Carl Schmitt's Critique of Liberalism and the European Union

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Abstract

I invoke Carl Schmitt's “Critique of Liberalism” outlined in The Concept of the Political to better understand the European Union (EU) as a governmental institution. It is my contention that the EU is a liberal institution very similar to what Schmitt rails against in his critique of liberalism. For that reason I will demonstrate how the EU fits well into the mold Schmitt laid out to identify liberal politics. Also Schmitt’s critique of the liberal works well to critique the EU as a liberal institution. Therefore I use Schmitt's critique as both a starting point for defining the European Union and, by superimposing his critique onto the EU, I use Schmitt to argue against the future prospects of the Union.

Introduction

Theoretically a democracy should receive a vote and thus a quantitatively reached mutual agreement—but this cannot be decisively traced to one distinction of friend-enemy, to use Carl Schmitt's words, but rather many people's distinctions. In liberalism the state becomes completely subdued within society and, according to Schmitt, the political is veiled over, it's simply not possible to trace any friend-enemy distinction back to any state, person, institution, or even place. It is my contention that the EU faces this precise side effect of liberalism today. This effect, according to Schmitt, would eventually disintegrate the powers
and thus the existence of the state

Liberalism is one of [democracies] typical dilemmas of intellect and economics has attempted to transform the enemy from the viewpoint of economics into a competitor and from the intellectual point into a debating adversary. In the domain of economics there are no enemies, only competitors.¹

Schmitt reveals liberalism’s marriage to economics whereupon competitors are enemies rather than life-threatening enemies. Considering that the EU was founded over fifty years ago to create economic unions throughout Europe, this is a perfect starting point to understand the EU as a liberal institution.

That the EU began and continues to mostly only concern itself with economics is perhaps not the most novel revelation. But how is it to survive while attempting to work within the confines nation-state rhetoric? How might it survive in only the economic realm, remaining apparently neutral, and distancing itself from social dimensions? Considering all the nation-states participating in the Union, along with the nations within each nation-state (for example the Basque Country in Northern Spain), how might the EU mitigate all the different national identities?

Friends-and-enemies in the EU?

The crux of Schmitt's friend/enemy argument, and consequently the heart of his thesis, can be summarized as the necessity to be able to delineate between friend/enemy in the sense that the enemy can be seen as potentially negating one's way of life. Schmitt writes:

The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation. It can exist theoretically and practically [...] Each participant is in a position to judge whether the adversary intends to negate his opponent's way of life and therefore must be fought in order to preserve one's own form of existence.³
Thus one must decide who is to be fought in the event that another may eventually negate one’s way of life (or nation).

It is revealed here how Schmitt borrows Hobbes’ theories regarding human nature. Hobbes states that the formation of the state was integral for society so that each person had the potentiality to develop absent from the fear of ‘violent death.’ By violent death he meant being slaughtered by another man. Both Hobbes and Schmitt begin from the singular (individual will) in order to arrive at the plural (society/state). But while Hobbes uses the distinction to form the logic behind nation-building, Schmitt goes one step further to the degree of nation-sustaining. Therein lies the reasoning behind Schmitt’s insistence on determining friend/enemy by the political. Also where Hobbes allowed room for the liberal, albeit under a monarchy, Schmitt leaves no room for liberal indecision evidenced by his declaration that the friend/enemy distinction must be made apart from all other antithesis:

Thereby the inherently objective nature and autonomy of the political becomes evident by virtue of its being able to treat, distinguish, and comprehend the friend-enemy antithesis independently of other antitheses.

Here it is quite evident why liberalism is completely incompatible with ‘a concept of the political.’ Whereas Schmitt’s theory effectively harks back to only one antithesis, that of the friend/enemy, liberalism not only cannot retreat back to one distinction but effectively creates an almost infinite number of antithesis, each new insolvable distinction breading yet another dimension. The EU creates seemingly infinite antitheses predominantly based on social and economic inequalities (for Schmitt they move between ethics and economics).
EU Identity Crisis

Schmitt argues that the ‘political’ presents itself clearly and distinctly, without adulteration from other 'identities' of society. “The political must therefore rest on its own ultimate distinctions, to which all action with a specifically political meaning can be traced.” In the end the political must be able to be 'traced' back to its origin. The EU can be traced back to three main institutions, only one of which is elected: European Parliament (EP-popular election), European Council of Ministers (ECM), and European Commission (EC). I mostly refer to the EP when speaking of the EU because, being the only elected power in the EU, it can withstand the most critique. Meanwhile the EC and ECM fail to even pass the first test of liberalism given that they are all appointed officials with the sole purpose to keep the integrity of the EU together via economic means.

Stepping aside from The Concept of the Political for a second, in order to focus specifically on the European Parliament, consider Schmitt’s critique of Parliamentarism juxtaposed to Loveless and Rohrschneider’s theory of EU identity. Schmitt saw the Parliament’s errors lying in inconsistencies of identity:

Everything that one identifies as an institution of direct democracy or a tendency toward it and all these things which [...] are governed by the notion of an identity— are in consequence democratic. But they can never reach an absolute, direct identity that is actually present at every moment. A distance always remains between real equality and the results of identification.

Meanwhile Loveless and Rohrschneider find a similar flaw present within the EU today:

At the core, the democratic deficit is founded on the idea that it is difficult for Europeans to care about a Union whose identity was for so long nebulous or at least limited [...] The essence of liberal democracy rests on many foundations including the idea that government is designed to respond to its constituents, whether in the form of policy output or regular re-construction [...] [I]n sum the
democratic deficit represents both the substantive and procedural components, such that the substantive component is the output of government that, for the most part, the majority is able to get the government to do what it wants and the procedural component is related to representation such that institutions are inherently ‘fair.’

The congruence between Schmitt’s assertion and that of Loveless and Rohrschneider is striking. The EU’s identity, seen through Schmitt’s critical liberal lens, inevitably is too fluid for the political; the identity fails to unite support for common policy, and even further denigrates in the face of the enemy. The lack of identity, for Schmitt, inherently bounds the EU into unequal institutions (EC exerting far more power than the EP), with individuals making qualitative decisions ('political elites behind closed doors') without consulting the quantitative majority (the citizens of the EU). Therefore identity in the EU, or lack thereof, causes a major rift in EU foreign policy.

The incompatibility of identities with the forces of liberalism in the EU, both revealed and weakened by incongruent foreign policies among nation states within the EU, is further substantiated by Jurgen Habermas (a modern EU political-philosopher):

Majority decisions on highly consequential foreign policies can only expect acceptance assuming the solidarity of outnumbered minorities. But this presupposes a feeling of common political belonging on both sides. The population must so to speak “build up” their national identities, and add to them a European dimension.

Because liberalism hides the political, it also must necessarily shade the democratic processes purportedly at work within the EU.

As a matter of function liberalism creates its own identity. Speaking generally, the EU the identity is a European-cosmopolitan-economic identity that identifies with human rights, competitive and open markets, and democratic laws. But this identity is subject to change upon necessity dictated by market
mechanisms. This necessity to change inherently dominated by the economic realm renders liberalism within the EU authoritative, as is the case with European Commission laws dictated down to Member States.

The identity of a democratic process is necessary for the EU, but at times the EU identity of individual citizens prevails. Consider Schmitt's critique regarding liberalism’s apparent alliance with democracy (Schmitt never equated the two and, both in theory and practice, argued that they could not exist together). This critique serves as a particularly accurate critique of the European Union's inability to align democracies with identities, encapsulated in an economic frame:

At first, democracy appeared in an entirely obvious alliance, even identity, with liberalism and freedom [...] but a political form of organization ceases to be political if it is, like the modern economy, based on private law [...] What remains then of democracy? For its definition, one has a string of identities [...] [because a citizen never even agrees to a law] he votes only so that the votes out of which one can know this general will can be calculated.\textsuperscript{xi}

In sum, the identity is borrowed at will by the liberal institution of the EU, which consequently administers a temporary and invented identity, while touting a democratic process. The \textit{quantitative} voting by citizens is then substituted for a \textit{qualitative} change of identity; likewise the EU uses a \textit{qualitative} majority support in the form of an EU identity to make a \textit{quantitative} decision in the form of economic-liberalism.

To be clear the EU cannot decide to wage war against another nation or region, but its identity is transformed via each nation state's independent security decisions.\textsuperscript{xii} An historical example of an identity transformation in the EU with regard to foreign policy and security was the Iraq war: only two countries decided to help the US in the Iraq war effort, the UK and Spain, yet years later it has been
revealed that a majority of the countries in the EU had put soldiers on the ground there. That was an example of an identity crisis of the EU due to its liberalism and consequently opened a hole in the solidarity of the EU as an institution. A more current example would be the debacle witnessed in the change of government in Libya.

Theoretically speaking, liberalism in the EU would most likely falter if a foreign power were to invade the constituent states of the EU. An immediate European identity would be necessary to expel the invasion, because solidarity through identity is a prerequisite for making quick decisions, and this identity would not be forthcoming. In this case, which nation would be prepared to defend the institution of the EU ahead of its own sovereign citizenry? How might the EU quickly mold a European identity and subtract national and regional identities? To answer these questions it is better to evaluate Leo Straus’s post script concerning Schmitt’s critique of liberalism:

Being political means being oriented to the “dire emergency” [...] whereas the liberal respects and tolerates all “honest” convictions so long as they merely acknowledge the legal order, peace, as sacrosanct, he who affirms the political as such respects and tolerates all “serious” convictions, that is, all decisions oriented to the real possibility of war. Thus the affirmation of the political as such proves to be liberalism with the opposite polarity. And therewith Schmitt’s statement that “the astonishingly consistent...systematic of liberal thought” has “still not been replaced in Europe today by any other system” (71; 70) proves to be true. Strauss astutely recognizes Schmitt’s allegiance to the friend-enemy thesis, and also reminds us that Europe has still yet to replace its system of liberal thought even after two devastating wars. Theoretically, using Schmitt's critique of the liberal clarified by Strauss, an invasion of the EU would precipitate into the immediate collapse of the institution of the EU. Enemies and identities simply do not have the reflexive capacity to manifest on command—it takes time and great effort to form both—and thus the liberal EU institution could not expect to survive
Pluralism implies that pluralism, or entertaining multiple political parties at once, is particularly detrimental to the state. Pluralism undermines the political, in effect denigrating the state to “an equal level with […] religious or economic associations” while continuing to answer “the question as to the specific content of the political.”

For Schmitt the pluralist state represents the disintegration of the political. Why would politics need to function if every other part of society obfuscates its functions?

The pluralist theory of state is in itself pluralistic, that is, it has no center but draws its thoughts from rather different intellectual circles (religion, economics, liberalism, socialism, etc.) […] It totally revolves in a liberal individualism. The result is nothing else than a revocable service for individuals and their free associations […] There exists […] one political entity […] were this entity to disappear […] the political itself would disappear.

Because a pluralistic state has no center it must by definition draw influence from each part of society that have absolutely no concept of the political.

Schmitt’s concept of the political allows the state to make one ultimate and clear distinction, the one completely independent antithesis of friend/enemy, while liberalism only creates more superfluous antithesis. Furthermore the creation of more antitheses is encouraged in liberalism—it creates an endless debate—“in a thoroughly moral and ethical world [exist] perhaps only debating adversaries.”

Thus in liberalism the other, or the momentary enemy, manifests within that very state. In effect the very fuel to keep liberalism functioning is fully dependent on the existence of a weak friend/enemy antithesis within the state. In other words, as opposed to classical liberalism’s encouragement of a plurality of
individual interests binding together to form one nation, modern liberalism has formed a plurality of political and economical interests within the abstract notion of one nation.

Juxtaposing the friend/enemy antithesis with the EU reveals a number of obvious faults. Within each EU nation a plurality of political bodies exist. Within the EU, consequently, there must exist a plethora of political interests—each combating with the other, forming weak enemies rather than formal enemies, each wholly dependent on the other for survival.

The interdependence of political powers in the EU is rather easy to see. But the ramifications for this may not be so lucid; the most dire consequence of mutual interdependence, aside from outright invasion of the EU which would render it incapable of defense, is the fact that a single collapse of any one nations’ belief in the liberal formula would precipitate in the demise of the EU institution. The immediate disintegration would be due to liberalism’s inability to practically make a coherent decision (i.e. uniting together to confront a foreign invasion). Incoherent decisions would lead to each nation defend only its own territory and subsequent sovereignty.

The friend/enemy distinction exists both theoretically and practically when political decisions are immanent. On the other hand liberalism could theoretically make friend/enemy distinctions, but in practice these distinctions are faulty for three main reasons. In the first instance, liberalism’s friend/enemy distinction is subject to change due to any number of current views (i.e. economic decisions, political tactics, the so-called general will of society); second, liberalism seeks to embody a pluralist dimension which by definition could never have a common
enemy; lastly, and most importantly, the plurality of interests and political opinions ultimately renders liberalism unable to arrive at a decisive point of action. In sum, if only one political body within the EU failed to have absolute faith in liberalism, each other party would begin to dismantle because each would slowly be unable to find an enemy within the institution. A liberalism left without internal enemies means an anarchic monarchy, which according to Hobbes is only one step beyond barbarism.

In this sense wars could be waged to secure economic advantages, supported by both social and liberal rhetoric. This is not only a destruction of the political for Schmitt but, in a Hobbesian sense, a mutilation of life because people are subject to destruction by another, i.e. ‘violent death.’ And violent death, according to Hobbes, is the epitome of nihilism and the greatest fear in the world.xvii Again in direct correlation with Hobbes, Schmitt writes:

To demand seriously of human beings that they kill others and be prepared to die themselves so that trade and industry may flourish for the survivors or that the purchasing power of grandchildren may grow is sinister and crazy.xviii

And also to the same point but invoking his friend-enemy thesis Schmitt remarks:

If such physical destruction of human life is not motivated by an existential threat to one's own way of life, then it cannot be justified [...] If there really are enemies [...] then it is justified, but only in the political sense.xlix

The institution of the United Nations, or League of Nations in Schmitt’s writing, immediately comes to mind here. But also does the EU foreign forces, or even EU aid, which supplies more ‘humanitarian’ aid worldwide than the US does.

**Humanitarian Basis for liberal needs of the EU**

Schmitt reveals that the concept of humanity, in contradistinction to the concept of the political, really has no definitive pillars to rest on. In other words
the concept of humanity is invented, and used as a device for power in some cases. State cannot justify war for humanity because this would be an attempt to “usurp a universal concept” that has no place in war or the political. This misuse is characteristically similar to other state’s misuses including the ideas of peace, justice, civilization, and progress. The latter two we can most easily equate with liberalism. Schmitt points out “The concept of humanity is an especially useful ideological instrument of imperialist expansion and in its ethical-humanitarian form it is a specific vehicle of economic imperialism.”

Here we may easily draw connections with the EU’s, and conjunctively the United Nations' (UN), humanitarian endeavors. These institutions embody the ideal that humanity is among the most important principles for democracy and justice. Schmitt sees no justified uses for the idea ‘humanity’ in the political, while one of liberalism’s only justifications is premised on humanitarian ideals. Furthermore he finds the liberal idea of the humanitarian ideology cannot exist, exempting the possibility of a world-state (idealized by Immanuel Kant). Schmitt points out that the League of Nations (UN), under the guise of a humanitarian effort and cloaked in the idea of a world-state, is merely an alliance of societies.

[The League of Nations] is an organization which presupposes the existence of states, regulates some of their mutual relations, and even guarantees their political existence. It is neither universal nor even an international organization. The United Nations and NATO are two organizations that the EU has vested interest in order to flaunt its apparent humanitarian endeavors around the world, necessitated by its liberal architecture.

Thus we arrive at Schmitt's clear definitions for the liberal. First of all the liberal is not a political idea or ideal, but rather a fanciful way of speaking about politics and society, ultimately addressing the individual’s livelihood (presumably
pursued undisturbed through economic gains). Above all liberalism presumes
man to be inherently good which Schmitt, being heavily influenced by Hobbes in
this subject, cannot justifiably assume. Liberals subsequently use the argument
that man is good to stake a claim to the state’s functions (for instance, using a
Hobbesian inflection, the state should serve the good of man, and therefore
should act justly to satisfy the ends by which man may realize his goodness).

For liberals [...] the goodness of man signifies nothing more than an argument with
whose aid the state is made to serve society. This means that society determines
its own order and that state and government are subordinate and must be
distrustingly controlled and bound to precise limits.xxv

It would appear that Schmitt believes the liberal political thinker merely uses the
humanitarian argument to further its own selfish needs, using the state as an
intermediary.

Beginning moderately, Schmitt slowly draws attention to liberalism's
tendency to leech what it needs from the state, with an aura of humanism and
self-defined existence, in the guise of a political concept. But it cannot be a
political concept; neither can it succeed in staking a concept of the political nor
acting politically, for the liberal by definition remains undecided when it comes to
political articulation. Decisiveness, action, and determination are attributes of the
political dimension. Inaction, deliberation, and debate are characteristics of
society and consequently liberalism but never part of the political.

Yet it remains self-evident that liberalism's negation of state and the political, its
neutralizations, depoliticalizations, and declarations of freedom have likewise a
certain political meaning, and in a concrete situation these are polemically directed
against a specific state and its political power. But this is neither a political theory
nor a political idea. Although liberalism has not radically denied the state, it has,
on the other hand, neither advanced a positive theory of state nor on its own
discovered how to reform the state, but has attempted only to tie the political to
the ethical and to subjugate it to economics.xxvi

Therefore the concept of the liberal denotes a political meaning but can never
fully specify a political theory or idea. The liberal meaning is striving to be self-
defined and acts as though the state should be fully subservient to its demands. However while its existence is self-defined and self-perpetuated, it is by no means self-evident; that is, the existence of the meaning of liberalism is fully predicated on the ideals or ideas of the political. In other words by extracting the meaning of the liberal from the concept of the political, the liberal becomes meaningless, remaining without substance, and thus evaporates into the air.

*Liberalism in the guise of Society (Democracy)*

Therefore it becomes clear why it is Schmitt’s contention that liberalism destroys democracy and democracy liberalism. Consider the following quote that regards liberalism as having no concept in the political, but only policies:

> There exists a liberal policy of trade, church, and education but absolutely no liberal politics, only a liberal critique of politics. The systematic theory of liberalism concerns almost solely the internal struggle against the power of the state [...] In a very systematic fashion liberal thought evades or ignores state and politics and moves instead in a typical always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property [...] Thus the political concept of battle in liberal thought becomes competition in the domain of economics and discussion in the intellectual realm [...] at the intellectual pole, government and power turns into propaganda and mass manipulation, and at the economic pole, control.xxvii

A few of Schmitt’s fundamental critiques of liberalism are seen here; these critiques can quite adequately be superimposed onto the European Union.

The critique that most accurately reflects a critique of the EU is that of the internal struggle in the state (in this case the internal struggle within EU nations and among EU nations). The series of antitheses listed by Schmitt demonstrate the endless creation of dichotomies by liberalism. The most pertinent antithesis is between ethics and economics, which is clearly akin to the most striking antithesis found in the European Union: the common currency and national fiscal policy against humanitarian needs and national identity protection. If the former is
favorable, indicated by a strong economy, the latter is demoted into the realm of nothing; if the economy is in distress, the latter becomes the most pertinent political concept—and this is the unquestionable liberal dilemma. Dilemma here meaning an incessant distinction in the realm of society, carried out in the face of economy.

That production and consumption, price formation and market have their own sphere and can be directed neither by ethics nor aesthetics, nor by religion, nor, least of all, by politics was considered one of the few truly unquestionable dogmas of this liberal age.\textsuperscript{xxvili} That liberalism not only fails to recognize this predicament, but also actually encourages it is, for Schmitt, one of the most fundamental flaws in the political idea.

\textit{Primary Concerns with the EU Structure}

In Schmitt's final assault against liberalism he draws powerful ties to the illusion of economic power as overtaking the political. Meanwhile he continues to assert that the economic realm must continue to be defined through the political. Furthermore it is noted that economic force hides behind the very veil that it created, which had initially obstructed the political from view. That is, economics finds the veil fit for its service when needed, and subsequently attempts to lift it or leave it as needed. Consider Schmitt's final remarks in “The Concept of the Political”:

\begin{quote}
A domination of men based upon pure economics must appear a terrible deception if, by remaining nonpolitical, it thereby evades political responsibility and visibility [...] the possessor of economic power would consider every attempt to change its power position by extra-economic means as violence and crime [...] x\textsuperscript{ix}
\end{quote}

Similarly, Schmitt continues to barrage the facade created by liberal-economics:

\begin{quote}
Essentially unwarlike is the terminology based on the essence of liberal ideology. An imperialism based on pure economic power will naturally attempt to sustain a worldwide condition which enables it to [proceed] unmolested, its economic means
Pure economic imperialism will also apply a stronger, but still economic, and therefore nonpolitical, essentially peaceful means of force [i.e. the UN-League of Nations in Schmitt's piece].

Yet through all this veiling and evading of the political, the economic arms of liberalism can never escape the concept of the political, manifest resolutely in the friend-enemy thesis: “But this allegedly nonpolitical and apparently even antipolitical system serves existing or newly emerging friend-and-enemy groupings and cannot escape the logic of the political.” But what exactly does Schmitt mean in these closing remarks, if not that liberalism incoherently finds itself forced to eventually ascertain the friend/enemy distinction?

In fact Schmitt is merely mocking liberalism’s pitiful attempt to evade all things political while in the end it inevitably finds itself face to face with the political. Yet in the end the decisive factors are not endowed to the liberal opinion, as in some instances they cannot adequately be, but are allowed to escape into the hands of one powerful liberalist who may convince a state to wage war against an uncommon enemy for the reason that his grandchildren may have more spending power.
I must admit that in some contemporary works scholars have argued that the EU’s inherent purpose is in fact to disintegrate the state. However to this I would still argue that a liberal institution can not be a reasonable way for the EU to function due to the fact that nationalism continues to prevail in Europe, most evident in the ‘no’ votes by Dutch and French voters for the EU constitution.


Schmitt, 120.


Schmitt, 71.

Schmitt, 26.


Schmitt, 41.

Schmitt, 45

Schmitt, 28

Schmitt, 122

Schmitt, 49

Schmitt, 49

Schmitt, 54

Schmitt, 54

Schmitt, 54


Schmitt, 60

Schmitt, 61

Schmitt, 72

Schmitt, 72

Schmitt, 77

Schmitt, 79

Schmitt, 79