

## ISLAMIST TERRORISM IN CARL SCHMITT'S READING

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The thought of Carl Schmitt (1888-1985) helps to place Islamist terrorism within a certain tradition of warfare and political theory. In fact, this form of violence can be clarified by Schmitt's theoretical endowment, as this brief paper attempts to do. The end of the legal framework of the *jus publicum europaeum* and the emergence of non-state actors have put into question centuries-old certainties. Schmitt's theory could help to put order in political concepts today ideologically misused. And his opposition to any universalistic tendencies questions not only Jihadi ideology but also Western anti-terroristic rhetoric, which is equally part of the ongoing global war of annihilation feared by Schmitt during his entire life.

### 1. The ashes of the *jus publicum europaeum*

Carl Schmitt's writing *Theory of the Partisan. Commentary/Remark on the Concept of the Political* (1963), which is one of his last work, contains many elements that permit us to deeply understand the contemporary world and to frame the figure of the terrorist in an innovative way.

From 9/11 on, Islamist terrorism has become the antagonistic character *par excellence*, a disruptive element in a supposedly peaceful world order. But terrorism did not come from nothing, yet it's very recent in some respects. The geopolitical (dis)order as well as the economic and cultural globalization have nurtured a dangerous basin of resentment that has resulted in the annihilation of the World Trade Centre, perceived as the symbolic exemplification of post-Cold War *status quo*. A new type of warfare appeared on earth and subverted the West, attacking the most powerful force, the United States. The initial reaction was disorientation: was it just an accident? But when the second airplane crashed into the second tower, everyone understood that it was an attack, a very unusual attack but still an offensive act of violence. What kind of actor was involved in the plot? The label of "terrorist" was forthwith applied on the hijackers and, further, on al-Qaeda's members. From that moment on, every Islamist militants have been called terrorist, regardless of the differences between groups, affiliations, battlegrounds and tactics.

Carl Schmitt's analysis on the figure of the partisan has much to say about the label of "terrorist", showing up its derivation from the irregular and asymmetric war

carried out by irregular troops in a recent past, especially from the Spanish Guerrilla War (1808-1814) against Napoleonic France. But before debating on this specific point, let's have a quick overview of Schmitt's theory.

Schmitt's most important work is *The Concept of the Political* (1927), of which *Theory of the Partisan* is intended as a further integration. In this book, Schmitt has identified the essence of the political in the *friend-enemy distinction*, where the «enemy is not the *inimicus*, the one who has unfriendly attitude on a personal level, nor the *rivalis*, who is the competitor, nor the *adversarius*, the generic adversary, but the *hostis*, the enemy of the fatherland, the public and political enemy»<sup>1</sup>, who remains the stranger that poses an existential threat to a specific community. «In the extreme case conflicts with him are possible»<sup>2</sup>. This doesn't mean that war is the aim of politics; on the contrary, war is the extreme possibility of regular political dialectic, its *extrema ratio* but not the norm. The potentiality of violent struggles makes the friend-enemy scenario a reality which affects the life of political unities facing each other. Schmitt talks clearly about «the real possibility of physical killing» as the «extreme realization of hostility»<sup>3</sup>.

*Amicus* and *hostis* are the two sides of the political spectrum. All political activities fall under this particular distinction. In this specific sense, the organized political entity is characterized by the absence of inner political antithesis – meaning the one between friend and enemy. Every political entity is «the supreme entity, that is, in the decisive case, the authoritative entity»<sup>4</sup>, in the sense that it decides for itself the friend-enemy distinction. Now, the state «represents the classic form of political entity for European history»<sup>5</sup>, from which the perception that the political and the state are the same, although they are not; as we will see, the figure of the partisan «is the perfect demonstration of the fact that state and politics are not automatically synonyms»<sup>6</sup>. Anyway, the state has had the merit of having safeguarded peace in Europe for centuries. In fact, even though Europe has experienced many wars, all these conflicts weren't "total" wars. "*Jus publicum europaeum*" is the expression used

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<sup>1</sup> Franco VOLPI, *Il nichilismo*, Laterza, Roma-Bari 2009, p. 136.

<sup>2</sup> Carl SCHMITT, *Sul concetto di politica*, Mimesis, Milano-Udine 2013, p. 33.

<sup>3</sup> Ivi, p. 43.

<sup>4</sup> Ivi, p. 57.

<sup>5</sup> Ivi, p. 38.

<sup>6</sup> Alain DE BENOIST, *Terrorismo e "guerre giuste"*, Alfredo Guida Editore, Napoli 2007, p. 57.

by Schmitt to refer to modern international European law, a *corpus* of rules and regulations on conflicts between states which has rationalised and limited war thanks to appropriate laws and procedures. This juridical architecture, ratified by the peace of Westphalia (1648), has formalised the steps to follow in violent struggle and has «replaced the *justa causa* doctrine with the juridical equality of both *justi hostes*»<sup>7</sup>. The enemy wasn't considered anymore a criminal to kill or to imprison, rather it became a military partner belonging to the same European family. In this way, the fundamental friend-enemy polarity was controlled and mitigated, and the war became a measured duel. Schmitt's thesis is that

as opposed to civil and confessional wars, under the new international law conflicts became ordered duels in a circumscribed space (the battlefield), in front of witnesses (the neutral states), following shared procedural rules (declaration of war, prohibition of some kind of weapons, treatment of diplomats)<sup>8</sup>.

Such an interstate system provided the parts involved with the same formal equality, preventing the possibility of a war of annihilation. In other words, the *jus publicum europaeum* represents the transition from *jus ad bellum* to *jus in bello*.

But what is a war of annihilation? This definition, a synonym of “total” war, suggests an unlimited conflict where the enemy is not an equal partner but rather someone to destroy and eradicate. The criminalization of the enemy follows the «logic of a war of *justa causa* in the absence of recognition of a *justus hostis*»<sup>9</sup>. This unrestricted and total enmity is something fatal, a disastrous premise for reciprocal destruction.

Carl Schmitt states that the *jus publicum europaeum* started to get weak from the Treaty of Versailles (1919), where war has been considered a criminal act for the first time in the history of international law. «At Versailles begun the evolution of international law in a universalistic and penal way, an innovation that would have led in few years to the creation of the League of Nations»<sup>10</sup>. Schmitt is undoubtedly a

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<sup>7</sup> Carl SCHMITT, *Il Nomos della terra*, Aepphi, Milano 1991, p. 136.

<sup>8</sup> Stefano PIETROPAOLI, *Schmitt*, Carocci, Roma 2012, p. 154.

<sup>9</sup> Carl SCHMITT, *The Theory of the Partisan*, Michigan State University Press, Michigan 2004, p. 21.

<sup>10</sup> Stefano PIETROPAOLI, *Schmitt*, p. 159.

prescient analyst: the claim of defending humanity under the banner of human rights is dangerous since the concept of humanity

excludes the concept of the enemy, because the enemy does not cease to be a human being. [...] 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. [...] To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him an outlaw of humanity; and a war can thereby be driven to the most extreme inhumanity<sup>11</sup>.

The UN Charter (1945) confirmed Schmitt's fear: such a legal framework aspires to be global. The consequence was that whoever disagreed would be immediately criminalized. The *jus publicum europaeum* was definitively over.

## 2. The partisan, the revolutionary, the terrorist

But also another element has played a key role in the deconstruction of the *jus publicum europaeum*. It was the partisan.

In *Theory of the Partisan*, Schmitt has deepened the decisive implication of irregular combatants. In fact, guerrilla warfare challenges state's monopoly on violence, as it is non-state or non-sovereign violence against regular state army. According to the *jus publicum europaeum*, war is a privilege of states, hence the emergence of non-state actors blows up the balance of power in the European region. The partisan is both symptom and cause of the dissolution of the *jus publicum europaeum*.

According to Schmitt's analysis, the first historical manifestation of the *partisan* occurred in the Spanish Guerrilla War against France, when irregular forces fought irregularly against regular army. This figure «constitutes the overture to a theory of the partisan»<sup>12</sup>, meaning that, from a military classification, it gradually became a properly political theory. Then it has been deepened in other European experiences such as the Prussian resistance against France. The 1813 Prussian edict on the national levies (*Landsturm*), signed by the King of Prussia himself, obliged every citizen to resist the invaders with weapons of whatever kind. «This document –

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<sup>11</sup> Carl SCHMITT, *Sul concetto di politica*, p. 68.

<sup>12</sup> Carl SCHMITT, *The Theory of the Partisan*, p. 5.

Schmitt writes – represents, in short, a sort of Magna Carta of partisanship»<sup>13</sup>. The edict was changed only three months later, but for the first time it legitimates the partisan as a national defender. «For one moment at least, he attained to historical stature and spiritual vocation»<sup>14</sup>.

Which are the traits of the partisan? Schmitt lists four elements: irregularity, increased mobility, intensity of political commitment, and tellurian character. Irregular warfare (1) is characterized by speed and agility (2) on a specific ground that is well known to the partisans (3) who is moved by an intense political enthusiasm (4). «The intense political character is crucial as it distinguishes the partisan from other fighters, from the thief and criminal, or the pirate, for whom violence is carried out only for private enrichment»<sup>15</sup>. The intention of this kind of local partisan is merely defensive, as he's linked to a specific territory and is concerned in freeing his own country. «His grounding in the tellurian character seems necessary to me in order to make spatially evident the defensive character, i.e. the limitation of enmity, and in order to preserve it from the absolutism of an abstract justice»<sup>16</sup>. Thus, Schmitt has a nostalgic attitude toward the partisan, who's viewed as the one who resists the universalistic logic of a supposed universal moral or legal legitimacy. In this sense, the partisan is opposed to the tendency to universalise international law that assumes the point of view of humanity, which is, as we have already seen, the basic assumption of the erosion of the *jus publicum europaeum*.

However, the partisan has drastically changed over time. The encounter with a revolutionary ideology such as Communism has completely changed the nature and the structure of the partisan. The global approach of universalistic ideologies, as well as the technical-industrial progress, have made the partisan lose his tellurian character. The complete dislocation of the so transformed partisan has converted him in a *revolutionary combatant*. This last figure is pernicious. In addition to the loss of tellurian character, William Hooker suggests that «the key distinction [between the partisan and the revolutionary] lies in the political potentiality of their relationship with the law. In other circumstances, the partisan could subscribe to a system of order

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<sup>13</sup> Ivi, p. 29.

<sup>14</sup> Ivi, p. 33.

<sup>15</sup> Tarik KOCHI, *The Partisan: Carl Schmitt and Terrorism*, in "Law Critique", n. 17, anno 2006, p. 278.

<sup>16</sup> Carl SCHMITT, *The Theory of the Partisan*, p. 13.

in which he is, in essence, left alone. The global revolutionary cannot»<sup>17</sup>. The revolutionary has global expansionist ambitions not limited to a particular territory.

Lenin is the key figure of the revolutionary, its real ideologue. He «has internationalised the partisan [...] who does not fight a “real” enemy but an “absolute” enemy»<sup>18</sup>. Lenin has brought the partisan in the field of total and unlimited enmity, outside the conventional game of wars offers by the *jus publicum europaeum*. And «the war of absolute enmity knows no containment»<sup>19</sup>. Absolute war, absolute enmity and absolute enemy became the coordinates of a new lethal warfare.

But eventually, Lenin’s theoretical structure has been developed by Stalin:

Stalin was successful in linking the strong potential for national and local resistance – the essentially defensive, telluric power of patriotic self-defense against a foreign conqueror – with the aggressive nature of the international communist world-revolution. The connection of these two heterogeneous forces dominates partisan struggle around the world today<sup>20</sup>.

Other examples of a mixture of local and international elements are found in Ho Chi Minh in Vietnam, in Fidel Castro at Cuba, in Mao Zedong in China.

To sum up. On the one hand, there are the revolutionaries who disturb and get out of conventional way of waging war, declaring an absolute enmity and claiming universal ends; on the other hand, the ecumenical pacifism in the name of humanity criminalizes all the subjects which stand against the *status quo*. In both cases, the Manichean mentality dehumanizes the enemy, as Michele Martelli writes in an Italian wordplay: «[il nemico è] trasformato da uomo che fa il male in male che si fa uomo»<sup>21</sup>. The total war between these two sides would be a disaster for the whole world, as there wouldn’t be any peace treaty between them. Such a world would be – and actually is – «a world in which the partners push each other in this way into the abyss of total devaluation»<sup>22</sup>.

In this context emerges another and more toxic figure, the *globalterrorist*. Although Schmitt has never talked about it, he seems to have forecasted such a new

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<sup>17</sup> William HOOKER, *Carl Schmitt’s International Thought*, Cambridge University Press, Cambridge 2009, p. 181.

<sup>18</sup> Donatella DI CESARE, *Terrore e modernità*, Einaudi, Torino 2017, p. 93.

<sup>19</sup> Carl SCHMITT, *Theory of the Partisan*, p. 36.

<sup>20</sup> Ivi, p. 38.

<sup>21</sup> Michele MARTELLI, *Teologia del terrore*, Manifestolibri, Roma 2005, p. 36.

<sup>22</sup> Carl SCHMITT, *Theory of the Partisan*, p. 67.

form of revolutionary partisanship. He writes: «But what if the human type that went into the partisan adapted to its new technical-industrial environment, learned how to make use of the new means, and developed a new, adapted form of the partisan – let's call him the industrial partisan?»<sup>23</sup>

Let's list the features that are common to the revolutionary and the terrorist. Irregularity, political intensity, absolute enmity, and blurred civilian/military distinction are the elements founded by Ugo Gaudino in both Schmitt's partisan and Islamist militant<sup>24</sup>. Moreover, as the revolutionary, the Islamist terrorist, who is the most important proponent of global terrorism, challenges state sovereignty and calls into question statehood, at least proving that there are different conflicts from interstate wars. The same definition of "War on Terror" or "Global War on Terrorism", coined by the U.S. President George W. Bush after 9/11, poses a big problem to the traditional perception of international law, for here the enemy isn't a state but an unclear non-state actor without a definite territory.

In this sense, the global terrorist is «a deadly variant of the irregular combatant, who performs this irregularity in a more disturbing way»<sup>25</sup>.

### 3. Al-Qaeda and Isis *face à* Schmitt

Is that all? Is global terrorism just an enhanced form of the revolutionary combatant? Actually, it's possible to point out another feature that discriminates between the two, defining the terrorist in a more original way.

On this point, Alain de Benoist is clear: the *spectacularity* of terroristic actions is something unique which really makes the difference. The primary target of these actions is not the one that appears as such. These actions aim at a secondary effect more than at the actual and visible damage they really cause; it's like a sort of extortion.

Terroristic attacks are only means to influence public opinion and to put pressure on governments. In this way, terrorism aims at touching the spirits and at disarming the will of

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<sup>23</sup> Ivi, p. 56.

<sup>24</sup> Cfr. Ugo GAUDINO, *Leggere Schmitt a Raqqa. Teoria del partigiano e terrorismo islamico*, in "Sistema Informativo a Schede", n. 5, anno 2016, pp. 17-18.

<sup>25</sup> Franco VOLPI, *L'ultima sentinella della terra*, in Carl Schmitt, *Teoria del partigiano*, Adelphi, Milano 2012, p. 177.

people [...] It's an important difference compared to the partisan or the *guerrillero*, who looks always at the direct effects on their immediate target<sup>26</sup>.

The media unwillingly contributes to spread the terror, as Jean Baudrillard has evaluated in his *The Spirit of Terrorism*<sup>27</sup>. In these terms, «the fear of danger is more important than the danger itself [...] and the risk (omnipresent) has replaced the danger (recognizable and localised) »<sup>28</sup>.

Having defined the peculiarity of the figure of the terrorist, let's move from the theory to the ground. Of course, «Carl Schmitt couldn't know groups as the fedayin, pasdaran or mujahidin»<sup>29</sup>. However,

the traditions of Islamic reformism and radicalism that developed in the 19<sup>th</sup> and 20<sup>th</sup> centuries in response to the frailty of the Islamic world in the face of Anglo-European colonialism, and the numerous political and military organisations that have developed from these intellectual movements, are not completely divorced from the context and world described by Schmitt's theory of the partisan: from political-military actors such as Mao and Ho Chi Minh<sup>30</sup>.

The belonging of radical Islam to the brief history of the partisan outlined in *Theory of the Partisan* is something that allows us to read Islamist terrorism from a new perspective. In other terms, violent Islamism is not an eccentric and original phenomenon isolated from previous history. Rather, it's an evolution of something already existing, which yet Carl Schmitt has taken in consideration, «showing an uncommon foresight and offering interpretative keys by which to consider the figure of the terrorist»<sup>31</sup>.

Al-Qaeda and the so-called Islamic State (Isis or Daesh) are the two main terroristic organizations today. They are a big threat to the West and to the whole world. Their «binary-code mentality»<sup>32</sup> obeys to the Manichean approach of the revolutionary combatant: the absolute enmity plays an undeniable dominant role for all various revolutionaries such as Leninist-Marxists or Jihadists. These actors don't

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<sup>26</sup> Alain DE BENOIST, *Terrorismo e "guerre giuste"*, p. 78.

<sup>27</sup> Jean BAUDRILLARD, *L'esprit du terrorisme*, in "Le Monde", November 3, 2001.

<sup>28</sup> Alain DE BENOIST, *Terrorismo e "guerre giuste"*, pp. 79-80.

<sup>29</sup> Franco VOLPI, *L'ultima sentinella della terra*, p. 178.

<sup>30</sup> Tarik KOCHI, *The Partisan: Carl Schmitt and Terrorism*, p. 294.

<sup>31</sup> Donatella DI CESARE, *Terrore e modernità*, p. 96.

<sup>32</sup> Alessandro ORSINI, *Isis*, Rizzoli, Milano 2016, p. 130.



take into consideration the existence of a third category next to “Us” and “Them”, organising humankind in rigid spaces, as it’s stated in Isis’ propaganda magazine *Dabiq*:

The world is divided into two camps [...] The camp of Islam and faith, and the camp of *kufri* (disbelief) and hypocrisy – the camp of the Muslims and the mujahidin everywhere, and the camp of the jews, the crusaders, their allies, and with them the rest of the nations and religions of *kufri*, all being led by America and Russia, and being mobilized by the jews<sup>33</sup>.

Now, the ultimate goal of both Al-Qaeda and Isis is the restoration of the caliphate, but they disagree on the method: «For al-Qaeda the rebuilding of the caliphate is the last stage of a long-term strategy [...] which includes] preaching/education activities. [...] On the contrary, Al-Baghdadi’s design overturns Al-Qaeda’s ranking of priorities [...] The restoration of the caliphate is not the peak of the process, but it’s its bedrock and its undeniable precondition»<sup>34</sup>. This distinction is important to define two different natures of the Islamist terrorist which correspond to the two groups.

It’s also important to stress the fact that the battle waged by most of Islamists is intended as a defensive jihad against the invader, being it a military intruder, an economic one, or a cultural entity which opposes the so-perceived “authentic” Islamic tradition. Such a defensive nature of the conflict, although being an auto-interpretation, is important for our discourse, since a defensive battle is, in Schmitt’s terminology, a telluric battle.

Al-Qaeda’s militant is «more similar to the figure of the *Kosmopartisan* sketched by Schmitt»<sup>35</sup>, as it’s a delocalised network spread on many different countries. In this sense, Al-Qaeda’s militant is a revolutionary combatant fully integrated in the technical-industrial environment of modernity. This kind of *revolutionary terrorist* doesn’t belong to any particular land. Therefore, the lack of tellurism intimately defines al-Qaeda’s identity. However, after USSR’s invasion of Afghanistan (1979), the country became the «epicentre of the Islamist cause»<sup>36</sup>, simulating a sort of tellurism.

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<sup>33</sup> *Dabiq-Isis Magazine*, July 2014, 10.

<sup>34</sup> Andrea PLEBANI, *Jihadismo globale*, Giunti, Firenze 2016, pp. 106-107.

<sup>35</sup> Ugo GAUDINO, *Leggere Schmitt a Raqqa. Teoria del partigiano e terrorismo islamico*, p. 18.

<sup>36</sup> Silvia CARENZI, *L’evoluzione ideologica e operativa del jihadismo globale*, in “Sistema di Informazione per la Sicurezza della Repubblica”, 09/2017, p. 5.

Then, following 9/11, the Afghan conflict has exposed the difficulty of the United States in dealing with a deterritorialised network such as al-Qaeda. The death of its leader (2011), Osama bin Laden, has had the consequence of intensifying the virtual character of the organization, causing an even deeper loss of the tellurian element.

On the contrary, Isis is a more complex phenomenon. It presents both the elements, the telluric one and its opposite, the universalistic aspiration. Long before the proclamation of the so-called “caliphate”, William E. Iraq Scheuerman has located in Iraq the centre of this hybrid experience: the 2003 invasion of «has helped generate what we can legitimately describe as a guerrilla or partisan war which depends on significant sympathy from segments of the Iraqi population. The insurgency brings together a motley collection of former Baathists, radical Islamists and al-Qaeda fighters, now united by their profound hostility to the American crusaders»<sup>37</sup>. Al-Qaeda’s jihadi war against the US has now become a real partisan war rooted in a specific land. In other terms, 9/11 was a terroristic, and thus revolutionary, attack, but the anti-US Iraqi resistance was a regular partisan and telluric war.

It has been precisely from this arena that Isis has risen. Presenting himself as a full actor of the Iraqi insurgency, Abu Mus‘ab al-Zarqawi, leader of the group that would have transformed into Isis just after his death, has hijacked the conflict with the belief that it would have been necessary to start from a particular ground for the liberation of the Islamic world. The proclamation of the “caliphate” (2014) and the control on the ground (the “Syrac” region) have broken out Schmitt’s ideal-typology of the partisan: the tellurian character is incontrovertible, yet the universalistic revolutionary ideology is present and it’s even more important for the enrolment of foreigners (foreign fighters). The two elements – particularism and universalism – are united in an inextricable knot. Here “*glocal*” *jihad* is a reality, and it gives life to a new type of fighter, the *glocal terrorist*, an even more fatal evolution of Schmitt’s partisan.

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<sup>37</sup> William E. SCHEUERMAN, *Carl Schmitt and the Road to Abu Ghraib*, in “Constellations”, n. 1, v. 13, anno 2006, p. 114.

#### 4. Conclusions

The itinerary followed in this brief paper has pointed out the validity of Schmitt's theory in dealing with the phenomenon of Islamist terrorism. Actually, Schmitt's thought has given the framework in which to classify the terrorist.

Whether we consider the primarily defensive partisan (Islamic and secular) war of resistance against US forces in occupied Iraq, or the global, revolutionary war of Islamic political organisations, Schmitt's theory helps to place both forms of violence within a relatively recent but important tradition of warfare and political action<sup>38</sup>.

This means that the terrorist doesn't fall out of the regular dialectic between the two key polarities of the political, friend and enemy. Terrorism is not an absolutely unprecedented experience and, above all, it's a legitimate form of the political, as specified by Schmitt.

We shouldn't consider the terrorist as a foolish actor or a simple nihilist; rather, it is a «rational individual that poses objectives which are often fully comprehensible to us, like national liberation or some kind of “revolution”»<sup>39</sup>. The terrorist is not the personification of evil, as often stated by Western politicians. This Manichean mentality, which dehumanizes the other, is pernicious since, as clarified in paragraph 1, it's the premise for the total, limitless and absolute war against the supposed *hostis humani generis*.

This doesn't mean that terroristic actions are not crimes, nonetheless they are *political* crimes, which cannot be recognized as such without taking into consideration the context and the cause that allow to classify them as political crimes. In other terms, a political crime is political before being criminal, and it's because of this point that it shouldn't be assimilated to a regular crime (which doesn't mean that it should be treated with more indulgence)<sup>40</sup>.

Yes, terroristic actions have that peculiar character that resembles the extortion. But this tactic mirrors the asymmetry of the conflict, revealing the strategic mentality at the heart of terrorism. Schmitt seems to suggest that the terrorist, being it global or “glocal”, is a destructive evolution of the partisan, but still a figure of the global play

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<sup>38</sup> Tarik KOCHI, *The Partisan: Carl Schmitt and Terrorism*, p. 293.

<sup>39</sup> Fabio DEI, *Terrore suicida*, Donzelli, Roma 2016, p. IX.

<sup>40</sup> Alain DE BENOIST, *Terrorismo e “guerre giuste”*, p. 74.

between friends and enemies, albeit outside any juridical architecture such as the *jus publicum europaeum*.

However, both sides are devaluating each other like never before: the West talks of terrorism as the incarnation of evil; terrorists see the Westerners as infidels to kill. This specific war, the so-called “War on Terror”, is a never-ending conflict, and, most of all, it’s a *global war of annihilation*, or, at least, this is the intent of both sides. As predicted by Schmitt, from the ashes of the *jus publicum europaeum* it has risen an extreme antagonism which is tremendously severe. The end of the distinction between the state of exception (war) and the norm (peace) is the most visible consequence of such an extreme situation. Are we living in a time of peace or in a state of (permanent) war? The impossibility of giving an answer is the confirmation of Schmitt’s foresight.