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Article

Rereading Carl Schmitt – Examining His Relevance to Contemporary Indian Politics¹

Abstract: *Carl Schmitt was a prominent legal theorist during the Third Reich. His ideas contributed to the legal rationale supporting National Socialism in Germany. Two of his main concepts, which have gained renewed relevance in current political contexts increasingly shaped by majoritarian, populist, and right-wing discourse in many countries around the world, are the critique of liberal institutions and the distinction between friend and enemy in politics. India, the world's largest democracy, has been governed by the Bharatiya Janata Party, a right-wing nationalist political entity, for the past eleven years. The government has shown a growing tendency toward autocracy, leaning more towards centralization. This process is accom-*

panied by the creation of an 'enemy', the Muslims, against whom the majority can rally. This paper aims to examine the relevance of Carl Schmitt in contemporary Indian politics. The aim is to focus on the process, tendencies towards centralisation and creation of enemy, to highlight the instruments that undermine democratic principles. This will be the first time that Schmitt will be explored in detail to examine the current developments in India using two of his most debated conceptualisations. The

exchange of ideas between these two geo-political contexts will serve to enrich the ongoing debate on liberalism and democracy. This is particularly pertinent given the increasing popularity of their variants or deviations across a wide range of political contexts.

Keywords: *Carl Schmitt; liberal institutions; India; federalism; minorities.*

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1. Introduction

The Bharatiya Janata Party (BJP) is a nationalistic, right-wing, majoritarian political party that came to power in India in 2014. The government is led by the charismatic leader Narendra Modi. His party has demonstrated a tendency to centralize power, often overlooking important institutional norms and requirements. India's federal structure, which plays a crucial role in upholding and preserving its diversity, is continuously being undermined to strengthen the executive branch and

central government. There is a raging debate within the academic fraternity about whether the global trend of the electoral autocrats is actually the one towards autocratization or simply democratic backsliding. Gerschewski (2021) explains the former as a change of political system and the latter as change within the political system of democracy. Other terminologies have been used to describe this type of regimes – ‘hybrid’, ‘pseudo democracy’ or ‘semi democracy’ (Schedler, 2006; Schmid, 2025). Although there is some broad consensus regarding their characteristics. While election as a vital parameter of democratic credentials still holds true, there is a growing manifestation of a reduction of spaces for civil liberties, press freedom or association. Electoral Autocracy (EA), too, comes close to such a description. These types of regimes ensure that democratic offices are electorally chosen but the electoral playing field is skewed in favour of the ruling party. (Simpser, 2006). For example, “Incumbents may place barriers on opposition parties’ ability to campaign; generate a progovernment media bias; stack electoral commissions and courts with their supporters; or resort to stuffing ballot boxes and manipulating vote tabulations.” (Donno, 2013, p. 704) EA argue over the structural conditions of the political systems (Benedek, 2024). Linz’s breakdown of democratic regimes focuses on weak institutions and polarisation. Additionally the role of popular mobilisation and limited plurality have been explored by Linz as the hallmarks of authoritarianism, which distinguishes from the EA on the question of election and its manner of conduction. Foundational works on EA, the role of elections, and the processes of regime change which explains the functioning of such autocrats, have also been conducted by Levitsky & Way (2010), Schedler (2009), Geddes et.al (2014), and Miller (2015).

Particular studies on Indian autocracies have been conducted. For example, Chowdhury & Keane (2021) trace its roots in deeper socio-political circumstances. Echoing similar feelings, Singh (2023) argues that India has been inherently an authoritarian state interspersed with democracy. Others focus solely on the current developments across politics, state and society under the BJP government (Ganguly, Mistree & Diamond, 2024; Tudor, 2023). In this article, I aim to focus on a specific theorist and extract the key arguments that may help explain Indian political developments. Researchers have normally focused on a single country as a case study and drawn from multiple theorists to explain the autocratic tendencies in the multiparty system. For example, there are detailed case studies on Myanmar (Macdonald, 2013), Hungary (Agh, 2022), and Turkey (Gokce, 2025). By focusing not only on a single case study but also on a single theorist, this paper contributes to a deeper understanding of the contemporary process of autocratization and draws historical references to a phenomenon that is not at all unique in the chronology of global political developments.

Comprising primarily of the upper caste² members of the society, the BJP addresses the majority, the Hindus. For it, the Muslims are the ‘other’, the outsiders, and therefore someone who does not belong with us. They are the enemy. In light of these changing political circumstances, I started rereading Carl Schmitt not just to examine his political arguments in vacuum, but to understand if and how his analysis of the political in general and his conceptualisation of friends and enemies, in particular, can be invoked to explain the ongoing political discourse in the country. This paper is divided into three sections. The first section introduces Carl Schmitt. The second section discusses his scholarly contributions, emphasizing his arguments for a strong central executive, followed by its application in the Indian context. The third section deals with the significance of friend-enemy distinction, followed by an analysis of Indian politics, examining how the Modi government has implemented these concepts. This paper utilised secondary

sources, including government documents and newspaper reports. During the course of the research on right-wing violence in India, I had the opportunity to interact with several Indian respondents – activists and academics. In addition, the paper was presented at a couple of international conferences in Europe, where the expert comments clarified the role of Carl Schmitt in greater detail. The application of a single theorist to examine a case study analysing processes of authoritarianism provides this paper with a unique perspective.

One might ask why Carl Schmitt is chosen to explain the Indian context. Isn't there anyone else who might better explain the ongoing debates in India? I argue, why not Carl Schmitt? The two political systems of the German theorist and the Indian leader have some similarities – the German leader in the 1930s and 40s and the Indian leader now are elected representatives. One can draw strong parallels between Schmitt's arguments and the unfolding of autocratising tendencies in India over the last decade. Secondly, Schmitt is someone who is not a common name in Indian academic political discourse. By applying Schmitt's theories to the context of Indian politics, the article bridges a crucial gap between Western political thought and its applicability to non-Western contexts. This comparative approach enriches theoretical frameworks and offers new perspectives on democratic processes and political legitimacy in India and contributes to comparative political science studies. Thirdly, the article traces the role of ideas and their subsequent application in real-life contexts. Schmitt's arguments can shift the focus from examining the output of autocratic and centralising tendencies to the process of their development.

2. Who is Carl Schmitt?

Carl Schmitt (1888-1985) was a conservative German legal and political mind. He was the crown jurist of the Third Reich. "I have been and I am a jurist. I will remain a jurist. I will die a jurist. And all the misfortunes of being a jurist is involved therein." (Agamben 2016, p. 458) He was born in Plettenberg, Westphalia and received his earlier education in Law from Berlin, Munich and Strasbourg. He taught at various universities such as Greifswald, Bonn, Munich, Cologne and Berlin (Meierhenrich & Simons, 2017). Schmitt joined the party on May 1, 1933 (Scheuerman, 1991). His party number was 2,098,860 (Bassok, 2021). He stood by, without much protest as his Jewish colleagues were removed from various academic posts. Schmitt became famous as 'The Crown Jurist of The Third Reich' who provided the theoretical-legal justification for Hitler's rule and politics. His close association with top Nazi officials like Herman Goering made it easier for him to remain academically and politically active despite his previous resistance to the Nazi party (Linder 2016). However, within three years he had to resign from the University of Berlin as his rivals used his anti-Nazi past to raise suspicion against him among the officials. Although he was arrested for a brief period after the war, he refused to undergo de-Nazification. (Bendersky, 1983) He was forced to live in an internment camp for more than a year while awaiting trial at Nuremberg for war crimes. (Gordon & Mitchell, 2024) This was followed by a transcript of Schmitt's (successful) rebuttal of allied charges that his doctrine of Grossraum served as the theoretical basis for the National Socialist doctrine of Lebensraum (Wolin, 1990). In 1952 Academia Moralis, a support network for Carl Schmitt was formally established (Cristi, 2006). He died in 1985 at the age of ninety-six in Plettenberg.

3. Scholarly Contributions

3.1. *Democracy and Liberal Constitutionalism*

Schmitt advocated for a strong central government with a powerful executive. Throughout his career, he expressed dissatisfaction with the functioning of the Weimar Republic. His chronic fears persisted even during the most stable periods of the Weimar Republic (Bendersky, op.cit.). In his critique of liberal constitutionalism, he described it as a framework of norms and rules that permits the establishment of legitimate authority only when the sovereign adheres to the fixed written rules outlined in a constitution. (Scheuerman, 1996) An ardent critique of liberalism and Parliamentary democracy he “joined in the debate about the crisis of parliamentary government, and who came to the forefront as a harsh critic of what he called the excessive pluralism of the Weimar regime.” (Bendersky op.cit. p.310)

He was worried about the stability of the Weimar Constitution, which was facing political attacks from both leftist and rightist groups in Germany. “Schmitt, feared that politics was disintegrating, and attributed this process to the negative influence of liberalism.” (Pichler 1998, p. 193). Schmitt was concerned that the unique elements defining political space were being overshadowed by the liberal ideals of parliamentary institutions, along with their various forms of competing discussions and negotiations.

It is essential to recognize that Schmitt’s aversion to liberal politics does not equal his criticism of democracy. “Schmitt is not anti-democratic. His critique is directed against what he believes to be the liberal conception of politics.” (Pichler 1998, p. 194) His disdain for liberal politics stems from the chaotic political disruptions during the Weimar period, which were inadequately addressed within the existing institutional framework. “....that democracy had lost its legitimacy as a form of government in the twentieth century owing to the continued strength, rather than the demise of, liberal institutions.” (Wolin, op.cit., p. 390) Democracy as an expression of legitimate political space is unquestionable. It’s overshadowed by a plurality of political options, which indirectly highlights the robustness of these institutions as the challenge. Although Schmitt does not systematically elaborate on what his alternative model of political system should be called or what its contents would entail. Did he propose a new kind of democracy? These are questions that remain unanswered in his critique of liberal institutions.

We are used to seeing democracy and liberalism as two inevitably cohesive for each other’s existence. The question here is, can there still be democratic practices sans liberalism as its essence? “His basic argument is that liberal institutions essentially invalidate democratic politics, making these two political approaches fundamentally incompatible with one another” (Wolin op.cit.,p. 402) When examining democratic models beyond an ideal liberal Western society, it becomes evident that, although some institutions uphold essential practices – such as holding regular elections and ensuring a peaceful transfer of power – democracy may still fall short of its liberal ideals. Elected representatives adhering to liberal norms are expected to be guided by rationality rather than personal interests. For instance, in Indian society, persistent inequalities, such as caste and religious influences in politics, often shape political interests. As a result, rationality or the notion of objectivity that serves the greater good may not always be the primary guiding principle, even though India has functioned as a democracy, albeit a messy one, for the past 75 years since its independence. “liberalism – which Schmitt identifies with the institutions of parliament, free discussion, and publicity – in essence subverts the peo-

ple's right to self-determination, insofar as a variety of cliques and interest groups have seized hold of these institutions merely to exploit them for their own private gain." (ibid.)

Elaborating further on this point Schmitt considered parliamentarism as an obstacle to true democratic spirit. "Separated by a deep social or political abyss, profoundly hostile political agents are likely to abandon the chivalrous mores of the "talking classes" and opt for more dramatic, potentially violent forms of political action. 'it embodied the pluralist divisions of a society divided by class.'" (Scheuerman 1995, p.137). Moyn (2016) argues Schmitt considers the 'liberal politics of compromise and negotiation' as a threat to the existence of politics. (p. 296)

As a way out of this chaos, Schmitt suggested that, "Democracy and dictatorship could become not only perfectly compatible – the latter could constitute the most authentic expression of the former." (Müller 2003, p. 29) German scholar Ulrich K. Preuss (2013) noted that Schmitt created a fundamental connection between dictatorship and the people's constituent power, both of which he regarded as genuine expressions of democracy. (p.473)

His critique of liberalism and collaboration with Schleicher was initially aimed at preventing the rise of the National Socialist Party. The leadership of this Party exploited the political unrest between the right and left forces, presenting themselves as an alternative for those seeking stability. In 1933, Germany's political landscape was marked by the enactment of two significant laws aimed at consolidating the Nazi regime, which had recently come to power. Following the Reichstag fire in February 1933, Hitler urged President Hindenburg to sign the Reichstag Fire Decree. This situation allowed Hitler to systematically dismantle the opposition, as the fire was attributed to the Communists attempting to disrupt the functioning of the government. A month later, the Enabling Act was passed. This Act granted Hitler unlimited powers to enact laws by decree without the involvement of the Reichstag.

Carl Schmitt's analysis of the defects of the liberal democratic system appeared fairly tangible when the National Socialist Party could exploit the existing weakness of the system to come to power. He made a clear distinction between democracy and liberal institutions, the latter may not necessarily form an integral constituent of democratic principles. And thus democracy as a political system can still exist without them being in function. His suggestion was a strong central government with robust executive authority that could sidestep the discursive procedural norms of multiple institutions.

3.2. Putting Theory into Praxis

This section will demonstrate how the current Hindu nationalist BJP government is implementing some of Schmitt's theoretical concepts into actions after coming to power in 2014. The following are Schmitt's primary arguments in this regard:

- Schmitt is in favour of democratic polity
- He criticises the liberal and parliamentary institutions that hinder its effective functioning.
- He advocates for a strong central government with extraordinary power under specific circumstances which is to be decided by the Sovereign.

Centralization of Power

India, a federal republic, has a political structure that distributes powers between the central government and the states. However, since Narendra Modi became Prime Minister (PM) in 2014, there have been significant concerns about the erosion of federal principles and the centralization of power. The following will demonstrate the strong tendencies towards centralisation.

3.2.1. Reduction of State Autonomy

One of the primary ways Modi's administration has centralized power is by reducing the autonomy of states like the reduction in fiscal autonomy. For example, Article 280 of the Constitution mandates that Finance Commission would be appointed once every five years "to decide on and devolve to States a share of the resources mobilised by the Centre." (Chandrasekhar, 2023) However initiatives such as the implementation of the Goods and Services Tax (GST) in 2017 centralized tax collection, diminishing the states' ability to levy taxes independently. Central government defines GST as, "... a destination based tax on consumption of goods and services. It is proposed to be levied at all stages right from manufacture up to final consumption with credit of taxes paid at previous stages available as setoff. In a nutshell, only value addition will be taxed and burden of tax is to be borne by the final consumer. The tax would accrue to the taxing authority which has jurisdiction over the place of consumption which is also termed as place of supply." (Ministry of Finance). The Goods and Service Tax Act was passed in Parliament on 29th March, 2017 and came into effect on 1st July, 2017. Lauding it the PM remarked, "The consensus on GST will go down in history as a great illustration of cooperative federalism. GST reflects the spirit of 'One nation, One aspiration, One determination,'" (The Indian Express, 2017). While the advantage is that it brought a fragmented tax structure into a more unified and single system. However this attempt disregards regional economic variations and needs. States lose the flexibility to adjust tax rates to suit local conditions, impacting their ability to manage their economies effectively. The GST Council, although, includes state finance ministers, the central government's influence means that states have limited power in shaping tax policies. The centralized collection and distribution of GST have sometimes led to delays in fund transfers to states, causing financial instability and affecting state-run welfare programs.

3.2.2. Control over Financial Resources

The Modi government has also increased its control over financial resources, impacting states' financial independence. By centralizing funds through schemes like the NITI Aayog (National Institution for Transforming India)³ which replaced the erstwhile Planning Commission⁴, the central government has greater discretion in allocating funds, often based on political considerations rather than objective needs. This has led to accusations of favouritism towards states governed by Modi's party, the BJP. Take for example the month of January's devolution of tax proceeds to various states. The highest beneficiaries are those states run by the BJP – Uttar Pradesh (UP), Bihar (Janata Dal (United), an ally of BJP), Madhya Pradesh and Rajasthan. (PIB, 2025) West Bengal (WB) is also one of the highest recipients, despite being governed by a regional political party, the Trinamool Congress, which is not an ally of the BJP. However, this is primarily considering the upcoming state legislative elections in 2026. The centralization of funds through schemes like NITI Aayog has led to allegations of favouritism towards states governed by the ruling party or its misuse for political leverage. This practice undermines the principle of equitable distribution based on objective needs.

3.2.3. Interference in State Affairs

Modi's administration has frequently intervened in state matters, undermining the principle of federalism. The use of governors, who are appointed by the central government, to influence state politics is one such example. Soon after assuming office, in 2014 the BJP removed the

governors appointed by the previous government. This contravenes the Supreme Court observation that governors cannot be whimsically removed in *B.P. Singhal v/s Union of India*. Governors are supposed to be above political partisan and adhere to constitutional values. Although Article 163 of the constitution grants special powers to the governors which can be exercised only in exceptional circumstances like a complete breakdown of state machinery. In several instances, governors have been accused of acting in a partisan manner to destabilize state governments led by opposition parties. The allegations involved denying the largest parties a chance to form a government and encouraging defections to destabilize elected governments (National Herald, 2022). Some of the well-known cases include: WB, Maharashtra, and Karnataka. From illegally selecting Chief Ministers in states like Goa and Manipur (in 2017) to delaying in giving assent to bills or reserving bills for the President's assent (in Tamil Nadu) (Deccan Herald, 2024). Sometimes, governors are rewarded in exchange for carrying out such instructions during their tenure in the state: Ex-governor of WB, Jagdeep Dhankhar, became the Vice President of India.

Few examples of Centralizing Policies:

i. Revocation of Article 370

In August 2019, the Modi government abrogated Article 370 of the Indian Constitution, which granted special autonomy to the state of Jammu and Kashmir owing to its disputed status⁵. This move dissolved the state's autonomy and bifurcated it into two Union Territories - the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh – directly governed by the central government. In 2019, the Home Minister introduced the Jammu and Kashmir Reorganisation Bill in Rajya Sabha to declare this special status. This action undermined federalism by unilaterally altering the status of a state without its consent.

ii. National Education Policy (NEP) 2020

The NEP 2020 is another example of centralization. While education is a concurrent subject (shared by both the central and state governments), the NEP 2020 was framed with minimal consultation with state governments. The states and regions in India are different in terms of language, ethnicity, culture and history. A unified education system under strict control of the central government loses its local touch, depriving the students of regional knowledge. The policy emphasizes a standardized national curriculum, reducing the states' ability to tailor education to regional needs and contexts. On one hand, it appears progressive as it incorporates the Sustainable Development Goals aimed at transforming India into a dynamic knowledge society (Sahoo 2020). On the other hand, the proposal also includes consolidating several existing regulatory bodies into a single entity: the Higher Education Commission of India (HECI). This would grant more authority to a single body to oversee and manage higher education (Sengupta, 2023). It also has the option of inculcating Indian students with traditional Indian values leaving much room for manipulation in terms of inculcating ideology and revising curriculum based on Hindutva. Although it is wise to add the caveat that the centralisation process began much earlier – from the beginning of independence, education was a state subject, in the 1970s it was included in the concurrent list. NEP 2020 is an extension of the process. “On July 29, addressing a programme on the completion of one year of the NEP 2020, PM Narendra Modi called India's new NEP “one of the major factors in the ‘mahayagna’ (grand exercise) of nation-building.” (The News Minute, 2021). A unified system will overshadow the local culture and history depriving the students of knowing about them.

iii. Farm Laws 2020

The enactment of three farm laws in 2020 – The Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, The Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, and The Essential Commodities (Amendment) Act (India Today, 2021) is widely seen as an overreach of central authority in state matters. Agriculture is a state subject, but the central government passed these laws without adequately consulting state governments. The laws triggered widespread protests, with farmers and several state governments arguing that they undermined their jurisdiction over agricultural policies. After a year-long protest that spread beyond boundaries among the Indian diaspora as well, it was eventually withdrawn by the government. (BBC, 2021)

There is also a proposal being considered called ‘One Nation One Election,’ which aims to hold general, state, and local elections simultaneously. The primary argument for this initiative is administrative efficiency, as it would save resources and create a more organised election process. However, the underlying intention appears to be to leverage the charisma of PM Modi, or whoever may succeed him, to influence public opinion. By aligning local elections with the appeal of a strong central and national government, the complexities of state elections could be addressed more effectively. (Hertzberg, 2025). The discussion focuses on advocating for a ‘double engine’ government, a concept often highlighted by Modi to underline its benefits, especially in the state of UP, which is presently governed by Chief Minister Yogi Adityanath, another prominent figure from the party. The term ‘double engine’ refers to the rule of the same political party at both the state and national levels, aimed at minimising parliamentary complications and streamlining processes that can often be time-consuming and cumbersome. However, this proposal would require significant constitutional amendments, and the main opposition parties have already expressed their concerns about such a thing, as it could further diminish state autonomy. (Indian National Congress, 2024).

Centralisation, for the BJP, is a strategy to outweigh the limitations imposed by the Constitution. The instrumentality within this tendency is primarily to undermine the existing structures to pass laws which is otherwise restricted within the current constitutional framework.

4. Scholarly Contributions

4.1. *The Concept of friend-enemy*

The Concept of The Political was written in 1932. It went through several publications during the Third Reich. The basic contention of the political is that “the concept of the state presupposes the concept of the political.” (Schmitt 2008, p.292). Schmitt’s attempt to clearly define what constitutes the political arises from his concern that it might disappear. As the distinction between the state and society becomes more blurred, the state begins to absorb various elements of society, including the economy, religion, and culture. Schmitt feared that these other domains could ultimately overshadow the political, a concept he referred to as “neutralization.” “.....the interpretation of hitherto separate domains could be a recipe for depoliticization.” (ibid., p.293)

Schmitt enquires, what, therefore, makes political exclusive and distinct from other facets of existence? Schmitt’s discussion of political revolves around the antagonistic relation between friend and enemy. Although his book Roman Catholicism and Political Form captures the essence of friend-enemy concept in politics, it would be developed further in The Concept

of the Political. As a devout Catholic he argues ‘church as a source for criteria by which to make judgments over enemies, and also as a possible tent under which European “friends” might unite against the common enemy of Soviet communism.’ (McCormick 1998, p. 834) He emphasizes the significance of this distinction by clarifying that it is the sovereign who determines the state of exception, which permits the physical negation of the identified enemy. This decision provides clarity in the political sphere and preserves a specific role for politics, a function that Schmitt feared was eroding due to the ongoing depoliticization within the framework of liberal politics.

Conflict becomes an ever present scenario in political sphere. According to Schmitt, enmity became the essence of the existence of the political. In order to survive, war becomes essential where identification followed by physical negation of the enemy is key. “The state decides upon the existence or non-existence of the enemy and yields the *jus belli*, the right to decide upon the lives of the citizens” (Pichler op.cit., p. 194) For Schmitt the entire connotation of political revolves around the ability of the Sovereign to distinguish between the intensity of association and dissociation, to the extent of engaging in battle and resulting in the death of the enemy. Enemy is the ‘Other’. “One’s status as a political subject as such demands the existential negation of the enemy” (Lee 2006, p. 104)

“Although peaceful coexistence during normal times makes it difficult to know the friend from the enemy....” ((Pichler op.cit, p. 194), eventually it is the sovereign who decides the state of exception. Therefore, as long as the situation is normal, democracy with its liberal elements functions well. The foundations of democracy are compromised when exceptional situations arise that require the sovereign to suspend laws to preserve them (Bredekamp et al., 1999, p. 252) The concept of a dictator becomes relevant here, as defined by Schmitt, who describes them as an individual exercising personal rule while utilising centralised machinery to govern the modern state. In exceptional circumstances, a dictator may view the norms that apply in typical situations as obstacles, justifying the need for extraordinary measures. (Preuss 2017, p.474) Only in exceptional circumstances can the clarity and quality of democratic politics be tested for improved survival outcomes.

Although labelling someone as an enemy is a political decision, the identification process can also involve social and cultural factors within society. To understand and identify ‘the other,’ a sovereign and its entire political entity must first recognize their sameness.”...the way in which the enemy must be defined as “other” presupposes a cultural determination about what constitutes sameness and otherness.” (Pan, 2009, p 56) Schmitt argues that this concept of sameness is rooted in subjective judgment rather than merely identifying an enemy through external traits or universal characteristics. Liberalism has constrained state authority to use subjective judgements by incorporating moral, ethical, and public considerations. In contrast, the subjective nature of political identity allows state authority to operate independently of these limitations.

Schmitt notes that other oppositions, such as good-bad, beautiful-ugly, and profitable-unprofitable, are not connected to political distinctions. He aimed to separate politics from ethics and morals by declaring that political issues are independent of other antagonistic relations. (Frye, 1966) This will not restrict the state in making decisions about the enemy. For example, a person who is both good and beautiful may still be labeled as an enemy if their actions go against the state’s interests or if the sovereign makes that determination based on subjective judgments in exceptional circumstances. “The political can be understood only in the context

of the ever present possibility of the friend and enemy grouping, regardless of the aspects which this implies for morality, aesthetics and economics.” (Schmitt 2008, p.35) While in economics the categories are profitable/unprofitable and in morality good/bad, ‘the definition of the notion of the political can only be arrived at through the discovery and determination of the specifically political categories, since the political does have its own categories’.” (Pichler 1998 ,p. 193)

Therefore economic, social, cultural, and moral associations all operate within the framework of the law. However, any significant ideological differences, whether religious, moral, economic, ethical, or otherwise, can become political if they are strong enough to create divisions among people. This implies that the potential for conflict and emergencies cannot be excluded and underlies all forms of social existence.

4.2. Putting theory into praxis

One of the core values of the BJP is Hindutva, which advocates for the political use of the Hindu religion. Other political parties in India have also utilized religion as a political tool, but their approach has been different. In such cases, religion served as a focal point in party politics, identifying communities as potential vote banks. The strategies employed to secure these votes varied, ranging from peaceful appeals to violent confrontations, including religious riots and lynchings. However, there was generally a lack of direct conflict between communities, as political parties did not often appeal to majority vote banks explicitly pitting one group against another. However, it is this exact dynamic that helps the BJP to create a sense of ‘us’ versus ‘them,’ which is essential for the party’s vision of establishing a Hindu majority nation. The political landscape of India has witnessed significant transformations over the past decades, with the BJP playing a central role in shaping contemporary discourse. Among the most contentious and polarizing issues is the demonization of Muslims, a trend that has grown increasingly pronounced under the BJP’s rule.

And to understand this phenomenon, one can invoke Carl Schmitt’s concept of the friend-enemy distinction, which provides a framework for analyzing political identities and hostilities.

What is Carl Schmitt’s perspective on this concept?

Three primary arguments of Schmitt:

- Identification of the enemy is necessary.
- The process of identification includes socio-cultural aspects, which need not necessarily be restricted within the political rational paradigm
- Physical negation of the enemy as a way of dealing with it is the essence of the political.

Carl Schmitt’s concept of friend and enemy is particularly relevant in the Indian context. Schmitt argues that political identity is characterised by the differentiation between allies and adversaries. In the context of the Indian right under the BJP, Muslims are often cast as the enemy, a necessary counterpart to consolidate the Hindu identity that the BJP promotes. This demarcation is not just about religious differences but is deeply entrenched in the rhetoric of nationalism, where being Hindu is synonymous with true patriotism, and being Muslim is linked to anti-national sentiments.

The label of enemy is meticulously applied by the BJP through various means:

- i. Political Rhetoric: Speeches by BJP leaders often emphasize the supposed threat posed by Muslims to Hindu culture and Indian sovereignty. This rhetoric is designed to foster a sense

of fear and urgency among the majority Hindu population. In the recently concluded general elections in 2024, Narendra Modi made Islamophobic remarks in 110 out of 173 speeches during his election rally (Human Rights Watch, 2024).

The following examples of election speeches at rallies across five states in the country further elaborate this point:

April 21, 2024 Rajasthan, Modi said:

“When they (the Congress) were in power, they said Muslims have first right over resources. They will gather all your wealth and distribute it among those who have more children. They will distribute among infiltrators..... Do you think your hard-earned money should be given to infiltrators? Would you accept this?” (CNN, 2024)

May 2, 2024 Gujarat, he said:

“Congress [Party] is not contesting these elections for democracy, but it’s fighting these elections against Lord Ram. ... I want to ask you, if Lord Ram loses, who wins? ... It was similar thinking that led the Mughals to destroy the Ram temple 500 years ago and that led them to raze our Somnath temple.” (Narendra Modi, 2024a)

May 7, 2024 Madhya Pradesh, Modi said:

Congress Party “intends to give priority to Muslims even in sports. So, Congress will decide who will make the Indian cricket team on the basis of religion.” (Narendra Modi, 2024b)

May 10, 2024 Telangana, Modi said:

“Congress wants to make Hindus second-class citizens in their own country. Is this why they are calling for vote jihad?” (Narendra Modi, 2024c)

May 14, 2024 Jharkhand (a state governed by opposition party), Modi said:

“It has become difficult to follow our faith in Jharkhand today. The idols of our gods are being destroyed. Infiltrators with a jihadi mindset are ganging up and attacking, but the Jharkhand government is looking away and is supporting them from afar. These infiltrators have threatened the security of our sisters and daughters.” (Narendra Modi, 2024d).

And it is not just the PM, other top members of his government have engaged in such rhetoric of hate – Home Minister Amit Shah, UP Chief Minister (CM) Adityanath, Assam CM Himanta Biswa Sarma, and the former minister for information and broadcasting, Anurag Thakur. For example, “Uttar Pradesh BJP Chief Minister Adityanath, in a campaign speech on May 30 in Himachal Pradesh, made false claims that the opposition Congress party, inspired by the 17th century Mughal emperor Aurangzeb, wanted to impose Sharia, or Islamic law, in the country, and warned that those who follow Aurangzeb’s path will be buried by bulldozers.” (NDTV, 2024)

The choice of words used to describe the “enemy” – such as ‘infiltrators’ and ‘jihad’ – in the local language allows the speaker to easily connect with the audience. These terms are common and relatable, making them familiar to the masses. When the audience hears and uses these words, they become part of a shared discursive landscape. This familiarity helps ensure that the construction of the enemy image is smooth and readily accepted by the public. Once the legitimacy of these terms comes from the party’s top leadership, it gradually spreads down to various levels of leadership, creating a broad appeal for these terminologies among the population.

ii. Legislative Measures: Laws such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) are seen as tools to marginalize Muslims further, reinforcing their status as outsiders. The CAA was passed in 2019 by the Parliament. Amending the CAA, 1955 the current Act provides citizenship to religiously persecuted minorities – Hindus,

Christians, Sikhs, Jains, Buddhists and Parsis from Afghanistan, Pakistan and Bangladesh who have arrived before 2014. The Act does not cover persecuted minorities like Ahmadis (Pakistan) and Hazaras (mostly Shias in Afghanistan). The rationale is, the three listed countries are Islamic nations and therefore Muslims facing persecution due to their religious identity is unlikely. Religious minorities from other neighbouring countries like Myanmar, Sri Lanka and Tibet are also excluded.

The 2003 amendment of the CAA, 1953, mandated the maintenance of a register to document legal citizens while identifying illegal ones. The latter would then be repatriated to their original homeland. The criticism and fear against BJP was that it would be weaponised to identify Muslim citizens targeting them in particular. India's border states like Assam and WB (both bordering Bangladesh) have long been suffering from illegal migration across the borders. This topic becomes an election issue at every legislative election of both states to arouse emotions based on religious fear.

In addition to direct initiatives to shape perceptions of the enemy, various indirect efforts are supported and facilitated by the government.

The most prominent among those initiatives are media narratives: Pro-government media outlets amplify this rhetoric, depicting Muslims negatively and often associating them with terrorism, illegal immigration, and other societal problems. (Drabu, 2018). Panellists appearing on prime-time news slots often wear traditional religious attire. For example, a Muslim representative might don a skullcap and have kohl-rimmed eyes, while a Hindu man may be seen in a saffron robe. These visual representations contribute to reinforcing stereotypes associated with religious identities that are normalized in public perception. Additionally, the choice of clothing serves to evoke religious sentiments, encouraging viewers to emotionally favour their own religious representative while simultaneously fostering a sense of disfavour toward the opposing one. The discussions are provocative, and the presentation style is confrontational. These factors contribute to an existing discordant atmosphere that negatively reinforces Muslim identities.

Movies are a widely popular medium that is easily accessible to the public. Ruling elites utilize this medium to convey political messages to the masses. In the past decade, we have observed how effectively movies have been used for political purposes, allowing for the dissemination of ideologies and manipulation of public opinion. Popular Hindi films often focus on themes such as historical narratives of the Muslim past, wars (especially those involving Pakistan), and selective biopics of historical and political figures. A flurry of patriotic movies like *Uri: The Surgical Strike*, *Shershaah*, or *Padmavat* were released where Indian (or Hindu) protagonist fights the evil enemy, who is inadvertently always Muslims. Historical movies are mostly based on subjective imaginations without much research, attempting to create a biased historical past, which is mostly anti Muslims. These movies are often watched by senior ministers eventually legitimising its content (ANI, 2022). Political movies that do not align with the Hindutva ideology or that criticize the government are often faced with censorship. This can lead to disruptions in screenings, promotions, and even the filming of these movies before they are released by Hindu vigilante groups like the Bajrang Dal (The Indian Express, 2023).

Schmitt's idea that every political group needs an enemy to define itself is mirrored in Umberto Eco's assertion that nations invent enemies to foster internal cohesion (Eco, 2012). For the BJP, Muslims serve as the internal enemy that unites the Hindu majority, distinguishing the party from its political rivals through a narrowly defined nationalism.

Rereading Carl Schmitt in this context provides insights into how these dynamics operate, highlighting the role of the state in identifying and perpetuating the enemy narrative. The focus shifts from the enemy itself to the mechanisms and motivations of its creation, offering a deeper understanding of the political violence and institutionalized discrimination faced by Muslims in India today.

5. Conclusion

Schmitt is not opposed to democracy, and neither is Modi. One can debate the extent to which Modi and his party adhere to the fundamental principles of democratic values, such as press freedom and the protection of minorities. However, this criticism applies to any political party in India. The key difference among them lies in the degree and nature of their deviation from these core principles. While the BJP represents a more extreme stance and is open about it without any pretence, other parties may adopt a more sophisticated and civilized approach while trying to maintain a façade of decency.

However, as Schmitt has argued, it is often the institutions and the parliamentary system that prevent democracy from reaching its full potential. Adhering to protocols, negotiations, discussions, and debates can often slow down progress. In the last eleven years, PM Narendra Modi, for example, has never held a national press conference where he directly responds to questions from the press. Instead, he normally prefers one-to-one conversations with his chosen journalists (or often vloggers!). The normalisation of such political behaviour has been increasingly observed to categorically undermine the autonomy of various institutions and diminish public accountability under the guise of promoting efficiency and good governance. Modi is gradually putting Schmitt's theories into action – advocating for a modified version of democracy, that supports a stronger central government, unencumbered by excessive rules, norms, and procedures. Modi's populist leadership employs Schmitt's critique of liberalism, framing the elite or establishment as ineffective and out of touch with the people's needs. The BJP's use of the friend-enemy distinction has led to political violence and institutionalized discrimination against Muslims. This dynamic is evident in various legislative actions, media portrayals, and public narratives that position Muslims as the 'other,' reinforcing Hindu nationalism and consolidating the BJP's political base.

Schmitt represents an extreme scenario in which he describes the political circumstances that led to the rise and eventual consolidation of power by the Nazi regime in Germany. The intention of the paper is not to compare India in the current times to Germany of the 1930s. The endeavor in this paper is to make use of some of the basic arguments forwarded by Schmitt to explore the process through which India is autocratizing. And for this, two of Schmitt's central explanations – the emphasis on a strong executive and the making of enemy – are examined to analyse the ongoing political debates in the country. Carl Schmitt's theories provide a profound understanding of the political strategies employed by the BJP and Narendra Modi's leadership. The friend-enemy distinction and critique of liberalism offer valuable frameworks for unravelling the divisive politics and polarization that characterize contemporary Indian politics. As we continue to study Schmitt's ideas, we gain deeper insights into the nature of political identity, conflict, and the sustainability of democratic systems in the face of deepening divisions.

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Conflicts of interest

The author declares no conflict of interest.

About the author(s)

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Notes

¹ Previous version of the paper was presented at two international workshops: The paper titled State Assessment in the Third Reich-Through the Prism of Carl Schmitt at Herder-Institute for Historical Research on East Central Europe, University of Marburg in July 2019 and the paper titled Symbolism in Democracy: Towards a culture of Post- Democracy through the prism of Carl Schmitt at Berlin Program Summer Workshop organized by Freie University in June 2018. The paper is also based on the third chapter of my first book Maoists and Government Welfare (Routledge, 2022).

² Caste is a fourfold hierarchical division within the Hinduism. In descending order they are: Brahmins (teachers), Kshatriyas (warriors), Vaishyas (merchant) and Shudras (untouchables). In India caste has also been part of other religions like Christianity and Islam.

³ The body is the apex public policy institution tasked with the nation's economic development and ensuring cooperative federalism. The Prime Minister chairs it.

⁴ The Planning Commission formulated India's Five Year Plans. Modelled after the Soviet Union, the aim was to initiative series of development programmes which would balance development with welfare. It began in 1951 and continued till 2017 until it was replaced with NITI Ayog.

⁵ Article 370 is included in Part XXI of the Indian Constitution. It states that the constituent assembly of the state of Jammu and Kashmir is empowered to decide the extent to which the Indian constitution would apply. The region is located in the northern part of the country and has been the subject of dispute among India, Pakistan and also China. This article granted the state to have a separate flag, separate constitution and autonomy regarding internal administration. The BJP government removed this special status.

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