

[A Philosophy of Concrete Life](#)

Carl Schmitt and the Political Thought of Late Modernity

von
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Neuausgabe

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1. Introduction

We are all navigators on an endless journey and
no book is more than a logbook

Carl Schmitt, *Völkerrechtliche Großraumordnung*

Ever since political thought declined into a mere calculation and classification of empirical phenomena under the auspices of scientific positivism, an obvious vacuum has existed in the conceptualization of modern politics. It is true that a kind of renaissance in political theory is occurring at present. But it seems at times that this rebirth amounts only to a return to the past. Politics is practice – speech and action – and it should not be framed in terms of those abstract rationalistic models that have recently been proposed as a foundation for political thought. John Rawls sums up the point of departure for these models when he delineates the foundations of his theory of justice. He suggests a model that “generalizes and carries to a higher level of abstraction the traditional conception of the social contract”,¹ which in itself has traditionally been one of the most abstract of all political abstractions.

The critique of abstractions in political theory does not entail, however, that the only alternative left would be the empirical study of politics. Neither does it mean that we should merely resort to the kind of historical analysis, which explores the political events and concepts of the past step by step. In fact, the assault of conceptual historians on political theory – and on the history of ideas – resembles in some respects the assault which the positivists launched on political theory after the Second World War. We do, indeed, need a political theory. But a theory which is not somehow related to concrete historical conditions

1 John Rawls, *Theory of Justice*. Cambridge: The Belknap Press of Harvard University Press 1972, p. 15.

and events is necessarily empty – as for instance in the case of contemporary social theory. In it, society is often depicted as an automatically functioning abstract system within which different subsystems, the so-called political system included, form relatively independent entities with their own trajectories. Such an approach is problematic because it almost by necessity dismisses the political dimension of human existence. And it dismisses that dimension for a simple reason: politics and systems are mutually exclusive. Where there is a system, there is no politics. Therefore, we need an alternative approach which, instead of the imaginary abstractions of political philosophy and the empty systems of social theory, starts with the intricate reality of politics – without resorting to easy empiricism. What is called for, then, is an alternative way of theorizing politics.

In this respect, the work done by the German constitutional jurist Carl Schmitt (1888–1985) is among the most promising of the last century. On the one hand, the acuity of Schmitt's thought lies in his ability to avoid universals and abstractions, which have no reference to a concrete instance or to the concrete state of things. On the other hand, it lies in his capacity to make immediately comprehensible conceptual distinctions, yet without forgetting the demands of generality posed to theoretical thinking. This dual intention becomes manifest already in the name of his approach, combining philosophy *and* life: "A philosophy of concrete life."² Despite the name, however, we should not identify Schmitt's philosophy of concrete life with the philosophy of life that was in vogue in Germany and especially in France at the turn of the 20th century. Schmitt's thought does not display a tendency towards organic thinking or metaphysics of life. Admittedly, he argues that there exists a metaphysical core in the work of every author: "The thought and feeling of every person always retain a certain metaphysical character."³ But in

2 Carl Schmitt, *Political Theology* (1922). Cambridge: The MIT Press 1985, p. 15.

3 Carl Schmitt, *Political Romanticism* (1919). Cambridge: The MIT Press 1986, p. 18.

Schmitt's case this core is not life as such "in its complete spiritual emptiness and mere dynamic";⁴ it is what he calls the *concrete*. The aim of this book is to examine the nature and meaning of this concreteness and its philosophy.

Providing a systematic treatment of Schmitt's work is not the purpose of this text. Neither do I wish to locate Schmitt's thought in its exact historical or conceptual context.⁵ This context is, without doubt, interesting and perhaps it is impossible to understand Schmitt's real intentions without a good understanding of it. But I am not a historian but a political theorist and the task of a theorist is not to reduce ideas to time and place or to reveal the true intentions of writers of times past. Rather, his task is to free ideas from their historical and psychological circumstances and in so doing to actualize them.⁶ According to Julien Freund, there are indeed two ways of approaching Schmitt's work:

4 Schmitt, *Political Romanticism*, pp. 17–18.

5 An excellent recent example of a systematic and contextualizing study is Gopal Balakrishnan's *The Enemy: An Intellectual Portrait of Carl Schmitt*. London: Verso 2000.

6 By actualization I do not mean that Schmitt's ideas should be actualized in today's politics. In this sense, his ideas are already actual – for instance in the neoconservative thought of American republicanism. For example, when the neoconservative Irvin Kristol summarized the neoconservative beliefs concerning foreign policy, he came to summarize some of Schmitt's central beliefs: "First, patriotism is a natural and healthy sentiment and should be encouraged by both private and public institutions. Second, world government is a terrible idea since it can lead to world tyranny. International institutions that point to an ultimate world government should be regarded with the deepest suspicion. Third, statesmen should, above all, have the ability to distinguish friends from enemies." Irvin Kristol, "The Neoconservative Persuasion." *The Weekly Standard* 25 august 2003. For me, actualization signifies bringing to light the metaphysical foundations of Schmitt's political thought in order to develop intellectual weapons not only for the battle against the neoconservative beliefs but also for the critique of Schmitt and of the political thought of late modernity in general.

Either taking into account the context in which they were written, the author's personal positions, his vacillations and sympathies, which themselves changed; or by focusing on the strong points in his thought without reference to particular circumstances.⁷

Of course, even the “strong points” are strong only in a given historical situation. Therefore, a total neglect of the context would lead to misinterpreting the strong points as well. In this book the context is not, however, limited to the exact juridical or political discourse of Schmitt's time. It spans, instead, the late modernity – from the turbulent year of 1848 onwards – in general, concentrating in particular on what Schmitt calls the conceptual articulation (*begrifflichen Verarbeitung*) of the social structure of the epoch. My intention is, in fact, to utilize Schmitt's *own* method of the “sociology of concepts”. According to Schmitt, the sociology of concepts attempts first to “discover the basic, radically systematic [conceptual] structure” of the work of an author.⁸ In the case of a given literary work, the radically systematic conceptual structure constitutes its metaphysical core, revealing the “metaphysical character” of the author. As already mentioned, Schmitt holds that the “thought and feeling” of every person always retain a certain metaphysical character. The task of the sociology of concepts is to reveal this character. Second, the sociology of concepts compares this “metaphysical character” of an author with the “conceptually articulated social structure” of his epoch.⁹ Moreover, insofar as metaphysics also represents, in Schmitt's view, the “most intensive and clearest expression of an epoch”, the approach culminates in a comparison of the “metaphysical character” of an author with the “metaphysical image” (*metaphysische Bild*) of the world of his epoch.¹⁰

7 Julien Freund, “Schmitt's Political Thought.” *Telos* No 102, Winter 1995, p. 40. A good example of a commentary in English in which both the context and the “strong points” are considered is John P. McCormick, *Carl Schmitt's Critique of Liberalism*. Cambridge: Cambridge University Press 1997.

8 Schmitt, *Political Theology*, p. 45.

9 Schmitt, *Political Theology*, p. 45.

10 Schmitt, *Political Theology*, p. 46.

This is, in other words, the method of the work at hand. It aims at grasping the metaphysical core of Schmitt's political thought by juxtaposing it with the metaphysical image of the world in late modernity. I admit that this approach can appear partially illegitimate given that Schmitt himself emphasized that all political concepts, images, and terms have a polemical meaning: "They are focused on a specific conflict and are bound to a concrete situation."¹¹ Therefore they remain incomprehensible if one does not know exactly who is to be affected, combated, refuted or negated by these terms.¹² Nevertheless, there exists a concept – or rather an image of thought – which is not merely focused on a specific conflict in a concrete situation but transcends it in Schmitt's thought. There exists a certain metaphysical character, which corresponds to the metaphysical image of the world of late modernity. Primarily, this character pertains to Schmitt's conception according to which the foundation of collective human existence is constituted by *conflict*. This is not only a polemical formulation, but also a metaphysical claim. But it does not suffice to say that conflict constitutes the metaphysical core of Schmitt's thought – he does not claim, for instance, that humankind would be in the middle of a war of all against all. Instead, one has to examine the role of conflict in the general structure of Schmitt's thought. Contrary to what is sometimes claimed, such a structure does exist. We can call this structure metaphysical because it is axiomatic, in other words, there exists an axis which is relatively stable and which orients his thought.

For a start, we can state that the axis which orients Schmitt's thought is the juxtaposition *inside versus outside*. In his view, there is no inside without outside, no order without disorder, no cosmos without chaos. There is no delimited space without a space that remains outside the limits, because life, the movement of living history, presupposes a space of the outside, an "empty space":

11 Carl Schmitt, *The Concept of the Political* (1932). Chicago: The University of Chicago Press 1996, p. 30.

12 Schmitt, *The Concept of the Political*, p. 30.

There is no movement without an empty space. There is no law [*Recht*] without a free space either. All normative comprehension and delimitation of space presuppose a free space which rests outside, beyond the law. Freedom is freedom of movement, nothing else. What would be terrifying is a world in which there no longer existed an exterior [*Ausland*] but only a homeland [*Inland*], no longer space [*Spielraum*] for measuring and testing one's strength freely.¹³

In this structure, the space of the outside – the space of conflict – is primary. Hence, Schmitt turns inside out the structuring hierarchy of classical modern political theory, characterized by the exclusion of disorder from order, war from peace, and the state of nature from political order. This is not to say that Schmitt simply affirms disorder and war. On the contrary, throughout his work, he emphasizes the necessity of tranquility, security, and order. But in his view there is no tranquility, security, and order without the recognition that disorder and war are the ever-present possibilities of every order and peace – or better still, that every order is created out of disorder.

For Schmitt, the decisive place in this configuration is the *borderline* between inside and outside, between order and disorder. It is this position of in-between which guarantees that the inside remains open to the outside and the movement of living history continues. All of Schmitt's central concepts orient themselves to this position which is also why he calls them borderline concepts (*Grenzbegriff*). A borderline concept indicates the extreme sphere of an order – the point at which a given order opens up to the outside, that is to say, to disorder and chaos. Nevertheless, this extreme sphere is also the point at which the order is created and maintained. Therefore, Schmitt insists that the one who occupies this sphere – the position of in-between – possesses the decisive political authority. He is the sovereign. Or better still, the one who decides on the borderline *becomes* the sovereign, because it is the deci-

13 Carl Schmitt, *Glossarium – Aufzeichnungen der Jahre 1947–1951*. Berlin: Duncker & Humblot 1988, p. 37.

sion that discloses who has political authority. It is the decision that occupies the position of in-between, which is also to say that the position of in-between is not, in the final analysis, a position at all. Rather, it is a non-position, the pure *event* of a decision. In this sense, as I will argue in this book, Schmitt's political philosophy is above all a philosophy of the event. For Schmitt, it is always the event (*Ereignis*) which founds an order¹⁴ – the event of the extreme.

* * *

What makes the study of Carl Schmitt's theoretical work complicated is his decision to join the National-Socialistic Party (NSDP) in February 1933. Joining the Party in Germany was not unusual at that time but among the intellectuals it was rare. Only one other intellectual of major importance had actually joined, namely Martin Heidegger. To be sure, in 1936 Schmitt was relieved from all of his positions of trust by the Party. He was accused of opportunism and ideological impurity, for instance of Catholicism, Hegelianism, of reluctance to think in purely racial terms and even of anti-Nazism.¹⁵ But he was allowed to keep his position as a professor of jurisprudence in Berlin and, like Heidegger, he remained a member of the Party until the end of the Second World War. After the war he was arrested on suspicion of being involved in the politics of expansion but his prosecution was waived. After that he did not regain a position at a university or in any other institution in the Federal Republic of Germany.

14 Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (1950). New York: Telos Press 2003, pp. 46, 78, 83.

15 Before the elections on 31 July 1932 Schmitt in fact wrote: "Anyone who allows the National Socialists to obtain the majority on 31 July, even if he is not a National Socialist and sees in this party only the lesser of evils, is acting foolishly." Cited in Balakrishnan, *The Enemy*, p. 156.

Without going into the details of this sad but in many respects consistent political adventure,¹⁶ I want to point out that Schmitt's relation to Heidegger is not only political but also intellectual. Both of them criticized the individualization and technologization of the West. Both also emphasized the primacy of exception in relation to the ordinary, the necessity of decision-making and the importance of human rootedness in soil. And finally, both had a strong desire to overcome abstract philosophical speculation and to proceed toward a philosophy of concrete life – of facticity as Heidegger put it. This does not mean, however, that Schmitt would have wanted to surpass metaphysics. For him, metaphysics was always “something unavoidable”.¹⁷ The proximity of metaphysics to life, as well as the resemblance of theology to politics, were issues he never ceased to emphasize.

Despite this thematic continuity in his thinking, it is possible to outline two important, although still relative, shifts of emphasis in Schmitt's work. The first one is related to the subject matter of his research, the second one to his approach. In the beginning, approximately until 1936, the subjects of Schmitt's research were mainly constitutional

16 “I am an intellectual adventurer”, says Schmitt. See Carl Schmitt, “Interrogation of Carl Schmitt by Robert Kempner.” *Telos* No 72, Summer 1987, p. 103. However, every adventurer's route has some consistency and Schmitt's adventure includes, as far as I can see, the following landmarks: Schmitt's antipathy to atheistic socialism and agnostic liberalism but especially his anti-Semitism, which was not based on the Nazi concept of race, but on a conviction according to which Judaism and Christianity are mutually exclusive truths. Moreover, one can approach Schmitt's commitment from the perspective of his obsession with order and stability, unity of a people and the necessity of the figure of an enemy for the creation and maintenance of that unity. Also his opportunist view according to which a jurist must adjust to any situation which “permits recognition of an authority” should be taken into consideration. On Schmitt's anti-Semitism, see Raphael Gross, *Carl Schmitt und die Juden*. Frankfurt am Main: Suhrkamp 2000. Gross argues that anti-Semitism forms the real substratum of Schmitt's theoretical system as a whole.

17 See Schmitt, *Political Romanticism*, p. 17.

law and the foundations of state order. After 1936 his writings concerned increasingly the topics of international law and world politics. It is usually thought that Schmitt moved away from the issues of domestic politics because of their generally delicate and, as far as his person was concerned, dangerous nature. Schmitt himself has even claimed that the SS kept watch on his activities, publications, mail, and friends in 1936–37.¹⁸ On the other hand, one must remember that this turn took place at a time when the focus of political life in Germany moved towards international arenas, in other words, when Hitler's ideology of *Lebensraum* was transformed from an ideology into Nazi-Germany's concrete politics of expansion.

This change in subject matter was preceded by a shift in approach. The early phase of Schmitt's work can be called decisionist or, more precisely, a phase of decisionist formalism. The approach is decisionist insofar as the core of his juridical and political analyses is not, for instance, a valid norm or legal order but a decision which imposes a norm and order. On the other hand, the approach is formalist to the extent that the content of the decision-making is radically separated from the act of decision itself, and the act receives an autonomous juristic value. After the shift, around 1933, it is precisely this content-element, "the political, social and economic meaning of concrete orders and institutions",¹⁹ which becomes Schmitt's focal point. However, even at this stage the question is not whether a norm or legal order is valid or universally just, for Schmitt's emphasis is on the historical continuity and a total concept of law. Law (*Recht*) is identified with spatial order and localization (*nomos*). (In fact, also this late phase can be further divided into a phase which emphasizes the national origins of law – "all law [*Recht*] is the law of a certain *Volk*"²⁰ – and into one which emphasizes

18 See Schmitt, "Interrogation", p. 106.

19 Carl Schmitt, "The Plight of European Jurisprudence" (1944). *Telos* No 83, Spring 1990, p. 37.

20 Carl Schmitt, *State, Movement, People* (1933). Corvallis: Plutarch Press 2001, p. 51. Translation altered.

the European origin of law and especially its relation to the tradition of Roman law. It is possible to date this shift, surprisingly enough, to the battle of Stalingrad.) If decisionist formalism can be considered a conservative thinker's radical solution to the problem of modern nihilism, then the thinking of concrete order (*nomos*) can be considered a more traditional type of conservatism, with the reservation that even this approach includes one radical decisionist element, namely the non-anticipated event of appropriation.