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Analysing the Bush Doctrine Through Carl Schmitt's Concept of the Political

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This article offers an exegesis of the Bush Doctrine by analysing it through the prism of Carl Schmitt's *Concept of the Political*. The piece, in turn, offers a unique analysis to the doctrine through a philosophical perspective, embedded within a Schmittian conceptualisation, regarding how political power is expressed through the friend-enemy dichotomy. Most debates surrounding the Bush Doctrine's philosophical underpinnings revolve around neoconservatism and its supposed liberal hegemonic outlook, as illustrated by scholars such as John Mearsheimer (2017). However, IR scholarship, on the Bush Doctrine, does not tell us much about how this doctrine translated into shifts of governing authority in favour of the executive branch. Understanding the Bush Doctrine in relation to presidential authority, and how this contributed to a sweeping expansion of it, especially over foreign policy, will provide a novel perspective of analysis for structural and social theories of IR to consider. The analysis is motivated to provide a deeper understanding as to how the discourse of the Bush Doctrine effectuated an aggrandizement of presidential authority due to how the doctrine politicised the war on terror in a way which divided the world into two camps: friends and enemies. In studying the politics of friends and enemies, varying IR theories, such as social constructivism and securitisation theory, have emphasized the importance of international norms, identities, and how issues are designated as an existential threat which, then, require extraordinary means to confront it (Buzan et. al, 1998: 26). Such theories, however, do not tell us much about how ideas of friends and enemies translate into shifting domestic political orders.

It will be argued that the Bush Doctrine, from a Schmittian perspective, sought to legitimate the expansion of the sovereign's power through defining the American nation in contrast to an enemy. 9/11 allowed the Bush administration to reinvigorate the 'political community,' in Schmitt's parlance, by stressing the need for strength and vigilance against the enemy. Those ideas and policies that came to be known as the Bush Doctrine emphasized the friend-enemy distinction with the utmost intensity which justified an unprecedented expansion of executive power and authority to embark on preventive and unilateral wars. The piece shall begin by briefly introducing Carl Schmitt and his idea of the *Concept of the Political*, and how it has been expressed within other presidential doctrines. Then, the article shall illustrate how the Bush Doctrine was utilised to augment 'the political,' the friend-enemy dichotomy, as a justificatory basis for the administration's sweeping claims of executive power to act unilaterally. In sum, the article is motivated to assess the Bush Doctrine at the level of the political itself and explore an overlooked theoretical implication of the doctrine. Which, then, begs the question: what does one mean by the concept of the political?

Carl Schmitt and the Concept of the Political

Carl Schmitt (1888-1985) was a conservative German political, legal, and constitutional theorist and jurist. He is considered to be one of the most significant critics of liberalism and parliamentary democracy; these critiques were very much influenced by the era of the Weimar Republic. Schmitt's theory of sovereignty appeared in his 1922 *Political Theology*, in 1923 he published *The Crisis of Parliamentary Democracy*, and during the crisis of the Weimar era he published his *Guardian of the Constitution* in which he argued the president – as head of the executive – should be recognised as the guardian of the constitution to maintain order. It is, therefore, fitting that his ideas shall be applied to analyse the aggrandizement of presidential power and authority in this piece. However, Schmitt's intimate involvement with the National Socialist German Worker's Party has made him a controversial figure. His

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work, nevertheless, had a formative impact on the development of 20th century political and international legal thought and is particularly relevant since his work has experienced a recent revival.

Schmitt, in his 1932 *Concept of the Political*, was concerned with exploring what it means for something to be specifically political. For Schmitt (1932), "the specific political distinction...is that between friend and enemy." The distinction between friend and enemy is public, not private, and the political necessitates that groups face off as mutual enemies (Schmitt, 1932: 28-29). This distinction, between friend and enemy, is expressed with the "utmost degree of intensity...of an association or dissociation" (Schmitt, 1932: 38). In this regard, Schmitt (1932), in his *Concept of the Political*, argues that only members of a certain political community are in the position to decide, from the perspective of an existentially threatened party, whether another group constitutes a threat to their own form of life. And, if the threat is existential, the sovereign has the right to suspend legal norms.

A political community, according to Schmitt, exists "wherever a group of people are willing to engage in political life by distinguishing themselves from outsiders through the drawing of a friend-enemy distinction." Liberal states, according to Carl Schmitt (1932), will slowly wither and die out due to a philosophy which de-politicizes the community, that fails to distinguish between who is a friend and who is an enemy, and will then – in turn – be overwhelmed by external enemies who are more politically united. A sovereign leader, according to Schmitt (1932), must homogenize the community through appealing to the friend-enemy distinction, as well as through the elimination, "or expulsion of internal enemies who do not endorse that distinction." Throughout American history, and to varying extents, presidential doctrines have articulated a specific purpose of U.S. foreign policy and defined strategic interests in relation to an enemy.

Presidential Doctrines

Certain presidential doctrines were praised by Carl Schmitt, himself, who believed that Germany should have adopted its own Monroe Doctrine for Central Europe; the 1823 Monroe Doctrine stated that the U.S. would interpret any European intervention in the western hemisphere as an act of war (Carty, 2004: 38). Schmitt, here, demonstrates that legal arguments "can always be reduced to expressions of interest determined by space, location etc., so that it is only reasonable for each significant Power to think through what its own space-determined, self-understanding is" (Carty, 2004: 38).

During the Cold War, various presidential doctrines were propagated which expressed how the United States perceived of its hegemony; both geographical and ideological. The Eisenhower Doctrine of 1957 declared the Middle East to be a region of key strategic interest to the U.S. and Middle Eastern nations could request aid if it was threatened by armed aggression. Even more specifically, the Carter Doctrine, proclaimed in 1980, zeroed in on the Persian Gulf as an area of vital interest and any attempt by an outside force to control it would be repelled by any means necessary, including military force (Brzezinski, 1983).

In this sense, the presidential doctrine can be seen to have been utilised to homogenize the community through a clear statement which outlines the sovereign's parameters. Barton (2017) argues that, "[a] doctrine has served to define the national interest of a specific administration in a public manner, informing the American people and their allies, as well as putting potential adversaries on notice."

Offered through the authority of the president, the doctrine thus becomes a way to distinguish – on a global scale – who and what is the enemy in a clear fashion. Moreover, presidential foreign policy doctrines have often been used to legitimate American unilateralism and have been complimented by administrations seeking to expand presidential authority through unilateral action. For example, in an article within the quarterly published journal, *Strategic Review* by the United States Strategic Institute, William Bode – Special Assistant to the Under Secretary of State for Security Assistance – stated that the Reagan Doctrine was an expression of the American community's moral values of which its main elements were: a clear endorsement of the victory of democratic values worldwide, support of freedom fighters striving to shake off Marxist rule, and asserting an inherent American right to use force unilaterally if deemed necessary.

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Harry Truman's propagation of the Truman Doctrine, in 1947, declared that "it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures" (Truman, 1947). The significance of this doctrine was not only that, as historian Eric Foner (2008) stated, it set a precedent for U.S. assistance to anti-communist regimes throughout the world, and initiated the Cold War, but that it was matched – as doctrines usually are – with the expansion of executive power aimed at safeguarding the political community against an enemy. The Truman Doctrine was matched by a huge expansion of executive power, including the creation of the Central Intelligence and National Security agencies, directed at protecting the political community from its enemies abroad and at home. Truman, here, from the perspective of Schmitt's *Concept of the Political*, is rightfully expanding executive power through emphasizing the friend-enemy dichotomy. The expulsion of internal enemies is, for Schmitt, the right of the sovereign and necessary for the political community's perpetuation and safety.

Throughout the 1990s, the preponderance of American global power, defined by Charles Krauthammer (1991) as the 'unipolar moment,' rendered the community's enemy as much more ambiguous and harder to define. Such a situation, Carl Schmitt thought, was dangerous and would eventually lead to the overthrow of the nation by external enemies who are more politically united against who they perceive as their enemies. Whereas the presidential doctrines of the Cold War were propagated to mobilise the community behind the president, to confront the enemy that was the Soviet Union, the Clinton Doctrine of the 1990s defined the community's enemy as crimes against humanity which supposedly threatened the nation's interests, but not its survival. In Clinton's (1999) final National Security Strategy, he claimed that national interests do not affect the nation's survival, but it must be forced to act when humanitarian abuses occur "because our values demand it" and that national interests, such as promoting human rights, "do not affect our national survival, but... do affect our national well-being and the character of the world in which we live." For Schmitt, such thinking is a mistake and counterintuitive for the nation and the political community's survival. Clinton, as sovereign, provides no substantive markers of identity and, therefore, undermined the community's political existence. To perpetuate the political community and the authority of the chief executive over it – who serves as the sovereign in Schmitt's view – a clearly identifiable enemy would be needed.

The Bush Doctrine and the Friend-Enemy Dichotomy

9/11 made America's new enemy reveal itself in the most destructive of manners. The friend-enemy distinction was perhaps nowhere more succinctly expressed than during the president's address to the nation on September 21, 2001 when president Bush decreed: "either you are with us, or you are with the terrorists." This affirmative declaration of distinction between friends and enemies, from the prism of Carl Schmitt's *Concept of the Political*, constitutes an attempt to strengthen the political community through firmly outlining the distinction. The significance of this, as it pertains to a critique of Schmitt's analyses, is that the Bush administration was able to capitalise on the friend-enemy dichotomy in a liberal state; the latter of which Schmitt said would wither away due to an inherent philosophical inability to distinguish between friends and enemies. Bush's war on terror, and the doctrine propounded to execute it, was successful in legitimating the centralisation of power, within the executive branch, so as to safeguard the political community against the terrorist enemy. James Madison (1793), in the Helvidius-Pacificus debates, once said that, "war is in fact the true nurse of executive aggrandizement...In war, the public treasures are to be unlocked; and it is the executive hand which is to dispense them." As advised by William Graham Sumner (1903): "If you want war, nourish a doctrine." The Bush Doctrine, thus, served as the midwife to the expansion of the sovereign's power through its ability to articulate that there existed an enemy that could only be destroyed through a reordering of the constitutional order. As Laura Thompsen (2002) in the *Wall Street Journal* wrote:

the Bush Doctrine will require the will to act. That means more than investing in new war plans and command systems. It means investing time in explaining to the Congress and the public why first strikes will be required, so that when the time comes to act popular sentiment does not get in the way of military necessity.

Carl Schmitt argued that democracy was the sole principle of legitimacy to garner mass support, the challenge was to reinterpret democracy into authoritarian terms since "the sovereign is he who decides on the state of exception" (Dyzenhaus, 2020). This state of exception reflected a situation in which the executive was vested with necessary authority to circumvent the law which allows the executive to operate with discretion in the name of dealing with the

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threats posed by the enemy. In a system of checks and balances and mechanisms of review, the adoption of aggrandizing mechanisms which could legitimate unilateral action were required by the Bush administration. Christopher Kelley (2005) showed that as of 2005, George W. Bush had referenced the 'unitary executive theory' ninety-five times since coming to office when he signed legislation or issued executive orders. The unitary executive theory, which other scholars have highlighted is a clear example of what Schmitt would justify as the sovereign standing above the legal order through his unique ability to recreate order – a state of exception – through decision, rests "upon the independent power of the president to resist encroachments upon the prerogatives of his office to control the executive branch" (Kelley, 2005: 5). This sweeping view of presidential power was justified through the rhetorical confines of the Bush Doctrine. For example, George W. Bush, in a 2006 speech, proclaimed that the "doctrine that's really important and its change of attitude...it's going to require a change of attitude for a while [which] is that when you see a threat, you've got to deal with it before it hurts you."

In this light, the Bush Doctrine was a political doctrine which was advanced to rationalize the aggrandizement of power within a new legal order which liberates the president from governmental review. This was, in turn, legitimated through claims of protecting the community against an enemy which constituted an existential threat that the Bush Doctrine was able to communicate cogently.

In his 2011 memoir, George W. Bush mentions how "after 9/11, I developed a strategy to protect the country that came to be known as the Bush Doctrine: First, make no distinction between the terrorists and the nations that harbour them – and hold both to account. Second, take the fight to the enemy overseas before they can attack us again here at home. Third, confront threats before they fully materialise. And fourth, advance liberty and hope as an alternative to the enemy's ideology of repression and fear" (Bush, 2011: 396). According to Schmitt's thesis (1932), Bush, as sovereign, reinforces the political order through decision because the legal order rests on a decision and not on a norm. Schmitt argues that the sovereign stands above the normally valid legal order because he decides on the state of exception or emergency. Although most presidents seek to dominantly assert their power and authority in national security, Jane Mayer (2006), in her 'Hidden Power' article for the *New Yorker*, wrote that,

Known as the New Paradigm, this strategy rests on a reading of the Constitution that few legal scholars share – namely, that the President, as Commander-in-Chief, has the authority to disregard virtually all previously known legal boundaries, if national security demands it.

Therefore, that what came to be the Bush Doctrine was supported by a sweeping interpretation of executive power that served as the legal framework for the administration in its execution of the doctrine. Throughout its time in power, the Bush administration constantly reminded the American people that they were engaged in a war on terror against an enemy which sought the community's destruction, along with its way of life, and the ideas that sustain it. To legitimise the sweeping expansion of presidential authority, the enemy must be distinguished as existentially threatening and necessitating a concerted response by the political community.

As the White House's National Security Strategy of 2002 declared: "The United States of America is fighting a war against terrorists of global reach. The enemy is not a single political regime or person or religion or ideology. The enemy is terrorism – premeditated, politically motivated violence perpetrated against innocents...We must defeat these threats to our Nation, allies, and friends." Vice President Dick Cheney (2003), whilst giving remarks to the graduates at West Point, declared that, "With such an enemy, no peace treaty is possible...The only way to deal with this threat is to destroy it, completely and utterly." According to Carl Schmitt, continuously asserting the enemy's goal of existentially threatening the community is a way to provide strong social cohesion, necessary for the society's existence, because it allows the community to define and understand itself in contrast to its enemy. This, in turn, will make the political community stronger as a result. The sovereign must thus utilise this cohesion and employ the necessary powers to destroy those who threaten the community's existence (Schmitt, 1932: 32). In that same speech, Cheney stated: "The Bush Doctrine asserts that states supporting terrorists, or providing sanctuary for terrorists, will be deemed just as guilty of crimes as the terrorists themselves."

Cheney, in this speech, utilised the Bush Doctrine in a way that legitimated the aggrandizement of executive power through referencing the doctrine's declaration that the current juridical order has been reformed in accordance with

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the war on terror. According to Schmitt's theoretical prism, this is justifiable since the sovereign has the power to set aside the constitutional order to create a novel positive legal and constitutional order. The expansive assertions of implied executive authority claimed by the Bush administration, against the backdrop of fighting the terrorist enemy, has led to debates over whether these interpretations were justified and whether or not international law can interfere with U.S. domestic law (Yoo, 2009). Despite these protestations by actors external to the administration, the Bush presidency disregarded them. In a 2002 memorandum, written by Donald Rumsfeld to Vice President Cheney, Rumsfeld defends the detention of an individual deemed an 'enemy combatant,' despite legal outcry, because the release of that individual "would foster the notably undesirable view that the global war on terrorism is merely a law enforcement action, contrary to the Bush doctrine." Here, the Bush Doctrine is mentioned within the context of the sovereign having decided upon a state of exception through suspending normative procedures within the established juridical order; this is Carl Schmitt's conception of sovereignty since it is only the sovereign who has the power to decide who is included and excluded from this order. The Bush Doctrine, then, can be seen to have had embodied sweeping theoretical implications for the expansion of the American presidency. It must, then, be understood as signifying much more than a statement on U.S. foreign policy, but as a rhetorical mechanism utilised by the Bush administration to legitimate the establishment of what Andrew Rudalevige (2005) terms *The New Imperial Presidency*.

In conclusion, this article has demonstrated that Carl Schmitt's *Concept of the Political* thesis, in which he defines the political distinction as being that between friends and enemies, finds a blatant expression within the Bush Doctrine. This piece highlighted a unique theoretical implication, through the use of Schmitt's philosophical prism, into how the Bush Doctrine legitimated the aggrandizement of presidential power through appealing to the friend-enemy distinction. In turn, the article has sought to convey that politics, within liberal states, has often expressed the illiberal friend-enemy distinction with great intensity to justify the ever-increasing centralisation of executive power. The article, then, has been motivated to provide the IR scholarly community with a unique theoretical perspective as to how the Bush Doctrine, the propagation of which is often considered as a watershed moment in international relations, manifested at the level of the political itself.

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