Carl Schmitt's 'Hamlet oder Hekuba' and the question of a philosophy of history

Zapata Soto, G.I.

Citation

Zapata Soto, G. I. (2024, February 6). *Carl Schmitt's 'Hamlet oder Hekuba' and the question of a philosophy of history*. Retrieved from https://hdl.handle.net/1887/3718049

Version:	Publisher's Version
License:	Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden
Downloaded from:	https://hdl.handle.net/1887/3718049

Note: To cite this publication please use the final published version (if applicable).

CHAPTER 3
SCHMITT'S OEUVRE IN THE 1950S

Introduction

What was Schmitt's intellectual environment onto which the essay on *Hamlet* was placed? Some interpreters defend the idea that Schmitt's enormous *Nomos* is undoubtedly his central work of such a decade—and, in fact, that the *nomos* concept (order) itself rises as the conceptual axis of his thought[225]—, something that leads, eventually, to think that *Nomos* performs as the theoretical context on the essay[226] on *Hamlet*. However, *Nomos* was already finished by 1945, and only the corollaries of the book were added in the 1950 edition. And while there is a strong link between the historical thesis on *Nomos* and those of *Hamlet oder Hekuba*—stressed by Schmitt himself—, namely, that the singularity of England at achieving a "maritime existence"[227] was a historical phenomenon that took place in the very same years when *Hamlet* was performed at London, some other crucial works of the 1950s coalesced in the monograph on Shakespeare. Therefore, this third chapter elaborates a chronological survey of Schmitt's ideas in the early 1950s. By connecting reviews, articles, think pieces and essays, chapter 3 emphasizes Schmitt's interest in the field "philosophy of history". In this perspective, his conceptual dexterity now was strictly fixed in the importance of the 1848 Revolutions. His legal thinking was soon housed in a greater historical context.

3.1 Themes and interlocutors

What was Schmitt's theoretical standpoint in the 1950s? While crucial works such as *Nomos* and the *Hamlet* essay were published in that decade, little has been investigated about the intellectual impact that certain personal events had on Schmitt's thought. His personal library was confiscated by the American forces in October 1945 and only returned[228] to him in 1952.

225. Herrero 2015, 22-3.
226. Rust and Lupton 2009, xliii-iv; Berman 2015, xiiff.
227. Schmitt 2009b, 64; Schmitt 2021, 360ff.
228. From now on, the arguments developed here are based on Reinhard Mehring's biography of Schmitt. See Mehring 2014, 459 ff.

Likewise, his wife Duška passed away in 1950—the last year of contact between Schmitt and Ernst Jünger, another personal landmark. Four years later, his sister, Anna Margaretha Schmitt, passed too. At the beginning of the 1950s, Schmitt wrote a review, deeply moved by Karl Löwith's German translation of *Meaning and History* (*Weltgeschichte und Heilsgeschehen*). Löwith was a former critic of Schmitt whose remarks still model the way the jurist is interpreted today. The coming together of philosophy and history presupposed for Schmitt the equation of "the possibility of historical prognoses to the Christian theology of the *katechon* and the 'great parallel.'"[229] Löwith, according to Schmitt, "has pointed to the 'great historical parallel' between early Christianity and the present time" (442). This concept of "parallel" is essential to understanding the intellectual landscape of Schmitt's oeuvre during the fifties. His thought and language, torn asunder after 1945, became more esoteric than ever.

However, and despite the quality of some of the essays published in the early 1950s—like his "Die Lage der europäischen Rechtswissenschaft"—Schmitt was soon banned from the German public sphere. An article entitled "Against the Cynicism of Yesterday's Men," by Karl Thieme, "expressed the public mood at the time," a mood triggered, in this case, by minor yet significant notes, columns, and public interventions by the German jurist in important media outlets such as newspapers and radio broadcasts —although he wasn't trying "to restore his reputation and extend his intellectual influence", like some interpreter has recently stated[230]. Schmitt's political past cast a shadow over him until his last day and continues to do so to this day.

Schmitt was drawn to Shakespeare due to personal circumstances—his daughter translated Lilian Winstanley's *Hamlet and the Scottish Succession* to obtain her degree at the Institute for Translation in Heidelberg; Schmitt consequently began to seriously study the Bard's work. He not only attended two conferences on Shakespeare in 1952 but also planned to write about *Hamlet* in connection with his previous reflections on history and Christianity, now cast into titles such as *Der Antichrist und die Schöpfung* or *Der Antichrist und was ihn aufhält* [*The Antichrist and What Delays Him*].[231] Notwithstanding the fact that he was banned from participating in several places, the fifties presented Schmitt with a new

229. Mehring 2014, 442.
230 Muller 2022, 453.
231. Mehring 2014, 455.

intellectual opportunity, and he developed and wrote several articles and theses on the aforementioned themes—like his reading of Hobbes or his reflections on the power-holder—. It also marked the beginning of new acquaintances, such as Rudolf Augstein from *Der Spiegel* or fellow editor Dieter Brumm, who "wanted a conversation about Walter Benjamin" at some point. Finally, during that decade, Schmitt also gave several radio interviews. And it was one hosted by Nicolaus Sombart in July 1954, entitled "Benito Cereno oder der Mythos Europas," that pushed Schmitt to "engage in intensive conversations, which in turn influenced his interpretation of Hamlet."[232]

Hamlet oder Hekuba suggests to the reader several important questions, the essential one being the connection between history—"concrete reality"—and tragedy—the representation of events according to the law of brute historical episodes. How does this relationship work? It is merely the transfer of a particular structure (in the case of *Hamlet*, the political, juridical, and historical themes that surrounded those murky Elizabethan years) through the means of art, or it is a more complex and hence non-one-dimensional phenomenon that needs to be thoroughly grasped? In the following sections, and taking off from Schmitt's book on *Hamlet*, I will tackle these challenging problems by making visible the footprints of Schmitt's thoughts on history and philosophy. Otherwise put, I will concentrate on reconstructing the intellectual genesis of *Hamlet oder Hekuba*.

3.2 Schmitt's Views on History

If Schmitt was, as one German scholar has argued, "a dangerous mind,"[233] one of the reasons for such a characterization was his uncanny capacity to profoundly address a wide array of themes, such as theology, European and American jurisprudence, literature, art, philosophy, and, last but not least, history. This is evident even in his first monographs published in the 1910s, such as *The Value of the State and the Significance of the Individual,* or, even more clearly, in *Political Romanticism* (1919/1921). In these works, Schmitt delved into significant problems—the bond between power and law, in *Der Wert des Staates…*, and the historical structure that drove the "Romantic spirit" in *Politische Romantik*—by unfolding the

232. Mehring 2014, 465.
233. Müller 2003, 56–62.

historical inheritance of certain phenomena. But this use of historical information was not just a mere opportunity to exhibit his erudition. Indeed, even in his early contributions, he attempted to stress the importance of history and the past for comprehending and analyzing problems of the present. But, as always happen within Schmitt's thought, he never attempted to provide a crystal-clear definition of history or other concepts. Throughout his whole life, Schmitt's "method" was to select a particular problem—say, for instance, the interpretation of article 48 of the Weimar Constitution [234]—and then to elucidate said problem by bringing to the fore its theoretical and historical heritage and stressing this convergence through axiomatic and often cryptic assertions. This opens a good deal of space for the scholar and the interpreter, but leaves a very narrow surface for the regular reader to move across. I will prove this by quoting three different passages from three different monographs that belong to three different, paradigmatic phases of Schmitt's thought:

> The highest and most certain reality of traditional metaphysics, the transcendent God, was eliminated. More important than the controversy of the philosophers was the question of who assumed his functions as the highest and most certain reality. Two new worldly realities appeared and carried through a new ontology without waiting for the conclusion of the epistemological discussion: humanity and history.[235]

> Every form of political life stands in direct, mutual relationship with the specific mode of thought and argumentation of legal life. The sense of justice, legal practice, and legal theory of a feudal community, for example, differs from the societal legal thinking of a bourgeois legal system of exchange in more than methods and the content of the individual juristic line of argument.[236]

> No one can escape the immanent logic of value-thinking. Whether subjective or objective, formal or material, as soon as value appears a specific thought circuit becomes unavoidable. It is—one must already say: compulsorily—given with every value thinking.[237]

234. Schmitt 2015f, 99–117, here at 105–107.
235. Schmitt 1998, 58–59.
236. Schmitt 2018d, 45–46.
237. Schmitt 2018d, 31.

The first quotation belongs to *Political Romanticism*. As I have already stated,[238] the success of Schmitt's critique of Romanticism—or "political Romanticism," if the reader will allow such an oxymoron—depends on the historical presupposition that marked the conceptual schism of Modernity; namely, the metaphysical eradication of God, and, consequently, the modification of an ontology that subsequently had to manage its own reality without the coordinates provided by the model of Christian productivity—i.e., God as a creator and the world as a creation granted a set of moral rules. Schmitt's reflections usually are presented as axiomatic descriptions. However, most of the time, they are history-driven considerations that are guided by juridical and political arguments that are expressed philosophically. If the reader returns to the aforementioned quotation from PR, she will rapidly grasp that although a Descartes scholar could argue that such a claim is far-fetched, the most important point is determining the "who" of the passage, which in turn leads to one of Schmitt's core words: *legitimacy*.[239] If one analyzes the previous study of *Political Romanticism* developed earlier, the quotation can be unpacked in the following terms: Romanticism cannot gain political legitimacy, nor does it have any. Why? Because its historical roots are biased, they depend on the "schism between thought and being."[240] According to this caveat, Romanticism was stillborn at its best. No decision can achieve legitimacy upon the blank space left by God. Thus, the historical dimension of a specific subject—i.e., Romanticism—is driven back to its political inanity by authentic politics—the state—and then presented as an epistemological description of its elements. In any case, one here must ponder why Schmitt almost always chooses to delve into the historical aspect of a phenomenon. Even the sociological approach of the second quotation, which belongs to his 1934 *On the Three Types of Juristic Thought*, is posited within a historical consideration of *Recht*[241] and the different contemporary descriptions of the subject. Likewise, this quotation introduces the reader to a second level of the concept of history; that is, how a "concrete situation" becomes historical. In the

238. See chapter 2 (2.1).
239. See Hoffmann 2010, 122 ff.
240. Schmitt 1998, 52.
241. Schmitt 2004b, 44: "The theme of this treatise, however, involves another problem. Namely, that the various theoretical, practical, and intellectually prominent kinds of jurisprudential thought must here be identified and differentiated not from outside, but rather from the intrinsic nature of the jurisprudential work." The "intrinsic nature" of any problem—as the average Schmitt interpreter will agree—is mostly historical, or at least an important element in the chaotic, preposterous traffic between theology and human history.

theoretical context of *On the Three Types...*, this means how "rules and status, decision, concrete order thinking"[242] are entangled in a single scenario; namely, the fall of the Weimar Republic and its National-Socialist present. From this perspective, history is essential for Schmitt, because a "concrete situation" becomes a singularity that, nonetheless, is only possible thanks to some other major singularity buried in the past and yet still conducting—via its conceptual legacy—to the current state of affairs.[243] Finally, Schmitt's 1962 *Tyranny of the Values*, a short essay-like collection of thoughts and observations apropos of the revival of the German concept of *Wert* in post-World War II Germany, seeks an objective description of a concept that quietly becomes a prognosis of the destiny of the modern world. Schmitt analyzes the main aspects of the "philosophy of value," a complex set of perspectives and *Standpunkte* where a higher "value"—whether it be human life or the objectivity of modern sciences—rules over the other ones. Schmitt asks: "How should then the battle of the subjective or even the objective values end otherwise? The higher value has the right and the duty to subject the lower value to itself, and the value as such annihilates with right the non-value as such."[244] Time and again, a description is rhetorically transformed into a sharp evaluation of a phenomenon; the phenomenon being in this case "the philosophy of value" and the endangered "domains of our social being"[245] due to its "transformation in values," something quite related with the development of twentieth-century capitalism[246] and the serious deprecation of social life—and life itself—at the hands of an all-powerful economy. And while that "logic of values" was, indeed, a far from innocent nomenclature that stood for the manifoldness of life understood as existence, that "specific thought circuit" only becomes "unavoidable" if the problem is examined according to its proper place within European history. Otherwise, the complete analysis of "values" that the essay carries out would have been a scientific description of the function of the word—its use, its semantic intention, and its importance for the modern social sciences. However, Schmitt is very on point when he claims in the introduction of his think-piece "that the strongest oppositions in

242. Schmitt 2004b, 43.
243. Schmitt 2004b, 82: "A dominating kind of legal thought based on the complete antithesis of norm and command, *Lex* and *Rex* cannot at all legally grasp leadership thinking (*Führergedanken*). It demands, therefore, an oath to the constitution, to a norm, instead of to a leader (*Führer*)."
244. Schmitt 2018d, 36.
245. Schmitt 2018d, 8.
246. Schmitt 2018d, 10.

the decisive moments are fought out as a mere battle about words,"[247] which means that the study of the conceptual dimension is essential for any analysis. This proves how concepts are for Schmitt the chosen threshold to delve into history. History, in this perspective, is the history of concepts.[248]

I have deliberately pinpointed these three passages in order to illustrate the overall global importance of history in Schmitt's oeuvre. Moreover, the third quotation from *The Tyranny of Values* has been consciously—yet briefly—commented on due to the insight it provides regarding the genesis of the book. This article was originally a piece written by Schmitt for the *Ebrach Colloquiums* (*Ebracher Seminare*) organized by a group of important scholars—like Arnold Gehlen, Joachim Ritter, Hans Barion—and young intellectuals—Reinhart Koselleck, Marianne Kesting, Helmut Quaritsch, among others—that took place in the late fifties. The first edition of *The Tyranny of Values* was privately published with an initial print run of 200 copies, then republished in 1967 with an added introduction by Schmitt himself.[249] This means that *The Tyranny of Values* is the last of Schmitt's reflections of the 1950s, a decade during which he was absent from the mainstream debate, despite being particularly present in the intellectual discussions of post-World War II Germany.

In the following pages, I will schematically give an account of the main texts and articles of that decade,[250] proving how the 1950s provided Schmitt the chance to merge into highly philosophical and academic debates without an academic perspective. This examination will show how a philosophy of history was roughly sketched by Schmitt in most of the material he produced during that decade. Second, the importance of history is highlighted through perspectives that do not usually belong to the study of history; namely, art and—more specifically—poetry. Third, by establishing a map of Schmitt's intellectual endeavors in the 1950s, I will demonstrate why any serious interpretation or reconstruction

247. Schmitt 2018d, 6.
248 See Koselleck 2006, 56: "Alles menschliche Leben konstituiert sich aus Erfahrungen, mögen diese nun überraschend und neu oder aber wierderkehrender Natur sein. Um Erfahrungen zu machen oder zu sammeln und sie in sein Leben einzubinden, braucht man Begriffe"; see also Koselleck 2004, 245: "Historical concepts, especially political and social concepts, are minted for the registration and embodiment of the elements and forces of history. This is what marks them out within a language. They do, however, possess, by virtue of the difference that has been indicated, their own mode of existence within language. It is on this basis that they affect or react to particular situations and occurrences."
249. See Zeitlin's footnote in Schmitt 2018d, 3; see also Giesler's editorial note in Schmitt 2011, 7–8.
250. I will follow Alain de Benoist's chronological list of Schmitt's works during the fifties; de Benoist 2003, 32–41; 97–108; 129–139; 140.

of *Hamlet or Hecuba* must necessarily be in command of Schmitt's intellectual production regarding history, poetry, and, as the reader will be aware by the end of this chapter, tragedy. While I will not analyze all documents—such as articles, reviews, interviews, or two-page reflections—thoroughly,[251] some other texts will be reconstructed and analyzed in great detail. These reconstructions and analyses need to be aware, too, of the main interlocutors and intellectual adversaries of Schmitt in the fifties, such as Karl Löwith[252]—who even wrote a critique of *The Tyranny of Values*[253]—Eric Voegelin,[254] and, finally, a philosophically-driven Hans Kelsen.[255]

3.3 "Die Lage der europäischen Rechtswissenschaft" (1950)

The 1940s were largely the years in which Schmitt reinterpreted his reflections on international law and German state law[256] already tackled in 1928 (although he had already dealt with this problem in *Die Wendung zum diskriminierenden Kriegsbegriff*).[257] "Die Lage der europäischen Rechtswissenschaft" was originally published in 1943–4. Its title is ironic, if not a dark witticism. The reader is quickly warned that there is no European jurisprudence whatsoever—just as it was impossible for any sphere of human life to be "neutralized"[258] at

251. For example, although *Nomos* was published in 1950, it was already finished by 1945. That is why I will only focus on two of its appendixes published during the 1950s. On the other hand, articles like "Das Grundgesetz der Bundesrepublik Deutschland" (the first article published in the 1950s), *The Problem of Legalität*, *Recht und Raum*, or *Zum Gedächtnis an Serge Maiwald*, will not be treated here either due to their strictly legal scope or because they repeat remarks already presented in other articles. Brief interviews—like "Der Mut des Geistes" or "La guerra giusta"—and also brief reflections—like "Welt großartigster Spannung"—will not be developed for the same reasons. Finally, Schmitt's reviews—for example, of Max Weber's critical edition of *Economy and Society* or the review of Koselleck's *Kritik und Krise*—do not add anything substantial to what he already stated in works like *The State of the European Jurisprudence* or his essays on Donoso Cortés. Posthumous writings and correspondences will be used intermittently. Relevant passages of *Glossarium* will be commented on, too.
252. Löwith 2004, 11–29, here 19–22.
253. Löwith 1964, quoted in Schmitz 2007, 163–173.
254. Voegelin 1987, 1–26.
255. Kelsen 2012, 17–9.
256. Schmitt 2019, 673–683; 683–731;732–752; 755–778; 779–806; 808–871; Schmitt 2009d, 22–73, here at 31–39; Schmitt 2012h, 7–8, 43–58; VA, 376–430, here at 387–891; 431–440; Schmitt 1995, 166–183; 184–217; 234–68; 441–452. See also Quaritsch 2018, 58.
257. Schmitt 2012d, 23.
258. Schmitt 1993, 91: "But the neutrality of technology is something other than the neutrality of all former domains. Technology is always only an instrument and weapon; precisely because it serves all, it is not neutral. No single decision can be derived from the immanence of technology, least of all for neutrality. Every type of culture, every people and religion, every war and peace can use technology as a weapon."

all. It was defeated by "positive law." Therefore, the situation of "European jurisprudence" in the twentieth century is solely regional. There are different, local interpretations, which coexist with a positive discipline based on norms and formal laws. The authentic "European jurisprudence," with which every other non-European country would have to reckon, was existential; that is, a material expression of the law. One of its origins was Roman law.

Even the reader only vaguely familiar with Carl Schmitt's work is aware of his despise for liberalism, democracy, positivism, and technology. The reader would be right in considering that this essay is unrelated to Schmitt's intellectual horizon in the 1950s. As for the scholar, the correct acknowledgment[259] of "Die Lage" as one of Schmitt's crucial essays does not exclude the fact that this piece of work—due to its technicalities and specificities—is rather isolated from Schmitt's other reflections on the philosophy of history, tragedy, and art during the 1950s. However, the core of this essay indirectly features the core of Schmitt's theoretical path during that decade; namely, the normative power of historical concepts that are later seized, assimilated, translated, used, and recast from their original significance. The factual life of a concrete time is already guided by the historical singularity from which those concepts and notions were first crafted. This explains Schmitt's assertion that "[t]he 'reception of Roman law' is the great recurring event in the history of jurisprudence."[260] However, for the sake of argument, a distinction must be made; namely, that "[t]he European significance of the rebirth of Roman law in the Middle Ages and its influence in various countries and epochs are not the same as the 'positive validity' of precepts and concepts found in the *Corpus Juris Justiniani*" (10). Or, put in other terms, the burden of the tradition of Roman law and its "precepts and concepts" should not be mistaken with the existential aspect of Roman law as both a historical and spiritual scheme of European self-interpretation.

"Die Lage" is a critical approach to the history of European jurisprudence. Its remarks and stresses the origins of the discipline and its assimilation in Europe—although Schmitt mostly refers to Germany and France. In its very first pages, Schmitt champions "positive law" as the mortuary drape of "European jurisprudence." The jurist repeats once and again the word "crisis." Indeed, this is a critical analysis in both the original sense of the term and—

259. Reinhard Mehring, *Savigny or Hegel? History of Origin, Context, Motives and Impact*, in Schmitt 2022, 75-6.
260. Schmitt 2022b, 10.

by that time—the contemporary usage of the notion.[261] "The positivism of domestic law corresponds to the positivism of international treaties," asserts Schmitt, as he depicts the dynamic between the "internal" and the "external" as "sham bridges over the gulf that separates inner and outer" (11). Thus, "positive law" is an utter disenfranchisement of the centurial, vital episteme that guided and normed the existence of Europe as such.

261. See Roiman 2014, 15: "The very etymology of the term 'crisis' speaks to that requirement of judgment. Though the details of its semantic history can be found in many places, it is worth reiterating that its etymology is said to originate with the ancient Greek term *krinô* (to separate, to choose, cut, to decide, to judge), which suggested a definitive decision. It is said to have had significance in the domains of law, medicine, and theology, with the medical signification prevailing by the fifth and fourth centuries BC." For a thorough account of the notion of "crisis" in Schmitt's own Weimar, see Graf 2010, 592–615, here at 602–603: "All of the contemporary authors, at least, left it undecided in which way the crisis would be resolved, of the old or the new—and in their view good—powers held an advantage and would succeed. Most of them considered the 'horrible, low state of the present' not as the end, but believed that the current 'Krisis' was a state of 'extremely severe, confused fermentation,' heading toward a near, light, and better future." On the limits and scope of twentieth-century "critical" analyses, see Bidney 1946, 534–552, here at 535: "Cultural fatalism as a philosophy of cultural evolution owes its plausibility to the divorce of abstraction of human achievements from the psychobiological processes by which they are produced. Once human ideals, social institutions and technical inventions are regarded as impersonal 'superorganic' entities with a force of persistence and development of their own, independent of their human creators, it seems plausible to disregard human agents as the primary determining factor. In this manner, what began as a scientific quest for empirical factors involved in the cultural process ends by becoming a mystical metaphysics of fate in which non-empirical forces are presumed to shape human destiny in accordance with their own laws of development." For a sociological account of the "critical" viewpoint of philosophers and historians, see Rader 1947, 262–278, here at 275: "Why, in our remarkably well-equipped civilization, has there been such a great discrepancy between potentialities and achievements? The answer, as I have suggested, is to be sought in the disproportionate development of cultural factors resulting in a profound disequilibrium and the consequent fettering of the culture's potentialities by the conflict between the hypertrophied and the atrophied phases of culture." Rader, at 274, provides a deadpan yet accurate definition of what must be understood as a crisis: "A crisis, therefore, is a dynamic state of disequilibrium, in which wants are frustrated, resources are unused or misused, and potentialities are fettered by the disproportionate development of cultural factors." For an analytical genealogy of the notion of crisis, see Habermas 1973, 643–667, here at 660: "[…] Only a rigid sociocultural system, incapable of being randomly functionalized for the needs of the administrative system, could explain how legitimation difficulties result in a legitimation crisis. This development must therefore be based on a *motivation crisis*–i.e., a discrepancy between the need for motives that the state and the occupational system announce and the supply of motivation offered by the sociocultural system." While the analytical sociology of modern history sketched by Habermas is fueled by Luhmann's approach, his critique, for example, of "civil privatism," and much of his considerations are surprisingly similar to those of Schmitt's regarding the downfall of political existence due to the ultra-technological social conditions of capitalism (or ultra-liberalism). For a study of the concept of "crisis" as a highly effective discursive metaphor, see Holton 1987, 502–520, here at 504: "The crisis metaphor has of course been translated into social enquiry as a means of dramatizing perceptions of social pathology, social breakdown and disorganization, and to give full vent to feelings as to the intolerability of the present. Its use is thus embedded in discourses about social change and debates about appropriate forms of political action. […] The crisis idiom is thus closely connected with the practice of social criticism, involving both standards of cultural evaluation, and preferred modes of political mobilization." For a still fundamental inquiry of "crisis" as a threshold of modernity's self-interpretation by non-empirical means, see Koselleck 1976, 6: "Gerade daß dem achtzehnten Jahrhundert der Zusammenhang zwischen der ausgeübten Kritik und der heraufkommenden Krise entging – ein wörtliches Zeugnis für das Bewußtsein des Zusamenhanges ließ sich nicht finden –, führte zu der vorliegenden These: der kritische Prozeß der Aufklärung hat die Krise im gleichen Maße heraufbeschworen, wie ihr der politische Sinn dieser Krise verdeckt blieb. Die Krise wir so sehr verschfärft, wie sie geschichtsphilosophisch verdunklet wird […]."

Jurisprudence becomes micrological. Schmitt vividly reproaches the fact that the positive practice of law "can never constitute a concrete order"—with "concrete" treated here as being both historical and existential. A formal expression of juridical practice ultimately depends on "those treaties between states and the internal laws on which they rest" (12). Schmitt considers this a "normative fiction";[262] namely, a merely temporal binding between a local order and its fragile understanding with one state or another. Throughout this extraordinary essay, Schmitt brings up this critique on several occasions; that is, the inauthenticity of positivism. "European jurisprudence," as both a material and historical expression of a people, provides a "fundamental standpoint" (28). "Substantive" as only a "community" can be. Schmitt describes this community as a large "membership." This exclusive spiritual club was open to guests as long as they abided by and accepted the rules of the club. A true partaking in the highest game of life. Therefore, a "standard" was needed; namely, a "European" criterion of identification and, subsequently, "recognition." However, positivism turned this heavy historical burden into a set of norms and formal principles, conducting an unseen impairment of the "substantive standpoint,"[263] which Schmitt also called "nihilistic opportunism"—quite the oxymoronic expression. While this discussion is evidently close to that of Kant regarding "perpetual peace,"[264] Schmitt elevates the theme of international law—by studying a handful of cases—to a plane where "jurisprudence" meant something more than the juridical practice of an eternal discipline.

> What from a positivistic perspective of "formal legitimacy" appears legally banal and as a coincidental aggregation of legal arrangements becomes from a substantively jurisprudential perspective a genuine European community characterized by a true

262. SS, 172–175, here at 3. It is necessary to remark that in 1913, the term "fiction" held a positive value for Schmitt. Jurisprudence, along with mathematics, provided a pure dimension of exercise and development for any science, the practice of (penal) law being among the most important. The considerations entitled *Juridical Fictions* were obviously based on Vaihinger's post-Kantian theory of "fictions." However, the reader can see in this early distinction a foreshadowing of Schmitt's debate regarding legitimacy and legality.
263. Schmitt 2022a, 13.
264. Kant 2006, 78: "Peoples, as states, can be judged as individual human beings who, when in the state of nature (that is, when they are independent from external laws), bring harm to each other already through their proximity to one another, and each of whom, for the sake of his own security, can and ought to demand of others that they enter with him into a constitution, similar to that of a civil one, under which each is guaranteed his rights. This would constitute a *federation of peoples*, which would not, however, necessarily be a state of peoples. Herein would lie a contradiction, because every state involves the relation between a *superior* (who legislates) and a *subject* (since we are to consider the right of *peoples* in relation to one another here insofar as they make up so many different states and are not to be fused together into one state)."

> common law, despite major differences between German, Anglo-Saxon, Latin and various other legal realms [*Rechtskreise*].[265]

While the reader might think that "Die Lage" is an analysis of the pros and cons of two different viewpoints, Schmitt stresses that positivism is simply a point of view [*Gesichtspunkt*], while "European jurisprudence," the "genuine" [*echte*] "common law"[266], is a standpoint—a "substantively jurisprudential perspective" [*eine sachlich-inhaltliche, rechts wissenschaftliche Betrachtung*]. Otherwise put, the superficial account of legal practice vs. a spiritual—metaphysical and historical—jurisprudence of existence. However, Schmitt is interested in proving the "interaction" between the different legal spheres of juridical practice, because "[t]he present law of individual European states was developed in such an ongoing, internal European process of such inclusions and interactions" (39). While this might sound like Sociology of Law 101, Schmitt's argument aims at demonstrating both the inward and outward process of the "reception of Roman law"—"the great recurring event in the history of jurisprudence." Roman law has shaped the self-consciousness of Europe, a "five-century" development. Schmitt stresses the importance of Latin as a means of communication for such historical events. Likewise, "Roman law" and its impact reached "the European spirit as a whole" (40). Schmitt sketches out in broad terms the history of this reception, as he fashions a specific analysis of "the" Roman law instead of busying himself with the various strata of its history.

Thus, "Die Lage" unfolds a global analysis of the crisis of "European jurisprudence" by acknowledging its malaise; namely, positivism. A number of names that belong to the history of German jurisprudence are mentioned in order to identify the different authors who—either ahead of their time or belatedly—grasped correctly the inner decay of true jurisprudence.

> Through the work of all European jurists, Roman law became a *lingua franca*—the language of a jurisprudential community, a recognized model of juridical thinking, and thereby a spiritual and intellectual "common law" of Europe, without which

265. Schmitt 2022b, 13.
266. Schmitt 2012, 391. Schmitt uses the English expression "common law."

> (even on the theoretical level) there could be no understanding among jurists of different nations.[267]

True common law gives rise to true common people. Schmitt remarks on the commonality of "European jurisprudence" and considers Europe first, then the world. This "true" practice of jurisprudence shares the same spiritual dimension "of those great works of art and literature usually identified as the sole representatives of the European spirit" (19). Conversely, Schmitt studies one of the many available examples of the reception of Roman Law. Whilst the previous pages of "Die Lage" developed a historical landscape of European jurisprudence, Schmitt subsequently focuses on "the wake of the 1830 and 1848 revolutions". Once again, this enigmatic year is held as a historical figure of Schmitt's contemporary world. Crucial intellectual transfers of jurisprudence were made in this period because "there were numerous uniformities and reciprocities linked with the codification of civil law, criminal and trial law, criminal procedure and civil proceedings" (19). This means, and even a history of law dilettante would agree, that modern European society rose by way of a jurisprudential model. If that was the case, why did a crisis emerge?

Schmitt detects an "internal and immanent problem of jurisprudence" (19-20). By this point, the reader will know that "legal positivism," as a spiritual and jurisprudential alternative, utterly decimated the historical landscape of Europe as a whole. Such a diagnosis directly or indirectly addresses the finite nature of jurisprudence—therefore, its "immanent" failure. However, neither "positive law" nor the "repercussions of the world war" are the primary causes of such a failure. Schmitt returns to "[t]he great turning point" that "was the 1848 Revolution" (20). An unprecedented array of novelties occurred that year. One could rightly speak of 1848 as the year in which politics began to be ruled by the principles of historical thermodynamics[268]—for the heat of civil war transformed the internal structure of European jurisprudence. Social revolutions contributed to political acceleration, leading to a negative comprehension of past disciplines, which consequently were considered obsolete.

---

267. Schmitt 2022b, 18.

268. See Collins, et al. 2016, xx: "Kelvin took to heart Fourier's message that the behavior of heat can be described mathematically without knowing what heat is. This was a good thing at the time – before the mechanical equivalent of heat was known (Joule, 1843) and incompatible and incomplete theories of heat, or 'caloric' to use the then current name, were in circulation. He first introduced the word 'thermodynamics' in 1848."

Schmitt recalls a memorable phrase by Windscheid, "[t]he dream of natural law is over," which meant, roughly speaking, that positivism had collided with the eventful years following 1848. At this point, the legal scholar may frown upon Schmitt's review of nineteenth-century jurisprudential history,[269] specifically on account of Schmitt's fixation on positivism as a central element of disgrace. While Schmitt's reflections and quarrels with positive law are certainly imbued with a degree of bias—heavily influenced by Schönfeld's 1932 article "The Dream of Positive Law"[270]—the reader should not forget that "Die Lage" aims to provide a historical account of jurisprudence within the horizon of events that occurred in 1848. Schmitt's juridical performance here is notable. From this perspective, Schmitt's goal is to prove the serious menace that positivism was and is for Europe as a people—highlighting, too, some of the now-forgotten efforts of other jurists, such as Kirchmann and Greifswald:

> Kirchmann meant that jurisprudence could never catch up with legislation. Thus our predicament becomes immediately apparent. What remains of a science reduced to annotating and interpreting constantly changing regulations issued by state agencies presumed to be in the best position to know and articulate their true intent?[271]

---

269. See Pound 1911, 140–168, here at 142: "In the last half of the nineteenth century, the Romanist legal science of the historical jurists in Germany was coming to be out of touch with practical life. It was academic for the reason that much of our common-law legal science, *e.g.* assumption of risk, liberty of contract, right to follow a lawful calling, etc., is academic, – because derived by deduction from historical premises which had lost their value and hence much of their meaning for the society of today"; Hart 1958, 593–629, here at 595: "The nonpejorative name 'Legal Positivism,' like most terms which are used as missiles in intellectual battles, has come to stand for a baffling multitude of different sins. One of them is the sin, real or alleged, of insisting, as Austin and Bentham did, on the separation of law as it is and law as it ought to be." For a contemporary, non-biased account of positive law illustrated in concrete court cases, see Alexy 2004, 27–28: "The problem of legal positivism is discussed for the most part as the problem of a classifying connection between law and morality. One asks whether contravention of some moral criterion or another exacts from the norms of a system of norms the character of legal norms, or from the whole system of norms the character of a legal system. If one aims to answer this question in the affirmative, one must show that legal character is forfeited when norms or systems of norms cross a certain threshold of injustice (*Unrecht*). It is precisely this thesis that I shall call the 'argument from injustice,' the thesis; namely, of forfeiting legal character by crossing a certain threshold of justice, however that threshold is to be determined. The argument from injustice is nothing other than the connection thesis focused on a classifying connection."

269. See Quaritsch 2000.

270. The non-law scholar might barely grasp the goal of this byzantine exposition. However, several assertions made by Walter Schönfeld can be identified in "Die Lage." See Schönfeld 1932, 1–66, here at 34: "Den die Rechtswissenschaft als die Wissenschaft von dem oder einem, nämlich diesem Recht ist weder Positivismus noch auch Naturrechtslehre. Sie ist nicht Positivismus, weil ihr das Recht und das positive Recht der Gegenstand ist; sie ist aber auch nicht Naturrechtslehre, weil ihr Recht und nicht das Naturrecht gegenständlich ist."

271. Schmitt 2022b, 22.

"Die Lage" now exhibits its full credentials; namely, the fact that its critical tone was directed toward the transformation of jurisprudence into a formal and empty technique.[272] And while Schmitt recognizes that this is "an age-old problem"; that is, that which exists between the concrete aspect of law and the "written law" or the abstract plane of jurisprudence, this was "only the first and still quite harmless stage of the problem" (22). All sciences reach a point of systematization of their own knowledge, the Kantian scholar might add.[273] As regards "European jurisprudence," there are no small number of examples available, and Schmitt scholarly points out various of them to the reader. However, a certain equilibrium, he asserts, was possible between "the method and tempo of legislation" regarding "jurisprudence."[274] Even if the debates and the creation of civil codes were rooted in "the pandectic tradition," jurists and scholars of law were devoted to their practice without the automatic formalities of the "legislator." However, "the sphere of jurisprudential interpretation and systematization of positive law" widened the range of jurisprudence agency, converting "juridical practice" and "juridical science" in almost auxiliary branches of positive law (23). The eventual struggle between the objective status of law and the rapid process of interpretation via the "legislator's personal opinions" came to the fore; namely, it became "political" (23). "The law became the majority decision of a divided legislative body," as "separated" by the

272. Schmitt's position was very attuned with that of Santi Romano, Maurice Hariou, and Germany's own Karl Larenz. Namely, the global players of European law.

273. Kant 1998, 358: "The Transcendental Analytic accordingly has this important result: That the understanding can never accomplish *a priori* anything more than to anticipate the form of a possible experience in general, and, since that which is not appearance cannot be an object of experience, it can never overstep the limits of sensibility, within which alone objects are given to us. Its principles are merely principles of the exposition of appearances, and the proud name of an ontology, which presumes to offer synthetic *a priori* cognitions of things in general in a systematic doctrine (e.g., the principle of causality), must give way to the modest one of a mere analytic of the pure understanding." For the importance of Kant's division of *a priori* judgments into "analytical" and "synthetically" regarding the systematization of knowledge as such in the perspective of modern philosophy, see Zöller 1989, 222–235, here at 231: "Kant explicitly rejects the innatist attempt to base the objective validity of the principles of theoretical knowledge on the notion that those principles are implanted in the human mind. […] Historically, this critique of a 'pre-formation' system (B167) in the epistemology of *a priori* knowledge refers to the position of the 18th-century German philosopher, Christian August Crusius."

274. See Schepel 2007, 183–199, here at 185: "In truth, the import of this history [the debate on codification] in current legal thought is usually reduced to one aspect of it, the exchange between two eminent scholars, Thibaut and Savigny, on the desirability of enacting a civil code for the whole fragmented Germany. Anton Thibaut considered such a possible codification as 'the most beautiful gift from heaven' the German people could receive […]. Against Thibaut's specific project, he [Savigny] posited the necessity of historical research into the origins and contents of legal principles; against, presumably, any idea of codification he posited the organic character of the law that can only be stifled by enactments of all-encompassing legislation; indeed, he explicitly substituted an 'organically progressive legal science' for Thibaut's legislator […]."

plurality of opinions that needed an immediate decision for the unseen growth of civil lawsuits. A collision of personal interests and logical negotiations—which obviously aimed to attain political advantages—generated "internal antagonisms of the legislative body" (24). Despite such a situation, "the objective norm embodied, so to speak, the objective reason of political unity."[275] Regarding this objective superiority of law as an agency and the legislator as a mere subjective interpreter of it, Schmitt lays out another aphorism: "[t]he law is wiser than the legislator"—yet this only brought further collateral damage to "European jurisprudence," this time affecting intellectual dimensions such as criminology and sociology.

Schmitt now continues his historical analysis on the crisis of jurisprudence by studying the figure of the "legislator," who is called out for being "motorized"—a positivist theme that Schmitt already treated extensively in his early *Law and Judgment.*[276] The expression itself manifests a quantitative nature. Even after the events of 1848, "the situation of jurisprudence was in many respects favorable," states Schmitt; however, following World War I, the scenario abruptly changed (50). Jurisprudence was thrust into an age of "acceleration," and its own temporal range of comprehension, decision, authorization, and resolution became increasingly shorter. "Die Lage" does not offer empirical, actual data to support this statement. Schmitt merely sketches out the—then-current—state of the jurisprudential art, as he stresses a true division of labor within jurisprudence. Schmitt mentions the figure of the "directive" as a legal yet not authentic franchise of legislators—the "directive" might bring to mind the clerks from some of Kafka's novels, those zany, vexing characters that strive for nothing but their useless activity.[277] "[L]aw itself […] was

275. Schmitt had already studied these problems. See Schmitt 2017g, Schmitt 2012e, and Schmitt 2016a.
276. Schmitt 2009a, 33–59.
277. See Kafka 2009b, 61–62: "The nights and the days Gregor spent almost entirely without sleep. Sometimes he dwelt on the thought that when the door was next opened he might take the family's affairs fully in hand again, as he had before; figures reappeared in his thoughts after long absence: the boss, the chief clerk, the lesser clerks and the apprentices; the porter who was so stupid; two or three friends from other firms; a chambermaid in a hotel in the provinces, a sweet, fleeting memory; a girl, cashier in a millinery shop, he had been seriously courting, but too slowly—they all appeared mixed in with strangers or people already forgotten, and he was glad when they vanished"; Kafka 2009a., 157–158: "In front of the desk and close to it there are low tables at which clerks are seated, taking dictation when the officials want them to. It always surprises Barnabas to see how that is done. There is no express order from an official, and the dictation is not loud, in fact you hardly notice that any dictation is going on. […] Often the official dictates so quietly that the clerk, sitting down, can't hear him. Then he has to keep jumping up to catch what is being dictated, sit down again quickly, write it down, jump again quickly, and so on. How strange that is, how almost incomprehensible!"; Kafka 2009c, 37: "An organization which not only employs venal guards, foolish supervisors, and examining magistrates who are at

in question," Schmitt posits, as all that acceleration was not merely a current development of law practice but a sign of the times, where the warnings of, for example, Binding and other jurists went unnoticed. Schmitt provides examples of the situation almost ten years after World War I that illustrate the total transformation of the comprehension of law. Even his close study of "Art. 48 of the Weimar Constitution"[278] is now deemed a symptomatic element of this disruptive specialization in law practice, as it served as a criterion for the promulgation of an "emergency tax decree." Schmitt considers this a "structural transformation" to which many legal scholars in 1925 were blind. He now expands on this by studying the case of England and France, whose history, culture, and political and legal system Schmitt was always so familiar with.[279] All across the continent, "systematic commentaries" were "replaced by the practical commentaries of private lawyers or experts in the ministries" (29). Thus, the expression "motorized law" [*motorisiertes Gesetz*] and Schmitt's question regarding whether jurisprudence as such should be motorized too. The creator of the "friend and enemy" criterion resents the "simplifications and accelerations" caused by the churning gears of this so-called sudden motorization of the law. Schmitt remarks: "Law became a means of planning"; otherwise put, law became a type of engineering.[280] This denied the "independent third force" that came "between the directive and the issuer […] as was still possible in the 19th century between law and legislator"; i.e., the crucial role of the jurist, who was not indebted or controlled by the blazing schedules of twentieth-century legislation. Nonetheless, was another alternative even possible in the context of such an unprecedented scenario?[281]

"Die Lage's" next section is entitled "Savigny as a Paradigm for the First Distancing from the State Legality." Its content and perspective make it perhaps the most difficult section of this essay. Schmitt's post-World War II experience murkily merges with hatred-fueled

---

best unassuming, but which, beyond that, doubtless maintains a bench of judges of high, indeed the higher standing, with their inevitable numerous entourage of ushers, clerks, police officers, and other assistants, perhaps even, I do not hesitate to use the word, executioners. And the point in this large organization, gentlemen? It consists in arresting innocent persons and instituting pointless and mostly, as in my case, fruitless proceedings against them."

278. Schmitt 2014b, 205–211; 228–233. For an in-depth account of Schmitt's intellectual liaison with France regarding translations and bibliography, see Baume 2008, 279–287.

279. Schmitt 1995, 195–201.

280. However, in a conversation with Klaus Figge and Dieter Groh, Schmitt considered himself, regarding his days as a "collaborator" with Hans Frank, as a "technician of law." See Mehring 2014, 520.

281. Within Europe, naturally.

reflections made in hindsight. His remarks on Savigny are an intellectual declaration in their own right.[282] "Jurisprudence" is considered by Schmitt as "the last refuge of law" [*die letzten Asyl des Rechtes*], a portentous metaphor that indirectly embraces Schmitt as a refugee, a victim, and the last heir of a long classic tradition. The jurist once again withstood the jarring rule of chronological reality by championing the damaged yet far more authentic eschatological nerve of the times—in this case, by means of jurisprudence. Schmitt opposes the so-called "motorized" legislation to Savigny's *On the Vocation of Our Age for Legislation and Jurisprudence*, which he considered a great diagnosis of law's inner problems. Schmitt offers a biographical portrait of the person and the importance of Savigny. He lavishly praises the author. His importance stretched beyond his lifetime, although he was ultimately subjected to a "negative evaluation." Schmitt mentions too the *Kodifikationsstreit* and the prejudices against Savigny as a delayer—perhaps even a *katechon*—of the "codification of German civil law for almost a century" (32). All in all, his sage advice against the early expressions of positive law are valued by Schmitt as a treasure of German jurisprudence:

> That his 1814 treatise was an existential self-reflection of jurisprudence [*eine existentielle Besinnung der Rechtswissenschaft auf sich selbst*], that it was a great call to jurisprudence to be more than the guardian of state law [*der Hüterin des nicht nur gesetzten Rechts war*], went unacknowledged, whereas his critique of state codification only sought to clarify jurisprudence as a vocation, to rescue the dignity of a legal state, and to contain the dangers of mere positive law.[283]

Savigny was interested in the origins of law, which is why he was interested in the "Roman" source, as pointed out by Schmitt. "Law as a concrete order must not be separated from its history," reminds the latter (33). At this point, one could ask if "existentialism" is a metaphysical label for "nationalism."[284] Be that as it may, Schmitt focused on these themes

---

282. See Mehring 2017, 853–875, here at 867: "Die Titelformulierung legt nahe, *Schmitt* als Paradigma einer zweiten Abstandnahme für das zweite Stadium des 20. Jahrunderts hineinzuschreiben. Es wurde bereits gesagt, dass er nicht nur auf *Savignys* Aufruf von 1914 hinwies, sondern auch auf die spätere "unglückliche Rolle" und den "Widerspruch," dass der Kritiker der Gesetzeskodifikation zum "Minister für Gesetzesrevision" wurde. Es wunde gesagt, dass *Schmitt* hier nicht zuletzt auf die historische Parallele zum eigenen nationalsozialistischen Staatsrat-Fall zielte. Diese *Savigny*-Identifikation gehört also ins weite Feld der exkulpativen Legendenbildungen des Staarsrats *Schmitt* nach 1945."
283. Schmitt 2022b, 32-33.
284. Nationalism usually presents itself as culturalism.

in his homage to Savigny—which is more or less the core of his study of Roman law and his overall perspective on the meaning and importance of jurisprudence as a true guidance for a people's constitution.[285] To put it in other words, the term "positive" still held for Savigny an original significance, for it was the formal link that bound together the historical backdrop of a people's will. On the contrary, Schmitt rejects the predominance of contemporary "positive law," which aims for nothing but "control and calculability." Savigny's conception of jurisprudence sought for "stability and durability" as the safe ground in which legislation could freely operate. However, "[t]he experiences of the French Revolution showed how an unleashed *pouvoir législatif* could generate a legislative orgy" (34). These historical events did not catch on immediately in Germany, where Savigny's historical approach was still undiminished by France's legal eroticism. The counterexample provided by England as a "rule of a *Rechtsstand* of practitioners" served Schmitt as a paradigm for understanding law as an autonomous space indebted and created by and for its people—a "closed order." But Schmitt's homage should not be mistaken for a sign of juridical melancholy or a "back to Savigny" movement, as Schmitt warns. The keyword is "paradigm"; namely, the genuine efforts and words of wisdom of an intellectual giant like Savigny. Schmitt makes no bones about it:

> We know that there is no such thing as a restoration of past situations. A historical truth is true only *once*. The concept of the historical is itself subject to transformations and reinterpretations; its realizations in various areas of intellectual life take many different forms.[286]

---

285. See Rückert 1989, 121–137, here at 124: "Nowadays, we are already accustomed to use Savigny bulk of indispensable information without his basic assumption of continuity. This latter part of Savigny's legacy does not belong to the actual property of legal historians. The idealistic concept of a law, which lives in the people itself, even in advanced periods of evolution, is nearly forgotten. The concept is idealistic because it works only if one believes in this inner necessity of every law to depend on the people itself. It succeeds because it uses the idealistic possibility to speak of something as identical in substance (e.g., law) in spite of being different in manifestation (e.g., law as people's and experts' law). Various antitheses such as 'internal-external,' 'natural-reflected,' can be used in the same manner"; Bindreiter 2011, 78–106, here at 82: "Savigny distinguished between an 'outer' (and purely formal) system of the law and an 'inner' (or material) system – a distinction that was adopted by his disciples Puchta, Gerber, and Jhering. However, whereas the methodology of legal doctrine, in Savigny's times, had addressed the formation, or structure, of a scientific system that was based upon the law as a historically evolving and culturally specific phenomenon, Gerber's and Jhering's interests were directed, not so much toward legal historical research but, rather, to the 'inner coherence' of, and the basic drive behind, the law."
286. Schmitt 2022b, 36.

These assertions offer a wide range of interpretations. For example, one could say that this is a very convenient theory of historical relativity. Likewise, the fact that "[a] historical truth is true only *once*" could lead to a creative account of jurisprudence and, therefore, to unseen forms of legitimacy of power—very dark ramifications, indeed. Nonetheless, Schmitt here states that if he has returned to Savigny's contributions, it is for the sole purpose of seeking an alternative to the wretched present of jurisprudence. While the "crises" across Europe had dramatically allowed the enhancement of the "knowledge of historical sources," Savigny, along with Puchta, stand as intellectual beacons for the present, whose wisdom and shrewd considerations can "become fruitful for jurisprudence and which must be acquired and used creatively" (37). The importance of Savigny, according to Schmitt, is not based on his thoughts regarding the 1814 treatise, contradictory as that piece is. Savigny's devotion to the classical world distorted his reflections and those of his successors. Schmitt is conscious of the limits and deficiencies of Savigny's "historical" approach. However, Savigny's contributions remarkably remain valid to this day. Beyond the rationale of the aforementioned treatise, there is something else.

> Its significance lies not in a type of argumentation but in an intellectual situation in which his main contention—his doctrine of the unconscious development of law—first gained historical significance, because it made jurisprudence the counterpole of mere positive legislation without abandoning law to the civil war slogans of natural law.[287]

Despite "Savigny's political failure after 1840"—an event that involved more complexity than one could infer from Schmitt's commentary[288]—his intellectual relevance did not wane.

---

287. Schmitt 2022b, 38.

288. See Toews, 1989, 139–169, here at 161–162: "What had begun in 1840 as the apparent historical triumph of the Historical School seemed by the mid-1840s more like a revelation of its historical failure. In the struggle between Savigny and Gerlach in the Ministry of Justice this failure appeared primarily as a failure of will and self-confidence, as a submission to the more decisive, energetic will of an alternative position. Savigny had recognized and opposed the position of Gerlach and the other ultras as an alternative position throughout the 1820s and 1830s. […] In 1844 Gerlach still attributed Savigny's failure of will and lack of practical effectiveness to the fact that he understood law as 'the manifestation of the people's spirit' rather than 'as the word of the living God.' That there was also an inner experiential logic to Savigny's transformations, however, is made evident in the relationship between his positions and the stance of another young neoconservative who rose to public prominence in Prussia during the 1840s, Friedrich Julius Stahl."

Knowingly establishing an anticipatory parallelism between Savigny and himself, Schmitt finds that "he [Savigny] had become great and famous and entered a world which seemed to promise greater opportunities" (39). It seems that greatness only commits flaws through naiveté. Schmitt's indulgence regarding Savigny's work beyond the 1840s is remarkable. The jurist equates Schelling's pitfalls with those of Savigny and, thus, that of "a whole age of German idealist philosophy and theology" (39). Such a grand statement goes beyond the biographies of those exceptional individuals and moreover represents "a total historical and intellectual catastrophe" (40). By now, it is possible to recognize the figure of the "parallelism" and its multilayered nature. Savigny's fate foreshadowed Schmitt's fate, just as Savigny's experiences mirrored Schelling's experiences, which were ingrained just like the others "in the collapse of the old order and the emergence of new forces leading directly to 1848" (40). However, this might seem like nonsense for those positivists whose enslavement to the immediacy of "the world of mere enactments" soothingly prohibited them from comprehending "their own time" (40). Ironically, their cognitivist approach was insufficient when law split "into legality and legitimacy." Savigny's disparaged warnings went unheard—Schmitt mentions Alexis de Tocqueville as the next mind that was conscious of the dangers singled out by the great jurist. Savigny claimed that "history" be treated as a means to liberate jurisprudence from "theology and philosophy." Despite his close links to other jurists of the century, Savigny stood above his own time and correctly discerned "the core of the historical situation of European jurisprudence" (41).

"Die Lage's" last section is a profound meditation on this last sentence. It is entitled "Jurisprudence as the Last Asylum of Legal Consciousness." The word "consciousness" is crucial. It has a therapeutic value, as Schmitt demands a superior historical standpoint from which the development of jurisprudence can exhibit its essential features; namely, that "it has always been determined by two great oppositions: on the one side, to theology, metaphysics and philosophy; on the other, to mere technical affiliated craft" [*einer bloß technischen Normenkunde*].[289] Schmitt's scope oscillates between the autonomy achieved by jurisprudence "after the 12th century" and "Hegel's philosophy." Savigny is mentioned once again as the beacon of consciousness for denouncing the compartmentalization of jurisprudential practice and its division into "legal positivism" and its subsequent

289. Schmitt 2012h, 421.

"codifications." "Positive" meant something entirely different from "positivism," as it was a constructive concept tied to a specific past and a specific people; not a specialization, nor a consulting practice of legislation withheld by parties, corporations, associations, or other parastatal groups of interest.

> European jurisprudence is the first-born child of the Modern European spirit, of the "occidental rationalism" of the modern age. The modern natural sciences followed later. The first pioneers of this rationalism were the legists, who were great revolutionaries and shared the fate of all true revolutionaries.[290]

Schmitt's well-known assertion, "I have always spoken and written as a jurist and for other jurists. It was my misfortune that the jurists of my time had become positivist legal technicians [*positivistischen Gesetzeshandhabungtechnikern*] […]"[291] should here on out be compared with the meditation from "Die Lage" quoted above. The term "Jurist" held for Schmitt both a spiritual and historical weight that was nonetheless obsolete and had been marginalized long ago. Schmitt acknowledges the powerlessness of jurisprudence in positivist times. He even distinguishes the last head of the positive monster; namely, "an untrammeled technicism which uses state law as a tool" (43). The seldomly employed pronoun "we" is scattered throughout the last pages of Schmitt's "Die Lage." "[W]e fulfill a task which no other human activity can fulfill," reflects Schmitt in response to not providing psychological or sociological explanations. Who is "we?" Is Schmitt invoking contemporary jurists, or is he summoning the jurisprudential spirits of the dead? The sentences dotted with "we's" resemble a last will and testament. Phrases like "we defend this indestructible core of all law against all destructive enactments means that we maintain a dignity which today in Europe is more critical than at any other time and in any other part of the world" can be read either as a call to arms or as a proud consolation in the face of total defeat (44). Germany, "the most highly industrialized country," streamlined the precious discipline just like it would have any other product. The novelties of an industrialized market arrived from abroad, too, as "Napoleonic codifications" were mesmerizing, even more so than the French ruler's

290. Schmitt 2022b, 42.
291. Quoted in Schmitt 2012b, 102.
291. Quoted in Hohendahl, 2018, 42; Schmitt 2015, 13–14.

campaigns. “Thus it was in France that the split of law into legality and legitimacy was first perceived,” assures Schmitt (45). All human endeavors, including jurisprudence, gravitated toward the infamous year of 1848. Anglo-Saxon utilitarianism, that of Bentham and Austin, Schmitt reminds us, was finely recrafted in those new French legislative foundries. But only Germany had a delayer, Savigny, “a symbol.” The dramatism of Schmitt’s exordium intensifies. Astonishing visions of doom torment a post-World War II world. However, “a jurisprudence thrown back on its own resources will know how to find the secret crypt in which the seeds of its spirit will be protected against every persecutor” (47). At this point, one could think that the fate of jurisprudence was bleaker than that of Judaism. These are Schmitt’s bitter last words:

> Let us remember our history of persecution, for our strength lies in our willingness to suffer. Then the genius will not leave us, and even the confusion of tongues will prove to be better than the Babylonian unity.[292]

Overall, “Die Lage” is an important piece of work regarding the standpoint featured by Schmitt in the 1950s due to its remarks on historical continuity and the discovery of 1848 as a threshold where a reality, was extinguished and another world was created by unstoppable, inhuman forces. I have intentionally chosen an unorthodox perspective to highlight the most important aspects of this essay. While important scholars have emphasized its theoretical merits—and biases—[293] my intention has been to link the spiritual (esoteric) tone of “Die Lage” with that of the other pieces the thinker published—and did not publish—in the 1950s. In this sense, this essay offers an interesting example of Schmitt’s new intellectual direction, a mix of esoterism, self-righteousness, philosophy, non-empirical historical approaches, loathing, resentment, and hatred, coalescing into a vigorous perspective that no longer aimed to offer intellectual contributions to politics but spiritual guidance to the injured and doomed spirit of Europe.

At this point, an obvious question still remains: how *Die Lage* enforces Schmitt’s idea of a philosophy of history? Schmitt’s takes on Savigny and his critique of positivism as the

292. Schmitt 2022b, 47.
293. See Neumann 2015, 557; Böckenforde 2017, 87; see also Tomuschat 162-163, in Schmitt 2022b.

cesspool for legal mechanism stress on the need of a greater power of juridical reflection. Such a power could only be mastered by a major historical consciousness—and not by plain historicism—. This kind of consciousness can be enabled by a philosophical ratio, a rationality onto which converges history and philosophy. Savigny was the epochal symbol for a perspective of this type, and *Die Lage* a theoretical cry for help. There is not true legal jurisprudence without a historico-philosophical awareness. Legal thought longs for a spiritual compass in the bowels of a tech-fueled world.

3.4 *Ex captivitate salus* (1950)

The seven paragraphs—and the foreword to the Spanish edition—that divide Schmitt's remarks in *Ex Captivitate Salus* exhibit, for the first time in both his academic career and public position as a scholar of legal studies, the biographical aspect of Schmitt's thought. While shortly after his release from a twelve-month period in U.S. custody—and his self-exile to Plettenberg—he started with *Glossarium*, a compendium of private reflections, aphorisms, meditations, and even drafts for future works, like *Hamlet oder Hekuba*, the tone used in his private diaries makes its way into the cryptic assertions and analyses of *Ex Captivitate Salus*. Schmitt dramatically expands the scope of his jurisprudence-oriented intellectual perspective and moves toward apocalyptic visions of a technology-driven world. From the unethical inquisition Schmitt suffered at the hands of his friend Eduard Spranger during his first detention in Nuremberg in 1945, to self-glorifying verses voiced like a spiritual victim amid the turmoil of war and puppet masters and marionettes, the paragraphs of this 1950's testimonial notebook tackle what Kalyvas and Finchelstein call the change in "unexpected ways" of 1945's "global reality."[294] Schmitt, the reader will soon grasp, was done with his public affair as a Nazi legal spokesman,[295] but also as a scholar of academic jurisprudence. As much can be gleaned from "Wisdom of the Cell":

294. See Kalyvas & Finchelstein 2017, 1.
295. See Quaritsch 2000, 102–114.

> Is my enemy the person who feeds me here, in the cell? He even clothes me and shelters me. The cell is the clothing he donates. I ask myself, then: Who can my enemy be?[296]

> This is the wisdom of the cell. I lose my time and win my space. Suddenly the calm that holds the meaning of the words overcomes [*übereilt*] me. *Space* [*Raum*] and *Rome* [*Rom*] are the same word. Wonderful are the spatial force [*Raumkraft*] and the germinal force [*Keimkraft*] of the German language. It has brought about the rhyme between word and place.[297]

These words exude poetic dramatism. The uninitiated reader might even think that this kind of reflection belongs to the last moments of someone who is facing imminent death. These lines even could act as the last speech of a character before leaving the stage for good or disappearing from a Tarkovsky film. Truth be told, the nature of these paragraphs—just like *Ex Captivitate Salus* and *Glossarium*—can be revealed by placing them in the biographical in the context of Schmitt's frame of thought at the time of his detention. He mentioned the following to his wife Duška:

> You cannot imagine the state of the soul of the inmates of the camp, most of whom soon fall prey to a camp psychosis [*Lagerpsychos*e] and speculate about their fate day and night, whereby the self-obsession of the Germans comes to light to a fantastic extent.[298]

It is amusing how Schmitt talks about such a symptom as if he was fully immune to it. But the two paragraphs of *Ex Captivitate Salus* just quoted show how Schmitt reflected on his

296. Schmitt 2017a, 70.
297. Schmitt 2017a, 72.
298. Quoted in Mehring 2014, 412. Mehring highlights the importance of this "self-obsession" as a symptom of "camp psychosis." One even can go further and see Schmitt's "self-obsession" as a spiritual—yet highly biased from a social and ethical standard—method of self-consciousness and inner-peace. However, the so-called "wisdom of the cell" was fueled by hatred and pulsating doses of loathing toward a long catalog of enemies: Hitler, Karl Löwenstein—who called out Schmitt's Nazism and ordered the inspection and confiscation of the jurist's private library—Eduard Spranger, the Jews, the United States of America, modern technology for altering the original space/time coordinates, and, consequently, the spiritual order of Europe, the Russians (but this is quite understandable if the reader recalls the atrocities they committed in their two-month rampage across Berlin after the surrender of Germany on 8 May at Karlhorts), etc.

own reality by way of a kind of daydreaming exercise. A concept like "enemy" that he was so fond of is now taken even beyond the realms of existentialism. The theme of political theology is again modulated in the form of theological dialectics. The "enemy" overcomes enmity and thus becomes some kind of spiritual savior, leaving the victim, pushed away by the "foe," somewhere between pure rapture and juridical mysticism. Likewise, Schmitt's "I lost my time and win my space," a Buddhist-like aphorism, dwells in a metaphysical alternative—or even a philosophical therapy—against the pains caused by an ultra-technified world. A world where time is broken, divided, and then sub-divided into unhuman fragments of infernal pace and an endless conjunction of schedules, projects, plans, and trials ruled by a new, illegitimate global force.

All in all, *Ex Captivitate Salus* serves as a great example of Schmitt's thought during the fifties and, in general, during his last years. The reader should not surrender in awe when confronting and facing Schmitt's considerations of this era. For instance, his reading of Tocqueville or his analyses of Karl Mannheim's radio speech in 1945—that were based on the "quasi-legal, and illegal possibilities of a modern system"[299]—are quite enticing, to the point of convincing the Schmitt scholar that the jurist intended to reestablish the entire trajectory of his intellectual adventure. Although Schmitt, even in his early writings, always strengthened his scientific[300] scope by taking examples and elements from literature (like Don Quixote),[301] art (like sculpture and music),[302] and even cinema,[303] the philosophical, esoteric, and mystical tone used in *Ex Captivitate Salus* went far beyond any past foray into non-juridical disciplines. Schmitt, probably for the first time, confesses:

---

299. Schmitt 2017a, 18.

300. However, in 1928, as Mehring reminds us, Schmitt mentioned to one of his closest acquaintances, his editor at Duncker & Humblot, Ludwig Feuchtwanger, "that there is no such thing as 'being scientific' in matters pertaining to intellectual history [geistesgeschichtlichen Fragen]. That was only a happy moment in the context of bourgeois liberalism" (Mehring 2009, 214); see also Schmitt 2007c, 272: "Dagegen gehört die Beschreibung der heutigen wissenschaftlichen Gessinung, vor allem auch das Fehlen Wissenschaftlichkeit in den geistesfeschichtlichen Fragen, in unserem Zeitalter zur Kulturgeschichte Fragen, in unserem Zeitalter zur Kulturgeschichte und zur Curiosa. In geistesgeschichtlichen Fakultäten kenne ich mich etwas aus und Weiss ganz genau den Herd der Mystik und des Irrationalen."

301. See Schäfer, 1912, 348–350. The theme of literature in Schmitt's thought has been thoroughly studied. See Villinger 1996, 7–10; see also Jiang 2016, 10–12.

302. https://www.derwesten.de/incoming/carl-schmitts-kuenstler-kontakte-id4040038.html (last access: 12.06.2022).

303. Schmitt 2012h, 369: "Heute sind Rundfunk und Film mindestens ebenso wichtige, wenn nicht wichtigere und intensivere Mittel der Bildung einer öffentlichen Meinung." Mehring stresses how important the experience of watching Carl Theodor Dreyer's 1928 silent film *The Passion of Joan of Arc* was for Schmitt, something which led the jurist to praise "the magic of cinematic art" (Mehring 2009, 206).

> The jurist in such fields [international law and constitutional law] cannot escape this danger [the political], not even by disappearing into the nirvana of pure positivism. At best he can temper the danger either by establishing himself in remote borderlands, under historical or philosophical camouflage, or by developing the art of qualifications and obfuscations to the highest degree of perfection.[304]

The reader should be warned that the generic expression "the jurist" is a euphemism for Schmitt, as a distinguished representative of a long-standing tradition.[305] Likewise, the endangered legal scholar is entranced by "the political": he cannot overcome this great danger, and, therefore, he becomes a victim—even if he or she (hint: he, Schmitt) strolled around comfortably during the halcyon days of the political. "[F]or they do not know what are they doing" (Lk. 23–34), if the reader wills. However, and while it is clear that *Ex Captivitate Salus* is a "historical or philosophical camouflage," the reader will still find the expression, "the art of qualifications and obfuscations to the highest degree of perfection" baffling (46). Is not law as a science and jurisprudence as a practice the art of unpacking imperfection? The strongly esoteric direction Schmitt gave to his writing demonstrates the profound impact that his detention had on both him and his family. Pain, as always, becomes the ultimate state of self-awareness. *Ex Captivitate Salus* came as the philosophical occasion where Schmitt pondered how crucial can be historical consciousness at the moment of pure despair.

3.5 *Donoso Cortés in gesamteuropäischer Interpretation: Vier Aufsätze* (1950)

The four essays collected for this 1950 volume deal, mainly, with a historical interpretation of Europe after the 1848 civil war, the first of those three "dreadful beats" [*Drei harte Schäge*][306] that shook the old continent. Schmitt was first drawn to Donoso Cortés during his Berlin years, a time where Franz Blei, one of his closest friends—and easily one of his finest interpreters—said that Donoso Cortés served Schmitt "as an autobiographical mask."[307] The

304. Schmitt 2017a, 42.
305. See Rüthers 1988, 120–40, here at 139–40.
306. Schmitt 2012b, 7.
307. Quoted in Mehring 2009, 198.

jurist found in the Spanish thinker a useful Catholic ally against Berlin's Protestant milieu but also as an important source for his comprehension of dictatorship and Schmitt's rampant critique of liberalism. His first essay on Donoso Cortés was published in 1927.[308]

While the four articles on Donoso have been translated into English, the introduction to the 1950 volume has not. These pages are essential for correctly understanding Schmitt's idea of a "philosophy of history" but, even more, for *Hamlet oder Hekuba*'s notion of "parallelism." In it, Schmitt answers the question of why Donoso Cortés was loathed, which he attributes to "metaphysical reasons."[309] If the Spanish thinker tackled the "authority vs. anarchy" opposition, Schmitt picks up the gauntlet and likewise tackles the contemporary schism between "anarchy and nihilism."[310] Donoso Cortés was not deceived by his "political reality" because his "historical observations" transcended mere contingency. Just like Schmitt, he dismissed any "sociological or psychological approach," for he knew that these motives are nothing but the "simple trivializations of fear," "as a pathological sub-phenomenon of a disturbed feeling of security."[311] The *Einleitung* on the volume on Donoso ends by conveying Donoso Cortés as a spiritual beacon surrounded by "enemies,"[312] who were defied by the acute, realistic proposals of this always on point Spanish politician. Indeed: Donoso Cortés portrayed the very same worries and struggles as Schmitt did.[313]

The first essay, *Zur Staatsphilosophie der Gegenrevolution*,[314] characterizes the intellectual contribution of Donoso by contrasting it with the German Romantics and their "everlasting conversation" [*ewiges Gespräch*].[315] The Spanish thinker, along with De Maistre and Bonald, "would have considered everlasting conversation a product of a gruesomely comic fantasy."[316] Contrary to "Novalis and Adam Müller," and just like Schmitt himself amidst that "terribly draughty passageway" that was Berlin in 1933,[317] these thinkers demanded a "decision" regarding the turmoil dragged up from the bottom of "the two

308. In the *Festgabe* for Carl Muth, the editor of *Hochland*, Schmitt 2002, 8. This essay was later included in Schmitt 2014b, 84–96, along with *Der unbekannte Donoso Cortés* from 1929, 131–6.
309. Schmitt 2002, 21.
310. Schmitt 2002, 9.
311. Schmitt 2002, 84.
312. Schmitt 2002, 21.
313. See Ulmen 2002, 69–79, here at 72–73.
314. Schmitt 2002, 22–40.
315. Schmitt 2002, 23. This essay is also included in Schmitt 2005, 53–66.
316. Schmitt 2005, 53 (from now on, I will quote directly from this version).
317. Quoted from Mehring 2009, 199.

revolutions of 1789 and 1848."[318] The essay deals, then, with the pros of the "counterrevolutionary thinkers" of the Restoration and the cons of the "Romantic philosophers" of the Revolution:

> For Bonald tradition offered the sole possibility of gaining the content that man was capable of accepting metaphysically, because the intellect of the individual was considered too weak and wretched to be able to recognize truth by itself.[319]

> De Maistre spoke with particular fondness of sovereignty, which essentially meant decision. […] Infallibility was for him the essence of the decision that cannot be appealed, and the infallibility of the spiritual order was the same nature as the sovereignty of the state order. […] De Maistre [on the contrary of the anarchists] asserted the exact opposite namely that authority as such is good it exists […].[320]

Thus, Schmitt summarizes the main features of the "counterrevolutionaries thinkers." Schmitt detects in Bonald a superior moral standing comprised of "moral disjunctions" that "represent contrasts between good and evil"; therefore, concrete categories that do "not recognize a synthesis and a 'higher third'"—like Schelling, Adam Müller, or even the Hegelian conception of history. Likewise, Schmitt praises De Maistre's decision, a monolithic act of sovereignty that annihilates any plea or further modification. Government as such, according to Schmitt's appraisal of De Maistre, is both absolute and good. Donoso Cortés, by contrast, advanced an entirely different view:

> What Donoso Cortés had to say about the natural depravity and vileness of man was indeed more horrible than anything that had ever been alleged by an absolutist philosophy of the state in justifying authoritarian rule. […] The despair of this man […] often bordered on insanity.[321]

---

318. For Schmitt, 1848 is a paradox. It encloses the whole destiny of modern Europe. His "Hamlet curve" begins in 1848, leading him to the thought that history might be deciphered by connecting crucial events of the past with slightly occult signs of the present.
319. Schmitt 2005, 54.
320. Schmitt 2005, 55.
321. Schmitt 2005, 58.

Schmitt considers that Donoso Cortés's historical model was superior to those of Bonald and De Maistre, for the Spanish thinker relied on a confident yet apocalyptic, moral vision of history. Man, according to him, possess a low, obscene nature. And due to that very nature, one is able to grasp the importance of "the bloody decisive battle that has flared up today between Catholicism and atheist socialism."[322] Such a comprehension of history immediately dispatches any theory that aims to explain the impending doom of man. Donoso Cortés mocks those Romantics, just like did Schmitt in *Political Romanticism*, by calling them a "quibbling class."[323] Schmitt then provides the rare analogies that can be made between reactionaries and "revolutionaries such as Marx and Engels."[324] Again, the key for this is the development of a strong typology—namely, x vs. y; Restoration vs. Revolution; good vs. evil; bourgeoisie vs. proletariat. The target, in any case—and this is what Schmitt commended in the counterrevolutionaries—was liberalism. He recurs to the German critique of liberalism and mentions German liberals; thus, Lorenz von Stein and the already ridiculed F. J. Stahl,[325] crucial constitutional thinkers whose lucid critiques Schmitt agreed with. But, then again, "De Maistre and Donoso Cortés were incapable of such 'organic' thinking":

> De Maistre showed this by his total lack of understanding of Schelling's philosophy of life; Donoso Cortés was gripped by horror when he was confronted with Hegelianism in Berlin in 1849. Both were diplomats and politicians with much experience and practice and had concluded sufficiently sensible compromises.[326]

The reader must keep in mind that this essay was written in 1921; that is, just three years after Schmitt's seminal *Politische Romantik*. The criterion used in the 1919 book—namely, an institutional, practical, and concrete, political model of agency, against an abstract, non-

322. Schmitt 2005, 59.
323. Schmitt 2005, 59.
324. Schmitt 2005, 59.
325. Schmitt 2008a, 70: "Stahl-Jolson, in accordance with the line developed by his people, used a deceitful manner to mask his motivation, which became all the more horrible the more desperate he became to be somebody other than he actually was." Friedrich Julius Stahl, born Julius Jolson, was an important German constitutional lawyer. Schmitt mocks his Jewish heritage ("his *people*) by adding his previous original last name to his renowned Lutheran persona, Friedrich Julius Stahl. See Alvarado 2007, 17–18. See also Meier 2011, 152: "The moral indignation with which Schmitt encounters the philosopher Spinoza reaches into the innermost core of his being, and the bitter hatred with which he pursues the political theologian 'Stahl-Jolson' likewise goes far beyond mere rhetoric" (in fn. 78 Meier offers a full account of the hatred for Stahl).
326. Schmitt 2005, 61.

decisive, always occasional viewpoint—is still active in these reflections. From this perspective, Schmitt does not point out anything new. The critique of the neglect of Schelling's or Hegel's theory in the thought of the "counterrevolutionaries thinkers" is purposely biased, for the reader automatically diminishes the importance of the theoretical exercise when it comes to the concreteness of history. There is no silver lining for philosophy in the train of thought of Donoso Cortés, Bonald, and De Maistre. For them, such a thing was simply "inconceivable." However, the reader must be aware that, despite the amusing study offered by Schmitt, and just like the methodological strategy developed in *Political Romanticism*, it is not that Hegel or Schelling are meaningless in the intellectual milieu of diplomats and politicians. Rather, they become unnecessary only if one confuses the discursive—and logically, slow—dimension of philosophy with the practical—and, naturally, immediate—dimension of politics. And once the reader is guided by these epistemic distinctions, the whole analysis of Schmitt shows its innermost understatement.

The first essay on Donoso Cortés continues and ends with this deceitful contrast. Philosophy, now named "liberal metaphysics," is loosely disenfranchised from the make-no-bones-about-it intellectual position of Donoso Cortés. Conversation and freedom of speech lead too soon to their liberal foundations, their "metaphysical core." But, if this was the case, is not, then, any "counterrevolutionary" thought a perpetual and paranoid state of mind? The reader of Schmitt's works might be tempted to think that the only way to escape to the "metaphysical core,"[327] to the "everlasting conversation," is an "everlasting" state of insomnia, a sleepless gaze that faces the political turmoil, a day-to-day reminder of history scattered in war-like Post-it notes stuck on the concrete wall of politics. Schmitt then provides the reader with another definition:

> The essence of liberalism is negotiation, a cautious half measure, in the hope that the definitive dispute, the decisive bloody battle, can be transformed into a parliamentary debate and permit the decision to be suspended forever in an everlasting discussion.[328]

327. It is impossible not to remind the surprisingly very same intellectual goal of Wittgenstein metaphorically illustrated in his famous bottle-fly example. See Wittgenstein 2009, 110 [309]: "What is your aim in philosophy—To show the fly the way out of the fly-bottle."
328. Schmitt 2005, 63.

Considering that a large part of Schmitt's appraisal of Donoso Cortés—and, ergo, the encompassing critique of liberalism—is circumscribed to this intellectual ceremony of opposites, it is no wonder that Schmitt finally asserts "[d]ictatorship is the opposite of discussion," where "opposite" means: on the correct side of reality. Thus, the decisive moment basically emulates "the Last Judgment." At this point, the reader surely must be wondering if it is possible to comprehend history without faith. Human events are now unwitting invocations to Satan. Even the other extreme position, that of Proudhon, still "subscribes to the authority of the father and the principle of monogamous family."[329] According to Schmitt, Bakunin was the only one who elaborated a true "philosophy of life," of atheist life, as he considered that "[a]ll moral valuations lead to theology," leading, thus, to an "authority" that was none other than "greed and lust for power." The decay of an all-too corrupted world is an image in which both Donoso Cortés and Proudhon converge, despise the consequences of their positions, a Freud-esque outcome where the now maimed and dissolute father—Donoso—is followed by the "paradisiacal worldliness of immediate natural life and unproblematic concreteness"—according to the vision of Proudhon. All in all, the historical works of liberalism have led to "the onslaught of the political."[330] Schmitt considers that the authentic expression of that metaphysical core was subsequently assumed by the ravishing progress of modern technology. That onslaught is actively fulfilled in "the economic or technical-organizational" sphere and passively dissected "into the everlasting discussion of cultural and philosophical-historical commonplaces." Although it does seem strange and unpopular, somehow Schmitt has managed, by highlighting the decisionism of Donoso Cortés, to demonstrate that dictatorship is a logical consequence. Finally, this means that the "anti" becomes "ultra," and the "ultra" demands a decision.[331]

> […] Bakunin, the greatest anarchist of the nineteenth century, had to become in theory the theologian of the antitheological and in practice the dictator of a dictatorship.[332]

329. Schmitt 2005, 64.
330. Schmitt 2005, 64.
331. "Theology" represented a problematic linguistic threshold for Schmitt. It is a maze of historical concepts.
332. Schmitt 2005, 66.

3.6 *Donoso Cortés in Berlin* (1849)

This second essay reconstructs Donoso Cortés's stance as a Spanish "authorized representative" in Berlin in 1849. The year, once again, is crucial, as the reader may recall that for both Schmitt and the entire volume on Donoso Cortés, 1848 is the threshold toward which all reflections converge. That Donoso rejected the rowdy and rebellious atmosphere of Berlin—just like Schmitt did in 1934—did not impede him from following "politics and the struggle of political principles in Berlin with great clarity."[333] He needed little time to fully understand the situation in Germany, probably because "[h]is sense for revolutionary events was sharpened by his experience of numerous Spanish revolutions."[334] Schmitt, as usual, performs an in-depth analysis of Donoso Cortés's days in Berlin, both by studying his correspondence from the time or connecting his amusing observations on Prussia's day-to-day affairs. Thus, the reader is granted a comprehensive portrayal of the Spanish thinker, wherein the psychological and social views of Donoso Cortés are constantly guided by his straightforward political and theological thought. "For Donoso, German unity was essentially a matter of revolutionary democracy, whereas the German monarchy could be maintained only through a federation of states."[335] If the reader recalls the first essay on Donoso—with which Schmitt highlighted the importance of Donoso Cortés's conception of history, especially after 1848—she would immediately grasp how the expression "a matter of revolutionary democracy" means nothing less than impending doom—since contemporary democracy, for Donoso Cortés, inevitably implies the participation of liberalism, and, consequently, a fragile human endeavor. This "unified Germany" was, for Donoso Cortés, "the central question around which contemporary European politics revolved" (92). From this perspective, the imminent condemn was also a kind of secular delusion, where a nation on the rise such as Russia could accelerate the inner conflict of Germany, which was simultaneously "two separated nations: southern Catholic Germany and northern Protestant Germany."

---

333. As has been already stated, there is no single-volume English translation of the essays on Donoso Cortés. However, this essay, just like *Der unbekannte Donoso Cortés* and *Donoso Cortés in gesamteuropäischer Interpreation*, was translated in the 2002 (125) edition of *TELOS*. In the following pages, I will use these translations.
334. Schmitt 2002, 92.
335. Schmitt 2002, 91.

Schmitt stresses the fascination that Donoso Cortés felt for Prussia. Its "historical greatness remained its *Protestantism*" (92). For him, this was Prussia's spiritual *chiave di volta*; namely, the alpha and omega of its history. What does this mean? First, that "Prussia would grow and decline with its Protestantism," as such a religious model tends to opt for local monarchic politics amidst non-religious, massive processes of institutional upheaval. Second, the already condemned Prussia and its king would have questioned Germany's "Romantic disorientation," since Protestantism and its theocratic mindset—despite its evident rejection of "revolution," a rejection also shared by Donoso—eventually would demand the political machinations of liberalism. The Spanish thinker was aware of this, according to Schmitt. He saw Berlin as an example of that counterrevolutionary knowledge in times marked by momentous decisions:

> For Donoso, the Frankfurt National Assembly was a product of revolutionary principles. He knew that it counted exceptional politicians and scholars among its members, but he only had contempt for it as a political factor. He immediately recognized its lack of any executive, and that it tried to offset its helplessness with a flood of words.[336]

One may surmise that "lack of any executive" means "lack of any decision" and, thus, "lack of any authentic, and, ergo, any theological comprehension of history" (94). If Schmitt was so fond of Donoso Cortés, it was precisely because of his unconcealed despise for the communicative dimension of politics. One could even go as far as suggest that Hamlet's "words, words, words" is a proto-Donosian critique of liberalism. Prussia's three fatal elements—"an intransigent aristocratic party; a well-situated, liberal bourgeoisie searching here, as everywhere, for a *juste milieu* […]; and finally, a strong demagogic proletarian current"[337]—although correctly diagnosed by Donoso Cortés from an analytical standpoint, conform a typology that demands an urgent decision. Even Hegelianism seems to him an intellectual method of "disorganization." However, this vision, according to Schmitt, was not yet that of the "final battle between Catholicism and atheistic socialism," precisely due to Cortés's strange mixture of intellectual energy and political disorientation. "[I]n Berlin, he

336. Schmitt 2002, 94.
337. Schmitt 2002, 94–95.

appears to have become a little weary" (96). According to Schmitt, such weariness was a reaction to Berlin's two-sided nature, a city geographically and historically far from the epicenter at the time, i.e., Paris. "[I]n 1849 Berlin was neither politically nor intellectually the site where a dictatorship would have its great historical significance. The impact of 1848—the real panic—had already been overcome."[338] For the contemporary reader, it is somehow bewildering to notice that dictatorship was the ultimate criterion upon which the historical value of a European city was gauged. For this reason, Berlin in 1849 was for Donoso Cortés very hit and miss. So he turned his back on Germany and focused instead on England. Schmitt warns that the Spanish thinker's "opinions changed with the changing nature of foreign policy," a caveat that is astoundingly similar to that given nowadays by interpreters of Schmitt.[339] From this perspective, Donoso Cortés could not easily shake off the impressions caused by the dreadful year of 1848. Nevertheless, he knew how to adapt himself. Convulsed times were now best seen in England, perhaps the only remaining spiritual force able to "fight against European revolution" (96). That "conservative spirit" was grasped by him in Berlin, the very same city where he, just like Schmitt in 1927, felt the

338. Schmitt 2002, 96.

339. See Herrero 2015, 3: "Some of Schmitt's theses have been interpreted in light of others without departing from their own assumptions by taking into account different criteria for analyzing texts, including chronological, rhetorical, and logical criteria. The first criterion is used because each of his publications springs from reflection on a specific historical-political situation from which his writings cannot be completely disentangled." The question is, of course: Can any intellectual work, any human reflection, be disentangled from its "specific historical-political situation"? Even the most abstract philosophical works, like, for instance, Hegel's *Phenomenology of Spirit*, were written under well-known historical circumstances. See Siep 2014, 3: "Hegel's aim was to help the spirit of the age, as expressed in the great upheavals during the epoch of Napoleon and Goethe, to come 'consciousness' of itself. He therefore sought to provide a system of categories equally capable of making sense of the development of morality, art, the constitutional state, or the natural sciences." See also Jauss 1982, 11–12: "The orthodox theory of reflection stands in the way of this genuine task of a dialectical-materialist literary history and in the way of the solution of the correlative problem of how one is to determine the achievement and influence of literary forms as an independent kind of objective human praxis. The problem of the historical and process-like connection of literature and society was put aside in an often-reproving manner by the games of Plechanov's method: the reduction of cultural phenomena to economic, social, or class equivalents that, as the given reality, are to determine the origin of art and literature, and explain them as a merely reproduced reality. […] Literature, in the fullness of its forms, allows itself to be referred back only in part and not in any exact manner to concrete conditions of the economic process." The key to fully engaging in the correct scope of this debate is to first distinguish intellectual productivity from intellectual interpretation. This leads to the hermeneutic affair of the exclusiveness of literature and art regarding politics, law, etc.; and, thus, to the value given or not given to historical events. While it is clear that any intellectual reflection is a more or less complex process of a series of linguistic reshufflings of semantic sources and broad communicative data, it becomes more difficult to debate to determine the authenticity of this or that reflection. If Donoso Cortés, like Schmitt, was able to present his observations by strictly focusing on the concreteness of specific events, do not those very observations become untrue on account of their bond to a kernel of faith, Donoso's own faith?

upcoming menace of Russia, the "new enemy of European civilization" (96). The Spanish thinker, whose lucid analyses attempted to prove the inevitable rise of unrest across the continent, sought a historical asylum. England stood for "salvation," and thus, he elaborated impressive prophecies on the destiny of Europe. Schmitt celebrates most of the remarks made by Donoso Cortés "at the Madrid congress on January 30, 1859, which both Leopold von Ranke and Frederick Schelling admired" (97). Interpreters of Schmitt have failed to compare Donoso Cortés's speech with that which the jurist delivered in Barcelona, entitled "The Age of Neutralizations and Depolitizations," a true homage to the Spanish thinker's bleak sketch of the future of Europe.[340] But, as often happens with prophecies, these overblown images of destruction simply failed to determine ongoing historical conflicts that simply could not have been anticipated at all. That is why, Schmitt asserts, Donoso remained faithful to the "theological state and […] papal sovereignty," two institutions upon which revolution could be tamed. But his lack of faith in Germany proved to be wrong.

> Only *Prussia* remained too strange and incomprehensible [*fremd und unbegreiflich*] to him, despite the fact that there the strongest reserve of traditional concepts [*die stärkste Reserve überlieferter Vorstellungen*] had been organized politically, and that, half a century later, it was precisely Prussia against which the entire world would enter into a coalition in the name of democracy.[341]

I consider these views as the most accurate depiction of Schmitt's intellectual approach during the 1950s. The concreteness of any situation leads from a historical appendix—in this case, 1848 onward—to a conceptual index—unmentioned, but clearly pointing toward notions like state sovereignty, political economy, dictatorship, liberalism, etc. Donoso Cortés only relied on the historical appendix, so he sought theological signals in the available European leaders. So he found Napoleon III but also found "opposition" in "Russia and Prussia." But the last French monarch had no endorsement, whether it was "Catholic royalism of the Roman type, the dynastic feeling of evangelical Prussia, and the combination of Russian orthodoxy and tsarism" (98). These "three different religious and national conservative powers" were too far removed from each other to form a single European unity.

340. See Motschenbacher 2000, 70–72.
341. Schmitt 2002, 98.

They were nothing compared to that "international revolution, whose rationalism was capable of destroying traditional inhibitions with mechanical simplicity."[342] Donoso Cortés did not change his tormented views of history, so he was unable to acknowledge the fact that in the immediacy of revolution, any prediction becomes nothing more than a futile attempt to gather valuable information from historical dead air. Thus, once again, he went for dictatorship; or, otherwise put, he believed in the factual power of decisionism, "whose real energy lay in a revolutionary democracy and in a system of conservative ideas and feelings that could enter only from the outside as a foreign element" (99). The reader should be spared these euphemisms, for nothing is more foreign than the celestial hordes of God sent to set straight the human world.

3.7 *Donoso Cortés in gesamteuropäischer Interpretation*

It is probably not far-fetched to state that *A Pan-European Interpretation of Donoso Cortés*[343] is arguably one of the best essays ever written by Carl Schmitt.[344] I posit four reasons for such a statement:

(i) Unlike the three other previous texts on the Spanish thinker, *Donoso Cortés im gesamteuropäischer Interpretation* works toward a global interpretation of modern history—the reader should take note of and reflect on the very title: *A Pan-European Interpretation of Donoso Cortés*. This means that by starting from a concrete point—the well-known year of 1848—Schmitt aims to unveil the spiritual themes that guided contemporary events. From this perspective, the essay formulates one of Schmitt's most remarkable ideas; namely, "the great parallel": an epistemic device that is able to decipher the invisible yet strong continuity between a decisive historical event—a singularity—and present, contemporary situations that are championed by intellectuals and all sorts of thinkers through general diagnoses.

342. Schmitt 2002, 99.
343. In the following pages, I will use Mark Grzeskowiak's translation of this last essay of DC. See *Telos* 2002 (125), 100–105.
344. Andreas Leutzch has recently stressed this essay's importance for Koselleck's *Kritik und Krise*. See Leutzch 2019, 10: "This book (1950) might have inspired Koselleck's theory more than any other publication by Schmitt because Schmitt sketches a critique of modern (progress-oriented) philosophy of history and drops various keywords, such as "critique and crisis."

(ii) This essay and its insights are written in a very particular, nuanced style. While it is true that Schmitt, with the sole exception of his doctoral thesis devoted to the question of guilt[345], never wrote his monographs, essays, and articles in a strictly academic manner, the tone and pace of the Donoso's volume last essay resemble that of a last will and testament:

> I speak here of one of the very few who, in light of the 1848 outbreak, found both the strength and vision and the ability to transmit it. One hundred years separate us. During this century, European humanity ardently endeavored to forget the shock of 1848, and to remove it from consciousness, which was not difficult. Economic prosperity, technological progress, and a self-assured positivism all came together to produce a long and deep amnesia.[346]

The reader should note the use of the "I" in this quotation. "I," as in "I, Carl Schmitt, the person," and not "I, the writer who is merely taking into account a particular subject so as to bring something to the table." This is important, because here Schmitt is superimposing his own experiences and thoughts on those of Donoso Cortés. For Schmitt, the Spanish thinker even stands above Kierkegaard, a philosophical giant, and both Bruno Bauer and David Friedrich Strauss, outstanding disciples of Hegel. The main reason is linked to the fact that Donoso Cortés "confronted" the holy show that the events of 1848 represented for an extremely seasoned theological consciousness, and, like no one else, recognized the beginning of the end of Europe.

(iii) From this perspective, this essay—along with a handful of paragraphs and scattered insights in the other pieces on Donoso—continues the use of the "I" established previously in the other essays on Donoso and privately in *Glossarium*.[347] The fate of Donoso

---

345. Schmitt 2017e, 181–182. Regarding Schmitt's first monograph, Mehring states: "Also noticeable is also the radical exclusion of philosophical, political and moral considerations, the exclusion of a 'character guilt' and the orientation toward the state. Schmitt did not equate 'guilt' with 'legal guilt,' as is shown by his acknowledgement of the possibility of a 'character's guilt' independent of any legal judgment. However, in 1910 he clearly put moral evaluations in second place behind legal judgments and viewed individual guilt solely from the perspective of state law." See Mehring 2014, 19.

346. Schmitt 2002, 102.

347 See Hohendahl 2018, 27–38, here at 34: "The Schmittian diarist denounces the moment of self-reflection in the context of everyday life and the careful, differentiated observation of the environment. This is not just a matter of defining the diary as a genre—which is clearly the case—but also of questioning the character of the writing subject (the diarist). How does the writing subject define itself? Who is the "I" responsible for any chronologically organized entries? Schmitt's critique of Jünger assumes a private subject, which is constituted through sensual observations of the environment as well as a mode of sustained self-reflection. Schmitt

Cortés' Europe is mirrored by the German jurist and reflects his own fate in post-war Europe. If that is the case, World War II and the rise and fall of National-Socialist Germany can only be comprehended by turning to the unique individual that had the courage to "look into the abyss." Schmitt never speaks better of himself than when he is speaking of others[348]—in this case, Donoso Cortés.

(iv) Finally, the main themes in this essay—modern European history, fate, tragedy, the spiritual demise brought about by technology, Donoso Cortés's being criticized for his exaggerated, over-the-top opinions, the superior scope of "the great parallel" over philosophy—are all found in *Hamlet oder Hekuba*. The little book on Hamlet—and its thesis on "parallelisms"—finds its epistemic origin in this monograph. Thus, in the 1950s, Schmitt lived out a "second life" beyond academy and jurisprudence—which gave the thinker a strong opportunity, therefore, to champion his now re-stylized concepts. This is the decade where his whole oeuvre undergoes a self-reorganization process affecting the hierarchy and scope of his vast, well-known vocabulary.

This essay tackles a very specific matter: "[T]he question posed here is whether the Christian era has come to an end."[349] However, this clear formulation only comes after three paragraphs. In order to fully grasp the importance of this question, I will tackle the present monograph's main theses—and, just like this whole chapter, I will deliberately skip the minutiae.

The first paragraph explores the crucial event of 1848 by quoting Bruno Bauer's assertion, "[t]he men of the German National Assembly in Frankfurt in 1848 wanted to create an empire whose very existence would be tantamount to a European revolution" (106). Schmitt compares Donoso Cortés with Bruno Bauer and Kierkegaard throughout his essay. The jurist will prove how the Spanish thinker stands above the "hermit of Rixdorf" and the Danish philosopher—Stirner, Marx, and some others are treated in the same terms. However, Bauer's importance for Schmitt is to be found in his "critique of the age," which was an

---

questions the value of this approach because he questions the legitimacy of this form of subject formation. […] Instead, Schmitt understands his own subjectivity as a theoretical or philosophical entity, as connected with the larger ideological issues that engage the fundamental questions of the present time."

348. Apropos of Schmitt's reflections in *Glossarium*, Mehring states: "All his identifications of important figures in intellectual history became for him aspects of self-reflection – aspects of his 'own question.'" See Mehring 2014, 427.

349. Schmitt 2012b, 106.

unseen mixture of "the theological and philosophical critique of reason, as well as textual and biblical criticism" (106). It is awkward, however, that Schmitt does not mention Bauer's avant-garde social criticism.[350] Nonetheless, Schmitt's erudition regarding the intellectual sources of both social criticism and nineteenth-century apologists of counterrevolution is second to none. He knows that, in order to provide a clear picture of the aftermath of 1848—which was, after all, Schmitt's study object—one needs to summon the strongest reflections of those who fully engaged with the events of their present. From this perspective, Schmitt's analysis of the 1950s unfolds a psychopolitical[351] approach. "The 1848 revolution was in fact a European event," posits the jurist. The most important nations of the continent had all gone sideways:

> With a single blow—when the first signs of a proletarian-atheist-communist movement became visible—all the harmonious accords that had been achieved by European liberalism since 1830 went torn apart. A completely new problematic

350. See Moggach 2003, 178: "Bauer's political position in 1848 is thus complex. He castigates the bourgeoisie and its liberal spokesmen for being deeply compromised with the old order. The primacy of property deforms their views of freedom. He identifies with the struggle of the unprivileged and the excluded, but is highly critical of socialism for reviving the authoritarian state as its organising principle. […] His two electoral addresses encapsulate many facets of the struggle against feudal retardation, proposing the doctrine of equal rights and the expansion of a new industrial order. As a dedicated partisan of this struggle, Bauer regains his stature as a protagonist of freedom in the moment of revolutionary confrontation itself."

351. While this approach has been widely used by Peter Sloterdijk since his *Spheres* trilogy and in his recent work as well, by "psychopolitical" I refer to Lloyd de Mause's notion of *psychohistory*. See de Mause 1982, 3: "[…] the central force for change in history is neither technology nor economics, but the 'psychogenic' changes in personality occurring because of successive generations of parent-child interactions." In the preface, psychohistory is defined as "the science of historical motivation." See Sloterdijk 2011, 630: "Thus the meaning of it changes once more; in the face of the globalization wars and technological departures that lent the twentieth century its character, being-n means this: inhabiting the monstrous. Kant taught that the question humans ask to assure themselves of their place in the world should be: 'What can we hope for?' After the un-grounding of the twentieth century, we know that the question should rather be: 'Where are we when we are in the monstrous?" See also Sloterdijk 2010, 19–20: "Political science or, better, the art of the psychopolitical steering of the community, has had to suffer most from the thoroughly practiced but mistaken approach of psychological anthropology in the West. This approach misses a whole set of axioms and concepts that would be appropriate for the nature of its object. What from the vantage point of thymotics is seen unmistakably as the primary condition cannot be presented directly through the detour around available erotodynamic concepts." Although Schmitt always dismissed psychology when analyzing this or that subject or problem, his acute study of Europe's modern history achieved the main goals of psychohistory and psychopolitics; namely, the flawless convergence of the micro and the macro through analytical concepts that do not belong to Marxism, socialism, liberalism, or fascism—otherwise put, notions free of ideological/metaphysical values. What distinguishes him from both de Mause and Sloterdijk is his self-imposed sense of defeat and historical failure after World War II; for Sloterdijk, for instance, one of the main tasks was to elaborate a post-metaphysical vocabulary—driven mainly by a rehabilitation of Nietzsche's thought—that did justice to contemporary phenomena that could not be grasped by "theoretical monotheism." For the still underdeveloped connection between Schmitt and Sloterdijk, see Mehring 2018, 197–200.

> appeared under completely new slogans: socialism, communism, anarchism, atheism, and nihilism. The panic was great, but the terror quickly passed.[352]

The superior epistemic scope of "the great parallel" is already announced by the pejorative notion of "slogan" that characterizes intellectual and social criticism after 1848. Donoso Cortés, then, just like Schmitt's own depiction of postwar Europe, was the only one who was able to "look into the abyss" and ignore the intellectual falsity of these "slogans." They were nothing more than ideologies; namely, diluted promises of justice and peace—or, at best, utopias or other notions. The very fact that "the terror had passed" is, for Schmitt, the living proof of the undeniable presence of an unseen string of historical events. Just like him, Donoso too was considered "the most radical counter-revolutionary, an extreme reactionary, and a conservative of almost medieval fanaticism" (100). The Spanish thinker—contrary to those who quickly try to "cover the abyss"—did not fall prey to liberalism—let alone socialism or even Marxism. He was, as Schmitt recalls when speaking of other intellectuals, a curious and extreme case of the panic dredged up from the bottom in the bleak year of 1848.

This monograph aims to do justice to that exalted portrayal of Donoso Cortés. By doing so, Schmitt is able to complete his own self-depiction as a "crown-jurist of the third Reich." Having achieved this, his representation of postwar Germany can be considered not only a breakthrough in the second part of his career but one of the rare intellectual items that are still salvageable among the consequent economic miracle that occurred in the new and evidently liberal Federal Republic. That is why, when Schmitt openly rejects to highlight "the historical and psychological contexts" of Donoso Cortés, he states that the Spanish envoy's post-1848 reflections were not a mere product of "the shock." This means that Schmitt's thought after 1945—and between 1933 and 1936—was not the intellectual translation of his being caught in awe of Hitler's rise and fall and Germany's final defeat. Both Schmitt and Donoso—men of faith, victims of fate—transcend the social norms that rule over common pedestrians and civilians. "This type of psychology and sociology is nothing more than a product of the regained sense of security and an attendant phenomenon of an interval of illusory security."[353] Psychopolitics at its best.

---

352. Schmitt 2002, 100.
353. Schmitt 2002, 101.

The reader should not spend more time observing the nuances of this rare exercise in self-indulgence. Schmitt wants to disclose a mentality that shaped the events after 1848. Europe chose security over reality. The price to pay was the abundance of "sudden insights"; i.e., unauthentic reflections. In the second paragraph, Schmitt states the following:

> Only the experience of two world wars, the mixture of state war and global civil war, and new forms of terror have brought European humanity once again in contact with the 1848 experiences, and have allowed it to see anew the light of that time – a light that flashed suddenly and then faded just as suddenly.

It is important to clarify that "humanity" as such never cared to connect the dots between the despicable consequences occasioned by the events that occurred in the first half of the twentieth century in Europe and the metaphysical, spiritual, and historical core of 1848. Schmitt wants to place these two historical scenarios on the same plane in order to prove his idea of "the great parallel." The reader correctly could refute this view as a bizarre form of revisionism. However, Schmitt's argument is not without its merit. His claim—although quite esoteric—is that those "sudden insights," just like the ones put forward by Spengler he is going to tackle later, were completely incorrect. Schmitt is not championing a unique interpretation of history but a method to access it. He sees in the "Bolshevik breakthrough in 1917" a renewed postcard of the "energies" liberated in 1848. Thus, a concrete event has surfaced as a historical implosion rather than an immediate social outburst. As regards the first, specific events are fixed within a political agenda, often quite ideological. In the case of the "Bolshevik breakthrough," Schmitt considers *The Communist Manifesto* its "constitutional charter." One then could easily grasp that the life of concepts has a momentum of its own and that the time of events, always immediate, eventually reveals its conceptual origins. The "socialist and communist authors" had the privilege of always stressing this "continuity" "over other historians." The latter had to choose between moral rejection and an ethical longing for restoration. Schmitt notices in the "latter half of the 19th century" a "darkening of European consciousness" (103). He argues this by recalling "the retreat of Russia […] and America," along with the fact that "Central Europe emerged through the successes of Bismarck and Cavour in 1860–71." Consequently, three main interpretations tackle the aftermath of 1848:

> The non-communist continuity with 1848 is supported by three factors: a foreign policy prognosis; a domestic political diagnosis; and a world-historical parallel. All three – prognosis, diagnosis, and parallel – are closely related. (…) In the interval, the cultural diagnosis became a triviality for the educated classes, and only today is the historical parallel being felt.[354]

Schmitt asserts that the "foreign policy prognosis was the first to enter European consciousness," indirectly proving, thus, the dynamics between concepts and their own development and events and their inevitable demand of immediate comprehension. However, and regarding the first interpretation, Schmitt considers that "[a]t the core of the foreign policy prognosis is the fact that European powers could no longer consider themselves the masters of the earth." To notice this displacement must have been one of the reasons to rapidly cover that "abyss," an expression that the reader could easily link to Nietzsche.[355] 1848 displaced land-grabbers like Napoleon. Schmitt considers "America and "Russia" as "two colossi that had arisen in the West and the East" in the third paragraph. Europe's consciousness noted but did not fully address them. Schmitt now shifts to Alexis de Tocqueville's *Democracy in America*[356] and its great prognosis that "pulled the rug out under Europe's self-understanding" (103). Schmitt recalls German historians who presented views similar to that of Tocqueville. Donoso saw those "colossi," too. "For Tocqueville, the 1789 revolution was the symptom of a process of irresistible [*unwiderstehlicher*] centralization, which would serve all facets of the state, all political parties, and all ideologies and would continue unabated [*unaufhaltsam*]."[357] Nonetheless, Schmitt argues that Tocqueville's world vision was oriented toward "administrative" policy. By contrast, "a German historian, Friedrich List, had already observed it in 1825–30." Schmitt's intentions must be clear-cut to the reader. His interest is not to dethrone the intellectual contributions of Tocqueville, but, moreover, to expand the theoretical sources from which the "pessimist depiction of the

354. Schmitt 2002, 103.
355. See Nietzsche 2015, 98 [146]: "Wer mit Ungeheuern kämpft, mag zusehn, dass er nicht dabei zum Ungeheuer wird. Und wenn du lange in einen Abgrund blickst, blickt der Abgrund auch in dich hinein." For the relationship between Nietzsche's negative reception in the Marxist tradition of nineteenth century, see also Müller-Lauter 2019, 95: "Grundlegend für alle Äußerungen über Nietzsche in der osteuropäischen Welt is die marxistische Periodisierung der Gestesgeschichte nach Wandlungen im sogennanten Klassenkampf. Nietzsche erscheint dabei als ein historischer "Knotenpunkt" in dem von Marx verstandenen Sinne."
356. See 2.2.1.
357. Schmitt 2002, 104.

epoch," triggered by the "growing technology," reached the contemporary sociological consciousness of his time. Therefore, Spengler's *The Decline of the West* can be seen as a mere "coda to this critical European self-diagnosis" (104).

By expanding the philosophical constellation before and after 1848, Schmitt aims to reconcile the conceptual activity with its political singularity. Whether they were pessimistic or therapeutically driven—just like one of Schmitt's most lucid early interpreters proposed [358]—these diagnoses could not reach the profoundness achieved by Donoso and other thinkers. They "saw a great world-historical parallel that first provided the real meaning of the big picture of this European self-interpretation, and shed a multifaceted and illuminating light on it that eclipsed all ideologies" (104). Otherwise put, they could enter into "the core of all disputes that have filled the last century with rising vehemence until the present day" (104).

Schmitt lists well-known "historical parallels." They are Lucan, Cicero, and Plutarch. It is worth noting Schmitt's all-encompassing classicism.[359] These authors, in his opinion, were "forced to make numerous parallels with [their] own time." The reader is now forced [*gedrängt*] to speculate about what Schmitt means when he says that such parallels were made compulsively. Nonetheless, and beyond these discursive miscues, here Schmitt will distinguish between different types of parallels. This is methodologically crucial because such an evaluation is the direct precedent—along with the esoteric, unpublished reflections of *Glossarium*—of *Hamlet oder Hekuba*'s thesis on historical parallels. Thus, the reader can envision Schmitt's intellectual constellation in the 1950s clearly. His interest in a "philosophy of history," bluntly triggered in his interpretation of Hobbes and later

358. See Plessner 2018, 6: "What I try to solve here is the question whether the political sphere as such (which, according to Carl Schmitt, is given in the primeval life relationship of friend and enemy) belongs to the definition of the human or whether it belongs only to its contingent physical existential circumstances, which are external to its essence, whether politics is merely the expression of the human's imperfection, whose overcoming, even if it will perhaps never factually be achieved, is what the ideals of true humanity, what a moral education that liberates humans toward their authentic essence demand; whether politics only signifies the disadvantages of human existence, an existence into which the human as finite being has lapsed but, precisely, only lapsed."

359. Latin was, for Schmitt, a sacred language, a spiritual threshold. *The Concept of the Political* ends with a quotation from Virgil: see Schmitt 2015, 88. As far as I know, Hugo Ball was the first to point this out. See Ball 2013, 76–77, 89, here at 77: "Schmitt's position is the Latin one." In a letter to Carl Muth, Schmitt revealed that "in my *Concept of the Political*, every line is directed at him [Hugo Ball]." See Wacker 1996, 238. For the bittersweet affair between Schmitt and Ball, see Mehring 2014, 151–156. For the correspondence between Muth and Schmitt, see Ballestrem 1998, 131.

refurnished in his cryptic reflection in *Ex Captivitate Salus*, was confirmed by Karl Löwith's *Meaning in History*, Lilian Winstanley's *Hamlet and the Scottish Succession*, and, inwardly, in his private intellectual exercises sketched in *Glossarium*—scattered scholarly and often cryptic observations from the viewpoint of a self-righteousness victim of the postwar reality.[360] These intellectual sources converged in Schmitt's interest in "historical parallels." They were a crucial philosophical cornerstone of his interpretation of *Hamlet*.

Schmitt distinguishes "secondary, peripheral, and existentially not binding" parallels from "the encompassing [*umfassenden*], fundamental parallel" (106). The reader should note that the difference between them does not lie in their degree of intensity, but in their relatedness with contemporary events. The "great parallel" does not put forward an index of relatively evident similarities that are unearthed by the historian and which describe the present. On the contrary, the present unfolds as a chaotic immediacy precisely because its structural patterns have not been recognized by thinkers nor historians, nor their respective diagnoses and prognoses. The present—that is, Schmitt's "era as a whole"—is linked with the past:

> This is the relation of our present day to the historical turn with which our era began, i.e., the Roman civil wars and Caesarism. In this case, one is dealing with more than a simple parallel, and with more than analogies or Spenglerian homologies. The question posed here is whether the Christian era has come to an end [*Hier wird die Frage gestellt, ob der christliche Äon zu Ende ist oder nicht*].[361]

The question that logically should be raised is the following: Is the end of the Christian eon a historical event for both Christian and non-Christians? Otherwise put, is this end as such a historical event or, on the contrary, merely the last moment of some other historical chapter that has come to its inevitable end? According to Schmitt and to the overall tone adopted from his essays on Donoso onward, the question at stake is to determine the meaning of such an end. To ask the question from another angle: How and why did the Christian era end? What consequences did this involve? The jurist asserts that "everything that at first appears to be a historical parallel is immediately transformed into something completely different";

360. See Meierhenrich and Simons 2016, 138–139; Gross 2007, 214–218; Hohendahl 2018, 28–30.
361. Schmitt 2002, 106.

namely, something that is no longer isolated or, at best, a mere product of the present (106). This "parallel" compels us to think, and thus, "a simple definition" is required. In his own anachronic way,[362] Schmitt dismisses the so-called novelty of Oswald Spengler's *The Decline of the West*, although he does recognize that it "was Spengler who first made the European public aware" of the parallel that could be drawn between "the age of the Battle of Actium" and "our own record of time" (107). Again, Schmitt differentiates——yet not does not fully distinguish—between "parallels, analogies, and homologies." Spengler opted to establish parallels in his theory of "cultural cycles." On the contrary, Schmitt is moved by the "specific power of a singular world-historical context"; namely, 1848. Roughly speaking, the year in question attracts, like gravity, a constellation of newborn planets. An important cultural event even occurred on one of those planets; for instance, Spengler's *The Decline of the West*[363] "owes its contemporary actuality" to that "specific power" (107). Whilst there

362 Schmitt 2015e, 231: "Ich bin ein katholischer Laie deutscher Volks—und Staatszugehörigkeit!" For the contemporary topic of being "out of time," see Sloterdijk 2013, 31: "This expansion of the renaissance zone is no more than a first step, however. If one left it at that, one would only have re-dated Nietzsche semi-correctly at best. One would certainly have done him justice by assimilating his present into a past of his choosing; as far as his more radical 'chronopolitics' is concerned, however, his striving to break out of the Modern Age as such, one would not really be taking him seriously. […] Nietzsche was concerned with a radical allochrony, a fundamental other-timeliness in the midst of the present." Despite the fact that Schmitt never cared for him, the presence and use of Nietzsche in the jurist's works, specifically in the 1950s, has not been, to my knowledge, accounted for yet. Recently, the Italian philosopher Giorgio Agamben has provided another exceedingly forced paradoxical definition of the contemporary. See Agamben 2010, 11: "Contemporariness is, then, a singular relationship with one's own time, which adheres to it and, at the same time, keeps a distance from it. More precisely, it is *that relationship with time that adheres to it through a disjunction and an anachronism*." As is usual with Agamben, theological tidbits and etymological trivia come together mid-paragraph only to deliver an over-the-top thesis.

363. See Spengler 1996, 39: "The future of the West is not a limitless tending upwards and onwards for all time towards our present ideals, but a single phenomenon of history, strictly limited and defined as to form and duration, which covers a few centuries and can be viewed and, in essentials, calculated from available precedents." It is quite striking that Schmitt focused on Spengler's parallels, as opposed to his thesis of "the great parallel" that is 1848, and not on the fact that the German historian considered the "men of the Western Culture" to be "an exception." This would have displaced Schmitt's critique of Spengler's toward a "jurisprudence of history." Schmitt's negative appraisal of Spengler's historical assumptions mirrors the early, ireful critique made by Heidegger. See Heidegger 1992, 56: "Exclusively on the basis of Nietzsche's metaphysics and without any original metaphysical thought, at the start of the twentieth century the author O. Spengler drew up a 'balance' of Western history and proclaimed "The decline of the Occident." Today, as in 1918, when the arrogant book of this title came out, an eager public snap up only the outcome of the 'balance' without ever considering on which basic ideas of history this cheap balance of decline is concocted. […] Only to an age which had already forsaken every possibility of thoughtful reflection could an author present such a book, in the execution of which a brilliant acumen, an enormous erudition, and a strong gift for categorization are matched by an unusual pretension of judgment, a rare superficiality of thinking, and a pervasive frailty of foundations." Nonetheless, the consistent lack of "any original metaphysical thought" should not be a problem for the thinker who first stressed that in "the attempt to determine the essence of 'human being' as a being, the question of its being has remained forgotten." See Heidegger 2010, 48. Heidegger seems to overlook the simple fact that in order to sustain his thesis on the "forgotten being," Spengler's "balance"—just like any other

have been "essential trends" that are "easily recognizable" regarding 1848, no serious intellectual investigation has been devoted to it. Schmitt consequently outlines a brief archeology of the intellectual landmarks that have correctly grasped the monumental importance of "the great parallel," Saint Simon's *Nouveau Christianisme* (1825) being its "epochal onset" (108). His aim was to deliver a new ground for the shallow modern consciousness, now completely detached from Christianity. Thus, Schmitt conventionally treats "socialism and communism" as a "New Christianity"; that is, a new religion. The parallelism is fulfilled. The present sought its spiritual matrix in the past, despite the fact that the present had established a whole new vocabulary and an autonomous direction. Nevertheless, Schmitt highlights how, by the same token, "this use of the parallel can also be markedly anti-Christian" (108). Proudhon used it in this sense, but Marx did not. The latter never attempted to move mountains. This is the reason behind his critique of Bruno Bauer, for whom the importance of "the great parallel" was undeniable. It "became existential, and there lies his greatness in the history of ideas" (109).

Schmitt subsequently compares Bauer with David Friedrich Strauss.[364] According to Schmitt, Bauer stood above the latter, who "trivialized the parallel"; namely, Strauss merely carried out the inane exercise of contrasting the new against the old.[365] By contrast, Bauer's unflinching theological reason never waned.

---

balance—had to remain unoriginal. Both Heidegger and Schmitt share a counter-modern comprehension of history, as they reject the evidence of real history. For a careful analysis of Spengler's "basic ideas of history," see Schröter 1949, 21–42.

364. The reader will recall the analysis of Strauss in *Political Romanticism*. The scholar, however, should meditate on the fact that, since the early book of 1919, Schmitt always reflected on history through the theme of secularization; namely, by focusing on the difference between day-to-day events and the invisible yet commanding driving force which they depend upon. Of course, this is the canonical difference between history and History elaborated by the late Schelling. See Schelling 2012, 164: "One can differentiate history [*Geschichte*] and history [*Historie*] as the accounts of things: the first is the series of the events and occurrences themselves; the second is the account of them. From this it follows that the concept of history [*Geschichte*] is more expansive that the concept of history [*Historie*] as the accounts of events. To this extent one could simply say pre-historical time [*voergeschichtliche*] instead of absolutely pre-historical [*vorgeschichtliche*], and pre-historical [*vorhistorische*] time instead of relative pre-historical [*vorgeschichtliche*] […]." Although Schmitt possessed a considerable knowledge of Schelling, his assimilation of his work was quite negative—unlike his reading of Hegel. It is quite baffling that he never mentions Schelling's scope of a philosophy of history. The similarities are evident.

365. Which was the main argument in Voltaire's article in the *Philosophical Dictionary*, entitled "Ancients and Moderns." See Burns 2016, 146: "The great dispute between the ancients and the moderns is not yet settled; it has been on the table since the silver age succeeded the golden age. Mankind has always maintained that the good old times were much better than the present day." See also Fumaroli 2011, 165: "In contemporary French, the expression 'quarrel of the Ancients and the Moderns' has lost its historical anchor, designating instead the eternal recurrence of a generational conflict that pits old *laudatores temporis acti*, defeated from the start,

> This critical German would abandon neither his Protestant-theological, nor his Hegelian roots. That remains his glory. Therefore, he waited, unbroken, for a new era, and saw himself in the position of an early Christian living in a new, no longer Christian world empire. He did not achieve the highest degree of psychological and dialectical reflection. But his writings between 1843 and 1848 reflect the intellectual situation whose focal point was the outbreak of 1848.[366]

Schmitt's praise of Bauer is important, as the reader may see in it the purported superiority of "the great parallel"; namely, the "instrument" that holds the Christian consciousness together in non-Christian times. Bauer is now part of a philosophical diptych that he shares with Kierkegaard. For him, however, "the great historical parallel should be dissolved into a moment of the immediate present" (110). Schmitt does not scrutinize Kierkegaard as closely.[367] Rather, he wants "to demonstrate the continuity with the situation of 1848." He posits that the triad that rules the world—America, Russia, and the soon-to-be-replaced, yet still crucial Europe—was unleashed in 1848. Thus, he returns to Donoso Cortés. Although the Spanish thinker did not address the sociological elements that supported Tocqueville's diagnosis, he "recognized the historical parallel with Caesarism and the world-historical moment of the birth of Christianity" (112). Schmitt notes how Donoso Cortés turned his back on history and embraced eschatology. Following this shift, a new light was shed on his classic concepts of dictatorship and anti-liberalism. In the fifth paragraph of the last essay on

---

against young Moderns with life, future, and progress on their side. This current and general meaning retrospectively colors the interpretation of the 'quarrel,' in the strict and historic sense."

366. Schmitt 2002, 109–110.

367. Schmitt indirectly refers to Kierkegaard's *Nutiden* (1846), a short cultural critique that was supposed to be the third part of a wider literary review of Thomasine Gyllembourg's *To Tidsaldre* (Two Ages). See Kierkegaard 2009, 68: "The present age is essentially a *sensible, reflecting age, devoid of passion, flaring up in superficial, short-lived enthusiasm and prudentially relaxing in indolence*." Schmitt's *The Crisis of Parliamentary Democracy* expands Kierkegaard's views by tackling the history of German and European jurisprudence. It is, like Kierkegaard's work, an open critique of liberalism. This essay is strikingly similar to Kierkegaard's *Critique of Our Age*. In his detailed introduction to the English version of *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, Ellen Kennedy fails to mention this. For this theme in Kierkegaard, see Perkins 1984, 214: "For Kierkegaard, the development of popular government answerable to the crowd was the way to anarchy. […] As Kierkegaard perceives the façade of the modern liberal state it is a mask for the grossest anarchistic hedonism imaginable. Everything in modern politics depends on who manipulates the crowd." See also Jaspers 1957, 10: "Kierkegaard was the first to undertake a comprehensive critique of his time, one distinguished from all previous attempts by its earnestness. This critique was the first to be applicable to the age in which we are now living, and reads as if it had been written yesterday."

Donoso, Schmitt asserts that for Donoso Cortés, politics never was able to elevate itself to a theological dimension. That is why he strongly prefers a "monarchial dictatorship" over other forms of "dangerous, mean-spirited" powers (113). The Spanish envoy's kindred spirit was Kierkegaard. Schmitt lists the intellectual generation among which 1848 found its more challenging critics. Donoso Cortés outstripped them all due to this lack of metaphysics, despite his "striking outburst" and "traditional rhetoric" (114). His exposition was complicated. His reflections, ingenious. He thought as he lived, and he lived out his "monstrous fate" in accord with his thought. Schmitt offers an example of this trait by analyzing Donoso Cortés's take on the death penalty:

> The division of human and inhuman necessarily leads to a still deeper division: *super*human and *subhuman*. The man who treats another man as if he is inhuman realizes in practice the distinction between superhuman and subhuman. For subhuman, there is no longer a death penalty. There is indeed no penalty at all, only extermination and destruction.[368]

From *Ex Captivitate Salus* onward, Schmitt will repeat this statement until his last days[369]—although it was already formulated in the first draft of *The Concept of the Political*, later

368. Schmitt 2015, 114.

369. Schmitt 2017a, 77: "The progress of modern technology is at the same time progress in the removal of Romantic subjectivism, progress in the appropriation of the human individual, progress in mass criminalization and mass automation"; Schmitt 2015e, 102: "Ein Unmensch hat natürlich nicht das Recht, einem andern Unmenschen vorzuwerfen, daß dieser ebenfalls ein Unmensch sei, wohl aber dürfen wir als Betrachter und Beurteiler festellen, daß es nicht Recht wäre, wenn sich einer, der selber Unmenschlichkeiten begeht, zum Richter über einen anderen etabliert und ihn als Unmenschen zum tode verurteilt"; 1995a, 564: "Der Hund stellt die Katze geistig oder moralisch mit ihrem Wesen nicht in Frage, and die Katze nich den Hund. Indem der Hund die Katze anbellt oder die Katze den Hund anfaucht, machen diese Tiere es nicht wie Menschen, die imstande sind, ihrem Feind die Qualität des Menschen abzusprechen"; Schmitt 2005, 94: "Men who use these weapons against other men feel compelled morally to destroy these other men, i.e., as offerings and objects. They must declare their opponents to be totally criminal and inhuman, to be a total non-value"; Schmitt 2018d, 38: "Value theory celebrates, as we have seen, its authentic triumphs in the interpretation of the question of the just war. This lies in the nature of the matter. Every reservation to the opponents falls away, indeed it becomes a non-value, when the battle against this opponent is a battle waged for the highest value. The non-value has no right with regard to the value, and for the enactment of the highest value no price is too high. Here then there are, by consequence, only annihilator and annihilated"; Schmitt 2010, 130: "Hat die Kultur, von dem Glauben des Christentums an die Verwerflichkeit der menschlichen Natur ausgehend, den Menschen verleugnet, so hat sie sich eben einen Feind erschaffen, der sie notwendig einst so weit vernichten muß, als der Mensch nicht in irh Raum hat: denn dieser Feind ist eben die ewig und einzig lebende Natur." Even in his last article, published in the late 1970s, Schmitt offered his new readers this old yet constantly current thesis. See Piccone 1987, 88: "Humanity as such and as a whole has no enemies. Everyone belongs to humanity. Even the murderer, at least as long as he lives, must be treated as a human being. If he is as dead as his victim, then he no longer exists.

tackled in an article[370] published in 1937, "Total Enemy, Total War, Total State,"[371] and then fully developed in Schmitt's 1938 *Die Wendung zum diskriminierenden Kriegsbegriff*.[372] These grim dynamics are a manifestation of "nihilism," whose aim was "to create the paradise of pure mundane existence for the chosen few of the new humanity" (114). In order to create a new humanity, the old humanity must be destroyed.[373]

Donoso Cortés presented an anti-metaphysical position that was comprehended by left-wing philosophers. "[T]hey felt that only he threatened their monopoly on the interpretation of the century" (114). After 1848, the world was up for grabs: so too its interpretation. Proudhon, among others, mocked Donoso Cortés. Later, he was altogether ignored. Schmitt asserts that after World War I, his thought became visible and valid. The

---

However, until then he remains, good or evil, a human being, i.e., a bearer of human rights. 'Humanity' thus becomes an asymmetrical counter-concept. If one discriminates within humanity and thereby denies the quality of being human to a disturber or destroyer, then the negatively-valued person becomes an unperson and his life is no longer the highest value: it becomes worthless and must be destroyed." The vanishing of the essence of humanity by technology and machinery was impressively anticipated by Nietzsche. See Nietzsche 1996, 366 [218]: "The machine of itself teaches the mutual cooperation of hordes of men in operations where each man has to do only one thing: it provides the model for the party apparatus and the conduct of warfare. On the other hand, it does not teach individual autocracy: it makes of many *one* machine and of every individual an instrument to *one* end. Its most generalized effect is to teach the utility of centralization." Two names stand above all the other contemporary thinkers of technology, as they have approached this issue by questioning several metaphysical, conventional assumptions. I am obviously referring to Gilbert Simondon and Friedrich Kittler. See Simondon 2017, 258: "The technical world is a world of the collective, which is adequately thought neither on the basis of the brute social [fact], nor on the basis of the psyche. To consider technical activity as inessential in its very structure, and to take as essential either the social communities or the inter-human relations arising from technical activity, means not analyzing the nature of this very center of group and of inter-individual relationships, which is technical activity"; see Kittler 2013, 207: "And so nothing and no one –not even the *Führerprinzip*– was able to stop the technology transfer. After all, technology transfer means that communication technologies fulfill their definition and become transmissible communications themselves. If empires are media, and media are postal systems, then their destiny [*Schicksal*] must involve 'dispatches' [*Verschickung*]. When Zhukov's artillery shot down the last tethered balloon connecting the last radio link between the *Fuhrerbunker*, under the Reich Cancillery, and Army Group Steiner, nothing ended. It was all just getting started." For a contemporary reflection on the problem of the human risks as regards present-day technology, see Hogrebe 2004, 655: "Das Risiko übernimmt in einem gewissen Sinn die Funktion der Metaphysik, die intendierte, mittels der Ideen das Ganze unseres Leben im Blick zu behalten. Der Risikobegriff versucht eben das auf eine kognitiv-instrumentelle Weise, er zielt darauf ab, jene Totalität der Selbst– und Weltbezüge durch Isolierung und Modellierung von Risiken, durch Verteilung und Bewertung darselben kleinzuarbeiten."

370. Schmitt 2014b, 83: "Der Begriff des Menschheit schließt den Begriff des Feindes aus, weil auch der Feind nicht aufhört, Mensch zu sein, und damit die spezifische Unterscheidung entfällt."

371. Schmitt 2019, 494 ff.

372. Schmitt 2012d, 56: "Zwischen das universale Endziel und die Wirklichkeit des heutigen Zustandes würde also zunächst eben doch wieder ein Krieg treten, vielleicht wieder ein 'endgültig letzter Krieg der Menschheit', jedenfalls ein eben dadurch vertiefter und verschärfter, 'totaler' Krieg."

373. See Blanchot 2003, 130: "Man is the indestructible that can be destroyed. This has the ring of truth, and yet we are unable to know it through a knowledge that would already be true. Is this not merely an alluring formulation."

Roman Empire and twentieth-century Europe turned out to be spiritually akin. From this perspective, "the historical parallels disappear," as the "outgrowths [*Ausgeburten*] of our own European spirit that have come back to haunt us [*auf uns eindringen*]."[374] The disappearance of "historical parallels" implies their dissolution into a single event; namely, the singularity of a postwar Europe that was under assault from its own historical process. Accordingly, the analogies are succeeded by a broader comprehension of history. Otherwise put, the eerie acceptance that Christianity always had a non-Christian fate.

3.8 "Three Possibilities for a Christian Conception of History"[375] (1950)

This short review of Karl Löwith's *Meaning in History* was commissioned by Hans Paeschke after Löwith visited Schmitt in Plettenberg in 1949.[376] Schmitt's thoughts on Löwith can barely be considered a "review." The briefness of this text, however, is not the only noteworthy thing about it. Löwith published a thorough yet stinging review of Schmitt's thought in 1935.[377] Schmitt was well-aware of this critique. However, he thought that Löwith's book was great. In fact, a whole new debate on history and its method was starting in the early fifties.[378] But only Löwith was able to separate the wheat from the chaff:

---

374. Schmitt 2002, 115.

375 The German title for this review was "Drei Stufen historischer Sinngebung". He regrets such a misleading title, given by *Universitas* journal. In a letter to Armin Mohler, Schmitt emphasizes that there are not "stages" [*Stufen*], nor "sense-giving" [*Sinngebung*], but "Drei Möglichkeiten eines christlichen Geschichtbildes"; see Tielke 2020, 28. Indeed, the question was what kind of image a modern, technological world could abide to regarding its self-comprehension, now detached from theological foundations.

376. Mehring 2014, 441–443. CSÖ, 83.

377. See Meier 1995, 7n6.

378. See Agamben 2011, 6–7: "In the second half of the 1960s, a debate on the problem of secularization involving, to different degrees, Hans Blumenberg, Karl Löwith, Odo Marquard, and Carl Schmitt, took place in Germany. The debate originated from the thesis enunciated by Löwith in his 1953 book *Weltgeschichte und Heilsgeschehen*, according to which both German idealism's philosophy of history and the Enlightenment's idea of progress are nothing but the secularization of the theology of history and Christian eschatology." Agamben's radical conventionalism dates back to the "secularization debate" of the mid-sixties. It is quite baffling how he ignores the fact that Löwith's *Meaning in History* was published in 1949, along with several German reviews of it—including Schmitt's brief text. Likewise, the Italian philosopher does not mention Joachim Ritter's *Schule* (the Collegium Philosophicum), nor his *Hegel und die Französische Revolution* (1957), a book which aimed to demonstrate both the emancipatory and compensational element present in Hegel's philosophy of history. Herman Lübbe's *Säkularisierung: Geschichte eines ideenpolitischen Begriffs* (1965) is also omitted. For an accurate account of the "secularization debate" and Ritter's *Schule*, see Schweda 2015 74–122, here 102–120. Jacob Taubes' *Abendländische Eschatologie* (1947) was probably the philosophical starting point of this debate.

> Today, every attempt at a self-understanding ultimately proves to be a situating oneself by means of the philosophy of history or a utopian self-dislocation. Today, all human beings who plan and attempt to unite the masses behind their plans engage in some form of philosophy of history. They accept the existence of the means of extermination, which modern science provides to every person in power. […] [E]ven despair screams for the last time through threatening that world history has lost its meaning.[379]

This is one of Schmitt's more complex statements, and undoubtedly a strange way to start an academic review. The reader might think that such strong words act as a patronizing sign of approval; i.e., that Löwith's book is on point because it touches—according to Schmitt—the kernel of the main problem of modern history; namely, its unquestionable independence from theology and Christianity. Be that as it may, Schmitt's opening paragraph is a compressed evaluation of his age from a highly critical viewpoint. In fact, Schmitt is providing an epistemic caveat which, if ignored, will philosophically confound the reader. There are two options: a philosophy of history—namely, a reconstruction of the intellectual sources of theology on which the modern consciousness stands—or a progressive (non-theological) conception of history; that is, the idea that Christianity and religion were rightfully removed from the self-comprehension of the modern era—this option being a failed version of the first one. Schmitt then illustrates his first assertion by mentioning all those "human beings" who, with their plans and orchestrations, blindly endorsed a "philosophy of history." Schmitt constantly despised the notion of "plan" or "planning" and its implications for modern capitalism and technology[380]—let alone the meaning of such an expression in Soviet

379. Schmitt 2009d, 167.

380. Schmitt 2012g, 60: "Dies Zeitalter hat sich selbst als das kapitalistiche, mechanistische, relativistische bezeichnet, als das Zeitalter des Verkehrs, der Technik, der Organisation"; Schmitt 2014b, 245: "Außerdem sind viele Staaten, und zwar auch solche, die nicht etwa sozialistisch sein wollen, zu mancherlei Arten einer ökonomischen und finanziellen Planung übergegangen, mit Einrichtungen und Normierungen zur Steuerung oder Regulierung der Wirtschaft und mit Produktions –und Marktordungen, die ebenfalls neue Methoden der rechtlichen Normierung erforderlich machen"; Schmitt 2015e, 48: "Das Entscheidende bleibt doch, daß der Zwang zur bewußten Organisation, Bürokratisierung und Planung total wird… Wie klein, wie minimal ist der Spielraum einer solchen Opposition bei totaler Planung!"; Schmitt 2007b, 363: "Die Distanzierung von der 'Welt der bloßen Setzungen', der 'raum– und rechtlosen Planung', des 'legalitären Technizismus' und der 'subalternen Instrumentalisierung' erhebt unsere Wissenschaft zu dem, was ihre Würde und ihren Erkenntniswert ausmacht"; Schmitt 2014c, 128: "The new human being who produces himself in this process is no new Adam and not even a new pre-Adam. Even less is he a new Christ-Adam figure. Rather, he is the unplanned, arbitrary product of the process-progress of himself, which he both puts into action and maintains in operation."

Union[381]. This is the reason behind the bleak but faithful tone adopted in his review of Löwith.

In order to fully comprehend these reflections, it is necessary to provide a general analysis of Löwith's book. From that perspective, most of Schmitt's assertions—several of them, quite complex—will reveal their philosophical consistency.

At the end of Löwith's 1959 autobiographical note, presented to the University of Heidelberg, the author explicates the goal of his reflections from 1949:

> The intention of my book *Meaning in History* (1949), of which a German translation appeared later on (1953) under the more apt title *Weltgeschichte und Heilgeschehen*, was a critical one: it sought to demonstrate the impossibility of a philosophy of history. This intention was often misinterpreted as a positive Christian one because it seemed to conform to particular tendencies in Protestant theology.[382]

The reader rightly may feel baffled by this statement. Löwith's argument is the complete opposite of Schmitt's first assertion in his review of *Meaning in History*. Second, it is quite curious that Löwith recognizes the conceptual superiority of the German translation—perhaps due to the sacred element linked to the expression *Heilgeschehen*. Third, and even more obvious, is the fact that Löwith does not fully define what he understands by "philosophy of history." However, and a few more lines ahead, he determines why such discipline cannot positively be addressed:

> We cannot exist without the world for one moment, but it can quite easily exist without us. It is also impossible for us to imagine the state of things *before* the world or *after* it, but only a change in its condition within an already ever existing world, unless one postulated an absolute empty nothingness from which nothing can emerge, and which would additionally also be a nothingness of a world.[383]

According to Löwith, it is impossible to pretend that something could emerge from "an absolute empty nothingness," just as it impossible to imagine the world "before" or "after"

381 I thank Ovidiu Stanciu for reminding me this.
382. Löwith 1994, 164–165.
383. Löwith 1994, 167.

us, because no worldly perspective can measure an otherworldly or divine dimension. The main goal of *Meaning in History* was to demonstrate "that only in the faith in a salvation history could one find an indirect, and even then, a most doubtful, answer; that it had to lead beyond the historical world and the historical way of thinking to the *world as such*, which is the One and the Whole existence by nature" (166). Thus, the impossibility of a "philosophy of history" refers to the fact that any concept of history—even one thoroughly elaborated by philosophy—cannot be unbound from a theological—and thus, eschatological—perspective. Otherwise put: any comprehension of history requires an acceptance of faith. Such is the human endeavor and its fate. Löwith's phenomenological approach to history aims to establish the limits of earthly wisdom when it comes to facing the meaning of a God-free history. In this perspective, Schmitt's claim for a philosophy of history is the mere opposite of Löwith's notion of the impossibility of such knowledge. By now, the reader may have grasped that Schmitt considers that expression an understatement; namely, that theology is the genuine comprehension of history. For Löwith, on the other hand, this authentic perspective did not dismiss any other approach. On the contrary, its presence acts as the philosophical compass of any modern discussion of history and politics. While Schmitt champions an active use of the "philosophy of history" amidst eventful times—i.e., that any discussion of this subject must be aware of its theological origin—Löwith stands for a therapeutic reconstruction of its concepts.

The introduction to *Meaning in History* states the following:

> The term "philosophy of history" was invented by Voltaire, who used it for the first time in its modern sense, as distinct from the theological interpretation of history. In Voltaire's *Essai sur les mœurs et l'esprit des nations* the leading principle was no longer the will of God and divine providence but the will of man and human reason. […] In the following discussion the term "philosophy of history" is used to mean a systematic interpretation of universal history in accordance with a principle by which historical events and successions are unified and directed toward an ultimate meaning.[384]

384. Löwith 1949, 1.

It is important to note how the expression "philosophy of history" is placed between quotation marks. Löwith knows that this so-called discipline is a radioactive element that must be carefully handled. Its sloppy use has caused substantial negative effects in the conceptual laboratory. Therefore, a positive definition is provided. Löwith aims to establish a very particular "systematic interpretation"; namely, a global analysis that boils the philosophical interpretations of history down to their absolute essence—even those rooted in the worldview of the Middle Ages. Finally, his hypothesis tackles the conception of history as a non-progressive arch of events whose meaning points forward to an "ultimate meaning"; that is, to an "ultimate" event. Löwith later asserts: "The very existence of a philosophy of history and its quest for a meaning is due to the history of salvation; it emerged from the faith in an ultimate purpose."[385] Thus, and after its introduction, *Meaning in History* lists in descending order the main interpretations of history, and it proves how each one of them—from Marx and Burckhardt to Vico and Joachim of Fiore—subscribed, conscious or unconsciously, to "our alienation from the natural theology of antiquity and from the supernatural theology of Christianity."[386] According to Löwith, it was "the break with tradition at the end of the eighteenth century which produced the revolutionary character of modern history and of our modern historical thinking."[387] However, the theological roots of any comprehension of history more or less overlap every modern interpretation of the subject. Löwith stresses how his contemporaries think that "natural science" serves as an almighty historical conscious, as it "accelerated the speed and expanded the range of sociohistorical movements and changes."[388] It is interesting to note how Löwith does not talk about "technology" but "natural science." All in all, the modern consciousness flounders in an acute state of historical delusion. The faith in natural science attempts to measure what cannot be measured because "[t]he problem of history as a whole is unanswerable within its own perspective."[389] History is not a massive blackboard where previous results provide reliable data upon which to calculate future events, even a last one. A "break" has been established, indeed, and this is what Löwith and Schmitt consider the central question; namely,

385. Löwith 1949, 5.
386. Löwith 1949, 192.
387. Löwith 1949, 193.
388. Löwith 1949, 193.
389. Löwith 1949, 191.

"secularization." Nonetheless, Löwith finally posits that "[t]he modern world is as Christian as it is un-Christian because it is the outcome of an age-long process of secularization."[390] The key, then, to Löwith's "systematic interpretation" is his account of such a "process"; namely, the unveiling of its masked theological elements by doing justice to the real value of "natural science" through a historical perspective. The "range" of the modern emancipation from theology is great, yet still Christian—and, thus, still profane in all its complexity.

The reader is now conceptually equipped to return to Schmitt's review. After his first cryptic statement, he praises Löwith as a thinker whose "historico-philosophical clarity and knowledge of the history of ideas" stands above any other author of the twentieth century. Schmitt values the intellectual compendium put together by Löwith. Moreover, he emphasizes the fact that *Meaning in History* goes beyond the academic dimension. It is, indeed, "a path of initiation" (212). This explains Schmitt's interest in reviewing "the results and conclusions of the book" and his haste to skip the "traditional questions of method." He agrees with Löwith's idea "that paganism is not at all capable of any form of historical thought because it is cyclical" (168). History, thus, arrives at "its specific meaning" through the endless beginnings and ends of these cycles. Likewise, "[w]e know that the Enlightenment and the positivist belief in progress was only secularized Judaism and Christianity."[391] By 1950, this thesis had been repeated throughout the last thirty years of Schmitt's academic career, so Löwith's book served as its ultimate confirmation. Martin Tielke reminds how "thrilled" [*elektrisiert*] was Schmitt after Löwith's book[392]. Conversely, Schmitt highlights Löwith's critique of "constructed justifications [*Sinn-Setzungen*]" and "the major acts of planning [*Groß-planungen*]," views that are akin to those held by Schmitt in *Glossarium*. "Divine providence, which the human being can recalculate or even predict, is after all also just a human act of planning," Schmitt states (168).

Meaning in History is "an unusual book"; that is, it is not merely a book. One of the advantages of Löwith's non-academic considerations is his acknowledgment of "the great

390. Löwith 1949, 201–202.
391. Schmitt 1986, 17: "Today, many varieties of metaphysical attitude exist in a secularized form. To a great extent, it holds true that different and, indeed, mundane factors have taken the place of God: humanity, the nation, the individual, historical development, or even life as life for its own sake, in its complete spiritual emptiness and mere dynamic. […] What human beings regard as the ultimate, absolute authority, however, certainly can change, and God can be replaced by mundane and worldly factors."
392 Tielke 2020, 28.

parallel." Our time can be better understood if the historian focuses on "the Roman civil wars as well as early Christianity"—even if two thousand years separate us from those events. "The great parallel" cannot be bested by "the entire Hegelian-Marxist-Stalinist dialectics of history" (238–239), as it develops a superior framework of historical understanding—for its aim is to restore the axial events of history and not to seize its dynamics of self-production. Therefore, no other access to history is available. Löwith demonstrated the use of "the great parallel" marked by the French revolution by confronting the contradictory views of different authors, "while the historical parallel as such always remains self-evident"—and thus, undeniable (168). Schmitt assures that this problem "has so far not been addressed in the form of an independent monograph" (168). Can the reader trust such a statement?[393] In any case, Schmitt concurs with Löwith's intellectual map of modernity and agrees with his most important notions, such as "[c]yclical thinking," "progressivist thinking," "eschatological thinking," and "Christians' belief in the "Resurrection of the Son of Man" (169).

393. While in *Political Romanticism* Schmitt acknowledges this issue, in his general analysis of David Friedrich Strauss's *Julian the Apostate*; Schmitt 1986, 149: "One of the best known historical parallels that attempts to make a political type out of the romantic—David Friedrich Strauss's book […]—is based on such a topical political interest"—the expression "parallel" or "parallelism" did not have at the time the reflective use given to it in the 1950s. Strauss fails to grasp "the great parallel," as he "arrives at a clear disregard of obvious contradictions." However, to say that, at least in Germany, no monograph had treated the question of "the great parallel" might be inaccurate. Alfred Schuler (1885–1923), although he never published more than a single poem and a review during his lifetime, was often labeled as one of the visible thinkers of German "neopaganism" and devoted most of his life to developing a global conception of contemporary history as the mangled mirror of Nero's Rome. Schuler's gnostic comprehension of history is eerily similar to that of Schmitt—and so too his affair with National Socialism, his spiritual anti-Semitism, and his considerations of world history intertwined with theology. No independent monograph has addressed this relationship. For a comprehensive account of Schuler, see Plumpe 1978 121–126, here 1: "Das kaiserliche Rom, das Schulers bevorzugtes Objet stets war, nimmt dabei eine Sonderstellung ein"; for Schuler's views on contemporary life as the vital decay of what was once the Roman Empire, see Furness 2000, 75–94, here 78–79: "For Schuler, as for Klages, the corruption of life began with Judaeo-Christianity and a 'historical' (as opposed to a 'cosmic') viewpoint, a will to rational truth which 'de-actualizes' the world […]." For the appraisal of Rome as a spiritual parallel of the present, see Schuler 1940, 182: "Ich sehe im Imperium Romanum die letzte großartige Zellenausgeburt der Renaissance des urtümlichen Seins. Stellen Sie sich dieselbe vor, wie ich Ihnen den telesmatischen Licht-komplex geschildert habe, in vibrierender Kugelgestalt, etwa unter dem Bilde des Saturn. Drei Ringe sind es, die nach Rom hinführen, drei Ringe sind es, die wegführen von Rom in unsre Tage." Schuler's work was publicly available since Ludwig Klage's 1940 edition of Schuler's unpublished and posthumous material. Likewise, Schmitt was well aware of *George Kreis* and Klage's reflections. Schuler is mentioned on only one occasion in G. In a reflection found in 13.2.48 apropos of Bruno Bauer's *Christus und die Caesaren*, Schuler is highly praised by Schmitt, and his reflections on Nero and Rome are considered "the treasure of contemporary demonology" (Schmitt 2015e, 73), a theme that is often overlooked in *Hamlet oder Hekuba*. It is quite significant that Schmitt's interest in Schuler occurs in the same years as his review of *Meaning in History* and his overall interest in a philosophy of history. Schmitt is referring to the book of Schuler previously quoted.

According to Schmitt, the second great strength of *Meaning in History* is to have addressed the possibility of "whether eschatological faith and historical consciousness can coexist" (169). Otherwise put, for a progressively acute historical consciousness, the promise of a final, total landscape—where the divine finally meddles with the worldly, finite dimension—becomes somehow a childish fairy tale—if not a harmful collection of religious drivel. Nonetheless, and this is a crucial point, Schmitt's considerations of history and his method—"the great parallel," analogies, similarities, etc.—are profoundly structural—although not one-dimensional or a-historical. This is the reason behind his attempt to establish a "bridge" between these two scopes; namely, a historical instrument that provides a communication channel between the factual immediacy of world events and non-historical, theological patterns that act as a normative theme in history. Schmitt uses a cryptic theological concept to express it: "*Kat-echon.*"[394]

> The conception of restraining [*haltender*] and deferring [*aufhaltender*] forces and powers can in some form probably be demonstrated to be active for every great historian. Nietzsche furiously identified Hegel and the sixth sense of the Germans, i.e., the historical sense, as the great deferrer on the way to expressed atheism. […]

394. The concept and its historico-theological nature are some of the most studied and interpreted themes among Schmitt's scholars. See Mehring 2014, 96: "Schmitt's continual reference to this figure [the "katechon"], which he frequently discussed in letters, thus shows that he was still playing with the idea of legitimizing the Reich. He interpreted the figure in various ways without committing himself to any one version. But, in any case, it signals a critical stage in the legitimation of Christianity." For the use of this concept in Schmitt 2009c, see Grossheutschi 1996, 90: "Immerhin hat sie den Vorteil, daß sie sich sowohl mit eneim 'kyklischen' wie mit eienem 'eschatologischen' Verständnis der Geschichte verbinden läßt." For a brief selection of the problem of "kat-echon" regarding world history in Schmitt's letters, see Schmitt 2004c, 306: "Zu allen Zeiten haben Interpreten im Ka-techon das römische Reich gesehen, sogar Kaiser Nero galt während der ersten Jahre seiner Herrschaft und bevor sich seine unheilvolle Geistesstörung zeigte, als Kat-echon"; Schmitt 2007b, 300: "Rudolf II. Ist ein echter Katechon 1325 und – wie mir Otto Brunner 1326 schrieb 1327 – ist dieses Wort die beste Formel für das 1318 Der dänische Philosoph Sören Kierkegaard (1813–1855) gilt als Begründer der Existenzphilosophie" (the fact that Schmitt mentions the years of birth and death of Kierkegaard is related with 1848 as a historical figure). For contemporary accounts of this figure, see Heimes 2009, 101–123, here 8: "Die Offenheit des Kampfes zwischen den ordnungsstiftenden Mächten und den anomischen Kräften, kann nicht einfach in der unbestimmten Sphäre mystischer Begriffe wie Katechon und Antichrist gehalten warden"; see also Kierdorf 2015, 165–174, here 74: "Zwar mag sein Versuch der theologisch bestimmten Feindidentifikation im Politischen misslungen sein, die Suche nach dem Katechon vergebens, das Dogma der Erbsünde keine überzeugende Begründung der eigenen anthropologischen Position, und die Diktatur als Antwort auf die Unvereinbarkeit von bürgerlicher Freiheit und staatlicher Souveränität keine annehmbare Lösung darstellen." Kierdorf is on point in stating that the question of the "katechon" became something deeply "personal" for Schmitt.

> The original historical force of the figure of a *kat-echon*, however, remains and is capable of overcoming the otherwise occurring eschatological paralysis.[395]

By using the notions of "restraining [*haltender*]" and "deferring [*aufhaltender*]," Schmitt is stressing the preservation force that characterizes the *katechon*. As it delays the inevitable, a legitimate conservation of the finite dimension is achieved. Likewise, Schmitt's mention of Nietzsche is crucial. The reader familiar with the history of philosophy should know that *The Birth of Tragedy* was the first modern intellectual landmark that sought to identify the historical genesis of a cultural phenomenon by recurring to non-historical normative patterns—just like Schmitt did with the *katechon*. Schmitt points to the fact that this force is not a mere reaction, but a very active instrument of self-awareness, "capable of overcoming the otherwise occurring eschatological paralysis." Finally, Schmitt highlights "the infinite singularity of historical reality." If Löwith strongly suggested that the New Testament was a "call to repentance" and not a "call to a historical deed," Schmitt opts for an anti-intellectual "leveling"; namely, the "historical" nature of Christianity, which is "infinite, non-appropriable, non-occupiable singularity" (169). Otherwise put, a non-human—inhuman, supra-human, and infra-human—and, thus, a non-factual historical event. Schmitt points to Pontius Pilate as a historical proof. "Christians look back on completed events and find a basic reason [*Ingrund*] and an archetype [*Inbild*]," therefore: their belief does not consist in a set of orders, deeds, and duties, but in a global comprehension of history, a history meaningful to a single, perpetual, and transformative event: the presence of Jesus Christ (169).

The mention of the *katechon* is linked with the expression "Christian Epimetheus," made popular by one of Schmitt's early and more important acquaintances, the poet Konrad Weiss. For him, "the merely restraining forces are not sufficient," for "[h]e claims that historical circumstances are more often to be seized rather than to be restrained" (169). The reader sees, then, how the *katechon* for Schmitt becomes an active path of non-cognitive yet historical comprehension and, more importantly, a path of historical action. The *katechon* is both the last and ultimate mode of agency before acquiescing in finite despair, whether it be civil war or World War III. Even if this blatant attempt of theological justification is rapidly

395. Schmitt 2009d, 169.

dismissed, Schmitt posits that "its dark truth is thereby not disconfirmed, and neither is its significance as a historical counterforce against the leveling of history to the status of universal humanity" (169). This murky critique of the present; namely, of technology and capitalism as predatory stages of liberalism, expands what Schmitt asserted in the first paragraph of the review of Löwith's book. Schmitt characterizes as "activist attempts" these modern efforts that "give meaning to the meaningless"; that is, to the factual surface of what can be calculated, molded, created, and eventually destroyed by the human forces of technology. These themes, Schmitt remarks, become necessary concepts for the reader of *Meaning in History*. One of Löwith's merits was to not indulge himself nor the reader in a scholarly exercise in "humanistic self-mirroring" (170). Rather, *Meaning in History* captured the historical singularity of Christianity and elevated history as the dimension where "the eternal" is "inserted into the course of time" (170). "Through scarcity [*Mangel*] and impotence [*Ohnmacht*], this history is the hope and honor of our existence" (170). Authentic existence, thus, is banned from a blustering techno-economic age. The "hope" [*Hoffnung*]" and "honor" [*Ehre*] of "our existence" [*unseres Dasein*][396] signify for Schmitt the assaulted dignity of a Christian self-consciousness that despite being displaced, is still not totally alienated from a history encoded in the exponential progress of the factual. Technological bliss gives rise to spiritual decay.

3.9 "Drei Hundert Jahre *Leviathan*" (1951)

Numbers and dates became more than simple data for Schmitt from 1945 onward. If the volume on Donoso constantly repeated the importance of the year 1848, this little essay on the anniversary of Hobbes's *Leviathan* will do the same but from a greater perspective. These brief considerations revolve around the importance of Hobbes's infamous book *Leviathan* and touch upon how the English philosopher was targeted as a scapegoat [*Sündenbock*]—much like Schmitt himself felt treated after his detention in Nuremberg.[397] Schmitt mentions

396. 2014f, 165.
397. Recently, an interpreter has claimed this knee-jerk interpretation as a crucial unmasking. See Tralau, 2013, 177–178: "Schmitt's puzzling interpretation of Hobbes's puzzling image is a mirror image of his own problems with the National Socialist state: he creates an image with which he cannot identify, a 'battle image' that is so ambiguous that it cannot be used in battle; for after the demise of the statehood to which he himself adheres he can no longer take part in the battle for the state." The fact that Schmitt identified himself with the times and

the year of publication of *Leviathan*—1651—Hobbes's age at the time—63—and the year of Hobbes's birth, 1588. Although this numerical fixation may not appear significant at first glance, in the next sentence, Schmitt uses the expression "[i]n the meantime" [*Inzwischen*], to refer not only to the three hundred years that passed between 1651 and 1951 but, moreover, to the factual historical time, indebted and ruled by the very themes unearthed by Hobbes; namely, the biblical figure of the Leviathan:

> We would actually be fools, if we celebrated the Moloch, who threatens to devour us. But we would deceive ourselves if we wanted to close our eyes before a reality that daily grips us more strongly.
> The Leviathan appears in many figures, as mortal God and great man, as great animal and great machine.[398]

Moloch, the Canaanite god of fire and war, was strongly active in twentieth-century Europe. Symbols and allegories are for Schmitt—progressively from the mid-1940s and exponentially by the early 1950s—esoteric thresholds to decipher present times. They are not worn out, irrational accesses to world phenomena, but dark mediums of comprehension. This explains the link between Moloch and "a reality," and thus, too, the many faces of Leviathan. In "Drei Hundert *Leviathan*," Schmitt is interested in the technological aspect of this figure and the taboo-breaker that was Hobbes. He even names Orwell's *1984* as a "futural vision" where "all the collectivistic consequences of the great machine are drawn" (95). Orwell's book was a lucid contribution to the sphere of individual self-awareness in the age of technology—as 1984 was contained within the Leviathan's shadow. Schmitt, just as Paul Valéry had already stated in 1928,[399] mentions "[t]he social registration and recording" as

---

life of Hobbes is quite obvious. He made the very same from his early writings, like Donoso or—privately—with Othello. Tralau does not mentions "Drei Hundert Jahre *Leviathan*" nor the personal and public context of Schmitt during the 1950s. For a more detailed account on the English philosopher and the German jurist, see Bredekamp 2016, 92: "Nach Hobbes Umdeutung der Ungeheuer aus dem Buch Hiob, nach der Rückkehr zum Alten Testament durch Blake und nach der Kritik an Hobbes Bestimmung der Tiere durch Schmitt liegt hierin die vierte, systematische Wandlung dieser mythischen Tiersymbole der Macht."

398. Schmitt 2018d, 94–95.

399. See Valéry 1971, 226: "Just as water, gas, and electricity are brought into our houses from far off to satisfy our needs in response to a minimal effort, so we shall be supplied with visual or auditory images, which will appear and disappear at a simple movement of the hand, hardly more than a sign. Just as we are accustomed, if not enslaved, to the various forms of energy that pour into our homes, we shall find it perfectly natural to receive the ultrarapid variations or oscillations that our sense organs gather in and integrate to form all we know. I do

something inescapable. No margins shall be left for the omnipresent "social welfare state," not even the "old state governed by the rule of law [*alter Rechstaat*]" (95). This was Hobbes's endeavor; namely, to delve into the dangers of this proto-machine and its ongoing optimization. However, to identify the crushing powers of technology within the eventual crumbling of the old state led the public to treat Hobbes as a scapegoat. According to Schmitt, the English philosopher was identified as "the originator and discoverer of the monster that he so intelligently treated" (95). The reader might be surprised to find that Schmitt is not exaggerating.[400] On the contrary, he sympathizes with the downtrodden Hobbes, for "[n]othing is easier than to stir up the public at a health resort against a doctor who has diagnosed a case of the plague" (95). The public blamed the messenger, not the message. However, before *Leviathan* came *The Prince*. Schmitt here compares two of his fellow spirits and their relation to the figure of the "scapegoat." Schmitt reminds the reader of a logical hypothesis that he put forward in *Gespräch über die Macht und den Zugang zum Machthaber*.[401]

> If Machiavelli were really a Machiavellian, he would not have written his infamous writings, but rather edifying, directly anti-Machiavellian books, brimming over with reaffirmations of peace in which he declares all his opponents to be rapscallions and criminals, whom he is nevertheless gladly ready to forgive if they only allow themselves to be instructed.[402]

---

not know whether a philosopher has ever dreamed of a company engaged in the home delivery of Sensory Reality."

400. See Hull 2009, 1–2: "As early as 1673, one Dr. John Templar was moved to declare that Hobbes was the 'Malmesburian Hydra, the enormous Leviathan, the gigantic dragon, the hideous monstrosity and British Beast, the Propagator of execrable doctrines… the Nonsensical roguish vendor of falsifications.' […] Variations of this view continue to the present; writing at the midpoint between Hobbes's time and our own, Marx tersely observed that, in Hobbes, 'materialism becomes misanthropic'"; Mitchell 1993, 78–100, here 78: "Making Hobbes into a purely political figure, not attending to the theological context of his thinking, makes him, first, a scapegoat and then, perhaps, a convenient player in the mythical debate between the (secular) moderns and the ancients—a debate that supposes already that Christianity does not matter!"; see also Malcolm 2016, 113–136, here 113–114: "Thomas Hobbes was never a philosopher for the *bien pensants*. In the period between the publication of his most famous work, *Leviathan*, in 1651 and his death in 1679 he was the target of frequent attacks by academics, Anglican priests, bishops, and even a former Lord Chancellor. […] Many reproached him for believing that 'might is right,' substituting brute force for all the traditional justifications of political rule, and thus defending the power of tyrants"; Raylor 2010 153–164, here 155: "Yet external testimony suggests that, deprived of court protection, Hobbes was in real danger in Paris. Clarendon later recalled an imminent move against him by the French authorities. Such evidence also supports Hobbes's claim that his banishment from the court was a direct consequence of priestly displeasure over *Leviathan*."

401. Schmitt 2017b, 39–40.

402. Schmitt 2018d, 96.

This same logic applies to Hobbes. While the English philosopher created an ambiguous approach to his masterwork—by using as a frontispiece for his book the unsettling "figure of a giant whose torso emerges from the crest of the hills and towers heavenward"[403]—the truth is that with *Leviathan* Hobbes became "the first systematic thinker of modern individualism" (97). "Individual," indeed, is the keyword for Hobbes's understanding of modern politics. Schmitt lists three major contributions made by the author of *De Cive*:

> He intones the mutual relation between protection and obedience. He can distinguish enemy and criminal and always strictly upheld this fundament of all human law. He was the first who declared the retroactivity of penal law to be unjust and who overcame the obfuscation of this principle in natural law.[404]

Otherwise put, Hobbes championed the value of life, individual life, above everything else [405]—which explains the asymmetric relationship that the English philosopher posits between "protection and obedience" and the great reward of "life." The preservation of human life and its cessation is an essential element of penal law, the very discipline where Schmitt made his debut as an author[406]—and, of course, the concept of "individual life," highly akin to that of Hobbes, is crucial in Schmitt's first monograph and in his early analysis of Schopenhauer.[407] All in all, Hobbes thought and acted amidst turbulent times. His vision of the "commonwealth" arose before, during, and after civil wars.[408] Thus, Schmitt mirrors

---

403. Bredekamp in Springborg 2007, 29–60, here 32, 48. Bredekamp rightly stresses Hobbes's deep awareness of the frontispiece and its meaning. The German art historian considers that "[b]y means of a visualization of the dichotomous forms of sovereignty and representation they show rather Hobbes's desire to grasp the concept of the political in all its complexity."
404. Schmitt 2018d, 97.
405. Hobbes 1998, II–38, 297: "The maintenance of civil society, depending on justice; and justice on the power of life and death, and other less rewards and punishments, residing in them that have the sovereignty of the commonwealth; it is impossible a commonwealth should stand, where any other than the sovereign, hath a power of giving greater rewards than life, and of inflicting greater punishments than death."
406. See Agamben 2012, 166: "In pratica io sono partito dal diritto penale, dove ho sostenuto una bella dissertazione di puro diritto penale (al cento per cento). Per il mio Maestro ho scritto su argomenti di diritto penale: per esempio sul tema del *nulla pena sine lege*, che però attiene anche al diritto costituzionale."
407. Schmitt 2017e, 167: "Es handelt sich also immer um den individuellen Willen, nicht um den allgemeinen Willen, der allem Leben und aller Erscheinung wesentlich ist. Die Ausdrücke Bejahung und Verneinung des individuellen Willens setzen selbständige Individualitäten voraus, die als solche sich gegen eine Verneinung verteidigen dürfen, und deren Wert somit in ihrer Individualität besteht."
408. See Lubienski 2009, 175–190, here 181: "All these struggles and controversies made a deep impression on Thomas Hobbes and inspired his political writings, which were composed chiefly in the eventful years between 1640–1650. S.R. Gardiner maintains in his *History of the Commonwealth* that Hobbes's political

himself in his perpetual reappraisal of Hobbes. The German critic of liberalism now longs for the mercifulness of the individual life:

> Whoever has once fallen into the role of the scapegoat has it hard. The scapegoat has no right to a hearing and no prospect of mercy. This lies in the nature of the matter. He ought indeed to pay for all, and when humans are once unified upon a scapegoat capable of bearing it, they will not easily renounce such a useful animal [*sie nicht leicht auf ein so nützliches Tier verzichten*].[409]

Guilt, injustice, sacrifice, dehumanized life. This is the price to pay for the courageous messenger who delivers the war-like, Molochian postcard of the future to the denizens of Eusapia.[410] However, and beyond Schmitt's sympathies toward Hobbes, the scientific-academic edition of the works of the English philosopher has transformed the prejudices built up over centuries regarding Hobbes. Schmitt mentions some articles dedicated to the author of *Leviathan*, one by Karl Pollack and the other by Kurt Schilling. The former account responsible to "Hobbes for the communist world-revolution and total collectivization," and the second posed "the question whether today there may still be another reasonable and passable exit out of the oppositions of our congealed politics other than *Hobbes*'s doctrine of the state and society."[411] According to Schmitt, such a range of theoretical discrepancies meant that the twentieth-century oriental world still found in Hobbes "an exploitable potential, an essential piece of Occidental rationalism, which it deploys for itself, whether

---

theories were a reaction of monarchic ideas caused by the excessive parliamentarism which drove the country to long civil war. Indeed, not only Hobbes's monarchic views, but in all his system it is easy to detect repercussion of contemporary events"; see also Skinner 1966, 286–317, here 288: "Hobbes had first gained this high reputation among the continental *savants* a generation earlier, during his eleven years' exile from the civil wars in England. […] Many of the scientists and philosophers Hobbes is known to have met there were to become avowed followers and popularizers of his political theories. Several of them corresponded with Hobbes and even visited him after his return to England in 1651."

409. Schmitt 2018d, 97.

410. See Calvino 1978, 109: "No city is more inclined than Eusapia to enjoy life and flee care. And to make the leap from life to death less abrupt, the inhabitants have constructed an identical copy of their city, underground. All corpses, dried in such a way that the skeleton remains sheathed in yellow skin, are carried down there, to continue their former activities. And, of these activities, it is their carefree moments that take first place: most of the corpses are seated around laden tables, or placed in dancing positions, or made to play little trumpets."

411. See Rasch 2019, 7: "Schmitt, following Hobbes, houses concrete reason in the modern European state. That is, part of Schmitt's political theology consists in asserting that the sixteenth century, post-Westphalian state becomes the functional equivalent of the medieval church after the Reformation splintered Christianity's authority. [...] As with Hobbes, sovereignty remains the linchpin for the political in its secularized form."

this is now in dealing with atomic nuclear research or *Hegel*'s dialectic of history" (99). On the contrary, for the West, the bitter confirmation of Hobbes's "commonwealth"—the antithesis of civil war—has necessarily been accepted. Schmitt asserts that a third actor must take the gauntlet and provide a "great succession"—that is, Germany. "This is a world-historical process, to the knowledge of which the *Leviathan* of *Thomas Hobbes* also pertains."[412] Was Schmitt the scapegoat of this new stage of the "world-historical" process?

2.6 "Die Einheit der Welt" (1952)

Perhaps it is because it was first presented "in the Stadtgarten restaurant, in Cologne" as one of the activities of the recently formed "Academia Moralis,"[413] the think-tank of older and new disciples of Schmitt—and then read at a conference entitled "La unidad del mundo," at the University of Murcia, Spain, between 1950 and 1951—that "Unity of the World" represents one of Schmitt's bleakest statements on the drab landscape that appeared on the world history horizon. Whilst his writing in the 1950s contains cryptic sentences and beguiling opinions of the present, with "Unity of the World," Schmitt leaves no doubt regarding what he stands for in political terms:

> The unity of the World—of which I speak here—is not the universal biological unity of human species, nor a type of self-evident ecumene that notwithstanding all human oppositions, was somehow present in some form in every era. It is also not the unity of traffic [*Weltverkehrs*], commerce [*Welthandels*], postal service [*Weltpostvereins*] or such—rather, something more difficult and harsher. It is the unity of the organization of human power, which plans to guide and rule the whole Earth and humanity. The great problem is whether the Earth is already ripe for a unique center of political power.[414]

Schmitt's deep fear regarding the future of the Earth as a single unit of condensed power is evident. In the four paragraphs that divide his considerations regarding the "unity of the

412. Schmitt 2018d, 99.
413. See Mehring 2014, 462–463.
414. Schmitt 1995, 496.

earth," scholarly references are given in order to highlight the importance of unity within the human sphere—mathematics, theology, philosophy, morality, and politics are all invoked. As the figure through which divinity expresses its holy perfection, the unity must not be sought, according to Schmitt, in human endeavors. He even posits that the "Babylonian confusion" is more desirable than the "Babylonian unity." Schmitt suggests that if something such as the unity of the world were to become real, it would only be possible through the modern means provided by the "technical-industrial worldview" (494).

Time and again, Schmitt states that the origin of the historical debauchery of the present leads back to the year 1848. Outstanding observers and well-trained thinkers foresaw the upcoming technology-driven world born in the aftermath of 1848. The earth became a surface for technocracy and its never-ending planning—"the planet shrinks," adds Schmitt. Nonetheless, the "contemporary aircrafts, electric waves or atomic energy" outstrip in every sense the modest technological artifacts of that time. Just like Benjamin eerily announced in a peculiar fragment of 1921,[415] Schmitt too posits that this eventual "unity of the world" will act as a "religion" (504). The jurist considers both the "Stimson Doctrine" and Henry L. Stimson's Western film-like statement "today the earth is too small for two opposite systems" (510). Schmitt argues that this astonishing assertion even establishes a "metaphysical viewpoint"—although Stimson was thinking in "positive-pragmatist" terms (510). In Stimson's unheralded statement about world politics, an "involuntary" philosophical reflection—voiced by an American politician educated in the pluralist tradition of William James—meets world history. Unity became the word of the day.

In the second paragraph of "Die Einheit der Welt," Schmitt comes up with the paradox that the longing for unity is built on the contemporary dualism represented by the "colossal and inimical" opposition of East and West—or "capitalism" and "communism" (529). Any dualism demands a "decision." Until then, the individual could experience the thrilling tension of dualism as an eternal force. However, Schmitt thinks that such tension [*Spannung*] represents the transition toward unity [*Übergang zur Einheit*], "the last round in the great

415. Benjamin 2002, 289: "The nature of the religious movement which is capitalism entails endurance right to the end, to the point where God, too, finally takes on the entire burden of guilt, to the point where the universe has been taken over by that despair which is actually its secret *hope*. Capitalism is entirely without precedent, in that it is a religion which offers not the reform of existence but its complete destruction."

battle for the unity of the world."[416] As one of these rivals is defeated, the champion will be the "only master of the world" (530). Schmitt, however, strives to establish a broader analysis of this phenomenon. He seeks to arrive at an alternative solution to "today's dualist tension." As the earth is still—and will be—bigger than any "Eastern communism," a "third factor" is yet to be unfolded—Schmitt toys with "China, India or Europe, the British Commonwealth, the Hispanic-Lusitanian world, the Arab block, and several other unexpected approaches to a plurality of great-spaces" (530). All in all, the jurist stresses the temporal aspect that dualism is subject to. Thus, a future "equilibrium" can be seen.

Schmitt sketches the outlines of the philosophy of history here at stake. Indeed, in the times where the Iron Curtain defined the global participants in world politics, a "common ground" had to be acknowledged. Schmitt refers to Rudolf Kaßner's interpretation of *des Eisernen Vorhanges* as the separation of "existence and non-existence, of existence and idea" only to discard this thesis and stress instead his own thesis regarding the "commonality" between both rivals; namely, the philosophy of history underlying in the aforementioned "dualism." Modern-day technocracy and also communism are unconsciously indebted to this "philosophy of history." Although all ages have more or less depended on "the course of history," the contemporary "age of planning is in a special sense that of the philosophy of history"—"planning" matches the development of such a *Geschichtphilosophie* (530). Schmitt here anticipates the future analysis that he will develop in the 1950s in his critique of Marxism. Marx's appropriation of Hegel's philosophy of history—he "preserves" its "structure"—spins its dialectical wheels on a "materialistic" surface. "The opposition of materialism and idealism becomes superfluous when all matter becomes radiation and all radiation becomes matter"[417]—according to Schmitt's depiction of the bludgeoned present. The Five-Year Plan was possible precisely because it was embedded in a philosophy of history; this intensified the dialectical dynamics posited by Hegel's comprehension of history." The link between a metaphysical conception of history and the current historical development of a people's entrance into history—"a concrete situation"—is never explicated better by Schmitt or with more powerful philosophical concepts than in these lines. The closest intellectual opponent to Hegel's "philosophy of history" would have to be Toynbee,

416. Schmitt 1995, 499.
417. Schmitt 1995, 501.

and even his thesis on history as the burgeoning and rising of successive civilizations wanes when compared to Hegel's. The "self-interpretation" of the West is insufficient; and along with Toynbee's macro-explanation, Western statistical scholars pinpoint the booming population growth as the cause of global conflicts. This view is rooted in the previous works of Saint Simon, Comte, and Herbert Spencer—that is, progress as the inner process of history.

The Western intellectual "credo" is anchored in a vision of man as a self-productive agent—a self-made man, so to speak:

> These masses have a religion of technification, and every technical progress appears to them as a perfection of man himself, a direct step to the earthly paradise of the *one world*. Their evolutionist credo builds a straight line of human ascension. Man—a being extremely weak and needy by nature—uses technology to create a new world in which he is the strongest—even the only being. The dangerous question of who is concentrated in this monstrous power over other people, which is associated with this increase in technical means, must not be posited.[418]

Schmitt locates in the intellectual efforts of the eighteenth and nineteenth century the metaphysical sources of this "credo," now "enhanced" [*gesteigerte*] through modern technology. However, by outstripping the human sphere in general—politics, morality, art, etc.—technology cannot establish ad hoc a series of moral values. Schmitt paraphrases Otto Heuschele's quotation of Goethe's caveat on how an "increase" in power destroys [*zerstört*] man as it does not go hand in hand with an increase of goodness, too.[419] From this perspective, Schmitt is aware that the so-called "masses" do not regret nor pay any heed to Goethe's admonishment. They are enchanted with this "technological world." Lenin's vision of an "electrified earth"[420]—Schmitt is probably thinking about Vladimir Ilich Ulyanov's address to the Council of People's Commissars on 22 December 1920—matches from the East this magical portrayal of a wholly connected planet. The commonality mentioned earlier proves to be accurate indeed:

---

418. Schmitt 1995, 503. "One World" is given in English.
419. Heuschele 1980, 14.
420. Lenin 1966, 420: "Economic success, however, can be assured only when the Russian proletarian state effectively controls a huge industrial machine built on up-to-day technology: that means electrification."

> West and East are today separated by an iron curtain. But the waves and corpuscles of a common philosophy of history penetrate through the curtain and form the unfathomable unity through which contemporary worldly duality is dialectically made possible. The enemies meet in a self-interpretation of their historical state.[421]

In the fourth and final paragraph of *Unity of the World*, Schmitt ponders whether this dualism will lead to the ultimate unity—the enclosure of the world itself—or to a new "multiplicity" [*einer neuen Vielheit*]. A tormented landscape will soon be juxtaposed against contemporary reality. Moral and technological progress will part ways. The question now reaches its decisive aspect: "Does it follow that the present dualism is only the final stage before unity?" Schmitt does not agree. A positive answer to such a question would presuppose the endorsement of this "philosophy of history." Furthermore, in this expression there is more philosophy than history. Any idea of history, whether it be vague, general, or even a great interpretation, can be understood as a "philosophy of history." From this perspective, pagans, Christians, and Jews also elaborated their very own philosophical image of history. Is this so? Schmitt considers this an adulteration [*eine Fälschung*] of what truly constitutes a "philosophy of history." Regarding this point, Schmitt presents several ideas. For example; that it is, first and foremost, "a component of human planning"—a "planning" embedded in an interpretation of history typical of the Enlightenment. The "philosophical" aspect of this interpretation becomes "concrete" as it expands the supposed monopoly of reality, which is ruled by "intelligence and science." When it comes to its normative dimension, this philosophy of history cements a scheme based on questions and answers—wherein such questions and answers are previously decided as valid or not by this very same cognitive monopoly. In this sense, this philosophy of history distinguishes itself not only from the theological interpretation of history but, moreover, from any "image of history" that does not submit [*unterwirft*][422] to its monopoly.

Schmitt's final reflections in "Die Einheit der Welt" follow those of Löwith's in *Meaning in History*; namely, that the philosophical conception of history in modernity starts with Voltaire. "The philosophy of history becomes historical," adds Schmitt. However, this knowledge is then objectified by those planners "who handle science and intelligence" (536).

421. Schmitt 1995, 504.
422. Schmitt 1995, 505.

This objectification operated in the same vein as "Hegel's philosophy of history." Defying this earthly grandeur of "planners," Schmitt sentences that history will always be greater than any philosophy of history and that that the "contemporary dualism of the world" is nothing but a "preliminary stage," not of its unity but of a new multiplicity.

However, the conference that Schmitt gave at the University of Murcia in 1952 contains several remarks that are not included in "Die Einheit der Welt." For example, in the first paragraph of "La unidad del mundo," Schmitt reflects that "[e]l espíritu humano se halla hoy en trance crítico," which one should read as "the human spirit is today called into question," as "en trance crítico" is a rough Spanish translation of *in Frage stellen*, one of Schmitt's "existential" expressions that his Spanish translators—his daughter Anima being among them—tried to preserve in Spanish. Likewise, in "La unidad del mundo," Schmitt reminds us that Dostoevsky had already foreseen this "unity of the world" and pictured it as a nightmare.[423] Considerations on Nietzsche's "eternal return" as a new type of paganism or the ancient belief of the path of mankind across the four elements—"earth, water, air, and fire"—are made in order to assert that the contemporary age of the world belongs to the age of fire, the age "of explosions and the engine," and that "from the ashes of this age will be reborn a phoenix that will point out the beginning of a new cycle."[424] The most crucial passage of "La unidad del mundo" is to be found right after this mention of the age of fire.

> The ancient Stoics saw in the opportunity of the philosophical suicide a sort of humanitarian sacrament. Perhaps this would be tremendous but not absolutely unthinkable—that humanity commits this act with utter premeditation. The technic unity of the world makes possible too the technic death of humanity, and this death would be the breaking point of world history, a collective analogue of the Stoic interpretation—of which according to, the suicide of the individual represents the turning point of his liberty and the only sacrament that man can submit to himself.

Never did Schmitt pronounce darker words about the fate of humanity. Indeed, in the fifth paragraph of "La unidad del mundo" he warns the reader about "these frightful

423. Schmitt is probably referring to Dostoevsky's impressions of the Crystal Palace. See Dostoevsky 2001, 27–34.
424. Schmitt 1950, 351.

considerations." It is important to say, as the run-of-the-mill interpreter of Schmitt might not know, that both "La unidad del mundo" and "Die Einheit der Welt" are heavily influenced by Valéry's 1919 *La crise de l'esprit*—the first modern reflection to state that civilizations can die just like an individual dies.[425] To oppose this trend, Schmitt summons "historical forces" much greater than those that rose two-and-a-half centuries ago. These are the "splendid possibilities of a Christian image of history" (353). Schmitt is explicitly referring to his review of Löwith's book on Christian eschatology. Furthermore, Schmitt once again mentions the figure of the "Kat-echon" and the "great parallel" between the age of the Caesars and the contemporary stage of world history in order to prove the many alternatives still available within a "Christian vision of history." They are beyond any "utopias or uchronias," and beyond the suicide of a technology-driven humanity—Schmitt depicts this last alternative as "choosing death by shipwrecking within pure technicity" (354). The non-normative comprehension of history developed in "Die Lage" and later in *The Historical Structure of the Contemporary World-Opposition* are sketched here for the first time. A "Christian image of history" is the philosophical alternative that Schmitt will oppose to Marxism. Otherwise put, the "great parallel," the "Kat-echon" and all the other concepts and formulae that he will elaborate during the 1950s represent in conjunction the intellectual and spiritual *agon* that aims to rescue the lost consciousness of Germany and Europe.

425. See Paul Valéry 1963, 23: "Elam, Nineveh, Baylon were but beautiful vague names, and the total ruin of those worlds had as little significance for us as their very existence. But France, England, Russia… these too would be beautiful names. *Lusitania*, too, is a beautiful name. And we see now that the abyss of history is deep enough to hold us all [*l'âbime de l'historie est assez grand pour tout le monde*]. We are aware that a civilization has the same fragility as a life."