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*Kosmopiraten, Kosmopartisanen:*  
Carl Schmitt's Prophetic Partisan

I had invited him because he was a legend of the past. Yet to the delight of all of us, he was turning out to be the iconoclastic prophet of the future. (John Le Carré, *The Secret Pilgrim*)

The revival of Carl Schmitt's partisan theory on both sides of the Atlantic confirms the return of one of the most contentious political thinkers of the last century. His *Theorie des Partisanen* (1963) is only now appearing in English, its prophetic voice recalled by the aftermath of 11 September 2001. The large horizons of this late intervention on his concept of the political are matched by a sublimity that rises to a vision of partisan star wars:

»Bei dem heutigen Gegensatz von Osten und Westen, und besonders in dem gigantischen Wettlauf um die unermesslich großen neuen Räume, geht es vor allem um die politische Macht auf unserem Planeten, so klein dieser inzwischen erscheinen mag. Nur wer die angeblich so winzig gewordene Erde beherrscht, wird die neuen Felder nehmen und nutzen. Infolgedessen sind auch diese unermesslichen Bereiche nichts als potentielle Kampfräume, und zwar eines Kampfes um die Herrschaft auf dieser Erde. Die berühmten Astro- oder Kosmonauten, die bisher nur als propagandistische Star-Größen der Massenmedien, Presse, Rundfunk und Television eingesetzt worden sind, haben dann die Chance, sich in Kosmopiraten und vielleicht sogar noch in Kosmopartisanen zu verwandeln.« (83)

The note of immensity has its proximate source in Hölderlin's vision of *die unermessliche Werkstatt* in the Alpine sunrise of »Heimkunft«. But Schmitt's is the sublime of conflict, not elemental harmony, and it tracks the race for space into a New World Order of air piracy and partisan provocation. Is there a more prescient prospect of the Brave New World of the third millennium in all of modern political theory?

Schmitt is hardly the only exponent of the collision of Old Europe with modernity. He is often compared with the influential Chicago theorist Leo Strauss, godfather of the invasion of Iraq through his neo-conservative following. This cohort sees the US as a society of warriors, fundamentally religious in outlook: a righteous scourge on the scale of the Old Testament prophets. Fundamentalism meets history in their approach to international politics, and though they have been discredited by their imperial prognostications on Iraq, they remain on the job in the corridors of Congress and in the media. If Schmitt has become pertinent again, it has something to do with the crusading spirit of US foreign policy in our time. Against the deep background evoked by his *Theorie des Partisanen*, this looks like a strategy that is historically challenged. For the partisan as Schmitt displays him is nothing less

than the motor of modern history, a figure whose mosquito-like tenacity has made a misery of imperial adventures going all the way back to Napoleon. Schmitt had observed him at work in Soviet Russia in the wake of Operation Barbarossa, and in Germany in the person of the *Wehrwolf* pursuant to the Allied invasion. Both functioned as local paramilitaries in defense of the homeland. The Russian partisan resistance held up the *Wehrmacht*, and so determined the outcome on the eastern front, by Schmitt's reckoning.

His mythification of the partisan has deep roots in romantic-era writing, as his essay makes clear, especially in Kleist's *Die Hermannsschlacht* (1808-9; first published by Tieck in 1821) which he calls »die größte Partisanendichtung aller Zeiten« (15). National resistance to the foreign conqueror is the vocation of the eponymous culture hero, known to posterity under his Roman legionnaire's name of Arminius. But what nation is the tribal Cheruskan, Hermann, defending against his own Roman force? With Napoleon in Berlin, Kleist was encouraging a pan-German resistance movement. But *Germania*, as Caesar called it in his memoir, was not a nation-state, and its tribalism is plainly represented in Kleist's closet drama. The conflicts among tribal loyalty, regional loyalty, and Roman loyalty are duly noticed by Kleist, but his overriding motive is incendiary hostility to the French conqueror. It is Hermann's devious animosity that inflames Schmitt, for it provides a prototype for the enmity of the partisan, driven as he is by visceral resistance to foreign incursions on »Haus und Herd und Heimat« (35). Complexity and contradiction within this position, of the kind represented by Hermann's conflicting loyalties, are simply out of bounds for Schmitt's theory of the partisan. Yet they are implicit in his characterization of »die autochthonen Verteidiger des heimatlichen Boden, die *pro aris et focis* starben« (77), which reverts to the local (as opposed to national) sources of the will to resistance.

Kleist serves Schmitt as a Cassandra who rattles with foreboding of rocks ahead. In the historical event of the Napoleonic incursion no pan-German resistance could be mustered, and *Die Hermannsschlacht* languished, left behind as a sign of things to come. But the rise of partisan fighting in the hedgerows of France in 1870 brought the matter to the attention of international law, Schmitt's *Fachheimat*. So Kleist, crying in the wilderness of the Teutoburgerwald, becomes a figure of prophecy in Schmitt's text, and a harbinger of later Prussian efforts of national consolidation. The role is largely symbolic, though Kleist's celebration of partisan enmity does something to underwrite the cardinal claim in Schmitt's earlier writing for the distinction between friend and enemy as the foundation of politics. This hard distinction, issuing in a principle of absolute enmity, is celebrated by Jacques Derrida as »the *affair* of philosophy, its very cause« (133), in his thoughtful study of Schmitt in *The Politics of Friendship*. Derrida's philosophical *tour de force* would thus return philosophy to its fully political vocation, in ways that restore Schmitt to center stage not just in modern political theory, where he is already widely recognized as an *agent provocateur*, but in the reconstruction of philosophy on postmodern premises.

Kleist is a prophetic figure for Schmitt, but his example does not appear to matter for the original formulation of the concept of the political in the influential book of that title (Berlin 1932). For political theory in general, indeed, Schmitt sets the romantic example aside. He had written about it in *Politische*

*Romantik* but by now it appeared irrelevant:

»Die deutsche Romantik von 1800 bis 1830 ist ein Tradition- und Feudal-Liberalismus, d. h. soziologisch gesprochen, eine moderne bürgerliche Bewegung, in welcher das Bürgertum noch nicht stark genug war, um die damals vorhandene politische Macht feudaler Tradition zu beseitigen und daher mit ihr eine analoge Verbindung einzugehen suchte, wie später mit dem wesentlich demokratischen Nationalismus und dem Sozialismus. Von konsequent bürgerlichen Liberalismus aus läßt sich eben keine politische Theorie gewinnen. Das ist der letzte Grund dafür, daß die Romantik keine politische Theorie haben kann, sondern sich immer den herrschenden politischen Energien anpaßt.« (*Der Begriff des Politischen*, 68n25.)

Because Kleist falls into this parade, as Schmitt sees it, his commitment to national resistance does not count for political theory. If he is a prophet, it is as one who foretells the rise of the partisan, that intensely and instinctively political creature who can tell friend from foe, and who is prepared to act accordingly. Kleist remains at the head of the company of writers, more or less bourgeois in origin and vocation, who tell the partisan's story from the time of the Napoleonic resistance in Spain. Schmitt is himself counted in this company, as his *Theorie des Partisanen* continues the tale with references not only to Clausewitz but to Friedrich von Gentz, Ernst Jünger, and Hans Joachim Sell, among others. Schmitt resembles von Gentz more than Kleist in his essay, as a loyal servant of a certain idea of *Germania* more than a desperado writing in search of home. Yet he is no mere political publicist, as his late reception testifies.

Schmitt invokes Kleist by way of inscribing himself in a prophetic line of historical reflection. This line begins with Edmund Burke, the English Whig whose *Reflections on the Revolution in France* (1790) was translated by von Gentz in 1793. Burke's shrill prophetic voice was the decisive opening shot in turning back the domestic tide of revolt against king and crown. To Burke's romantic following, he

»was the Orpheus that sailed with the Argonauts; he was their *seer*, seeing more in his visions than was always intelligible even to himself; he was their watcher through the starry hours, he was their astrological interpreter. Who complains of a prophet for being a little darker of speech than a post-office directory? or of him that reads the stars for being somewhat perplexed?« (De Quincey xi. 36-7)

Burke's »darker speech« has been shown to have been a calculated political means of rallying the rising middle classes to his cause (Smith 37). »A web wrought with admirable beauty from a black bag of Poison« (15) was how Coleridge characterized the vituperation of Burke's *Reflections* at the time. Yet he came to regard Burke as an authentic prophet who alone had foreseen the Terror that would soon consume France, and the autocracy to which it would lead. His own politics returned to the national fold with the recognition that Burke had got the story right even as others, including himself, were entertaining delusions of political sedition.

Schmitt's prophetic turn has been related to Walter Benjamin's disturbingly messianic voice, against the grain of their ideological differences (Rumpf). But

its origins lie in the »darker speech« of romantic writing (Balfour) of which he takes Burke to be representative (*Begriff des Politischen*). His sturdy defense of the values of *Haus und Herd und Heimat* echoes Burke's appeal to usage, custom, and habit. This is conservative bedrock, though the association of Burke with the Nazi in Schmitt is bound to appear provocative, considering the deep reverence for Burke still observed by US neo-conservatives. Schmitt's enlistment in the prophetic darkness of Burke's *Reflections* is suggestive for understanding the political aspiration of his essay on the partisan. For this is in no way a dispassionate look at the phenomenon of indigenous insurgency. It is haunted by the spectre of the Russian Army across the Elbe, ready to strike, and by the occupying Allied presence with its latter-day Roman pro-consuls. Such cultural claustrophobia might be characterized as the obverse side of *Lebensraum*.

Prophetic hysteria was common coin in the run-up to the Third Reich, and it remains a staple of conspiracy theory of every kind, in a prolific literature about the surreptitious causes of 11 September (Icke) as in German Holocaust denial. The Cassandra note plays on public fears and private obsessions, projecting future scenarios that inflate simple ideas into extravagant balloons. Burke was characterized by Richard Whately, a late contemporary logician and theologian, as a writer *qui variare cupit rem prodigialiter unam* (De Quincey x.129), and this tautological manner does something to make sense of his prophetic turn. De Quincey shows that tautology was a staple of the conventional public rhetoric of such eighteenth-century standards as Dr. Johnson, but he defends Burke against the charge of rehearsing his ideas in images, saying the same thing in a different way. Hypotyposis is a better name for Burke's vividly pictorial practice, involving as it does the invocation of imagery that appears unmediated (Gasché 207f), as natural as terrorists in France, or partisans in space. But of course they are natural only if they follow naturally from *idées fixes*, like Gallic turmoil in the mind of John Bull, or star wars in the Cold War European imagination.

So what are the ideas that Schmitt's cosmo-pirates and cosmo-partisans are rehearsing? Their proximity intimates the precarious legal duplicity of the partisan, whose position is practically defined by his ambiguity. Is he a pirate, or a culture hero? A common criminal taking advantage of the situation on the ground for some private interest, like the Ba'athist thugs in Iraq? Or a noble savage who sacrifices everything in the name of freedom from foreign occupation? The international legal perspective that Schmitt brings to bear is particularly helpful in articulating the terms of this ambiguity, which remains vividly alive on the streets of the Middle East, and now in Europe as well. The partisan's duplicity is replicated in the law of war:

»Der Partisan kämpft irregulär. Aber einige Kategorien irregulärer Kämpfer werden den regulären Streitkräften gleichgestellt und erfreuen sich der Rechte und Vorrechte regulärer Kombattanten. Das bedeutet: ihre Kampfhandlungen sind nicht rechtswidrig, und wenn sie in die Gewalt ihrer Feinde geraten, dann haben sie Anspruch auf besondere Behandlung als Kriegsgefangene und Verwundete. Die Rechtslage hat in der Haager Landkriegsordnung vom 18. Oktober 1907 eine Zusammenfassung gefunden, die heute als allgemein gültig anerkannt ist. Nach dem zweiten Weltkrieg ist die Entwicklung durch vier

Genfer Konventionen vom 12. August 1949 weitergeführt worden, ...«(28)

These are the same Geneva Conventions whose violation is at issue in the rights, or otherwise, of the international partisans being held incommunicado at a Guantanamo Bay facility designed for the purpose. The draconian irregularity of their prison – something like Jeremy Bentham's Panopticon, as immortalized by Foucault in *Surveillir et Punir* – is a sign of their condition.

What is the status of such irregular combatants? In domestic law, their right to due process before the law has just now been adjudicated by the US Supreme Court, to the astonishment and discomfiture of the Bush administration. But their situation on the ground in Cuba remains precarious, an index of their irregularity. In the public imagination they remain terrorists by association with the cosmo-pirates of 9/11. Conservative distress on the court with the violation of constitutional rights points in the direction of a normalization of the pirate's legal status: of his transformation into partisan, in Schmitt's words. In the mean time, his ambiguous status means that he has been held as an enemy combatant without recourse to the privileges of regular combatants under the Geneva Accords. Unless and until the pirate is translated into partisan, he is vulnerable to treatment like a rabid dog. He is a throwback in this way to a Hobbesian stage represented for Schmitt by the Thirty Years War. In its cataclysmic wake a new international politics developed conventions of war to limit the damage to armies, sparing the civilian population such traumatic exposure to the law of the jungle. Schmitt's essay recalls these conventions with some nostalgia. They permitted and even encouraged war, but on a strictly limited basis. The restoration of a contractual approach became his ideal in the wake of the Great War. Military adventures were inevitable, given the nature of the rising nation states, he thought, and international law was the rightful stage for controlling them to save Europe from itself.

Yet this is putting the case too apologetically. Schmitt is absorbed in the spectacle of war, like his great friend Jünger, the latter-day Arminius who wrote lyrically about the shock of combat. What Schmitt has to tell us exceeds Benjamin's notorious dictum that »es ist niemals ein Dokument der Kultur, ohne zugleich ein solches der Barbarei zu sein« (*Schriften* I.2 696). For what he observes is not just the sorry show of human aggression bred in the bone. It is the problem of *Kultur* in Benjamin's sense of the word: of endless conflict between the local and the tribal, the national, the global. The partisan is the thin edge of history's wedge because he acts out issues of identity at the bottom of the fundamentally differential concept of culture. If culture amounts to an assertion of difference, as Pierre Bourdieu would lead us to understand, the walls that it builds are always liable to pressure from other cultures, other forces, including inside forces for change. Culture is the site of barbarism because it is the scene of the perpetual construction of difference, and of its deconstruction by invaders without and rebels within the city walls.

Schmitt's partisan is an ancestral figure prophesying war from the ramparts of *Haus und Herd und Heimat*. He fulfills the rattle of Burke's »darker speech«, and Kleist's vision of tribal resistance to the invading conqueror. But he also confuses them. His identity lies somewhere between the terrorist and the regular soldier, as Herfried Münkler suggests in his study of the background and future

of the type (173). It is a type characterized by its interstitial position, as Münkler construes it. But can such a position define a type at all, properly speaking? The partisan might be an ancestral figure prophesying war, in the spirit of Arminius, but his identity remains a problem even to himself, as Kleist's text shows. What master does he serve? Varus, or his own wife? And what is the future of so elusive an identity position? Schmitt sees a future of *Kosmopiraten* bzw. *Kosmopartisanen*, eliding a distinction without much of a difference, preserving these relics of history's turmoil for the Hobbesian conflict that they point to. The future he envisions in his own darker speech is a re-run of the Thirty Years War.

Air piracy and partisan bloody-mindedness are on Münkler's mind as he performs his critique of the partisan type in the context of his reflection on Clausewitz and his inheritors, including Carl Schmitt himself. It is striking that Münkler recognizes the theoretical problems involved in perpetuating this underdetermined identity position in his theory of war, yet chooses to endorse it rather than doing away with it altogether. His reform of the partisan consists in reinscribing the Leninist emphasis on the anti-bourgeois and proto-revolutionary character of the type, while remaining at a distance from Lenin's rabble rousing. Schmitt and Jünger lie behind such a conception but the prophetic note is absent from Münkler's treatment. Does this amount to a claim for the imminent demise of the partisan? A post-partisan world would be something like Fukuyama's liberal paradise, which at the distance of a dozen years is now unmistakably a case of wishful thinking. The political bubbles of the period pursuant to *die Wende* relied on a rhetoric of prophecy. Unrealized prophecy is of course always in abeyance; the liberal paradise like its Marxist prototype might yet be around the corner. But the survival of the partisan is a matter of record in our time. His oppositional intransigence makes a prophet of Kleist, and it restores Carl Schmitt to a place in the conversation about the political future.

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