

## Petar Vojanic

„The USA has no enemy because *it* has no form /*Gestalt*/...“

Enemy, Animal and Animal Functions in Schmitt and Hegel

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«У Соединённых Штатов нет врагов, потому что у них нет своей формы (*Gestalt*)...»

Враг, Животное и Животные функции у Шмита и Гегеля

Любовь в философии Гегеля лежит в основании дружбы, что даёт материал для исследований Александра Кожева и Карла Шмита. Когда они начали переписку в 1955 году Шмит находился в изоляции. Его допрашивали в качестве свидетеля на Нюрнбергском процессе в 1946 году (хотя он и не был обвиняемым), но потерял свой пост в Берлинском университете. После своих лекций по Гегелю в 1939 году, Кожев вступил в Движение Сопротивления. В 1946 Кожев начинает работать в Министерстве Внешне-Экономических связей Франции. Этот текст вдохновлён письмом Шмита от 7 июля 1955 и ответом Кожева от 4 января 1956 о концепте «враг» в понимании Гегеля. В то же время текст предпринимает попытку понять отрывок из известного поэта и друга Шмита Теодора Даублера «*Der Feind ist unsere eigene Frage als Gestalt*».

„How do we recognize this frightful enemy against whom our law has no limits?“

*/Woran erkennen wir diesen furchtbaren Feind, dem gegenüber unser Recht keine Grenzen hat?\_/\_*

Because there are more of them than we can imagine, because we cannot count them all, or put one aside and forget, at least temporarily, all the rest of them, because it is not an attack on our world from some different planet, we can say that we do not recognize such a frightful enemy. That there is an enemy is not in question. We do not exercise our right in an unlimited space. The sovereign, who must recognize (“How do we recognize...”) and name someone, an “enemy”, and by naming an “enemy” remove him from the eyes of the law and afterwards destroy him, simultaneously removing himself from the eyes of the law, so that he can destroy - is unable to do any of this. In this case, a sovereign is not possible.

An analogous situation is when “I” have to recognize my private enemy before whom my right is equally boundless. It is not possible to, with certainty, distinguish a dangerous personal enemy (adversary) from a more dangerous personal enemy (adversary), nor is it possible to limit rights in advance. The boundaries of my rights towards some enemy cannot be interrupted because my death does not endanger the life and fate of the entire planet. Both the cases I am investigating are, according to Schmitt, in total contrast to an enemy *in concreto* the way he imagines “him” (or “it”; what decides the gender of the enemy? Who are he /she / it?). The private enemy and final enemy (the enemy of us all) - the ones Schmitt calls “adversaries” - cannot be publicly named (in plural) as enemies nor destroyed as enemies. Of course it is possible to do so in secret, far from the eyes of justice and law, but in that case we are no longer talking about an enemy, about humanity, nor about *hors la loi*. In that case we are no longer before and within the laws /*Nomos*/ of this planet. To prevent this secret “exit” from the limits of laws, and, analogously, prevent a “return” within the limits of law (there is no space where law and violence are “united”; the possibility of “passing” from law to violence and conversely indicates a sovereign; the sovereign is the one who can end the state of emergency he himself enacted) an *in concreto* enemy is necessary.

Therefore, through a “reverse” analogy it is possible to imagine a place, rather a political space where this “union *hors la loi*” between the sovereign and the enemy is possible. Schmitt’s actual enemy, “actually ideal enemy,” let us remember this, has a specific intimacy with Schmitt’s true and perfect sovereign. They have a persistently enduring “contract.” As a result the enemy *in concreto* owes his existence to the sovereign who names him, and conversely, the true object (also the subject) of the sovereign is what brings into question his body, his borders, his sovereignty - the enemy as such. There is no sovereign without an enemy.

The difference between the sovereign and the enemy should bring Carl Schmitt’s comprehension of political closer, as it represents the difference between friends and enemies. In the beginning, a sovereign who questions and names the enemy counts on reciprocity, on a certain degree of interest from the enemy to fictionally return this negation.

For hostility to exist there is no need for danger or battle or destruction of one or both

actors, but rather an *a priori* fictional union is necessary in which they reciprocally invalidate (but also endorse) each other enabling fictional self-affirmation. "France is my (our) enemy," says Schmitt's sovereign, immediately "building" his unity and stability, his limitations and strengths and the existence of his sovereignty, before one such enemy. The fictional threat of France in the name "enemy," which was given by the sovereign, constitutes sovereignty and the body of the sovereign. Schmitt's sovereign, does not have his own body until he "finds" the body of another figure or another sovereign who is a threat. "I name France as my (our) enemy; I threaten myself by naming France my enemy; I am the enemy of France..."

These are the steps of fictional composition. The enemy must be close, the enemy must be on the same level and of similar strength; the enemy cannot and must not be destroyed. Paradoxically, if the figure of the enemy is viewed completely fictionally (fiction, in the real sense of the word, begins for the first time here), naked and without any relation pertaining to the sovereign or friend, pertaining to the naming or questioning process, then it is sentenced to destruction. If in the "act" of the enemy's inauguration we do not think both the fictional and factual strength of the enemy to reciprocate his hostility and to make us his enemy, then the enemy is already a corpse, a figure without figure who has through the name "enemy" been marked by destruction and extinction.

This is then a temporary concept and a temporary figure, through whose naming the process of destruction immediately begins. It's a matter of time, days, hours ... an enemy is something that cannot remain and last as an enemy (the word enemy is then *analogue* to the word "corpse" or to other words, used by Hegel in the *Encyclopedia*, that characterize excrement (*faeces, exkremente, Ausscheidung*; analogue to Schmitt and Léon Bloy's use of "Jew," a Jew of Catholic theology, Solovljev's a "Jew" who saves all Christians with his own baptism ("destruction")...). This is a term that unquestionably declares its transience, its end, its conversion to something else, its assimilation and elimination.

Perhaps now, in this context where Schmitt's intention to protect and shape the enemy is clear, it is easier to think the relationship between the enemy and sovereign. In fact, what does this mean in relation to the enemy; that the sovereign is sovereign because he determines the state of emergency? Does the sovereign become sovereign the moment he can and must terminate and destroy the enemy? When he is placed outside the law alongside the enemy? Or is a state of emergency one more way of saving, protecting, the enemy (and by doing so the sovereign as well) by taking him (the enemy) out of invisibility, by making him once more a figure, making him public?

These questions, these dangerous "dialectics" without dialectics, dialectics of the enemy and "enemy" */dialektische Spannung/*, that plague Schmitt (and not only him) for an entire century, begin where the question is equal to the enemy. The enemy is the first question. Or, the question is the enemy.

*Der Feind ist unsere eigene Frage als Gestalt.*

This verse, this sentence, this password, *das Schlüsselwort*, this beginning which preceded the first texts about the difference between a friend and enemy, is at the same time Schmitt's last word on the enemy.

It is perhaps possible and surely necessary to analyze Schmitt the jurist, the theologian or philosopher, Schmitt in Nuremberg being questioned (questioned by the enemies' questions), Schmitt the friend of Göring (friend of Jünger or Heidegger) or the innocent Schmitt (innocence, as well as guilt, will always begin with the hand. "They never introduced me to him (Hitler) in 12 years of his political power, and I never shook his hand */...niemals vorgestellt worden und habe ihm niemals die Hand gegeben./*")\_, as figures of one very complicated epoch.

However, between a history of fearing enemies, "real" and bloody hostilities, fields of death, corpses and burned bodies, Däubler's sentence, of uncertain meaning, is the emblem of this same epoch\_:

*Der Feind ist unsere eigene Frage als Gestalt.*

*Der Feind ist unsre eigne Frage als Gestalt.*

*Unsere eigene*, sometimes *unsre eigne*... The enemy is always ours and never mine; or the enemy is a question for us all. Our own question. "We", first person plural, transforms into the singular of the word *der Feind* or the singular of the word *die Gestalt*. Only through this procedure of subjugating the individual "my enemy" into "our enemy" is the enemy given a public and open form ending his invisibility. His "invisibility" or his "belonging" (to someone, an individual or group, but not to everyone) contrasts with the word *Gestalt*, and with

Schmitt's fundamental requests. With the condition for hostility. With the *Gestalt* as a condition of hostility.

*"The enemy is our own question in form"*

*"The enemy is the shape of our own question"*

Or: *L'ennemi est notre propre remise en question personnifiée. L'ennemi est notre propre question en tant que figure. Il nemico è la nostra domanda personificata.*

The German word *die Gestalt*, "at times charged" /"chargé" à l'époque/..."\_, a word that we should always return to with Heidegger or Cassirer\_, with Jünger\_, with Franz Rosenzweig\_, with Schmitt's adversary Alfred Rosenberg\_ (*Gestalt und Leben*, the title of one of his works from 1938 concerning Ludwig Klages and his battle against logocentrism /*logozentrische Weltauffassung*/, Greco-Judaism /Democritus, Plato, St. Paul, Augustine, Luther, Kant.../, today's Americanism /*heutigen Amerikanismus*/, Bolshevism)\_ , and before all Hegel, should be the main signpost leading towards one almost impossible task.

This mission must begin with a question, must be formulated as a question, a question that not only inspires no confidence that it can be anything more than a question, but further has no form nor any condition or preconditions to be a question. This question, from where we should begin, should have as its solution the enemy.

The opening question - is it possible to constitute an enemy? Or, is the constitution of an enemy possible? Or is it possible to find, keep, establish, produce and destroy at the same time, bring back to life, protect him from himself, be protected from him etc.? - This question or these questions about the "enemy," should guarantee a constitution or reconstitution in the opposite direction:

from the enemy towards the question and the one who is asking, towards a community, group, individual who is constituted through a question or a summoning of the enemy, but is also constituted through the answer or summons or question which begins with the enemy.

Is it possible, beginning with this word, with this question (sovereign question), with the shape of the enemy, to for a moment invert the sovereign phenomenological prism of the sovereign and deform the analogical device of the other's constitution?

Does the *Gestalt* of a question, one "as if" question, a fragment of the imagination that has the form of a question, manage to balance and give the advantage and initiative to the other in relation to the one who is "asking" (being asked) about him (the other) and who "exposes" himself? Is it possible, to find the word "enemy" (a word to which friend is similarly attached to in many languages) in that space where the imagination or analogy or performance has been betrayed, has failed? Does the "enemy's" *Gestalt* begin where the enemy's constitution is impossible and where his self-constitution begins?

All these questions which move about and advance correspond with Schmitt's most important sentence:

*Der Feind ist unsere eigene Frage als Gestalt.*

From an enemy as a project and a question, to "as if" /*als*/ an enemy. To a personification, embodiment, form, stance, custody of the enemy who is found at the end of the sentence *als Gestalt*. However, the reason the enemy is the enemy, why he is what he is, in equality and tautology with himself, the reason he has always been a danger "for us" but also a certainty should be added to this sentence as a threat. Furthermore, this threat is not comprised solely of the enemy who is in this construction of a "sovereign balance" shaped by Schmitt-Däubler-Hegel\_, or Freud, Heidegger and even Husserl, and many others before them, as well as today.

So, the enemy is something that we constitute and is our creation, something that is after all part of us and within us, that is weaker or perhaps equal in strength to its creator and sovereign etc. - unavoidably mentioning the problem of destruction, war and exclusion. Even though he admits to it significantly later, this confusion between the enemy and militarism („There must also be confusion /*eine Verwirrung*/ within the concept of the enemy, and it must be related to the theory of war..."\_) has been present in Schmitt from the beginning.

The fundamental threat to this Schmittian construction is the deconstruction of an enemy who appears and takes shape on his own, who is not present, who does not yet exist, and with whom there is no contact or border. So what sort of gesture or perhaps question is it that the enemy forms himself through? Is the enemy's self-constitution possible? And what does this self-constitution have to do with us?

This imagination of the enemy who is creating (forming) himself, based on the analogy of

how we constitute ourselves or him, should represent the limits of phenomenology as well as any sort of existentialism or politics. Finally, hostilities or the enemy begin at this uneasy boundary. The other side of this threat and this fear of the unknown, whose source and composition are unidentified, are concerned with the difference between the sovereign and sovereignty which we are attempting to argue. When we say, together with Schmitt - *Der Feind ist unsere eigene Frage als Gestalt* - we are witnessing at the same time a division and separation where the enemy is the form or personification that was created at that point of questioning and division. We should think this rift or difference with Schmitt, but not only Schmitt, as a relation or secret connection between the sovereign and sovereignty. Before we extend the confusion regarding the enemy with Schmitt's letter to Kojève, in which he speaks of a question that has long puzzled him (...eine Frage, die mich seit langem beschäftigt...) in his attempts to "legalize" (legitimize) the "enemy", a question that owes its beginnings to *The Phenomenology Of Mind* by Hegel, we will again look at Schmitt, and a passage from 1947 in which Hegel and Däubler once again appear together:

Carefully then, and do not speak carelessly of the enemy */und spricht nicht leichtsinnig vom Feinde/*. Everyone chooses according to his enemy */Man klassifiziert sich durch seinen Feind/*. Everyone shifts */stuft sich/* in accordance with what he accepts as hostile. To be pitied are those annihilators */die Vernichter/* who justify themselves by saying that those who destroy should be annihilated */Vernichter vernichtet müssen/*. However, all destruction is self-destruction */Aber aller Vernichtung ist nur Selbstvernichtung/*. Oppositely, the enemy is another */der Andere/*. Remember the positions of great philosophers: the relationship to another as such, this is truly infinite */das wahrhaft Unendliche/*. The negation of a negation, says the philosopher, is not a neutralization, rather the truly infinite depends on it. The truly infinite is the founding term of his philosophy. The enemy is the shape of our own question.

Here now is Schmitt's question to Kojève:

Now my *modest question*: it concerns the concept of enemy in Hegel, and particularly the word „enemy“ */„Feind“/* in the section about the „unhappy consciousness“ */unglückliche Bewusstsein/* (Hegel's work *The Phenomenology of Mind*, P.B.). It has to do with the expression: the enemy in his most characteristic */der Feind in seiner eigensten/* (a few lines later: in his typical */in seiner eigentümlichen/*) form */Gestalt/*. Who is this enemy? */Wer ist dieser Feind/* - is it possible */ist es möglich/*, that he (Hegel, P.B.) shows himself precisely in the animal functions */in den tierischen Funktionen zeigt/*? What does he seek there */Was hat er dort zu suchen/* ?

In my booklet *Ex Captivitate Salus* on page 89/90 in remark about the „enemy“, a verse (from Theodor Däubler) is quoted:

*Der Feind ist unsre eigne Frage als Gestalt.*

To this verse, a gifted young German (H-J. Arndt, P.B.) who was at Harvard for three years, said to me recently: The USA has no enemy because it (they, P.B.) has no form */USA hat keinen Feind, weil sie keine Gestalt hat/*.

An important problem.

After three weeks Kojève sends a long but simplified answer. He says that „enemy in his characteristic form“ */Feind in seiner eigensten Gestalt/* is certainly the devil */der Teufel/*, the Christian devil who also appears in the “animal functions” */tierischen Funktionen/*. For Hegel these functions are invalid */nichtig/* because man *negates* them, and is only man – and not just an animal – as this negation alone. Citing *Kampf um Anerkennung* Kojève says that animals fight for something */für etwas/*, while man fights from enmity */aus Feindschaft/*. A wise man */der Weise/*, says Kojève, observing absolute knowledge which overshadows and erases every shape of hostility (enmity) found in Hegel, never speaks from hostility (enmity) and never speaks to enemies */spricht nie aus Feindschaft, noch an Feinde/*. A small fragment of his answer is particularly interesting because in it Kojève says more about his view of the enemy than he elaborates on Hegel.

The real enemy is the enemy to the *death /Der eigentliche Feind ist Todesfeind/*: he can *kill* and be *killed*, is thus body */Körper/* and thus, if one likes, “*Gestalt*”. If one is prepared to kill him (i.e. if one is prepared to risk one's own life), then the enemy is „invalid“ */„nichtig“/*, and can (at least as enemy) be *destroyed /vernichtet werden/*. If, however, one is afraid of the enemy */vor dem Feinde Angst hat/*, then he becomes “diabolical” */„teuflich“/* and thus “powerful” */„mächtig“/*: he is the “master” and one is his “slave”.

The portion of *The Phenomenology of Mind* which Schmitt is speaking of is found at the end of chapter IV ("The True Nature of Self-Certainty") B. "Freedom of Self-consciousness: Stoicism, Skepticism, and the Unhappy Consciousness" which deals with asceticism:

[...] But herein the enemy is discovered in its special and most peculiar form /*Darin ist aber nun der Feind in seiner eigensten Gestalt aufgefunden!*. [...]

Consciousness discovers itself as this concrete particular /*als dieses wirklichen Einzelnen!* in the animal functions /*sich in den tierischen Funktionen bewußt!*. These animal functions, instead of being performed unconsciously and naturally as something which, per se, is of no significance /*als etwas das an und für sich nichtig ist!*, and can acquire no importance and essential value for spirit, - these latter (animal functions) since it is in them that the enemy is seen in his proper and peculiar shape /*in welchen sich der Feind in seiner eigentümlichen Gestalt zeigt!*, are rather an object of strenuous concern and serious occupation /*des ernstlichen Bemühens!*, and become precisely the most important consideration. Since, however this enemy creates itself in its very defeat /*dieser Feind in seiner Niederlage sich erzeugt!*, consciousness, by giving the enemy a fixedness /*es sich ihn fixiert!* of being and of meaning, instead of getting rid of him /*statt frei davon zu werden!*, really never gets away from him, and finds itself constantly defiled. And since, at the same time, this object of its exertions, instead of being something essential, is the very meanest, instead of being a universal, is the merest particular /*statt eines Allgemeinen das Einzelste ist!* - we have here before us merely a personality confined within its narrow self and its petty activity, a personality brooding over itself, as unfortunate as it is pitifully destitute /*ebenso unglückliche als ärmliche Persönlichkeit!*.\_

The enemy is approaching. The origin of his form is the event of his "incorporation" (embodiment). The enemy has a form which is part of our form. In a certain way the enemy is part of us and is found within us. Thus Hegel begins his gloomy construction freeing the consciousness from its particularity, from its body, from certain functions of its body, from the animal in that body, from the secretion of that body, from food, from *faeces*, from excrement, from sex, from any trace of another body on that body...

The consciousness must accept that relations with the other (other objects, other individuals) are of no importance for the spirit and the sovereignty of the spirit. The spirit has no enemies. The sovereign has neither need nor desire for the other.

But we can view Hegel's "advice" to the stoic completely differently. Not only as advice that, for example, a Protestant can give to a Catholic who is practicing asceticism (lets say a Protestant Hegel or John Dewey to a Catholic Schmitt), but rather as a paradox that complicates concepts such as sovereign and sovereignty even more. Hegel exposes a crisis in the two ways of forming sovereignty by suggesting a fatally fictional option.

This option is thoroughly hypocritical and could be termed as of hypocrisy of sovereignty or identity. The ascetic, stoic or Catholic (for Hegel), refuses the existence of the other by naming all that opens the possibility of the others existence an enemy. The enemy is another, but the enemy is also what is within me pursuing me, leading me, towards the other.

In contrast, Hegel suggests the consumption and incorporation of all representing an another: without remains, without drama and without pity. As if another does not exist, as if another never existed.

For now it is impossible to reconstruct the history of Schmitt's occupation with this particular fragment of Hegel's. However, for Schmitt it had to begin with the astonishing closeness of Däubler's verse with Hegel's variations of the words *Gestalt* or *Feind*. The animal, *das Tier*, which in Däubler's second poem "Sang an Palermo" (23 pages) prepares its search of the enemy, certainly increased Schmitt's dilemma. The animal, just as the enemy in Hegel's fragment, is completely unknown but draws our attention to itself so that we would lose ourselves.

*Was bin ich, wenn mich kein bekanntes Tier begleitet?*, asks Däubler.

When I am followed by an enemy unknown to me, what am I? We should reverse Däubler's question *was bin ich?* into *Wer ist das Tier?*, "Who is the animal?" in Hegel. What is the enemy when mixed (combined) with the functions of an animal? Who is the animal-enemy with man's functions?

How does the enemy approach? Where are the sources of the real enemy of whom Schmitt constantly speaks? Is the *Gestalt* of the political enemy truly found within the *Gestalt* of Hegel's animal functions /*die tierische Funktionen!*? What is Schmitt's foremost dilemma?

Where is the problem?

It seems that Hegel's and Kojève's "theological direction", despite being complicated and unclear, is not the source of Schmitt's problem in understanding Hegel. Within the context of asceticism, confession, Catholicism about which Hegel speaks here, it's possible, as Kojève says, that a "Christian devil" /*der christliche Teufel*/ is in question (but what devil? There are several differing ones in Christianity. This is what Hegel insists upon) when speaking of the enemy.

It becomes much easier if this fragment is added to chapter 13 of *The Gospel of Matthew* (Schmitt must have known of this customary "formula" in the interpretation of this portion of Hegel's *Phenomenology*; "As the people slept, their enemy came and planted weeds among the wheat and went" 13:25). Hegel insists that the consciousness in a certain way co-exists with the enemy, that it doesn't rush to accept him as himself or it as itself (the consciousness is aware of itself through the enemy), that it doesn't fixate and pollute itself with him, that it doesn't concern itself with the enemy who causes solitude and misery ("He then told them, "The man who is the enemy did this". His servants told him, "Do you want us to go, pluck them out?" "However, he told them, "Let it not be, that as you pluck out the weeds, that you should also uproot the wheat". "Let them grow up together until the harvest"." 13:28-30). If the consciousness is patient, and grows alongside its enemy, then it will easily separate from this enemy and defeat him in the final, decisive, battle. Through this the consciousness will definitely free itself from the enemy and its solitude. Hegel believes that the prerequisite for the consciousnesses advancement towards the universal after asceticism - is sacrifice. A truly united sacrifice and self-sacrifice. To free oneself from the enemy /*statt frei davon zu werden*/ is to free oneself from one's solitude, one's consciousness, in a united battle against a common enemy and our own form of the enemy ("And in the harvest season, I will tell the reapers, first gather the weeds and tie them up in bundles, to be burned." 13:30).

The sovereign determines the time. This time is the time to castrate or the time when enemy should be "torn off". In the meantime the consciousness is disobedient because it fixates on the enemy and the misery that the enemy brings, while being unable to destroy the enemy immediately since this would mean the immediate destruction of a part of itself, its own body. This is, most likely, the immense problem that reoccurs in this fragment. "Rip", "scorch", "tear", so that you can fight united against the enemy. Castration presumes that the enemy has a shape, namely that he is outside of us.

The arrival of the enemy in us or in Schmitt is more enigmatic for us and Schmitt than his departure (exiting). Hegel recounts several "facts" at the beginning: the enemy is approaching, as he is and without a doubt; he is revealed in animal function form; this place of "functions" is completely worthless for the spirit but nonetheless the enemy enters it; here the enemy grows into the enemy but to his defeat. There is no dilemma that the enemy is approaching, that he has arrived and that he is in a "shape". The word "defeat" ("[...] this enemy creates itself in its very defeat /*dieser Feind in seiner Niederlage sich erzeugt*") is quite rare in Hegel. Was the enemy defeated in advance, did he arrive defeated, or does his revelation and exposure within these functions signal his defeat? Do these animal functions enable his defeat?

And why animal? How do they pollute? How does an enemy-animal pollute the consciousness? Is it always necessary to speak of a dirty, animal, natural, evil as the source of political enemies? Or is it necessary to speak of shame, covering up, hiding before the enemy, and hiding of the enemy (Schmitt speaks of the naked several times in *Ex Captivitate Salus*)?

In *Lectures in Esthetics* in the part titled "Drapery" /*Bekleidung*/ Hegel writes:

And from another point of view it is the sense of modesty which compels man to cover himself with raiment. Now this shame /*Scham*/, regarded in general way, is a beginning of indignation /*ein Beginn des Zorns*/ over that which is coarse or crude. Man in fact, who is conscious of his more elevated calling /*seiner höheren Bestimmung*/ to be spirit /*Geist zu sein*/, must necessarily regard what is purely animal as an incompatibility /*nur Animalische als eine Unangemessenheit*/ with that, and pre-eminently seek to cover, as that which is not consonant with the Ideal of his soul /*das geistige Bewusstseyn*/, those parts of his body, such as the belly, breast, back, and legs /*die Teile seines Körpers, Leib, Brust, Rücken und Beine*/, which are subservient to animal functions /*bloß tierischen Funktionen*/, or only are directed to external uses, and possess directly no spiritual determinacy, and no spiritual expression\_.

The Asceticism (or abstinence, or perhaps fasting) that is spoken of in this fragment from the *Phenomenology*, can pertain to the mouth, eyes, hands. So where can the mouth, eyes,

hands be hidden? What will have to be torn off when the final moment and battle against the enemy arrives? Where has the enemy entered and where has he resided? In Hegel's *Lectures on Esthetics* (which we should always question and have great reservations about) all the possible differences between a man's body and that of an animal are overshadowed by a grand analogy which interests us, but secretly confuses Schmitt. In question is the (sick) animal organism which Hegel uses as an analogy to sovereignty or the state (*Philosophy of Right*, paragraph 278: „The idealism which constitutes sovereignty is the same characteristic as that in accordance with which the so-called 'parts' of an animal organism are not parts but members, moments in an organic whole, whose isolation and independence spell disease“ ).

But at the same time even in this direction we are made conscious of the defect */der Mangel*, that this sensitiveness does not penetrate as a vital impulse of concentrated emphasis equally through all the members. We find in the human body itself certain organs whose form */ein Teil der Organe und deren Gestalt* is entirely appropriate to mere animal functions */nur animalischen Funktionen gewidmet ist*, while others give a more adequate expression to the entire soul-life, its feelings and passions. Regarded in this way it is obvious that even in the human body the inner life of soul has not found its complete reflection in all parts of its external realization */auch nicht durch die ganze Realität der leiblichen Gestalt hindurch*.

In the next several lines Hegel, always through analogy, speaks of higher levels. He says:

[...] Every centre of such a spiritual organism, such as the State or the family */jeder Punkt in solchem Organismus, wie ein Staat, eine Familie*, that is to say each individual organic totality, is in possession of a *will* capable of such exercise, and appears in unity with the other members of the same organism; but the *one* inner soul of this nexus */die eine innere Seele dieses Zusammenhangs*, the freedom and reason of the aim of all is not visible in external reality as such in the absolute freedom of its subjective and universal principle of life, nor is it thus manifested in every part */und macht sich nicht an jedem Teile offenbar*

The “inner soul” */eine innere Seele* of a state, for example, based on Hegel's analogy, does not surge through every part of it even if all the state's parts are well connected and comprise a greater whole (Hegel constructed this formulation in his latter years, and it could possibly clarify all the secret and complicated theories concerning the sacrifice of less important territories or parts or minorities or soldiers or marines of a state). In that space, in that organ (with animal functions, certain leftovers, secretes, excrement...) which all state should perhaps possess, the “enemy” appears in his particular shape */in welchen sich der Feind in seiner eigentümlichen Gestalt zeigt*. That space or portion of a state or organism, which Hegel speaks of, leaving us all ignorant and unaware, should be close to the outside, close to another, to an exchange with another which is simplest and worthless. In this area of a totality (whole) the enemy's *Gestalt* is found.

However, Schmitt continues his letter to Kojève and his puzzlement regarding the question, the enemy and the word *Gestalt*, “The United States of America has no enemy, because it has no form” */Die USA hat keinen Feind, weil sie keine Gestalt hat*. The United States perhaps has no body parts (abdomen, chest, back and legs) which serve mere animal functions */bloß tierischen Funktionen*. The United States doesn't have anything to hide. The United States has no shame.

In the Europe of our day every nation finds itself conditioned by its neighbour */jedes Volk von dem anderen beschränkt*, and cannot venture on its own account to wage */darf von sich aus anfangen* any war with another European nation. If we lift our eyes beyond Europe, there can be only one direction, America */will man jetzt über Europa hinausschicken, so kann es nur nach Amerika sein*.

[...] enmity between strange (unfamiliar, foreign) nations */Feindschaft fremder Nationen* is something substantial. Every people form a totality (whole) for themselves which is different from other totalities (wholes) and stands in contrast to them */Jedes Volk bildet fürsich eine von dem anderen verschiedene und entgegengesetzte Totalität*. Now, if these totalities (wholes) become hostile towards each other */feindlich aneinander*, then this hostility does not break any moral connection, nothing of any value by itself and for itself is harmed, no essential whole is ruined; conversely, this represents a battle for the infallibility and persistence of such a totality (whole) */um die unversehrte Erhaltung solcher Totalität* and for its right to existence */Rechtes zur Existenz*.

The reverse of Hegel's uncertain move towards America, an American move towards Europe, becomes a reality for Schmitt a hundred years later. On the 13th of January, 1945 in a lecture in Hamburg, Schmitt speaks of an end to the "oceanic area (space)" /*Ende des ozeanischen Raumes*/ which is inherited by an "area (space) in the air" /*Luftraum*/. North America, *Quasi-Insel Nordamerika*, is becoming, according to Schmitt, *Luftimperium*, which rules over the world because it borders every country on the planet.

C. Schmitt, *Nomos of the Earth*, Telos Press, New York, 2003, p. 169. *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, Duncker & Humblot, Berlin, 1988 (1950), S. 141.

Schmitt, in following Kant's definition of unjust enemy, someone who is not a common criminal, and speaking of preventive war /*ein Präventivkrieg*/ against that enemy, poses a series of questions *in concreto* by which he means to take away the central characteristic given by Kant: the name "enemy."

„Who is this unjust enemy? /*Wer ist dieser ungerechte Feind ?*/

Who, then, in the given World situation of 1797, was *in concreto* an unjust enemy? On which side did he stand? Was revolutionary France the unjust enemy? Or the conservative Hapsburg monarchy? Or tsarist Russia? Or maritime England? Or was there no unjust enemy? Were they all just?"

Simultaneously Schmitt's questions examine how to protect the true and ideal enemy in the eyes of the law. All these questions ceaselessly promise a law that will safeguard (protect) the enemy. How then can the enemy be saved? How can he not be destroyed? How can he be defended? As we follow this chain of questions grow longer in the book *Nomos* /p. 169-171; S. 141-143/, as we follow the transformation of Kant's text through Schmitt's questions, we are in fact following the erasure and replacement of Kant's word "enemy" with the word "adversary". The question that searches for a shape, for a likeness, for *Gestalt* (for a face, an expression, features, for personality before body or form) does not find an enemy in Schmitt's ideal sense of the word, but only an adversary /*Gegner*/. This transcription and conversion of Kant's word "enemy" into Schmitt's word "adversary" occurs because the question should have the strength to find an unchanging shape /*Gestalt*/, a shape that cannot fluctuate or vary.

The chapter "Meine persönlichen Beziehungen zur Praxis der Hitlerschen Eroberungspolitik" was written in 18.04.1947 in Nuremberg. Carl Schmitt, *Antworten in Nürnberg*, Hrsg. Helmut Quaritsch, Duncker & Humblot, Berlin, 2000, S. 69. "If I had meet him (Heidegger) during the war, I would not have shook his hand /*je ne lui aurais pas serré la main*!." Salomon Malka, *Emmanuel Lévinas, la vie et la trace*, J.C. Lattès, Paris, 2002, p. 171.

Schmitt mentions Theodor Däubler for the first time very early, on January 19th 1912, in a letter to his sister Augusta, soon after he met him. C. Schmitt, *Jugendbriefe. Briefschaften an seine Schwester Auguste 1905 bis 1913*, Hrsg. Ernst Hüsmert, Akademie Verlag, Berlin, 2000, S. 127.



"...où il (Benjamin) l'utilise... renvoie au mythe ; ou si l'on préfère : toute figure (mais on pourrait dire aussi bien : tout modèle, ou tout exemple) est potentiellement mythique..." Philippe Lacoue-Labarthe, *Heidegger. La politique du poème*, Galilée, Paris, 2002, p. 141.

In a text written in 1956 "Zur Seinsfrage" Heidegger speaks again to Jünger returning to his book *Der Arbeiter* about which he held a seminar during the *Reich*. "I will say this formally: did the essence of the shape /*Gestalt*/ come from that which I call *Ge-stell*?" M. Heidegger, *Zur Seinsfrage*, Vittorio Klostermann, Frankfurt am Main, 1977 (1956), S. 14-15, 21. In a book concerning poets written in 1924, *Idee und Gestalt*, Wissenschaftliche Buchgesellschaft, Darmstadt, 1981, Cassirer uses the word *Sichtbarkeit* or *reine Sichtbarkeit* (S. 111), pure visibility, for this process of creation and changing of the idea to *Gestalt* or to *Gestaltung*. Or the principle by which the idea is visible, by which it is clear to everyone is *Gestalt*.

See chapter 7 "The figure as a whole, which covers more than the sum of its parts /*Die Gestalt als ein Ganzes, das mehr als die Summe seiner Teile umfasst*"/. E. Jünger, *Sämtliche Werke, Zweite Abteilung Essays II, Band 8, Der Arbeiter*, Klett-Cotta, Stuttgart, 1981, S. 37. "Within the figure rests /ruht/ the whole which covers more than the sum of its parts and which remains unattainable in the age /und das einem anatomischen Zeitalter unerreichbar war/. [...] "In politics as well, it is essential that one introduces figures and not terms, ideas and not bare features to the fight /dass man Gestalten und nicht etwa Begriffe, Ideen oder blosse Erscheinungen zum Kampfe bringt/" (p. 62).

"...als *Gestalt*, wie man es mit Augen sehen kann..." , F. Rosenzweig, *Die "Gritli" - Briefe, Briefe an Margrit Rosenstock-Huessy*, Bilam Verlag, Tübingen, 2002, S. 112. In the book *Star of Redemption* the term *Gestalt*, which is not an image, nor type, could, as the word *la figure* in French, possibly come close to the term *le visage*, the face.

The document "Der Staatsrechtslehrer Prof. Dr. Carl Schmitt" from January 1937, published in 1988, in the journal *Etappe* (2/1988 S. 96-111.), under the name "Das 'Amt Rosenberg' gegen Carl Schmitt" and the unpublished dossier located in London (*Wiener Library*) recounting the SS's and Himmler's activities following and overlooking Schmitt (299 typed pages), should surely be kept in mind when Schmitt's Nazism, Jewish-ness and anti-Semitism is assessed...

Max Niemeyer Verlag, Halle, 1938, S. 21-23.

Schmitt recognizes Däubler's almost, or quasi, Hegelian-ness in his thinking immediately, in 1916, in his (Schmitt's) first text concerning Däubler and his anthem "Nordlicht" (...wie *Däubler beinahe hegelisch denkt*...)... Despite the fact that Schmitt is somewhat mocking of the closeness of the Catholic with the "kraut" Hegel (*Panlogismus des Schwaben Hegel*) there is nothing that better explains Däubler's spirituality than Hegel's marvellous teachings concerning negation (*die wunderbar tiefe Hegelische Lehre von der Negation*...). *Theodor Däublers "Nordlicht". Drei Studien über die Elemente, den Geist und die Aktualität des Werkes*, 1916, Duncker & Humblot, Berlin, 1991, S. 51-52.

C. Schmitt, "Theory of the Partisan: Intermediate Commentary on the Concept of the Political", in *Telos*, Spring 2004, No. 127, p. 72; *Theorie des Partisanen*, Duncker & Humblot, Berlin, 1963, S. 88.

We will return to this difference at another point.

Schmitt's and Kojève's correspondence carried on extensively, for example during a break in one much broader and richer correspondence between Kojève and Strauss, Schmitt's direct influence on *Esquisse d'une phénoménologie du droit* is announced (Simultaneously this copying can be used as the evidence to support Taubes' assertion that Kojève's interpretation of Hegel, from 1933-1939, is strongly influenced by Schmitt or by the fear of Schmitt /*durchfurcht ist von einem Begriff des Politischen der von C.S. stammt*/). See Taubes' letter to Tommissen from 14.8.85 in *Schmittiana. Beiträge zu Leben und Werk Carl Schmitts*, Hrsg. Piet Tommissen, VCH Verlagsgesellschaft, Weinheim, Band III, 1991, S. 169). Schmitt's letter to Kojève from Plettenberg 14.12.1955, was published in the text "Kojève und Schmitt", *Schmittiana. Beiträge zu Leben und Werk Carl Schmitts*, Hrsg. Piet Tommissen, Duncker & Humblot, Berlin, Band VI, 1998, S. 112. A large portion of this

letter, but without Kojève's response, was first published by Heinrich Meier in the book *Die Lehre Carl Schmitts: Vier Kapitel zur Unterscheidung politischer Theologie und politischer Philosophie*, Metzler, Stuttgart und Weimar, 1994, S. 105. Erik De Vries translated and arranged the correspondence to English in the journal *Interpretation*, Fall 2001, Vol. 29, No. 1, p. 91-130 ("Alexandre Kojève - Carl Schmitt Correspondance and Alexandre Kojève", "Colonialism from a European Perspective"). The question that plagues Schmitt is found on page 105.

*Ex Captivitate Salus, Erfahrungen der Zeit 1945/47*, Greven Verlag, Köln, 1950, S. 90. In the book *The Concept of Political* Schmitt cites the following definition of enemy from Hegel's book *System der Sittlichkeit* :

„A difference of this sort is the enemy, and this difference, posited in its (ethical) bearing, exists at the same time as its counterpart, the opposite of the being of its antithesis /ist zugleich als ihr Gegenteil des Seins der Gegensätze/, i.e., as the nullity of the enemy, and this nullity, commensurate on both sides, is the peril of battle /als das Nichts des Feindes, und dies Nichts auf beiden Seiten gleichmäßig ist die Gefahr des Kampfes/. For ethical life this enemy can only be an enemy of the people and itself only a people /nur ein Feind des Volkes und selbst nur ein Volk sein/. Because single individuality comes on the scene here, it is for the people that the single individual abandons himself to the danger of death /in die Gefahr des Todes begibt/.“ G.W.F. Hegel, *System of the Ethical Life (1802/3)*, State University of New York Press Albany, 1979, p. 147-148. *Der Begriff des Politischen*, Duncker & Humblot, Berlin, 1932 (1963), S. 62. In the English edition George Schwab modified Schmitt's citation in the following way: „Hegel has also advanced a definition of the enemy which in general has been evaded by modern philosophers. The enemy is a negated otherness. But this negation is mutual and this mutuality of negations has its own concrete existence, as a relation between enemies; this relation of two nothingness on both sides bears the danger of war“. *The Concept of Political*, Rutgers University Press, New Brunswick, N.J., 1976, p. 63.

*Interpretation*, Fall 2001, Vol. 29, No. 1, p. 107. *Schmittiana. Beiträge zu Leben und Werk Carl Schmitts*, Hrsg. Piet Tommissen, Duncker & Humblot, Berlin, Band VI, 1998, S. 115.

G.W.F.Hegel, *The Phenomenology of Mind*, George Allen and Unwin Ltd, London-NY, 1977, p. 263-264; *Phenomenologie des Geistes, Hegel-Werke*, Band. 3, Frankfurt am Main, Suhrkamp, 1976, S. 173-174.

In Marx's "Economic and Philosophic Manuscripts", from 1844:

"The result, therefore, is that man (the worker) feels that he is acting freely only in his animal functions /tierischen Funktionen/ – eating, drinking, and procreating /Essen, Trinken und Zeugen/, or at most in his shelter and finery – while in his human functions he feels only like an animal. The animalistic becomes the human and the human the animalistic. To be sure, eating, drinking, and procreating are genuine human functions. In abstractions, however, and separated from the remaining sphere of human activities and turned into final and sole ends, they are animal functions". *Writings of the Young Marx on Philosophy and Society*, Anchor Books, New York, p. 292.

"Only in a comparatively small number is the function of reason capable of operating as a law of life. In the mass of people, vegetative and animal functions dominate. Their energy of intelligence is so feeble and inconstant that it is constantly overpowered by bodily appetite and passion. Such persons are not truly ends in themselves, for only reason constitutes a final end. Like plants, animals and physical tools, they are means, appliances, for the attaining of ends beyond themselves, although unlike them they have enough intelligence to exercise a certain discretion in the execution of the tasks committed to them". J. Dewey, *Democracy and Education: an introduction to the philosophy of education*, Free Press, New York – London, 1966 (1916), Chapter 19, "Labor and Leisure".

Despite the fact that the poem was first published in 1916, Schmitt maintains, in his diaries, that Däubler read his anthems to Schmitt on the 20th of June, 1913. C.

Schmitt, *Tagebücher, Oktober 1912 bis Februar 1915*, Hrsg. E. Hüsmert, Akademie Verlag, Berlin, 2005, S. 8. Here are the verses which precede the famous sentence:

"/Wir können unsre Innigkeit in Tiere gießen/ Vertreib das Tier, doch wo du musst, da schaffe Land/  
Ich bin zu einem frischen Freiheitssatz bereit!

*Das eitle Tier in dir wird sich hinübersetzen.  
Wohin? Auf Schollen, die schon Priester vorgeweihet!  
Wir sollen dann die Beute schreckensbleich zerfetzen:  
Der Feind ist unsre eigne Frage als Gestalt.  
Und er wird uns, wir ihn zum selben Ende hetzen.  
Doch aus der Volksbesonnenheit kommt die Gewalt."*

[We can pour our warmth into animals/ chase away the animal, / but where you must (have to), make land (connotation: create space, cultivate) / I am ready for a fresh sentence of freedom (jump into freedom). / The conceited animal in you is going to disregard it (jump beyond it). / Where to? Onto land (cultivable land) that has been "pre-sanctified" by priests! / We should then, with a face pale of terror, tear apart the booty: / The enemy is our own question that has taken on shape (question put into/gaining shape) / And it (enemy) will persecute us, (and) we (will persecute) it, to the same end. / But from the level-headedness of the people comes (derives/ emerges) the violence] T. Däubler, *Hymne an Italien*, (3 Auflage), Insel Verlag, Leipzig, 1924, S. 65-66.

Here I cite F. P. B. Osmaston's translation, which is frequently imprecise. G. W. F. Hegel, *The Philosophy of Fine Art*, Vol. III, Hacker Art Books, New York, 1975 (1920), p. 161; *Vorlesungen über die Ästhetik II, Hegel-Werke*, Band. 14, Suhrkamp, Frankfurt am Main, 1976, S. 402.

G. W. F. Hegel, *Philosophy of Right*, Oxford University Press, 1942, p. 180.

The translator does not communicate the importance of the word Gestalt. First Part „The Idea of the Beauty of Art or the Ideal“, Chapter II, “The Beauty of Nature“, C. “The Detective Aspects of the Beauty of Nature“. G. W. F. Hegel, *The Philosophy of Fine Art*, Vol. I, pp. 200-201; *Vorlesungen über die Ästhetik I, Hegel-Werke*, Band. 13, Suhrkamp, Frankfurt am Main, 1976, S. 194-195.

In 1920 Osmaston offers these words of commentary on Hegel's paragraph: “It may be doubted, perhaps, whether he (Hegel) would have expressed himself with equal confidence in our own day. At least the position of the German States of his own time no doubt was strongly present in his mind“. *The Philosophy of Fine Art*, Vol. IV, p. 133; *Vorlesungen über die Ästhetik III*, S. 354. There are several similar sentences in Hegel's latter year. For example in his lectures from *The Philosophy of Right*: “Also, if a number of states groups into a family /zu einer Familie macht/, it is necessary for this unity /dieser Verein/, unity as individuality, to be countered, through the creation of an enemy, and the enemy of the Holy Alliance can be the Turks or Americans /und der der heiligen Allianz können die Turken oder Amerikaner sein/." *Vorlesungen über Rechtsphilosophie 1818-1831*, Hrsg. K.-H. Ilting, Band 4, Frommann-Holzboog, Stuttgart, 1974, S. 735.

Ibid., S. 353.

A review of Schmitt's lecture in Hamburg is found in Wilhelm Stapel's diary “Tagebuch, 13.1.1945“, *Schmittiana. Beiträge zu Leben und Werk Carl Schmitts*, Hrsg. Piet Tommissen, Duncker & Humblot, Berlin, Band V, 1996, S. 85.