Carl Schmitt

March 20, 2022

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1 Carl Schmitt

German jurist and political theorist (1888–1985) This article is about the German jurist and political theorist. For the American artist, see Carl Schmitt (artist)[1]. For New Zealand violinist and composer, see Carl Gustav Schmitt[2]. For people with a similar name, see Carl Schmidt[3].

Carl Schmitt

Born	11 July 1888 Plettenberg, Prussia, German Empire
Died	7 April 1985 (aged 96) Plettenberg, North Rhine-Westphalia, West Germany
Education	University of Berlin (1907) University of Munich (1908) University of Strasbourg (Dr. jur., 1910; Dr. habil., 1916)
Era	20th-century philosophy
Region	Western philosophy
School	Continental philosophy Conservative Revolution[1] Decisionism[2] IR realism[3]
Institutions	University of Greifswald (1921) University of Bonn (1921) Technische Universität München (1928) University of Cologne (1933) University of Berlin (1933–1945)

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1 https://en.wikipedia.org/wiki/Carl_Schmitt_(artist)
2 https://en.wikipedia.org/wiki/Carl_Gustav_Schmitt
3 https://en.wikipedia.org/wiki/Carl_Schmidt_(disambiguation)

Carl Schmitt
Main interests

- Politics
- Jurisprudence
- Constitutional law
- Political theology
- Philosophy of religion

Notable ideas

State of exception, the friend–enemy distinction, sovereignty as a "borderline concept", the legality–legitimacy distinction

Carl Schmitt (/ʃmɪt/[4]; 11 July 1888 – 7 April 1985) was a German jurist[5], political theorist[6], and prominent member of the Nazi Party[7]. Schmitt wrote extensively about the effective wielding of political power. A conservative[8][4][5] theorist, he is noted as a critic of parliamentary democracy, liberalism, and cosmopolitanism,[6] and his work has been a major influence on subsequent political theory, legal theory, continental philosophy, and political theology[9], but its value and significance are controversial, mainly due to his intellectual support for and active involvement with Nazism[10]. Schmitt's work has attracted the attention of numerous philosophers and political theorists, including Giorgio Agamben[11], Hannah Arendt[12], Walter Benjamin[13], Susan Buck-Morss[14], Jacques Derrida[15], Jürgen Habermas[16], Waldemar Gurian[17], Jaime Guzmán[18], Reinhart Koselleck[19], Friedrich Hayek[20],[7] Chantal Mouffe[21], Antonio Negri[22], Leo Strauss[23], Adrian Vermeule[24],[8] and Slavoj Žižek[25], among others.

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4   https://en.wikipedia.org/wiki/Help:IPA/English
5   https://en.wikipedia.org/wiki/Jurist
6   https://en.wikipedia.org/wiki/Political_theory
7   https://en.wikipedia.org/wiki/Nazi_Party
8   https://en.wikipedia.org/wiki/Conservatism
9   https://en.wikipedia.org/wiki/Political_theology
10   https://en.wikipedia.org/wiki/Nazism
11   https://en.wikipedia.org/wiki/Giorgio_Agamben
12   https://en.wikipedia.org/wiki/Hannah_Arendt
13   https://en.wikipedia.org/wiki/Walter_Benjamin
14   https://en.wikipedia.org/wiki/Susan_Buck-Morss
15   https://en.wikipedia.org/wiki/Jacques_Derrida
16   https://en.wikipedia.org/wiki/J%C3%BCrgen_Habermas
17   https://en.wikipedia.org/wiki/Waldemar_Gurian
18   https://en.wikipedia.org/wiki/Jaime_Guzm%C3%A1n
19   https://en.wikipedia.org/wiki/Reinhart_Koselleck
20   https://en.wikipedia.org/wiki/Friedrich_Hayek
21   https://en.wikipedia.org/wiki/Chantal_Mouffe
22   https://en.wikipedia.org/wiki/Antonio_Negri
23   https://en.wikipedia.org/wiki/Leo_Strauss
24   https://en.wikipedia.org/wiki/Adrian_Vermeule
25   https://en.wikipedia.org/wiki/Slavoj_%C5%BDi%C5%BEek

According to the *Stanford Encyclopedia of Philosophy*[26], "Schmitt was an acute observer and analyst of the weaknesses of liberal constitutionalism[27] and liberal cosmopolitanism[28]. But there can be little doubt that his preferred cure turned out to be infinitely worse than the disease."[9]

1.1 Life

Schmitt was born in Plettenberg[29], Westphalia[30], German Empire. His parents were Roman Catholics from the German Eifel[31] region who had settled in Plettenberg. His father was a minor businessman. He studied law[32] at Berlin[33], Munich[34] and Strasbourg[35] and took his graduation and state examinations in then-German Strasbourg during 1915.[10] His 1910 doctoral thesis was titled *Über Schuld und Schuldarten* (*On Guilt and Types of Guilt*).[11]

Schmitt volunteered for the army in 1916.[10] The same year, he earned his habilitation[36] at Strasbourg with a thesis under the title *Der Wert des Staates und die Bedeutung des Einzelnen* (*The Value of the State and the Significance of the Individual*). He then taught at various business schools and universities, namely the University of Greifswald[37] (1921), the University of Bonn[38] (1921), the Technische Universität München[39] (1928), the University of Cologne[40] (1933), and the University of Berlin[41] (1933–45).

In 1916, Schmitt married his first wife, Pavla[a] Dorotić,[12] a Croatian woman who pretended to be a countess. They were divorced, though an appeal to the Catholic Church[42] for an annulment was rejected. In 1926 he married his second wife, Duška Todorović (1903–1950), a Serbian; they had a daughter, Anima. Schmitt was excommunicated[43] because his first marriage had not been annulled.[12] In 1957 his daughter married Alfonso Otero Varela (1925–2001), a Spanish law professor at the University of Santiago de Compostela[44] and a member of the ruling Spanish Falange[45] party in Francoist Spain. She translated several of her father's works into Spanish. Letters from Schmitt to his son-in-law have also been published.

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26   https://en.wikipedia.org/wiki/Stanford_Encyclopedia_of_Philosophy
27   https://en.wikipedia.org/wiki/Constitutionalism
28   https://en.wikipedia.org/wiki/Cosmopolitanism
29   https://en.wikipedia.org/wiki/Plettenberg
30   https://en.wikipedia.org/wiki/Province_of_Westphalia
31   https://en.wikipedia.org/wiki/Eifel
32   https://en.wikipedia.org/wiki/Law
33   https://en.wikipedia.org/wiki/Humboldt_University_of_Berlin
34   https://en.wikipedia.org/wiki/University_of_Munich
35   https://en.wikipedia.org/wiki/University_of_Strasbourg
36   https://en.wikipedia.org/wiki/Habilitation
37   https://en.wikipedia.org/wiki/University_of_Greifswald
38   https://en.wikipedia.org/wiki/University_of_Bonn
39   https://en.wikipedia.org/wiki/Technische_Universit%C3%A4t_M%C3%BCnchen
40   https://en.wikipedia.org/wiki/University_of_Cologne
41   https://en.wikipedia.org/wiki/Humboldt_University_of_Berlin
42   https://en.wikipedia.org/wiki/Catholic_Church
43   https://en.wikipedia.org/wiki/Excommunication
44   https://en.wikipedia.org/wiki/University_of_Santiago_de_Compostela
45   https://en.wikipedia.org/wiki/Falange

Schmitt died on 7 April 1985 and is buried in Plettenberg[46].

1.2 Religious beliefs

As a young man, Schmitt was "a devoted Catholic until his break with the church in the mid twenties."[13] From around the end of the First World War, he began to describe his Catholicism as "displaced" and "de-totalised".[14] Consequently, Gross argues that Schmitt's work "cannot be reduced to Roman Catholic theology given a political turn. Rather, Schmitt should be understood as carrying an atheistic political-theological tradition to an extreme." [15]

Schmitt met Mircea Eliade[47], a Romanian religion historian, in Berlin in the summer of 1942 and later spoke to his friend Ernst Jünger[48] of Eliade and his interest in Eliade's works.[16]

1.3 Enabling Act of 1933

Part of a series on
Nazism[49]

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46   https://en.wikipedia.org/wiki/Plettenberg
47   https://en.wikipedia.org/wiki/Mircea_Eliade
48   https://en.wikipedia.org/wiki/Ernst_J%C3%BCnger
49   https://en.wikipedia.org/wiki/Nazism

Organizations

- National Socialist German
  Workers' Party (NSDAP)[50]
- *Sturmabteilung (SA)*[51]
- *Schutzstaffel (SS)*[52]
- *Geheime Staatspolizei (Gestapo)*[53]
- Hitler Youth (HJ)[54]
- *Deutsches Jungvolk (DJ)*[55]
- League of German Girls (BDM)[56]
- National Socialist German Doctors' League[57]
- National Socialist German Students' League (NSDStB)[58]
- National Socialist League of the Reich for Physical Exercise (NSRL)[59]
- National Socialist Flyers Corps (NSFK)[60]
- National Socialist Motor Corps (NSKK)[61]
- National Socialist Women's League (NSF)[62]
- Combat League of Revolutionary National Socialists (KGRNS)[63]

50 https://en.wikipedia.org/wiki/Nazi_Party
51 https://en.wikipedia.org/wiki/Sturmabteilung
52 https://en.wikipedia.org/wiki/Schutzstaffel
53 https://en.wikipedia.org/wiki/Gestapo
54 https://en.wikipedia.org/wiki/Hitler_Youth
55 https://en.wikipedia.org/wiki/Deutsches_Jungvolk
56 https://en.wikipedia.org/wiki/League_of_German_Girls
57 https://en.wikipedia.org/wiki/National_Socialist_German_Doctors%27_League
58 https://en.wikipedia.org/wiki/National_Socialist_German_Students%27_League
59 https://en.wikipedia.org/wiki/National_Socialist_League_of_the_Reich_for_Physical_Exercise
60 https://en.wikipedia.org/wiki/National_Socialist_Flyers_Corps
61 https://en.wikipedia.org/wiki/National_Socialist_Motor_Corps
62 https://en.wikipedia.org/wiki/National_Socialist_Women%27s_League
63 https://en.wikipedia.org/wiki/Black_Front

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- *Machtergreifung*[66]
- German re-armament[67]
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- Kristallnacht[75]
- World War II[76]
- The Holocaust[77]
- Tripartite Pact[78]
- Denazification[79]
- Nuremberg trials[80]
- Neo-Nazism[81]

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64 https://en.wikipedia.org/wiki/Early_timeline_of_Nazism
65 https://en.wikipedia.org/wiki/Adolf_Hitler%27s_rise_to_power
66 https://en.wikipedia.org/wiki/Adolf_Hitler%27s_rise_to_power#Seizure_of_control_
    (1931%E2%80%931933)
67 https://en.wikipedia.org/wiki/German_re-armament
68 https://en.wikipedia.org/wiki/Nazi_Germany
69 https://en.wikipedia.org/wiki/Religion_in_Nazi_Germany
70 https://en.wikipedia.org/wiki/Adolf_Hitler%27s_cult_of_personality
71 https://en.wikipedia.org/wiki/Enabling_Act_of_1933
72 https://en.wikipedia.org/wiki/Night_of_the_Long_Knives
73 https://en.wikipedia.org/wiki/Nuremberg_rallies
74 https://en.wikipedia.org/wiki/Anti-Comintern_Pact
75 https://en.wikipedia.org/wiki/Kristallnacht
76 https://en.wikipedia.org/wiki/World_War_II
77 https://en.wikipedia.org/wiki/The_Holocaust
78 https://en.wikipedia.org/wiki/Tripartite_Pact
79 https://en.wikipedia.org/wiki/Denazification
80 https://en.wikipedia.org/wiki/Nuremberg_trials
81 https://en.wikipedia.org/wiki/Neo-Nazism

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- Authoritarian democracy[85]
- Houston Stewart Chamberlain[86]
- *Gleichschaltung*[87]
- Arthur de Gobineau[88]
- Hitler's political views[89]
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- *The Myth of the Twentieth Century*[91]
- Militarism[92]
- National Socialist Program[93]
- New Order[94]
- *Preussentum und Sozialismus*[95]
- Propaganda[96]
- Religious aspects[97]
- Strasserism[98]
- Symbolism[99]
- Women in Nazi Germany[100]

82 https://en.wikipedia.org/wiki/Fascism
83 https://en.wikipedia.org/wiki/Totalitarianism
84 https://en.wikipedia.org/wiki/F%C3%BChrerprinzip
85 https://en.wikipedia.org/wiki/Authoritarian_democracy
86 https://en.wikipedia.org/wiki/Houston_Stewart_Chamberlain
87 https://en.wikipedia.org/wiki/Gleichschaltung
88 https://en.wikipedia.org/wiki/Arthur_de_Gobineau
89 https://en.wikipedia.org/wiki/Political_views_of_Adolf_Hitler
90 https://en.wikipedia.org/wiki/Mein_Kampf
91 https://en.wikipedia.org/wiki/The_Myth_of_the_Twentieth_Century
92 https://en.wikipedia.org/wiki/Militarism
93 https://en.wikipedia.org/wiki/National_Socialist_Program
94 https://en.wikipedia.org/wiki/New_Order_(Nazism)
95 https://en.wikipedia.org/wiki/Preussentum_und_Sozialismus
96 https://en.wikipedia.org/wiki/Propaganda_in_Nazi_Germany
97 https://en.wikipedia.org/wiki/Religious_aspects_of_Nazism
98 https://en.wikipedia.org/wiki/Strasserism
99 https://en.wikipedia.org/wiki/Nazi_symbolism
100 https://en.wikipedia.org/wiki/Women_in_Nazi_Germany

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- Völkisch movement[105]
- *An Essay on the Inequality of the Human Races*[106]
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- *The Foundations of the Nineteenth Century*[108]
- Greater Germanic Reich[109]
- *Heim ins Reich*[110]
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- Völkisch equality[115]
- *Volkskörper*[116]

101 https://en.wikipedia.org/wiki/Nazism_and_race
102 https://en.wikipedia.org/wiki/Antisemitism
103 https://en.wikipedia.org/wiki/Aryan_race#Nazism_and_Neo-Nazism
104 https://en.wikipedia.org/wiki/Blood_and_soil
105 https://en.wikipedia.org/wiki/V%C3%B6lkisch_movement
106 https://en.wikipedia.org/wiki/An_Essay_on_the_Inequality_of_the_Human_Races
107 https://en.wikipedia.org/wiki/Nazi_eugenics
108 https://en.wikipedia.org/wiki/The_Foundations_of_the_Nineteenth_Century
109 https://en.wikipedia.org/wiki/Greater_Germanic_Reich
110 https://en.wikipedia.org/wiki/Heim_ins_Reich
111 https://en.wikipedia.org/wiki/Lebensraum
112 https://en.wikipedia.org/wiki/Master_race
113 https://en.wikipedia.org/wiki/The_Passing_of_the_Great_Race
114 https://en.wikipedia.org/wiki/Racial_policy_of_Nazi_Germany
115 https://en.wikipedia.org/wiki/V%C3%B6lkisch_equality
116 https://en.wikipedia.org/wiki/Volksk%C3%B6rper

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117 https://en.wikipedia.org/wiki/Final_Solution
118 https://en.wikipedia.org/wiki/Nazi_concentration_camps
119 https://en.wikipedia.org/wiki/Deportation
120 https://en.wikipedia.org/wiki/Doctors%27_trial
121 https://en.wikipedia.org/wiki/Extermination_camp
122 https://en.wikipedia.org/wiki/Genocide
123 https://en.wikipedia.org/wiki/Nazi_ghettos
124 https://en.wikipedia.org/wiki/Nazi_human_experimentation
125 https://en.wikipedia.org/wiki/Forced_labour_under_German_rule_during_World_War_II
126 https://en.wikipedia.org/wiki/Pogrom
127 https://en.wikipedia.org/wiki/Racial_segregation#Germany

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- Martin Bormann[132]
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- Richard Walther Darré[134]
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- Hans Lammers[144]
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- Karl Dönitz[146]
- Ernst Röhm[147]
- Alfred Rosenberg[148]
- Arthur Seyss-Inquart[149]
- Albert Speer[150]
- Gregor Strasser[151]
- Otto Strasser[152]
- Julius Streicher[153]

128 https://en.wikipedia.org/wiki/List_of_Nazis
129 https://en.wikipedia.org/wiki/Adolf_Hitler
130 https://en.wikipedia.org/wiki/Joseph_Goebbels
131 https://en.wikipedia.org/wiki/Hermann_G%C3%B6ring
132 https://en.wikipedia.org/wiki/Martin_Bormann
133 https://en.wikipedia.org/wiki/Kurt_Daluege
134 https://en.wikipedia.org/wiki/Richard_Walther_Darr%C3%A9
135 https://en.wikipedia.org/wiki/Anton_Drexler
136 https://en.wikipedia.org/wiki/Dietrich_Eckart
137 https://en.wikipedia.org/wiki/Adolf_Eichmann
138 https://en.wikipedia.org/wiki/Gottfried_Feder
139 https://en.wikipedia.org/wiki/Hans_Frank
140 https://en.wikipedia.org/wiki/Wilhelm_Frick
141 https://en.wikipedia.org/wiki/Rudolf_Hess
142 https://en.wikipedia.org/wiki/Reinhard_Heydrich
143 https://en.wikipedia.org/wiki/Heinrich_Himmler
144 https://en.wikipedia.org/wiki/Hans_Lammers
145 https://en.wikipedia.org/wiki/Joachim_von_Ribbentrop
146 https://en.wikipedia.org/wiki/Karl_D%C3%B6nitz
147 https://en.wikipedia.org/wiki/Ernst_R%C3%B6hm
148 https://en.wikipedia.org/wiki/Alfred_Rosenberg
149 https://en.wikipedia.org/wiki/Arthur_Seyss-Inquart
150 https://en.wikipedia.org/wiki/Albert_Speer
151 https://en.wikipedia.org/wiki/Gregor_Strasser
152 https://en.wikipedia.org/wiki/Otto_Strasser

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153 https://en.wikipedia.org/wiki/Julius_Streicher

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- German American Bund[160]
- German National Movement in Liechtenstein[161]
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- South African Gentile National Socialist Movement[163]
- Hungarian National Socialist Party[164]
- Nasjonal Samling (Norway)[165]
- National Movement of Switzerland[166]
- National Socialist Movement in the Netherlands[167]
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- World Union of National Socialists[180]

154 https://en.wikipedia.org/wiki/American_Nazi_Party
155 https://en.wikipedia.org/wiki/Nordic_Resistance_Movement
156 https://en.wikipedia.org/wiki/Aria_Party
157 https://en.wikipedia.org/wiki/Arrow_Cross_Party
158 https://en.wikipedia.org/wiki/Azure_Party
159 https://en.wikipedia.org/wiki/Bulgarian_National_Socialist_Workers_Party
160 https://en.wikipedia.org/wiki/German_American_Bund
161 https://en.wikipedia.org/wiki/German_National_Movement_in_Liechtenstein
162 https://en.wikipedia.org/wiki/Greek_National_Socialist_Party
163 https://en.wikipedia.org/wiki/South_African_Gentile_National_Socialist_Movement
164 https://en.wikipedia.org/wiki/Hungarian_National_Socialist_Party
165 https://en.wikipedia.org/wiki/Nasjonal_Samling
166 https://en.wikipedia.org/wiki/National_Movement_of_Switzerland
167 https://en.wikipedia.org/wiki/National_Socialist_Movement_in_the_Netherlands
168 https://en.wikipedia.org/wiki/National_Socialist_Bloc
169 https://en.wikipedia.org/wiki/National_Socialist_League
170 https://en.wikipedia.org/wiki/National_Socialist_Movement_of_Chile
171 https://en.wikipedia.org/wiki/National_Socialist_Movement_(United_States)
172 https://en.wikipedia.org/wiki/National_Socialist_Party_(Romania)
173 https://en.wikipedia.org/wiki/National_Socialist_Workers%27_Party_of_Denmark
174 https://en.wikipedia.org/wiki/National_Unity_Party_(Canada)

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- *Germany portal*[191]

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Schmitt remarked on 31 January 1933 that with Adolf Hitler[195]'s appointment as Chancellor, "one can say that 'Hegel[196] died.'"[17] Richard Wolin[197] observes:

> it is Hegel qua philosopher of the "bureaucratic class" or Beamtenstaat that has been definitely surpassed with Hitler's triumph... this class of civil servants—which Hegel in

175 https://en.wikipedia.org/wiki/Nazism_in_Brazil
176 https://en.wikipedia.org/wiki/Nationalist_Liberation_Alliance
177 https://en.wikipedia.org/wiki/Ossewabrandwag
178 https://en.wikipedia.org/wiki/SUMKA
179 https://en.wikipedia.org/wiki/Tsagaan_Khas
180 https://en.wikipedia.org/wiki/World_Union_of_National_Socialists
181 https://en.wikipedia.org/wiki/List_of_books_by_or_about_Adolf_Hitler
182 https://en.wikipedia.org/wiki/List_of_Nazi_ideologues
183 https://en.wikipedia.org/wiki/List_of_Nazi_Party_leaders_and_officials
184 https://en.wikipedia.org/wiki/List_of_Nazis
185 https://en.wikipedia.org/wiki/List_of_speeches_given_by_Adolf_Hitler
186 https://en.wikipedia.org/wiki/List_of_SS_personnel
187 https://en.wikipedia.org/wiki/Beefsteak_Nazi
188 https://en.wikipedia.org/wiki/Glossary_of_Nazi_Germany
189 https://en.wikipedia.org/wiki/Zweites_Buch
190 https://en.wikipedia.org/wiki/Category:Nazism
191 https://en.wikipedia.org/wiki/Portal:Germany
192 https://en.wikipedia.org/wiki/Template:Nazism_sidebar
193 https://en.wikipedia.org/wiki/Template_talk:Nazism_sidebar
194 https://en.wikipedia.org/w/index.php?title=Template:Nazism_sidebar&action=edit
195 https://en.wikipedia.org/wiki/Adolf_Hitler
196 https://en.wikipedia.org/wiki/Hegel
197 https://en.wikipedia.org/wiki/Richard_Wolin

the Rechtsphilosophie deems the "universal class"—represents an impermissible drag on the sovereignty of executive authority. For Schmitt... the very essence of the bureaucratic conduct of business is reverence for the norm, a standpoint that could not but exist in great tension with the doctrines of Carl Schmitt... Hegel had set an ignominious precedent by according this putative universal class a position of preeminence in his political thought, insofar as the primacy of the bureaucracy tends to diminish or supplant the prerogative of sovereign authority.[1]

The Nazis forced through the passage of the Enabling Act of 1933[198] in March, which changed the Weimar Constitution[199] to allow the "present government" to rule by decree, bypassing both the President, Paul von Hindenburg[200], and the Reichstag[201].

Alfred Hugenberg[202], the leader of the German National People's Party[203], one of the Nazis' partners in the coalition government that was being squeezed out of existence, hoped to slow the Nazi takeover of the country[204] by threatening to quit his ministry position in the Cabinet. Hugenberg reasoned that by doing so, the government would thereby be changed, and the Enabling Act would no longer apply, as the "present government" would no longer exist. A legal opinion by Schmitt prevented this maneuver from succeeding. At the time well known as a constitutional theorist, Schmitt declared that "present government" did not refer to the Cabinet's makeup when the act was passed, but to the "completely different kind of government"—that is, different from the democracy of the Weimar Republic[205]—that Hitler's cabinet[206] had brought into existence.[18]

198 https://en.wikipedia.org/wiki/Enabling_Act_of_1933
199 https://en.wikipedia.org/wiki/Weimar_Constitution
200 https://en.wikipedia.org/wiki/Paul_von_Hindenburg
201 https://en.wikipedia.org/wiki/Reichstag_(Weimar_Republic)
202 https://en.wikipedia.org/wiki/Alfred_Hugenberg
203 https://en.wikipedia.org/wiki/German_National_People%27s_Party
204 https://en.wikipedia.org/wiki/Adolf_Hitler%27s_rise_to_power
205 https://en.wikipedia.org/wiki/Weimar_Republic
206 https://en.wikipedia.org/wiki/Hitler%27s_cabinet

Figure 3 Tombstone of Carl Schmitt, Catholic cemetery, Plettenberg-Eiringhausen (the inscription is a reference to the *Odyssey*, in which Odysseus's having 'seen many cities and learnt their customs' is changed to 'and learnt their *laws'*)

1.4 Career

1.4.1 Academic career (1921–1932)

During 1921, Schmitt became a professor at the University of Greifswald[207], where he published his essay *Die Diktatur* (on dictatorship[208]). In 1922 he published *Politische Theologie* (political theology[209]) while working as a professor at the University of Bonn[210]. Schmitt changed universities in 1926, when he became professor of law at the Handelshochschule in Berlin[211], and again in 1932, when he accepted a position in Cologne[212]. His most fa-

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207 https://en.wikipedia.org/wiki/University_of_Greifswald

208 https://en.wikipedia.org/wiki/Dictatorship

209 https://en.wikipedia.org/wiki/Political_theology

210 https://en.wikipedia.org/wiki/University_of_Bonn

211 https://en.wikipedia.org/wiki/Berlin

212 https://en.wikipedia.org/wiki/University_of_Cologne

mous paper, "*Der Begriff des Politischen*" ("The Concept of the Political[213]") was based on lectures at the Deutsche Hochschule für Politik[214] in Berlin.[19]

In 1932, Schmitt was counsel for the Reich government in the case *Preussen contra Reich* (*Prussia v. Reich*), in which the Social Democratic Party of Germany[215]-controlled government of the state of Prussia[216] disputed its dismissal by the right-wing Reich government of Franz von Papen[217]. Papen was motivated to do so because Prussia, by far the largest state in Germany[218], served as a powerful base for the political left and provided it with institutional power, particularly in the form of the Prussian police. Schmitt, Carl Bilfinger and Erwin Jacobi represented the Reich[20] and one of the counsel for the Prussian government was Hermann Heller[219]. The court ruled in October 1932 that the Prussian government had been suspended unlawfully but that the Reich had the right to install a commissar.[20] In German history, the struggle resulting in the *de facto* destruction of federalism in the Weimar republic is known as the *Preußenschlag[220]*.

1.4.2 Nazi Party

Schmitt joined the Nazi Party[221] on 1 May 1933.[21] Within days, he supported the party in the burning of books by Jewish authors, rejoiced in the burning of "un-German" and "anti-German" material, and called for a much more extensive purge, to include works by authors influenced by Jewish ideas.[22] From June 1933, he was in the leadership council of Hans Frank[222]'s Academy for German Law[223] and served as chairman of the Committee for State and Administrative Law.[23] In July, Hermann Göring[224] appointed him to the Prussian State Council[225], and in November he became the president of the Association of National Socialist German Jurists[226]. He also replaced Heller as a professor at the University of Berlin[227],[24] a position he held until the end of World War II[228]. He presented his theories as an ideological foundation of the Nazi dictatorship and a justification of the *Führer[229]* state concerning legal philosophy, particularly through the concept of *auctoritas[230]*.

In June 1934, Schmitt was appointed editor-in-chief of the Nazi newspaper for lawyers, the *Deutsche Juristen-Zeitung[231]* ("German Jurists' Journal").[25] In July he published in

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213 https://en.wikipedia.org/wiki/The_Concept_of_the_Political

214 https://en.wikipedia.org/wiki/Deutsche_Hochschule_f%C3%BCr_Politik

215 https://en.wikipedia.org/wiki/Social_Democratic_Party_of_Germany

216 https://en.wikipedia.org/wiki/Prussia

217 https://en.wikipedia.org/wiki/Franz_von_Papen

218 https://en.wikipedia.org/wiki/Germany

219 https://en.wikipedia.org/wiki/Hermann_Heller_(legal_scholar)

220 https://en.wikipedia.org/wiki/Preu%C3%9Fenschlag

221 https://en.wikipedia.org/wiki/Nazi_Party

222 https://en.wikipedia.org/wiki/Hans_Frank

223 https://en.wikipedia.org/wiki/Academy_for_German_Law

224 https://en.wikipedia.org/wiki/Hermann_G%C3%B6ring

225 https://en.wikipedia.org/wiki/Prussian_State_Council

226 https://en.wikipedia.org/wiki/National_Socialist_Association_of_Legal_Professionals

227 https://en.wikipedia.org/wiki/University_of_Berlin

228 https://en.wikipedia.org/wiki/World_War_II

229 https://en.wikipedia.org/wiki/F%C3%BChrer

230 https://en.wikipedia.org/wiki/Auctoritas

231 https://en.wikipedia.org/w/index.php?title=Deutsche_Juristen-Zeitung&action=edit&redlink=1

it "The Leader Protects the Law (*Der Führer schützt das Recht*)", a justification of the political murders of the Night of the Long Knives[232] with Hitler's authority as the "highest form of administrative justice (*höchste Form administrativer Justiz*)".[26] Schmitt presented himself as a radical antisemite[233] and was the chairman of an October 1936 law teachers' convention in Berlin[27] at which he demanded that German law be cleansed of the "Jewish spirit (*jüdischem Geist*)" and that all Jewish scientists' publications be marked with a small symbol.

Nevertheless, in December 1936, the *Schutzstaffel*[234] (SS) publication *Das Schwarze Korps*[235] accused Schmitt of being an opportunist, a Hegelian state thinker, and a Catholic, and called his antisemitism a mere pretense, citing earlier statements in which he criticized the Nazis' racial theories.[28][29][30] After this, Schmitt resigned as *Reichsfachgruppenleiter* (Reich Professional Group Leader) but retained his professorship in Berlin and his title "Prussian State Councillor". Schmitt continued to be investigated into 1937, but Göring stopped further reprisals.[31][32]

During the German occupation of Paris[236] a "round-table" of French and German intellectuals met at the Georges V Hotel[237], including Schmitt, the writers Ernst Jünger[238], Paul Morand[239], Jean Cocteau[240], and Henry Millon de Montherlant[241], and the publisher Gaston Gallimard[242].[33]

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232 https://en.wikipedia.org/wiki/Night_of_the_Long_Knives
233 https://en.wikipedia.org/wiki/Antisemitism
234 https://en.wikipedia.org/wiki/Schutzstaffel
235 https://en.wikipedia.org/wiki/Das_Schwarze_Korps
236 https://en.wikipedia.org/wiki/Paris_in_World_War_II
237 https://en.wikipedia.org/wiki/Georges_V_Hotel_in_Paris
238 https://en.wikipedia.org/wiki/Ernst_J%C3%BCnger
239 https://en.wikipedia.org/wiki/Paul_Morand
240 https://en.wikipedia.org/wiki/Jean_Cocteau
241 https://en.wikipedia.org/wiki/Henry_Millon_de_Montherlant
242 https://en.wikipedia.org/wiki/Gaston_Gallimard

1.4.3 After World War II

Figure 4 ”San Casciano”, home of Carl Schmitt in Plettenberg-Pasel from 1971 until 1985

In 1945, American forces captured Schmitt and, after spending more than a year in an internment camp, he returned to his home town of Plettenberg[243] and later to the house of his housekeeper Anni Stand in Plettenberg-Pasel. He remained unrepentant for his role in the creation of the Nazi state, and refused every attempt at denazification[244], which barred him from academic jobs.[6] Despite being isolated from the mainstream of the scholarly and political community, he continued his studies, especially of international law[245], from the 1950s on, and frequently received visitors, both colleagues and younger intellectuals, well into his old age. Important[*clarification needed246*] among these visitors were Ernst Jünger[247], Jacob Taubes[248] and Alexandre Kojève[249].

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243 https://en.wikipedia.org/wiki/Plettenberg
244 https://en.wikipedia.org/wiki/Denazification
245 https://en.wikipedia.org/wiki/International_law
247 https://en.wikipedia.org/wiki/Ernst_J%C3%BCnger
248 https://en.wikipedia.org/wiki/Jacob_Taubes
249 https://en.wikipedia.org/wiki/Alexandre_Koj%C3%A8ve

In 1962, Schmitt gave lectures in Francoist Spain[250], two of which resulted in the publication, the next year, of *Theory of the Partisan*, in which he characterized the Spanish Civil War[251] as a "war of national liberation" against "international Communism". Schmitt regarded the partisan[252] as a specific and significant phenomenon which, during the latter half of the 20th century, indicated the emergence of a new theory of warfare.

1.5 Publications

1.5.1 *On Dictatorship*

In his essay *Die Diktatur* (on dictatorship[253]) he discussed the foundations of the newly established Weimar Republic[254], emphasising the office of the *Reichspräsident[255]*. In this essay, Schmitt compared and contrasted what he saw as the effective and ineffective elements of the new constitution of his country. He saw the office of the president as a comparatively effective element, because of the power granted to the president to declare a state of exception[256] (*Ausnahmezustand*). This power, which Schmitt discussed and implicitly praised as dictatorial,[26] was more in line with the underlying mentality of executive power than the comparatively slow and ineffective processes of legislative power reached through parliamentary discussion[257] and compromise[258].

Schmitt was at pains to remove what he saw as a taboo surrounding the concept of "dictatorship" and to show that the concept is implicit whenever power is wielded by means other than the slow processes of parliamentary politics and the bureaucracy:

> If the constitution of a state is democratic, then every exceptional negation of democratic principles, every exercise of state power independent of the approval of the majority, can be called dictatorship.[34]

For Schmitt, every government capable of decisive action must include a dictatorial element within its constitution. Although the German concept of *Ausnahmezustand* is best translated as "state of emergency", it literally means "state of exception[259]" which, according to Schmitt, frees the executive from any legal restraints to its power that would normally apply. The use of the term "exceptional" has to be underlined here: Schmitt defines sovereignty[260] as the power to *decide* to initiate a state of exception[261], as Giorgio Agamben[262] has noted. According to Agamben,[35] Schmitt's conceptualization of the "state of exception" as belonging to the core-concept of sovereignty was a response to Walter Benjamin[263]'s concept of

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250 https://en.wikipedia.org/wiki/Francoist_Spain
251 https://en.wikipedia.org/wiki/Spanish_Civil_War
252 https://en.wikipedia.org/wiki/Partisan_(military)
253 https://en.wikipedia.org/wiki/Dictatorship
254 https://en.wikipedia.org/wiki/Weimar_Republic
255 https://en.wikipedia.org/wiki/Reichspr%C3%A4sident
256 https://en.wikipedia.org/wiki/State_of_exception
257 https://en.wikipedia.org/wiki/Discussion
258 https://en.wikipedia.org/wiki/Compromise
259 https://en.wikipedia.org/wiki/State_of_exception
260 https://en.wikipedia.org/wiki/Sovereignty
261 https://en.wikipedia.org/wiki/State_of_emergency
262 https://en.wikipedia.org/wiki/Giorgio_Agamben
263 https://en.wikipedia.org/wiki/Walter_Benjamin

a "pure" or "revolutionary" violence, which did not enter into any relationship whatsoever with right. Through the state of exception, Schmitt included all types of violence under right, in the case of the authority of Hitler leading to the formulation "The leader defends the law" ("*Der Führer schützt das Recht*").[26]

Schmitt opposed what he termed "commissarial dictatorship", or the declaration of a state of emergency in order to save the legal order (a temporary suspension of law, defined itself by moral or legal right): the state of emergency is limited (even if *a posteriori*[264], by law) to "sovereign dictatorship", in which law was suspended, as in the classical state of exception, not to "save the Constitution[265]", but rather to create another constitution. This is how he theorized Hitler[266]'s continual suspension of the legal constitutional order during the Third Reich[267] (the Weimar Republic[268]'s Constitution was never abrogated, emphasized Giorgio Agamben;[36] rather, it was "suspended" for four years, first with the 28 February 1933 Reichstag Fire Decree[269], with the suspension renewed every four years, implying a continual state of emergency).

1.5.2 *Political Theology*

On Dictatorship was followed by another essay in 1922, titled *Politische Theologie* (political theology[270]); in it, Schmitt, gave further substance to his authoritarian theories with the now notorious definition: "Sovereign is he who decides on the exception." By "exception", Schmitt means stepping outside the rule of law[271] under the state of exception[272] (*Ausnahmezustand*) doctrine he first introduced in *On Dictatorship* for the purpose of managing some crisis, which Schmitt defines loosely as "a case of extreme peril, a danger to the existence of the state, or the like." For this reason, the "exception" is understood as a "borderline concept" for Schmitt because it is not within the purview of the normal legal order. Schmitt opposes this definition of sovereignty to those offered by contemporary theorists on the issue, particularly Hans Kelsen[273], whose work is criticized at several points in the essay. The state of exception is a critique of "normativism", a positivist[274] concept of law developed by Kelsen of law as the expression of norms that are abstract and generally applicable, in all circumstances.[37]

A year later, Schmitt supported the emergence of totalitarian[275] power structures in his paper "*Die geistesgeschichtliche Lage des heutigen Parlamentarismus*" (roughly: "The Intellectual-Historical Situation of Today's Parliamentarianism[276]", translated as *The Crisis of Parliamentary Democracy*[277] by Ellen Kennedy). Schmitt criticized the institutional practices of liberal politics, arguing that they are justified by a faith in rational discussion

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264 https://en.wikipedia.org/wiki/Empirical_evidence
265 https://en.wikipedia.org/wiki/Constitution
266 https://en.wikipedia.org/wiki/Hitler
267 https://en.wikipedia.org/wiki/Third_Reich
268 https://en.wikipedia.org/wiki/Weimar_Republic
269 https://en.wikipedia.org/wiki/Reichstag_Fire_Decree
270 https://en.wikipedia.org/wiki/Political_theology
271 https://en.wikipedia.org/wiki/Rule_of_law
272 https://en.wikipedia.org/wiki/State_of_exception
273 https://en.wikipedia.org/wiki/Hans_Kelsen
274 https://en.wikipedia.org/wiki/Legal_positivism
275 https://en.wikipedia.org/wiki/Totalitarianism
276 https://en.wikipedia.org/wiki/Parliamentary_system
277 https://en.wikipedia.org/wiki/Crisis_of_Parliamentary_Democracy

and openness that is at odds with actual parliamentary party politics[278], in which outcomes are hammered out in smoke-filled rooms[279] by party leaders. Schmitt also posits an essential division between the liberal doctrine of separation of powers[280] and what he holds to be the nature of democracy[281] itself, the identity of the rulers and the ruled. Although many critics of Schmitt today, such as Stephen Holmes[282] in his *The Anatomy of Anti-Liberalism*, take exception to his fundamentally authoritarian[283] outlook, the idea of incompatibility between liberalism and democracy is one reason for the continued interest in his political philosophy[284].[38]

In chapter 4 of his *State of Exception* (2005), Italian philosopher Giorgio Agamben[285] argued that Schmitt's *Political Theology* ought to be read as a response to Walter Benjamin[286]'s influential essay *Towards the Critique of Violence*.

The book's title derives from Schmitt's assertion (in chapter 3) that "all significant concepts of the modern theory of the state are secularized theological concepts"—in other words, that political theory[287] addresses the state (and sovereignty) in much the same manner as theology[288] does God.

1.5.3 *The Concept of the Political*

For Schmitt, "the political" is not equal to any other domain, such as the economic (which distinguishes between profitable and not profitable), but instead is the most essential to identity. While churches are predominant in religion or society is predominant in economics, the state is usually predominant in politics. Yet, for Schmitt, the political was not autonomous or equivalent to the other domains, but rather the existential basis that would determine any other domain should it reach the point of politics (e.g. religion ceases to be merely theological when it makes a clear distinction between the "friend" and the "enemy").

Schmitt, in perhaps his best-known formulation, bases his conceptual realm of state sovereignty and autonomy upon the distinction between *friend* and *enemy*. Schmitt writes:

> The political enemy need not be morally evil or aesthetically ugly...But he is, nevertheless, the other, the stranger..."[39]

This distinction is to be determined "existentially", which is to say that the enemy is whoever is "in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible".[40] Such an enemy need not even be based on nationality: so long as the conflict is potentially intense enough to become a violent one between political entities, the actual substance of enmity may be anything.[*citation needed[289]*] In this work, Schmitt makes the distinction between several different types of enemies one

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278 https://en.wikipedia.org/wiki/Party_politics
279 https://en.wikipedia.org/wiki/Smoke-filled_room
280 https://en.wikipedia.org/wiki/Separation_of_powers
281 https://en.wikipedia.org/wiki/Democracy
282 https://en.wikipedia.org/wiki/Stephen_Holmes_(academic)
283 https://en.wikipedia.org/wiki/Authoritarian
284 https://en.wikipedia.org/wiki/Political_philosophy
285 https://en.wikipedia.org/wiki/Giorgio_Agamben
286 https://en.wikipedia.org/wiki/Walter_Benjamin
287 https://en.wikipedia.org/wiki/Political_theory
288 https://en.wikipedia.org/wiki/Theology

may make, stating that political enemies ought to be made out of a legitimate concern for the safety of the state rather than moral intuitions.[41]

The collectivization of friendship and enmity is, for Schmitt, the essence of politics. This theory of politics was influential in the Third Reich where the recognition and eradication of the enemy became a necessary component of the collective national identity. Similar views were shared by other Nazi legal theorists like Werner Best[290].[42] Although there have been divergent interpretations concerning this work, there is broad agreement that *The Concept of the Political* is an attempt to achieve state unity by defining the content of politics as opposition to the "enemy". Additionally, the prominence of the state stands as an arbitrary force dominating potentially fractious civil society, whose various antagonisms must not be allowed to affect politics, lest civil war result.[*citation needed*291]

Dialogue with Leo Strauss

Schmitt provided a positive reference for Leo Strauss[292], and approved his work, which was instrumental in winning Strauss the scholarship funding that allowed him to leave Germany. [43] In turn, Strauss's critique and clarifications of *The Concept of the Political* led Schmitt to make significant emendations in its second edition. Writing to Schmitt during 1932, Strauss summarized Schmitt's political theology thus: "[B]ecause man is by nature evil, he therefore needs *dominion.* But dominion can be established, that is, men can be unified only in a unity against—against other men. Every association of men is necessarily a separation from other men ... the political thus understood is not the constitutive principle of the state, of order, but a condition of the state."[44] Some of the letters between Schmitt and Strauss have been published.

1.5.4 *The Leviathan in the State Theory of Thomas Hobbes*

The Leviathan in the State Theory of Thomas Hobbes, with the subtitle "Meaning and Failure of a Political Symbol", is a 1938 work by Schmitt that revisits one of his most critical theoretical inspirations: Thomas Hobbes[293]. Schmitt's work can be described as both a critique and appraisal of the controversial political theorist. This work also contains some of Schmitt's more anti-Semitic language. As contemporary writers on Schmitt have noted, his anti-Semitism may be read as more a kind of "anti-Judaism" as, unlike his Nazi allies, he did not attribute the dangers of Judaism to "biological" reasons but strictly religious ones. Although, as professor Tracy Strong correctly notes, "in life these distinctions mattered little if you were in Auschwitz."[45] This work by Schmitt is also one of the most intimately involved by him with the concept of myth in a political setting.

The text itself begins with an overview of the religious history of the mythical character "Leviathan[294]". Schmitt traces this character as a unique subject of conflicting interpretations in Abrahamic[295] doctrines, whereby the Leviathan, understood most pointedly as a

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290 https://en.wikipedia.org/wiki/Werner_Best

292 https://en.wikipedia.org/wiki/Leo_Strauss

293 https://en.wikipedia.org/wiki/Thomas_Hobbes

294 https://en.wikipedia.org/wiki/Leviathan

295 https://en.wikipedia.org/wiki/Abrahamic_religions

"big fish," is occasionally interchangeable with that of a dragon or serpent, which Schmitt remarks have been "protective and benevolent deities"[46] in the history of non-Jewish peoples. But, as Schmitt makes clear, Hobbes' Leviathan is very different from these interpretations, being illustrated firstly in his work *Leviathan*[296] as a "huge man". The Leviathan as a "huge man" is used throughout Hobbes' work as a symbol of the sovereign person. Although the Leviathan is not the only allegory made by Hobbes of the sovereign, which gravitates throughout his work as "a huge man, a huge leviathan, an artificial being, an *animal artificiale*, an *automaton*, or a *machina*".[47] Hobbes' concern was mainly to convey the sovereign person as a frightening creature that could instill fear into those chaotic elements of man that belong to his interpretation of the state of nature[297].

Schmitt's critique of Hobbes begins with Hobbes' understanding of the state as a "machine" which is set into motion by the sovereign. This, says Schmitt, is really just a continuation of Descartes[298]' dualism of man between mind and body[299]. For Hobbes to conceptualize the state as a machine whose soul is the sovereign renders it really as just a mechanic structure, carrying over the cartesian dualism into political theory: "As a totality, the state is body and soul, a *homo artificialis*, and, as such, a machine. It is a manmade product... the soul thereby becomes a mere component of a machine artificially manufactured by man."[48] Schmitt adds that this technical conception of the state is essential in the modern interpretation of government as a widespread administrative organ.[b] Therefore, Schmitt attributes Hobbes' mechanistic and often also a legally positivist interpretation of the state (what is legitimate = what is legal) with the process of political neutralization. This is consistent with Schmitt's larger attitude toward attempts to apply technical principles to political matters.

Also, Schmitt critiques Hobbes' insistence that belief in miracles must only be outwardly consistent with the position of the state and can, privately, deviate into one's own opinion as to the validity of such "miracles".[50] The belief in miracles was a relevant point in Hobbes' century for kings would regularly "bestow miracles" by touching the hands of those of ill health, supposedly healing them—obviously a consequence of the medieval belief that kings had a divine character. Hobbes' position was that "private reason" may disagree with what the state claims to be a miracle, but the "public reason" must by necessity agree to its position in order to avoid chaos. Schmitt's critique of Hobbes here is twofold. Firstly, Hobbes opens the crack toward a liberal understanding of individual rights[300] (such as the right to "private reason") which Schmitt was a tireless critique of and, secondly, Hobbes guts the state of any "substantive truth" (such as the genuine belief of the individual, even in private, of the kings divine right[301]) and renders the state into now simply a "justifiable external power".[50] This opens up the elementary basis of liberal society which, for Schmitt, was pluralism[302]. Such a pluralist society lacked ideological homogeneity and nationally bound group identity, both of which were fundamental premises of a democratic society to Schmitt.[51] Despite his critiques, Schmitt, nonetheless, finishes the book with a celebration

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296 https://en.wikipedia.org/wiki/Leviathan_(Hobbes_book)
297 https://en.wikipedia.org/wiki/State_of_nature
298 https://en.wikipedia.org/wiki/Ren%C3%A9_Descartes
299 https://en.wikipedia.org/wiki/Mind%E2%80%93body_dualism
300 https://en.wikipedia.org/wiki/Individual_and_group_rights
301 https://en.wikipedia.org/wiki/Divine_right_of_kings
302 https://en.wikipedia.org/wiki/Pluralism_(political_theory)

of Hobbes as a truly magnificent thinker, ranking him along with other theorists he values greatly like Niccolò Machiavelli[303] and Giambattista Vico[304].[52]

1.5.5 *Nomos of the Earth*

The Nomos of the Earth is Schmitt's most historical and geopolitical work. Published in 1950, it was also one of his final texts. It describes the origin of the Eurocentric[305] global order, which Schmitt dates from the discovery of the New World[306], discusses its specific character and its contribution to civilization, analyses the reasons for its decline at the end of the 19th century, and concludes with prospects for a new world order. It defends European achievements, not only in creating the first truly global order of international law[307], but also in limiting war to conflicts among sovereign states, which, in effect, civilized war. In Schmitt's view, the European sovereign state was the greatest achievement of Occidental[308] rationalism; in becoming the principal agency of secularization, the European state created the modern age.

Notable in Schmitt's discussion of the European epoch of world history is the role played by the New World[309], which ultimately replaced the Old World[310] as the centre of the Earth and became the arbiter in European and world politics. According to Schmitt, the United States[311]' internal conflicts between economic presence and political absence, between isolationism and interventionism, are global problems, which today continue to hamper the creation of a new world order. But however critical Schmitt is of American actions at the end of the 19th century and after World War I, he considered the United States to be the only political entity capable of resolving the crisis of global order.

1.5.6 *Hamlet or Hecuba*

Published in 1956, *Hamlet or Hecuba: The Intrusion of the Time into the Play* was Schmitt's most extended piece of literary criticism. In it Schmitt focuses his attention on Shakespeare[312]'s *Hamlet[313]* and argues that the significance of the work hinges on its ability to integrate history in the form of the taboo of the queen and the deformation of the figure of the avenger. Schmitt uses this interpretation to develop a theory of myth and politics that serves as a cultural foundation for his concept of political representation. Beyond literary criticism or historical analysis, Schmitt's book also reveals a comprehensive theory of the relationship between aesthetics and politics that responds to alternative ideas developed by Walter Benjamin[314] and Theodor W. Adorno[315].

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303 https://en.wikipedia.org/wiki/Niccol%C3%B2_Machiavelli
304 https://en.wikipedia.org/wiki/Giambattista_Vico
305 https://en.wikipedia.org/wiki/Eurocentric
306 https://en.wikipedia.org/wiki/Discovery_of_the_New_World
307 https://en.wikipedia.org/wiki/International_law
308 https://en.wikipedia.org/wiki/Europe
309 https://en.wikipedia.org/wiki/New_World
310 https://en.wikipedia.org/wiki/Old_World
311 https://en.wikipedia.org/wiki/United_States
312 https://en.wikipedia.org/wiki/William_Shakespeare
313 https://en.wikipedia.org/wiki/Hamlet
314 https://en.wikipedia.org/wiki/Walter_Benjamin
315 https://en.wikipedia.org/wiki/Theodor_W._Adorno

1.5.7 *Theory of the Partisan*

Schmitt's *Theory of the Partisan* originated in two lectures delivered during 1962,[53] and has been seen as a rethinking of *The Concept of the Political*.[54] It addressed the transformation of war in the post-European age, analysing a specific and significant phenomenon that ushered in a new theory of war[316] and enmity. It contains an implicit theory of the terrorist, which during the 21st century has resulted in yet another new theory of war and enmity. In the lectures, Schmitt directly tackles the issues surrounding "the problem of the Partisan" figure: the guerrilla or revolutionary who "fights irregularly" (p. 3).[55] Both because of its scope, with extended discussions on historical figures like Napoleon Bonaparte[317], Vladimir Lenin[318] and Mao Zedong[319], as well as the events marking the beginning of the 20th century, Schmitt's text has had a resurgence of popularity. Jacques Derrida[320], in his *Politics of Friendship* remarked:

> Despite certain signs of ironic distrust in the areas of metaphysics and ontology, *The Concept of the Political* was, as we have seen, a philosophical type of essay to 'frame' the topic of a concept unable to constitute itself on philosophical ground. But in *Theory of the Partisan*, it is in the same areas that the topic of this concept is both radicalized and properly uprooted, where Schmitt wished to regrasp in history the event or node of events that engaged this uprooting radicalisation, and it is precisely there that the philosophical as such intervenes again.[56]

Schmitt concludes *Theory of the Partisan* with the statement: "The theory of the partisan flows into the question of the concept of the political, into the question of the real enemy and of a new *nomos*[321] of the earth."[57] Schmitt's work on the Partisan has since spurred comparisons with the post-9/11 'terrorist' in recent scholarship.[58]

1.6 Influence

Through Walter Benjamin[322], Giorgio Agamben[323], Andrew Arato[324], Chantal Mouffe[325] and other writers, Schmitt has become a common reference in recent writings of the intellectual left as well as the right.[59] These discussions concern not only the interpretation of Schmitt's own positions, but also matters relevant to contemporary politics: the idea that laws of the state cannot strictly limit actions of its sovereign[326], the problem of a "state of exception[327]" (later expanded upon by Agamben).[60]

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316 https://en.wikipedia.org/wiki/Theory_of_war
317 https://en.wikipedia.org/wiki/Napoleon_Bonaparte
318 https://en.wikipedia.org/wiki/Vladimir_Lenin
319 https://en.wikipedia.org/wiki/Mao_Zedong
320 https://en.wikipedia.org/wiki/Jacques_Derrida
321 https://en.wikipedia.org/wiki/Nomos_(sociology)
322 https://en.wikipedia.org/wiki/Walter_Benjamin
323 https://en.wikipedia.org/wiki/Giorgio_Agamben
324 https://en.wikipedia.org/wiki/Andrew_Arato
325 https://en.wikipedia.org/wiki/Chantal_Mouffe
326 https://en.wikipedia.org/wiki/Sovereignty
327 https://en.wikipedia.org/wiki/State_of_exception

Schmitt's argument that political concepts are *secularized theological concepts* has also recently been seen as consequential for those interested in contemporary political theology[328]. The German-Jewish philosopher Jacob Taubes[329], for example, engaged Schmitt widely in his study of Saint Paul[330], *The Political Theology of Paul* (Stanford Univ. Press, 2004). Taubes' understanding of political theology is, however, very different from Schmitt's, and emphasizes the political aspect of theological claims, rather than the religious derivation of political claims.

Schmitt is described as a "classic of political thought" by Herfried Münkler[331],[61] while in the same article Münkler speaks of his post-war writings as reflecting an: "embittered, jealous, occasionally malicious man" ("verbitterten, eifersüchtigen, gelegentlich bösartigen Mann"). Schmitt was termed the "Crown Jurist of the Third Reich[332]" ("Kronjurist des Dritten Reiches") by Waldemar Gurian[333].

Timothy D. Snyder[334] has asserted that Schmitt's work has greatly influenced Eurasianist[335] philosophy in Russia by revealing a counter to the liberal order.[62]

According to historian Renato Cristi in the writing of the 1980 Constitution of Chile[336], Pinochet[337] collaborator Jaime Guzmán[338] based his work on the *pouvoir constituant* concept used by Schmitt (as well as drawing inspiration in the ideas of market society[339] of Friedrich Hayek[340]). This way Guzmán would have enabled a framework for a dictatorial state combined with a free market[341] economic system.[63]

1.6.1 Law of emergency powers

Schmitt's "state of exception" doctrine has enjoyed a revival in the 21st century. Formulated 10 years before the 1933 Nazi takeover of Germany, Schmitt claimed that urgency justified the following:[64]

1. Special executive powers
2. Suspension of the Rule of Law
3. Derogation of legal and constitutional rights

Schmitt's doctrine helped clear the way for Hitler's rise to power by providing the theoretical legal foundation of the Nazi regime.[64]

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328 https://en.wikipedia.org/wiki/Political_theology
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332 https://en.wikipedia.org/wiki/Third_Reich
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334 https://en.wikipedia.org/wiki/Timothy_D._Snyder
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336 https://en.wikipedia.org/wiki/Constitution_of_Chile
337 https://en.wikipedia.org/wiki/Augusto_Pinochet
338 https://en.wikipedia.org/wiki/Jaime_Guzm%C3%A1n
339 https://en.wikipedia.org/wiki/Market_economy
340 https://en.wikipedia.org/wiki/Friedrich_Hayek
341 https://en.wikipedia.org/wiki/Free_market

1.6.2 China

Some have argued that Schmitt has become an important influence on Chinese political theory in the 21st century, particularly since Xi Jinping[342] became General Secretary of the Chinese Communist Party[343] in 2012.[65][66][67] Sinologist[344] Flora Sapio has highlighted the friend–enemy distinction as a particular topic of interest in China, commenting, "Since Xi Jinping became China's top leader[345] in November 2012, the friend-enemy distinction so crucial to Carl Schmitt's philosophy has found even wider applications in China, in both 'Party theory' and academic life."[68] Leading Chinese Schmittians include the theologian Liu Xiaofeng[346], the public policy scholar Wang Shaoguang[347],[68] and the legal theorist and government adviser Jiang Shigong[348].[69]

The first important wave of Schmitt's reception in China started with Liu's writings at the end of the 1990s.[70] In the context of a transition period, Schmitt was used both by liberal, nationalist and conservative intellectuals to find answers to contemporary issues. In the 21st century, most of them are still concerned with state power and to what extent a strong state is required to tackle China's modernization. Some authors consider Schmitt's works as a weapon against liberalism.[71] Others think that his theories are helpful for China's development.[68]

A critical reception of his use in a Chinese context does also exist.[72][73][71] These differences go together with different interpretations of Schmitt's relation with fascism. While some scholars regard him as a faithful follower of fascism, others, such as Liu Xiaofeng, consider his support to the Nazi regime only as instrumental and attempt to separate his works from their historical context.[70] According to them, his real goal is to pave a different and unique way for the modernization of Germany—precisely what makes him interesting for China. Generally speaking, the Chinese reception is ambivalent: quite diverse and dynamic, but also highly ideological.[68][74] Other scholars are cautious when it comes to Schmitt's arguments for state power, considering the danger of totalitarianism, they assume at the same time that state power is necessary for the current transition and that a "dogmatic faith" in liberalism is unsuitable for China.[73] By emphasizing the danger of social chaos, many of them agree with Schmitt—beyond their differences—on the necessity of a strong state.[68]

1.6.3 Russia

Several scholars have noted the influence of Carl Schmitt on Vladimir Putin[349] and Russia, specifically in defense of illiberal norms and exercising power, such as in disputes with Ukraine.[75][76][77][78]

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342 https://en.wikipedia.org/wiki/Xi_Jinping
343 https://en.wikipedia.org/wiki/General_Secretary_of_the_Chinese_Communist_Party
344 https://en.wikipedia.org/wiki/Sinology
345 https://en.wikipedia.org/wiki/Paramount_leader
346 https://en.wikipedia.org/wiki/Liu_Xiaofeng_(academic)
347 https://en.wikipedia.org/wiki/Wang_Shaoguang
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1.7 Works

1.7.1 English translations of Carl Schmitt

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- *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*. George D. Schwab & Erna Hilfstein, trans. (Greenwood Press, 1996). Original publication: 1938.
- *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. G.L. Ulmen, trans. (Telos Press, 2003). Original publication: 1950.
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1.8 See also

- *Streitbare Demokratie*[356]
- German nationalism[357]

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Notes

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2. The concept of the "administrative state" is elaborated by Schmitt in his other works such as *Legality and Legitimacy* as a technical interpretation of state activity that is excessively bureaucratic and wherein all disputes of the state can be settled through "more proper" or "more perfect" management.[49]

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