

Political Theology II

POLITICAL THEOLOGY II

*The Myth of the Closure of any
Political Theology*

Carl Schmitt

Translated and introduced by
Michael Hoelzl and Graham Ward

polity

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*To Hans Barion, on his seventieth birthday
16 December 1969*

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Editors' Introduction

Look at the author most precisely
Who speaks of silence oh so nicely;
For while he's speaking of quiescence
He outwits his own obsolescence.¹

Schmitt composed this telling rhyme as a personal reflection, in the notes he wrote in his prison cell at Nuremberg, in 1946, and published it as part of his book *Glossarium* in 1952. The verses reinforce an unconfirmed myth according to which his last conversation with Robert Kempner, the chief attorney of the Nuremberg trial, who was interrogating Carl Schmitt, ended with the following exchange:

Kempner: What are you going to do now?
Schmitt: I will retreat into the security of silence.²

Schmitt was interrogated and imprisoned for thirteen months, suspected of having been an active promoter of Hitler's politics of expansion. Subsequently, he was released from prison without any charges being levied against him. He gave up his Chair in Berlin, returned to his parents' home

in Plettenberg and ostensibly retreated to a house he then named San Casciano. San Casciano was the name of the town near to the farm where Machiavelli 'exiled himself' after his expulsion from public life by the Medici. It was also the place where he composed his most famous political works, *The Discourses* and *The Prince*. But the name Schmitt gave to his home, San Casciano, also alludes to Saint Cassian, the last martyr of Diocletian's persecution of the Christians, who was stabbed to death by his students with a stylo.³

Schmitt's experience at Nuremberg served to intensify the central questions he was asking throughout the earlier part of his career; questions which continue to dominate the concluding section of *Political Theology II: Quis iudicabit? Quis interpretabitur?* Who will judge? Who will interpret? Ultimately, these are not Schmitt's questions but those of Thomas Hobbes. They articulate and raise concerns that are historical, sociological, juridical, political – but also hermeneutical. On the one hand, in every one of these concerns, what is treated is concrete circumstances. The questions arise from, and the answers offered are responses to, situations of immediate practical import. They are the key questions of *Realpolitik*. On the other hand, because they concern hermeneutics, these questions invite metaphysical speculation. For they are about judgement, authority and legitimacy, while also being grounded in Schmitt's own experience from the end of the Weimar Republic, from his career during the early years of the Nazi regime (1933–6) and, as we have already mentioned, throughout the Nuremberg trials. But these three concerns – judgement, authority and legitimacy – are bound up with a concrete historical situation and an ideological structure which, to a greater or less extent, informs all interpretation. What is self-evident in one generation can be rendered

questionable in another; the interpretations that seem valid in one context are not necessarily valid in another. Change is not automatically for good, but time transforms even the most substantive issues and makes judgements which have already been passed to stand in need of new interrogation. The passage of time is intimately associated with the question: *Quis iudicabit? Quis interpretabitur?* We have to bear this in mind as we approach *Political Theology II* – a text written by a man over eighty years old, reflecting back on his public, intellectual and political engagement almost half a century earlier.

There is a tendency in secondary literature on Schmitt to concentrate on the work of the inter-war period (1919–39). There is a number of reasons for this. First, some see his writings during this period as representing his most important academic contribution. Secondly, Schmitt's membership of the Nazi party made him, maybe still makes him, a *persona non grata* after 1945 – someone who can be read, but not cited without mentioning the author's past. Thirdly, his later work presents a certain literary obscurantism with references made to arcane sources, oblique hints, suggestive undertones, double meanings, crafted ironies and symbolic figurations. This style of writing opens itself to different, even contradictory, interpretations. And it was intended to do so. It is the style of someone who had retreated into the security of silence. For example, *Political Theology II* concludes with a Latin epigram which seemingly judges and interprets the contemporary situation pessimistically:

Eripuit fulmen caelo, nova fulmina mittit
 Eripuit caelum deo, nova spatia struit.
 Homo homini res mutanda
 Nemo contra hominem nisi homo ipse

[He snatched the thunder ball from heaven, and sends out new
thunder balls.

He snatched away heaven from God and spread out new
realms.

Man is an interchangeable thing to man;

No one is against man except man himself.]

But is the epigram Schmitt's, or does its allusive rhythm, conforming to, and then breaking with, the hexameter, point to Schmitt's adoption of an ancient source? And what is the sense we should attribute to it, with respect to all that precedes it?

Whatever the reasons for this academic concentration on the work of the inter-war years, its effect has been to distort the understanding of Schmitt's *oeuvre* by interpreting all of it through the narrow focus of certain selected texts from this period.⁴ At least three times in the post-war period, Schmitt deliberately returns to and recites titles from his earlier work, as if wanting to give an overall shape to a lifetime's intellectual labour. And the texts he chooses for such treatment are, arguably, his most important ones. In 1950, *The Nomos of the Earth in the International Law of the Ius Publicum Europaeum* can be viewed as a reflection on his controversial treatise from 1939, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte: Ein Beitrag zum Reichsbegriff im Völkerrecht* [*Order in International Law and the Prohibition of Intervention for External Powers: A Contribution to the Concept of Reich in International Law*]. In 1963 he rethought *The Concept of the Political* (first published in 1928) in his book *Theory of the Partisan: Notes on the Concept of the Political*. And in *Political Theology II: The Legend of the Closure of any Political Theology*, published 1970, he revisits his 1922

volume *Political Theology: Four Chapters on the Doctrine of Sovereignty*, which Heinrich Meier (among others) view as the key to understanding Schmitt's thinking.⁵ In none of these later texts are we simply dealing with sequels of earlier works, in the sense of continuations of earlier narratives. As a close reading of the titles (and subtitles) demonstrates, what we have in these texts are new investigations of important earlier concepts in different contexts – contexts that develop, extend and reinterpret what was presented in those previous studies.

Political Theology II as a Rereading of Political Theology

In the 'Guideline for the Reader' at the opening of *Political Theology II*, Schmitt gives his own interpretation of the relationship between the two books: 'The thematic development of my political theology from 1922 takes a general direction which departs from the *ius reformandi* of the sixteenth century, culminates in Hegel and is evident everywhere today: from political theology to political Christology.'⁶ But, in fact, *Political Theology* from 1922 contains only a very limited amount of theology. The 'theology' provided in the text is incidental rather than systematic, and the word is used synonymously with 'metaphysics'. There are no dogmatic, moral or pastoral questions addressed. Moreover, Schmitt has decided to use the same grammatical construction for his title as he did for his book *Political Romanticism*, published in 1919. This suggests that political theology and political romanticism could also be interchangeable: they both name historical periods in which certain beliefs and convictions were taken for granted by specific communities. This can be supported by Schmitt's idea of 'the sociology of juridical

concepts', a methodology outlined in chapter three of *Political Theology*. 'The metaphysical idea', he writes, 'of the world produced by a certain epoch has the same structure as the form of its unquestioned political organisation. The expression of this identical correlation is exactly the sociology of the concept of sovereignty. In fact it proves, as Edward Caird said on Auguste Comte, that metaphysics is the most intense and clearest expression of an epoch.'⁷ With 'the sociology of juridical concepts', Schmitt suggests a methodology which is distinct both from that of Karl Marx's thesis of the social predominance of economic structures and from that of Max Weber's thesis of the predominance of the specific ideas of a certain group. When he states that there is a correlation between the discourse of a particular form of political organisation and the metaphysical discourse of that epoch, Schmitt seeks to find an intermediate position. In fact, the proposed 'sociology of juridical concepts' can be understood in structuralist and determinist terms.⁸ Because the metaphysical discourse, according to Schmitt, determines the possibility for the conditions of the ideological *acceptance* of a particular form of political organisation, e.g. parliamentary democracy, absolute monarchy, commissary dictatorship and so on.

But let us look more closely at the composition and origins of *Political Theology*. As the subtitle indicates – *Four Chapters on the Concept of Sovereignty* – the book is comprised of four essays on the problem of sovereign power. The first two essays are a critique of Hans Kelsen's normative understanding of pure law; the third one, the most theoretical of the essays, explores the systematic and historical resemblance between theology and law as academic disciplines. Essays one, two and three were first published as a contribution to a *Festschrift* for Max Weber entitled *Sociology of the Concept of Sovereignty*

and Political Theology.⁹ In this contribution Schmitt makes two bold statements for which he later became remembered and of which he himself said that at that time he started to publish books which could be of greater significance and of interest to a wider audience.¹⁰ The opening line of essay one, 'The Definition of Sovereignty', reads: 'Sovereign is the one who makes the decision on the state of exception/emergency.'¹¹ And the third essay, entitled 'Political Theology', opens with the statement: 'All significant concepts of the modern theory of the state are secularised theological concepts.' The tension between the definition of sovereignty and Schmitt's account of secularisation, which he saw as intrinsic to his proposed sociology, is resolved in the concluding fourth essay, which was added later, for the publication of *Political Theology* in 1922. In that fourth essay he gives an account of the political theology of the Catholic Counter-Revolution that was closely related to his short but influential treatise *Roman Catholicism and Political Form* published in 1923.¹² This fourth essay raises the problem of sovereignty again from a specific political and ecclesial angle. It is only possible to understand the nature of the resolution that the fourth essay provides to the tension in the other three if we follow Schmitt's remark, made in *Political Theology II*, on the significance of the thinkers of the Counter-Revolution for the origins of sociology and its underlying normativity.¹³

This is a typical example of the way Schmitt, in his later work, rereads what he wrote earlier. But one has to be careful about identifying political theology just with a 'sociology of juridical concepts' and to appreciate 'political theology' as the name given to a specific evaluation of secularisation. This view of secularisation sees modernity as a process of decay and is deeply informed by a cultural pessimism prevalent among