

Schmitt, Carl

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Carl Schmitt was born on July 11, 1888, and died April 7, 1985. Often styled as the Hobbes of the twentieth century, Schmitt was a lawyer and legal theorist and onetime pupil of Max Weber who used legal theory, constitutional theory, and the theory of international law to raise the most fundamental questions of social and political thought, primarily by challenging the conventional assumptions of liberalism. Although Schmitt was embraced by the Nazi regime, earned the sobriquet “The Crown Jurist of Nazism” for his services to the Third Reich, and was interned by the Allies after the war, his primary, and deepest, influence was on the Left. The Frankfurt School, which included one of his students (Otto Kirchheimer), responded to Schmitt and incorporated some of his key ideas, which then passed into feminism and other ideological currents. A prolific writer, Schmitt’s corpus is difficult to summarize, but its enduring themes, and part of his appeal, come from his relentless hostility to liberal democracy, his conviction that it is doomed, his anti-Americanism, and his strategy of understanding concepts by pushing them to their limits and to the point at which contradictions, such as the contradiction between the basic idea of liberalism as rule by discussion and “democracy,” become apparent.

Schmitt’s short book, *The Concept of the Political*, is the customary point of entry into his thought. It contains some of his most famous aphorisms, such as the slogan that what is political is a political question,

and his remark that “Words such as state, republic, society, class, as well as sovereignty, constitutional state, absolutism, dictatorship, economic planning, neutral or total state, and so on, are incomprehensible if one does not know exactly who is to be affected, combated, refuted, or negated by such a term” (2007/1976: 30–31). This reasoning can be illustrated by Schmitt’s comments on the concept of humanity, which he characterizes as “an especially useful ideological instrument of imperialist expansion” which has the probable effect of “denying the enemy the quality of being human and declaring him to be an outlaw of humanity,” thus justifying “the most extreme inhumanity” in war (2007/1976: 54). The realm of the political was defined not by war but by the possibility of war – of antitheses becoming so extreme that their proponents define the antitheses in terms of friend and enemy.

Liberalism itself, because of its emptiness, was always a front for something else. Schmitt regarded many of the political ideas of modernity as utopian exercises in eliminating politics and said that “All genuine political theories presuppose man’s dangerousness” (Schmitt 2007/1976: 111). He distinguished liberalism, which put off all ultimate questions as though they could be discussed indefinitely by a committee, from a regime concerned with its subjects’ immortal souls. He used theology to provide an alternative from which to judge modern liberal society. It was, however, the theology of the Grand Inquisitor, to whom, as Schmitt observed, Dostoevsky gave all the best lines.

All societies are organized by law, and therefore by ideas of law, a commonplace accepted by Schmitt’s rivals, such as Hans

Kelsen, and by Weber as well, who used his classification of legal ideas as the basis for his classification of societies themselves. Schmitt both criticized and elaborated these ideas, to deal with problems Weber did not deal with directly, particularly the problem of the relation between liberalism and democracy. Schmitt's alternative was rooted in what he called a sociology of ideas, based on the thought that "The metaphysical image that a definite epoch forges of the world has the same structure as what the world immediately understands to be appropriate as a form of its political organization" (Schmitt 1985: 46). In the case of the modern state, these metaphysical ideas are "secularized theological concepts not only because of their historical development – in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent god became the omnipotent lawgiver – but also because of their systematic structure" (1985: 113). This was how he interpreted Hobbes: "The terror of the state of nature drives anguished individuals to come together; their fear rises to an extreme; a spark of reason (*ratio*) flashes, and suddenly there stands in front of them a new god" (Schmitt 1996/1938: 31).

Schmitt's core idea of the state characteristically came from the consideration of what the state and law is in the most extreme situations, those calling for a state of siege or, in the German term, a state of exception, and the case in which the state defines friends and enemies. Here one sees the state acting as a state in defense of itself, above the law, deciding whether the law applies or not, and in this way exercising political power in its purest form. Moreover, "Sovereign is he who decides on the exception" (Schmitt 1985: 5). But the idea of a state of exception proves more: that law presupposes a concept of social normalcy. His often mis-described "decisionism" is related to this: the term refers to

the ineliminable range of discretion of office holders, such as judges and bureaucrats, the discretion that is necessary to apply law in concrete situations.

Schmitt's most famous historical thesis related to the relation between democracy and liberalism. Although historically paired, Schmitt thought they were ultimately inimical: the *demos* would choose against the limited and neutralized liberal form of rule. In particular, he considered that the Weimar Republic, which was challenged by totalizing parties on the Left and the Right, was doomed, and that rule by a totalizing party would follow. He considered the existence of minorities which could not be assimilated to be inconsistent with democracy, and notoriously observed that "Every actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally. Democracy requires, therefore, first homogeneity and second – if the need arises – elimination or eradication of heterogeneity" (Schmitt 1988: 9).

SEE ALSO: Constitutionalism; Democracy; Kelsen, Hans; Weber, Max

REFERENCES

- Schmitt, Carl. 1985. *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab. Chicago: University of Chicago Press.
- Schmitt, Carl. 1988. *The Crisis of Parliamentary Democracy*, edited by Thomas A. McCarthy, translated by Ellen Kennedy. Boston: MIT Press.
- Schmitt, Carl. 1996. *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, translated by George D. Schwab and Erna Hilfstein. Westport, CT: Greenwood Press. First published 1938.
- Schmitt, Carl. 2007. *The Concept of the Political*, translated by George Schwab. Chicago: University of Chicago Press. First published 1976.

FURTHER READING

Kennedy, Ellen. 2004. *Constitutional Failure: Carl Schmitt in Weimar*. Durham, NC: Duke University Press.

Schwab, George. 1989. *The Challenge of the Exception: An Introduction to the Political Ideas of C. Schmitt between 1921 and 1936*, 2nd edn. Berlin: Duncker & Humblot. First published 1970.