservatism this being the 'war on terror', the 'unipolar world', etc.), acts ('acts in defence of freedom', acts of tyranny', and others depending on the specific actor being identified), and so on. The four dramatistic elements are elaborated on in fig. 6.2. by relating them to the four Schmittian sets of terms for distinction developed in Chapter five's analysis of the AEI writings on sovereignty. To reiterate, these were terms for necessity, legitimacy, authority and hierarchy, which combined fulfil the role of rhetoric as a means of identification, Burke's key insight from *A Rhetoric of Motives*.
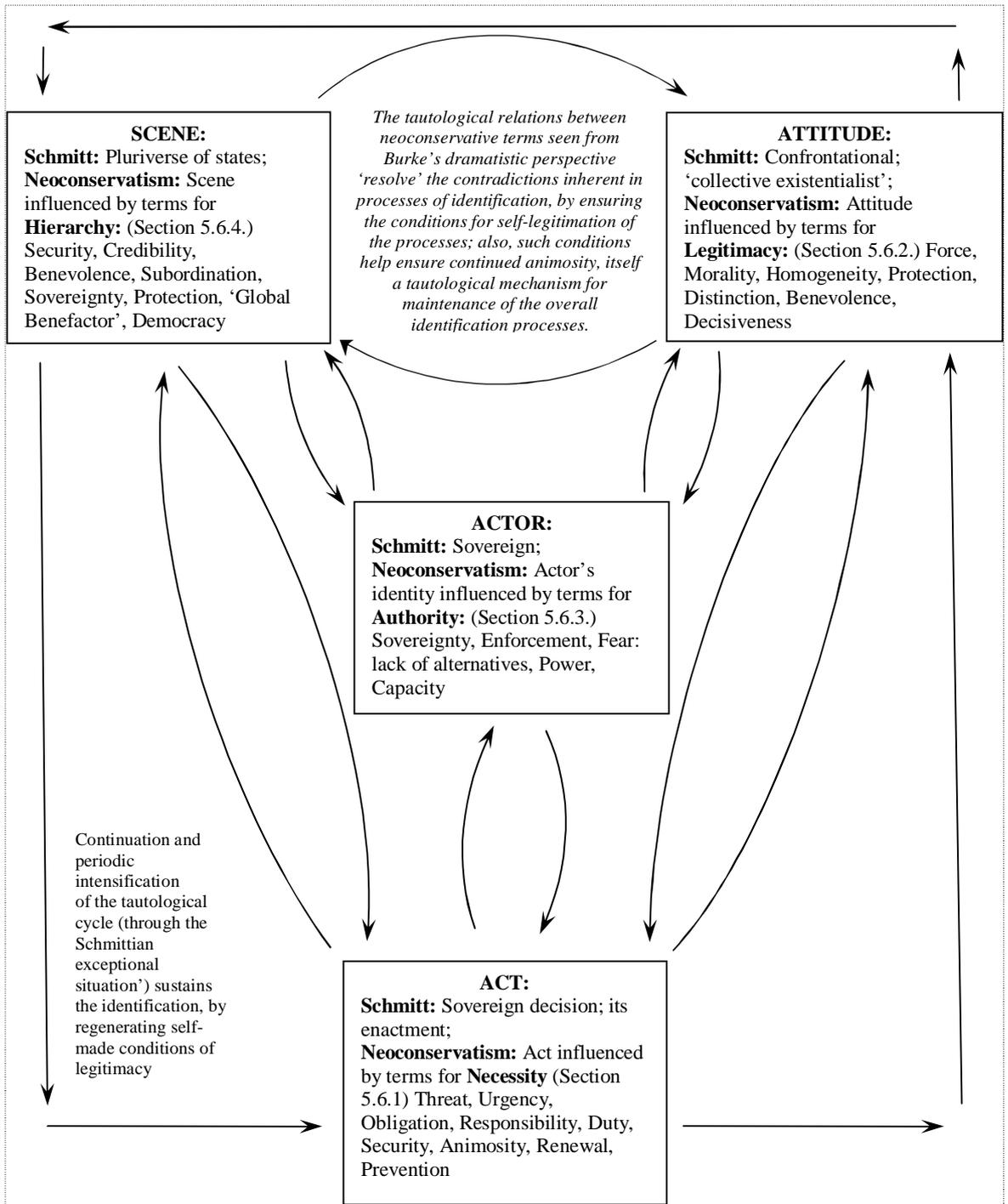
SCENE:
Schmitt: Pluriverse of states;
Neoconservatism: Scene influenced by terms for **Hierarchy:** (Section 5.6.4.) Security, Credibility, Benevolence, Subordination, Sovereignty, Protection, 'Global Benefactor', Democracy

The tautological relations between neoconservative terms seen from Burke's dramatistic perspective 'resolve' the contradictions inherent in processes of identification, by ensuring the conditions for self-legitimation of the processes; also, such conditions help ensure continued animosity, itself a tautological mechanism for maintenance of the overall identification processes.

ATTITUDE:
Schmitt: Confrontational; 'collective existentialist';
Neoconservatism: Attitude influenced by terms for **Legitimacy:** (Section 5.6.2.) Force, Morality, Homogeneity, Protection, Distinction, Benevolence, Decisiveness

ACTOR:
Schmitt: Sovereign;
Neoconservatism: Actor's identity influenced by terms for **Authority:** (Section 5.6.3.) Sovereignty, Enforcement, Fear: lack of alternatives, Power, Capacity

Continuation and periodic intensification of the tautological cycle (through the Schmittian exceptional situation') sustains the identification, by regenerating self-made conditions of legitimacy

ACT:
Schmitt: Sovereign decision; its enactment;
Neoconservatism: Act influenced by terms for **Necessity** (Section 5.6.1) Threat, Urgency, Obligation, Responsibility, Duty, Security, Animosity, Renewal, Prevention

Fig. 6.2: **Tautological cycle of neoconservative terms for distinction from AEI case study[137]**

Taking another dramatistic concept, it would not even be possible to locate the point of origin of any tautological cycle, since all interactions are exchanges in an 'unending conversation'. But as we have seen this never presents attempts, as with Schmitt and neoconservatism, to draw a line barring scrutiny of past histories and so prevent certain legitimations from being questioned,

Explanatory note: Apart from the overall tautological cycle formed by the four dramatistic elements, four other such cycles are contained within it: act-scene-actor, act-actor-attitude, actor scene-attitude, and attitude-scene-act. To maintain reasonable levels of clarity these are not shown, and also to avoid as far as possible the appearance of a 'no-risk' diagram, with arrows pointing in every conceivable direction.

and even attempting to draw a line through the future, by attempting to fix certain identifications at some point beyond which no further change is desired. Both types of attempt are bound to fail; indeed, progress in any case of conflict is dependent on such dogmatic voices losing ground to more reasoned and flexible positions. These other, more conciliatory identification processes, if they are ever to be successful can only be so by showing readiness to compromise and so accept a certain amount of 'failure'– they cannot attempt to firmly establish any positions with such concreteness that it would amount to drawing a line at some point in the past, present or future development of the 'unending conversation' of global politics.

Fig. 6.3. shows the overall structure of processes of identification in the US context. This condenses the discussion of US identity politics from Chapter three onwards; each of the categories are shown in the broadest possible terms, linking historical and present cases. The neoconservative case alone is not shown, as I want to emphasise that it is only the latest stage in a long continuity of exceptionalist identification in the US. It is unlikely to be the last. Compare to the Schmittian model in Fig. 2.5: rather than the political as the third major example of the process of distinction, *hierarchy* is more appropriate in the US case, being a strong tendency identified in both past and present cases. As for Schmitt, the other processes of distinction are sovereignty and democracy.

What tautological cycles suggest is *repetition* – one of the strongest characteristics of identification process in neoconservatism and Schmitt, and essential to the metonyms they contain. The following excursus on Burke draws together the different variations on the theme of repetition running through the preceding chapters. By summarising in this manner my aim is partly to avoid the charge of repetitiveness against my own work, by instead revisiting the earlier discussion to more clearly extract and present the themes of repetition and continuity from a fresh angle.
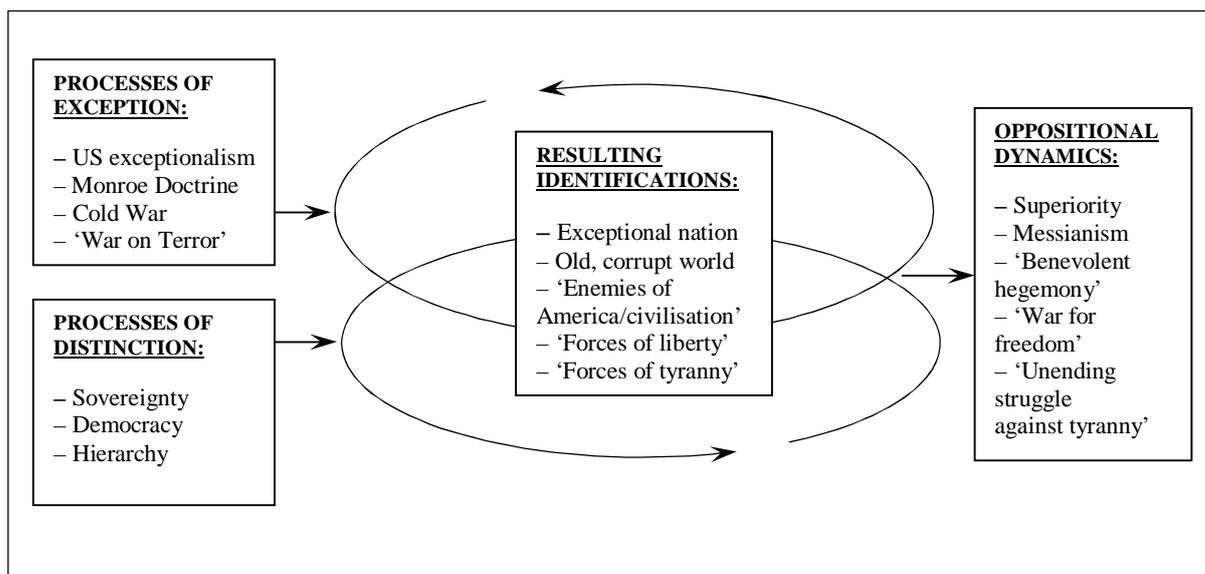

Fig. 6.3: **US processes of identification, past and present**

Excursus: National identity as literary form: a reading of Burke's *Lexicon Rhetoricae*

> If one supplements [Burke's] early essays from *Counter-Statement* with the tools of discourse analysis to be found in [his] subsequent meditations on the grammatical, rhetorical, poetical and ethical aspects of language as symbolic action, one has a very powerful machine for criticism indeed. (Henderson 2001: 140)

In *Lexicon Rhetoricae* Burke (1957: 123−183) develops a 'diagnostic rather than hortatory' model for analysing literary form, of which he distinguishes five categories: *progressive* form, divided into syllogistic and qualitative progression, *repetitive* form, *conventional* form, and *minor or incidental forms,* including metaphor and paradox. (Ibid. 123−4) As the intention here is to summarise our overall account of processes of identification from the particular perspective of emphasising how the various elements of our argument are unified by characteristics of repetition and continuity, we will focus mainly on the category of repetitive form, which is in any case perhaps the most important of all the categories. Accordingly, Burke's view of it will be described briefly before proceeding. A few lines is sufficient, because the idea is very simple; it is

> the consistent maintaining of a principle under new guises. It is the restatement of the same thing in different ways [...] By a varying number of details, the reader is led to feel more or less consciously the principle underlying them − he then requires that this principle be observed in the giving of further details. Repetitive form, the restatement of a theme by new details, is basic to any work of art, or to any other kind of orientation, for that matter. It is our only method of 'talking on the subject.' (Ibid. 125)

The quote itself is a good example of what it describes; Burke makes the same point five times. The requirement 'that this principle be observed in the giving of further details' can be taken as an early version of his dramatistic principle of the scene-attitude ratio, and therefore a review of our argument from the perspective of repetitive form would be expected to further emphasise the tautological characteristics of the overall processes of identification as they occur in Schmitt and neoconservatism. Without unnecessarily revisiting that already familiar pattern, however, the tautological nature in which forms repeat in Schmitt's and neoconservatism's identifications will be assumed rather than emphasised further. Instead, what I *will* emphasise further through discussing repetitive from are those conceptual elements classifiable as metonymies, because as we have seen it is through repetition and reinforcement of these that reification of language is advanced.

Lexicon Rhetoricae 'attempts to define the principles underlying the appeal of literature.' (Ibid. 123) With Schmitt and neoconservatism, what kind of literature are we dealing with? *War literature* would seem the obvious category. While appropriate to Schmitt's writings taking into his preoccupation with the theoretical enemy, it fits the neoconservative writings examined in Chapter five particularly well. The enemy looms large in the hardly defined form of 'terror'; 'friends' are to be watched closely, as potential traitors. The writings do not have the purpose of 'rational' argument as such, but although they are strongly polemical and contain serious flaws, they are by no means 'irrational' either; they certainly have a sense of purpose, and proceed very surely and concertedly towards their chosen aims, if mostly through brash assertion rather than argument. If neither rational nor irrational, what are they? Burke's category of 'non-rational' encountered earlier seems appropriate. Here we reach a description that encompasses neoconservatism *and* Schmitt

equally well: the latter's decisionist was driven by a number of dogmatically held beliefs. Although far above the level of the AEI writings in terms of argumentation, reasoning is not Schmitt's preferred method either; if it was, few of his theories would have the blunt force of positions stated with absolute conviction that they do. Burke (1984: 171) defends his distinction as follows:

> Many of our rationalists have made things more difficult by confining us to a choice between […] the 'rational' and 'irrational.' But if a tree puts out leaves in the spring and drops them in the autumn, its act is either rational nor irrational, but non-rational. And so it is with many human processes, even mental ones, like the 'identification' that the non-heroic reader makes with the hero of the book he/she is reading. To call such processes 'irrational' is to desire their elimination. But we question whether social integration can be accomplished without them.

It is safe to say at this point that both Schmitt and neoconservatism have visions of 'social integration' of radically different colours and degrees than Burke himself might wish to see accomplished. But the point is still pertinent: both the major focuses of this study engage in processes of identification that are best described as non-rational, in that they are driven by motives that function independently of 'reason' in the sense of dispassionate, detached reasoning of positions. Instead they display a strong *attachment* to their respective non-rational ontological foundations – what Rapaport (1960) aptly calls 'the blindness of involvement.' Schmitt's attachment is to the ideal of purity in its various forms, (section 2.2.2.), neoconservatism to its US exceptionalist lineage. This is not to completely exclude elements of either rationality or irrationality from either case – I have shown in detail how both instances of identification process are fundamentally contradictory, which would suggest irrationality. But one can equally identify elements of rationality – this is true of Schmitt, in particular, who made many acute observations on liberalism and 'politics as technology' (McCormick 1997) that are still highly relevant. But the defining characteristic would seem to be non-rationality – and this is where the main theme of this excursus, national identity as repetitive form, is especially relevant.

Identification with and attachment to the nation being itself a non-rational sentiment (to avoid the inaccuracy and judgemental tone of 'irrational'), the appropriate starting point would be Schmitt's collective existentialist view of the identity of the people. This is repeated through the metonymies of the sovereign, who embodies the Schmittian ideal of purity in the form of pure authority to act, to take the purely sovereign decision. (Because I want to highlight how the various metonymies might appear in their hypothetical and successfully reified forms, we are concerned here with Schmitt's 'ideal scenarios'; obviously no reality could have complete purity, perhaps not even in Schmitt's imagination). The sovereign's identity and that of his acts are balanced, in turn, by the repeated deference and obedience of the people, Schmitt's metonymical 'fighting collective.' Schmitt himself described the exception 'as a general concept in the theory of the state'; therefore it very neatly exemplifies Burke's idea of repetitive form, being the periodic restatement of at least *three* of Schmitt's consistent themes: the basic fact that human nature is evil, dynamic and 'by no means unproblematic'; that the rivalry and competition that is bound to result repeatedly from this will inevitably lead, repeatedly, to the exceptional situation arising time and

again where the normal order is no longer applicable; and the response to such a state of exception with the sovereign decision again confirms the essential relation between protection and obedience that makes sovereign rule truly authoritative. In fact, it is through *repetition* that the sovereign keeps its dominance over the population, and it is only the unified and motivated, sovereign-led nation which keeps and even improves its position relative to others through rivalry and war, through repeated performances as a homogenous fighting collective. The point is made: in this perhaps 'ideal' model, all the various Schmittian elements function as metonyms, and, being metonyms, unfailing repetition at every level of interaction is essential to sustain the entire construction of Schmittian concrete thought. That such an arrangement repeatedly legitimates itself is due to two resolving devices, as we've seen: the oppositional dynamic itself, ensuring a setady flow of animosity to identify against, and the tautological cycle of the processes of identification.

In neoconservatism the repetitive dynamic is similar. The central metonym that is repeated and reinforced is the exceptionalist nation, as with Schmitt. Around this unifying and repetitive metonym of US exceptionalism many other instances of repetitive form can be distinguished. One of the strongest is the Monroe Doctrine, which we can treat as a metonym in itself since it provided major new possibilities for giving concrete expression to the 'meta-metonym' of exceptionalism. As A Burkean 'restatement of the principle' of exceptionalism, the Doctrine further reinforced it through Wilson in particular. Similar reinforcement now occurs through neoconservatism and the 'war on terror.' The Schmittian metonymies of the strong sovereign, the exceptional situation and the people as a fighting collective are also repeated and reinforced in the US context, as the AEI study demonstrated. The metonym of the sovereign as repetitive form is especially relevant. We encounter a major contradiction of the Schmittian sovereign here: although he certainly advocated a system of sovereign hierarchy through his *Grossraum* concept, it was a system where the world was ruled by a small *group* of hegemonic sovereigns – by no means did he welcome the development of a single *universal* sovereign, which is what is currently developing in the US model. The principal dynamics of Schmittian and neoconservative processes of identification are opposition, repetition, and reinforcement (reification) through metonymical expression, but in the development of a sovereign with universal pretensions the process seems to be getting out of hand. The standpoint of repetitive form, 'the restatement of a principle by adding new details', reveals a paradoxical addition in the case of the neoconservative conception of the US national identity. Repetition and intensification of the *particular* – a single state with an exceptionalist self-perception – will find that its universalist ambitions come into direct conflict with this core ontological presumption. Here what is 'non-rational' seems to deteriorate into simple *ir*rationality: one cannot remain exceptional and unique if they are to succeed in shaping others in their image. Even though such 'success' may not even be intentional – as Krisch (2003) and Simpson (2004) show, US governments do not want others to emulate what it *does* but instead to remain bound by constraints it remains free from – it is wishful in the extreme to assume that states will not follow US 'example', as is clear from the rapidly spreading popularity of 'war on terrorism' as a catch-all justification for increasingly forceful rule in many countries.

In the case of neoconservatism, what are we to learn from this short exercise in distinguishing repetitive form? One important thing it shows, as does thinking in terms of metonyms, is the power of endless repetition. This was a notable feature of the AEI writings analysed, although it was not commented on explicitly there. It is certainly an effective tactic, all the more so due to the fact that there seems to be a general tendency to overlook the power of repetition in search of more 'sophisticated' argumentational techniques. But such false sophistication may be a dangerous oversight, particularly when one bears in mind that the technical capability to replicate and repeat messages and 'information' seems to be constantly expanding. Halper and Clarke's (2004: 194-5) description of the 'echo-chamber effect' in the US media that neoconservatism very effectively capitalises on demonstrates the power of continuous, repeated output, with the result that sources of frequently misleading or inaccurate messages become very difficult to trace. As a result, *responsibility* becomes all the more difficult to attribute, and consequently easier to evade. The deceptively simple, bludgeoning tool of constant repetition has, then, very sophisticated and often subtle channels, and it would be wise to pay greater attention to repetitive form in political contexts.

7. **Processes of identification: Summary and concluding observations**

In light of all that has been said we should now be able to return to the four key questions we set out with. If our investigations have stayed on track, then the answers will of course have been given in detail already; what follows in the first section below are brief summaries of how these initial guiding questions were actually addressed.

1.   *What kinds of identification process are developed in the discourses of Carl Schmitt and post-9/11 US neoconservatism, and how are they conceptually related?*

In both cases the identifications they make are fundamentally oppositional, and are heavily reliant on patterns of exceptionalist thinking in the broad sense. That is, they draw their strength from both operating through a crisis mentality and by creating conditions of crisis in their political environment – politics becomes far removed from debate and procedure and every decision becomes a matter of extreme urgency and necessity.

2.   *How do these processes work?*

Through the exceptions and distinctions they create, what is most consistently excluded is the possibility of compromise and rational debate. Both Schmitt and neoconservatism continually emphasise the need for order and strong, decisive authority, and it is ironic that both pursue this basically conservative agenda by radical means. That is, both aim to reach their ultimate objectives of concrete order through programmes of upheaval – Schmitt through the ideas of the people as a continually fighting collective and the repetitive symbol of the exceptional situation, neoconservatism through the analogous, unending 'war on terror'. As rhetorical efforts, both come under the category of *war literature* – situations are depicted in the starkest of terms, and what is at stake is the very survival of the nation, literally and also figuratively, as its identity is under attack from within and from without.

3.   *Why are they like this − from where do the respective Schmittian and neoconservative processes get their characteristics?*

Schmitt's ontological presumptions are by now familiar; these are his 'universals', although he explicitly denied universalism as a dangerous delusion that robbed nations of their fighting spirit. This latter is part of the peculiar collective existential ontology that Schmitt's concrete thought and identifications are most strongly characterised by. Neoconservatism shares very similar foundational presumptions, resulting in identification processes with very similar oppositional dynamics.

4.   By thinking in terms of such processes of identification, what can we learn about identity politics and the 'war on terror'?

Here we are concerned specifically with neoconservatism, but nevertheless many aspects of the analysis of Schmitt are relevant also. What is most important about thinking in terms of processes is that it prevents any analysis becoming unnaturally cropped to fit a fixed frame of reference that is always too narrow – by this I mean that neoconservatism must not be looked at as an aberration. To do so would lead, first, to an ahistoric view by failing to notice or even denying the strong continuity of exceptionalist trends within neoconservatism. To date these trends only to the Cold War era, when neoconservatism most *clearly* emerged, is to 'disown' it of its far deeper heritage – and to disown also the responsibility for allowing such patterns of thinking to develop such a firm and dangerous hold on political processes that have enormous consequences far beyond the borders of the United States. Second, 'aberrationalist' thinking also denies the more fundamental issues that underlie neoconservatism. Because it is an intensification and continuation of extremely long-running exceptionalist processes, even when these take a form other than neoconservatism at some point in the future, they will not cease to exist. While this means that the world must learn to live with the US exceptionalist mentality to some extent, it *also* means that the US must learn – or be *taught*, through peaceful but insistent and powerful means – to live with the world. The lesson must be that there is no shame in being a 'normal' nation, meaning not submission to a bland universalism of any kind, where I am in rare agreement with Schmitt, but rather acceptance of the fact that no state can be above real *engagement* with the world. The world and all others on it do not exist solely as material for any one state or national grouping to change at will. *Real* change and progress can only be made through agreed and therefore *mutual* development.

Through thinking in terms of identification processes, this issue of change is an essential point that has been successfully highlighted – Schmittian and neoconservative processes of identification are at once radical and strongly oppositional, meaning that they drive towards comprehensive change which they then wish to prevent from deviating any further from their vision. To take up Burke's idea, the non-rational becomes irrational. Neoconservatism is the present-day manifestation of a worldview marked by paradox – the result is a spasmodic foreign policy that rarely seeks to *engage* with the world on negotiable terms, but instead oscillates between impulses to withdraw from it and, as now, even stronger impulses to restructure the world in line with its own conflicting preferences. The paradox is reflected also in the highly problematic attitude to change. In common with Schmitt, they attempt to bring about change of a very extreme nature without regard for competing wishes and opinions, even when these will be severely affected. Fast, radical change without engagement, thereby ignoring the inevitable demands of debate and discussion that must be met for any change to be legitimate, sustainable and just, can otherwise only occur through simple domination, and that is both unethical and destructive for all concerned – including the dominator. Second, I have criticised Schmitt's collective existentialism because it leads to the dangerous tendency to reify the product of a subjective and arbitrary identification – one person's decision on what constitutes the 'true' identity of the people – thereby

attempting to forcibly remove the 'thing' it names from the tautological cycle of change which is an inescapable and essential condition. Neoconservatism can be criticised on comparable grounds; it too is a 'collective existentialist' ideology. While the impulse to force through change is highly destructive, the opposite impulse is perhaps even more damaging, leading as it does to totalitarianism; while life would be impossible without the means to *control* change, the desire to put an end to change itself can only lead to tyranny. The 'short twentieth century' as Hobsbawm (1994) called it in his *Age of Extremes,* was marked by political movements that attempted in various ways to respond to the problematic relationship between change and identity by seeking to exert total control over both.

Before ending with a discussion of further lines of enquiry suggested by the current research, I should consider some of the alternative approaches – the roads not taken, to speculate briefly on where they might have led.

Alternative approaches to the study of identity

Patomäki (1992: 25-6) observes that social sciences tend towards over-specialisation at the expense of examining issues in their broader context. Having chosen to analyse two broad cases of identity-creating politics, I have concentrated exclusively on their rhetorical and ideological aspects. The outcome may in one sense be the same narrowness of focus that Patomäki criticises, by having overlooked the *structural* factors that give rise to the types of identities and identifications I have been concerned with. I will briefly consider below what some of these might be as regards the two major instances of identity politics I chose to analyse. The point is, of course, that no one approach will fully explain any issue; even in the areas I have concentrated on there is still very wide scope, and need, for further investigation. I will return shortly to this point.

My aim has not been for 'comprehensiveness', if this even has any meaning at all, but rather for a reasonably detailed examination of an area delineated in a justifiable manner so as to make this possible. Patomäki's argument is one in favour of greater open-mindedness and interdisciplinarity in the practice of social 'science', and although I have excluded structural issues which are undoubtedly of great significance to the issues I have studied, my approach is certainly not narrow in being restricted to any one discipline. Having said that, to take the case of neoconservatism there are a number of areas where a structure-focused approach could be highly insightful, which of course should be the outcome regardless of the specific focus or methodology of the study. These are think tanks, and the broader infrastructure of the military-industrial complex and its present-day connection with politics and the media in the United States and elsewhere. Drawing on Eisenhower's original warning Morgenthau called this the 'academic-political complex' (Gilbert 1999: 69, 84-85), which Der Derian (2001) has reconfigured as 'the military-industrial-media-entertainment network'. Structural factors are also important in another way, one that goes some way to explaining the extreme urgency of neoconservative writings. As Ricci points out, think tank fellows tend to follow the policies of their institution and working environment –

Washington, D.C. itself − to safeguard their personal positions and standing.[138] However, although a study of structural factors would provide a more easily applicable guide to action than the type of study I have produced, any reforms would still have to contend with ontological and ideological factors, and these are far more resistant to change than material conditions. It is not a question of either/or, of any one research approach being 'better' than others; *many* are needed, and can be mutually complementary and influential.

On another point, my study is clearly state-centred; this does not reflect my own view of global politics. Rather, it was unavoidable in analysing two bodies of doctrine that address their arguments principally to the 'sovereign state'. Compared to the approach I took, I felt there would be relatively little to gain in looking beyond the level of states, as this would amount to measuring neoconservatism and Schmitt by standards they make no attempt to follow. This is especially true with Schmitt, writing before NGOs, think tanks and anti-/alternative globalisation movements became widespread; there would appear to be little sense in criticising his work the grounds that it was firmly statist – in his era, global politics *was* inter-state relations and little more. I have taken his theories on their own terms. The situation with neoconservatism is different; it is a state-centred doctrine, as the case study showed, which is partly why 'traditional' conservatives and some libertarians object to it and the implications for larger and perhaps more intrusive government it brings for US domestic and foreign policy. Neoconservatism is largely hostile to the idea of non-state actors engaging in politics, as can be seen from their sustained criticisms of international institutions.[139]

Conclusion: The task ahead

[Man] is not the master of the myth that guides his understanding. – Paul Feyerabend, 1974 [140]

Feyerabend's eloquent statement serves to highlight the twin danger behind the instances of concrete thought I have been concerned with understanding: rhetorical constructions to serve immediate political purposes not only become potentially oppressive for those subjected to their concrete effects, but also create a dangerous illusion of all-powerful control and ability to reshape the world for those caught up in their promotion. This point is essential to reiterate: neoconservatism may *draw* on long-running themes of superiority, animosity and the need for conflict, but as the Iraq war has shown it is certainly incapable of controlling what it unleashes. Even more importantly, even if it did prove capable of 'mastering the myths' that created it and that it develops further, it has no legitimate *right* to seek to exert such control: its ambitions have seriously damaging consequences far beyond US borders. For this reason, its presumption to be the

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[138] '[C]ompetition for visibility heightens tension in the city. For example, in order to make their work look important and convince other Washingtonians to pay attention to it, policy experts [...] tend to talk about real-world problems as if they are more dangerous than many of them really are.' (Ricci 1993: 228)

[139] The AEI and the Federalist Society has set up an organisation called NGO Watch, '[i]n an effort to bring clarity and accountability to the burgeoning world of NGOs', many of which 'have strayed beyond their original mandates and have assumed quasi-governmental roles.' http://www.ngowatch.org/info.htm Seemingly, in the hierarchy of non-governmental politics, think tanks feel entitled to a higher rank − and greater influence on government policy − than NGOs.

[140] Feyerbend 1998 [1974]: 62 (Emphasis in original)

voice of the world and the instigator of an ideology-driven highly exclusivist and potentially highly interventionist 'community of democracies' is one that must be thoroughly refuted on the widest possible scale. When the 'national interest' of any given country is defined so broadly and in such inflammatory terms that it can only lead to intensified conflict, it is in *everybody's* interest to oppose it. As Fairclough (1989: 244) argues, existing orders of discourse are not immutable, and relentless questioning of dangerously oppositional and exclusionary rhetoric is an essential step in breaking the grip of the types of concrete thinking exemplified by Schmitt and neoconservatism.

The processes of identification as I have identified them in the writings of Carl Schmitt and in the rhetoric of US neoconservatism are only extreme types of identifications; what Wallerstein (2000: 156-8) calls in a different context 'the temptation to reify' is perhaps inevitable, all we can do is guard against its most damaging manifestations. It has been my intention through a somewhat eclectic approach to rhetorical analysis to highlight how particularly intense forms of identity politics operate, and hopefully I have had some success in showing how one can identify long-running, historically shaped processes within the discourse of the 'war on terror' that are all to often presented as unprecedented cases. The rhetoric of unprecedentedness – itself a form of exceptionalist discourse – is perhaps one of the most dangerous lines of dogma to defer to; in practice it tells us 'you have no experience of the situation, and are powerless to influence what is going to happen, and have no control over how the world is changing.' This is clearly false; by identifying patterns of *continuity* within the supposedly unprecedented and exceptional we can reject the powerlessness demanded of us by such a necessitarian position. The 'war on terror' is but a continuation of the long-established politics of inevitability, the will of the few hidden behind the concrete authority of the supposedly 'necessary.' This is merely disenfranchisement by another name; we must demand that all such dogmatic positions be submitted to the tests of argument and inclusive, careful debate that are a prerequisite of any position which lays claim to 'democracy.' Rhetorics is an invaluable contribution to the constant struggle against disenfranchisement, allowing us to question the exclusionary politics exemplified by Schmitt and neoconservatism. They are not unique, however; although some may be less explicit, there are many other cases in which reasoned voices are systematically excluded from debate. Indeed, debate *itself* risks being sacrificed to the endless cycle of dogmatism if we fail to demand otherwise.

I hope to have highlighted much that is familiar within the political discourse of the 'war on terror' insofar as it is propagated by neoconservatism; perhaps when lines of thought have been pointed out in one particular worldview in this way, we can recognise similarly damaging patterns of thought in other places too. I hope to have proven that I have chosen a worthwhile subject of study, by having demonstrated what is at stake in allowing such instances of concrete thought to go unchallenged; both Schmitt and neoconservatism operate on the sort of principles reflected in Schmitt's assertion that 'it is a fact that the entire life of a human being is a struggle and every human being symbolically a combatant.'[141] Such 'facts' are ideological constructions, and enormously damaging ones at that; if we want it to be otherwise, with effort we can make it so.

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[141] Schmitt 1996: 33

What I have tried to do is uncover the myths, ideologies and symbols of the discourses concerned and subject them to question; where found wanting as they often were, increased *awareness* of such previously implicit identification processes is a small, but I think important step towards remedying and preventing their worst effects. Burke's definition of man as 'the symbol-using, symbol-*misusing* animal' is a crucial insight, as is Russell's (1997: 61) recognition of the importance of such sensitivity to the use and misuse of symbols and language: 'By studying the principles of symbolism we can learn not to be unconsciously influenced by language, and in this way can escape a host of erroneous notions.' With greater capability to question what is said, not said and *should* be said about the crises that involve us all, and to place these within wider patterns of political discourse, we can more confidently move towards what Kuusisto (1999: 201) calls 'increasingly polyphonic and reflective descriptions of conflicts.' We are all somehow involved in the conflicts engulfing the world at present, even if only through tacit acceptance of a small, repetitive repertoire of inflexible and damaging 'arguments'. Certainly we must add new, more reasonable and conciliatory voices to an environment that at the moment is very far from any genuinely democratic ideal of an open and broadly empowering deliberative space. But we must not stop there – we must *also* demand that current, privileged participants in the previously exclusive conversation be required to submit their arguments, like all others, to the test of reason.

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