Carl Schmitt And Political Catholicism: Friend Or Foe?

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CARL SCHMITT AND POLITICAL CATHOLICISM: FRIEND OR FOE?

by

BRIAN J. FOX

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Abstract

CARL SCHMITT AND POLITICAL CATHOLICISM: FRIEND OR FOE?

by

BRIAN J. FOX

Adviser: Professor Richard Wolin

The scholarship on controversial German constitutional lawyer and political theorist Carl Schmitt (1888-1985) has long accepted what can be called a “standard narrative” as regards his intellectual development. This narrative treats Schmitt as, on the whole, a “Catholic” intellectual and “political theologian” until the mid-1920s when he turns decidedly towards a secular decisionism. Commentators frequently point to Schmitt’s non-canonical second marriage in 1926 as the biographically salient factor in dating a turn from an early association with political Catholicism to his later nationalist authoritarianism. This later approach to politics led Schmitt to promote plebiscitary dictatorship in the last years of the Weimar Republic and to then readily accept the National Socialist regime once it came to power.

This dissertation attempts to completely revise the standard narrative, which has functioned as a procrustean force within Schmitt scholarship. Indeed, the assumption of the jurist’s Catholicity prior to becoming alienated from the Church amounts to a red herring, in large measure existing due to the efforts expended in shaping Schmitt’s image after the Second World War both by the long-lived jurist himself as well as on his behalf by his students and friends. By reading Schmitt’s texts within the context of his diaries and letters (most only recently made available) on the one side, and of the general trends in German political Catholicism and intellectual life on the other, a better grounded intellectual biography of Schmitt should emerge.
PREFACE

Carl Schmitt and the Nazi Reich, 1933-36.

After the German parliamentary elections in November of 1932, forming a stable coalition government involving the National Socialist German Workers Party (Nationalsozialistische Deutsche Arbeiterpartei, NSDAP or Nazis for short) proved beyond the capacity of Chancellor Franz von Papen (1879-1969). His December successor, General Kurt von Schleicher (1882-1934), proved equally incapable. During the week of January 22nd, 1933 Schleicher attempted to persuade President Paul von Hindenburg (1847-1934) to declare a public state of emergency and, yet again, disband the Reichstag and stall future elections. He hoped to avoid a vote of no confidence likely to occur when parliament reconvened on the 31st. News of Schleicher’s request leaked and on January 26 Ludwig Kaas (1881-1952) wrote a letter of protest to Hindenburg and Schleicher. Kaas was a Catholic priest, canon lawyer, and Chairman of the politically Catholic and moderate German Center Party (Deutsche Zentrumspartei, or Center for short). In his letter Kaas emphatically writes:

Just as I already strongly expressed myself against the entire relativizing tendencies of Karl Schmitt [sic] and his henchmen towards national law, so I can in this case only give the most forceful warning against resorting to a path whose justification is legally impossible. The suspension of the election date would be an undeniable violation of the constitution . . .

The prelate refers here by name to a professor of constitutional law then at the University of Berlin, Carl Schmitt (1888-1985), who had recently risen to prominence as an advisor to Papen and Schleicher. He is also the subject of this study.

Schmitt had been skeptical of the Republic’s long-term chances for survival from its inauspicious beginning in 1918 on the post-First World War ruins of the Wilhelmine Empire and

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2 Papen was Chancellor from June 1 to November 17, 1932 and Schleicher from December 3, 1932 to January 28, 1933.
concomitant disintegration of German monarchy. A defeated nation, Germany struggled under the punitive burdens placed on it by the Versailles Treaty as well as interventions from the Allied Powers and dictates emanating from the League of Nations in Geneva; all of which impaired the Republic’s sovereign independence. Schmitt’s skepticism was further fed by the continuous threats of social unrest provoked by violent paramilitary factions on both the ideological left and right. Therefore, he long argued that the Weimar Constitution’s Article 48 should be understood as not delimiting the scope by which the President could suspend constitutional guarantees in a time of crisis to restore order. Schmitt advocated plebiscitary presidential rule modelled on what he labelled “commissarial” dictatorship. Such a form of rule was essentially counter-revolutionary, or a conservative (albeit authoritarian) measure through which the President would act beyond the Constitution in response to specific internal and external crises only to restore the preexisting social and political order. Schmitt contrasted commissarial to “sovereign” dictatorship in which the dictator is himself a revolutionary force wholly disconnected from the political and constitutional form of the State as it had existed prior to the crisis. The sovereign dictator, therefore, is radically free to refashion and reconstitute the political order as he sees fit.

Schmitt had been asked as early as 1930 to submit a legal consulting report on presidential rule by emergency decree to then Chancellor Heinrich Brüning (1885-1970) of the Center Party—who happened to lead Weimar’s longest running Cabinet from March 30, 1930 to May 30, 1932.

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3 Carl Schmitt, *Verfassungsrechtliches Gutachten über die Frage, ob der Reichspräsident befugt ist, auf Grund des Art. 48 Abs. 2 RV. Finanzgesetzvertretende Verordnungen zu erlassen* (Berlin: typescript of a report from July 28, 1930).
However, the jurist found Brüning’s party independent successors, Papen and Schleicher (particularly the latter), to be more receptive to his views on sustaining the Republic by authoritarian means.\textsuperscript{5} Admittedly, Schmitt was most concerned with the threat of revolutionary Communism during Weimar, and frequently expressed admiration for Italian Fascism or for the nationalisme intégral (integral nationalism) of French polemicist Charles Maurras (1868-1952). However, he never evidenced a similar admiration in the homegrown National Socialists\textsuperscript{6} prior to their takeover. Schmitt even sought to strengthen the Weimar State by ready participation in Papen’s anti-federalist Preußenschlag (Prussian Coup) of 1932\textsuperscript{7} before advising Schleicher, who was quite interested to frustrate or control the Nazis rather than give them power. However, Hindenburg refused to disband the government and so Schleicher resigned the Chancellorship on January 28, 1933. Schmitt knew of the resignation the day before as his diary records the complaint: “The Hindenburg myth is over. Beastly state. Schleicher resigned, Papen or perhaps [Adolf] Hitler [1889-1945] comes. The old man has gone mad.”\textsuperscript{8} Schmitt’s conservative and authoritarian instincts led him to a deep preference for social and political orderliness and security.

\textsuperscript{5} Brüning and Schleicher: “found they shared a similar distaste for ineffectual parliamentary politics and a desire to see the monarchy restored, but Brüning expressed scruples about the use of authoritarian methods. He was ‘astonished’ when Schleicher pointed out that Article 48 of the constitution provided a legal means of carrying out needed change through a presidential dictatorship.” Quoted from: Helen Lovell Evans, \textit{The German Center Party 1870-1933: A Study in Political Catholicism} (Carbondale, IL: Southern Illinois Press, 1981), 357.


So the rise to power of Hitler, the Nazi Party leader, in the first month of 1933 was initially met with trepidation and concern on Schmitt’s part.\(^9\)

Kaas’ letter of protest first appeared in print on the front page of Berlin’s leading Center Party newspaper, *Germania*, on Sunday January 29, 1933; three days after he wrote it and the day after Schleicher resigned.\(^10\) Schmitt spent the day in a state of agitation after reading the prelate’s criticism. Twice that day he telephoned his friend, Prussian Finance Minister Johannes Popitz (1884-1945), who encouraged him to pen a response.\(^11\) The next morning Schmitt dictated a reply to Kaas (also addressed to others, including Hitler\(^12\)) in which he asserted that he “does not relative State law, but fights against abuse destructive of the State and Constitution.”\(^13\) Leaving home with the letter and stopping in at the Café Kutschera, Schmitt learned that “Hitler had already become Reichs Chancellor and Papen Vice-Chancellor. Excited, pleased, happy. I sent my letter off to Kaas.”\(^14\) This first recorded reaction by Schmitt to the fateful political event of January 30, 1933 is ambiguous, since it is not entirely clear whether “excited, pleased, happy” is meant to characterize Schmitt’s reaction to Hitler’s appointment or the mood of the people in the café and streets.\(^15\)

\(^9\) Schmitt biographer Christian Linder characterizes Schmitt as “deeply depressed” and dismayed that the Prussian takeover and maneuvers of Schleicher and President Hindenburg in his “senility” were going to fail and result in Hitler’s takeover of power. See: Christian Linder, *Der Bahnhof von Finnentrop: Eine Reise ins Carl Schmitt Land* (Berlin: Matthes and Seitz, 2008), 300-4. See also: Gary Ulmen, “Just wars or Just Enemies?” in *Telos*, 109 (Fall 1996), 99-112. Ulmen claims that “Schmitt criticized Hitler at the beginning of the Nazi regime, as reported by one of Schmitt’s Jewish students, who was in Schmitt’s seminar when Hitler took power in January 1933. In private conversations, Ludwig Lachmann has stated that Schmitt expressed his distress at the Nazi victory in his seminar in no uncertain term, which was consistent with Schmitt’s warnings in 1932 allowing any party unfriendly to the constitution the ‘equal chance’ to compete for political power” (ibid., 104n17).


\(^12\) Reinhard Mehring, *Carl Schmitt: Aufsteig und Fall, eine Biographie* (München: Verlag C. H. Beck, 2009), 304.


\(^15\) The least reliable biography of Schmitt is Noack’s. Noack claims that Schmitt lamented in his diary entry of January 29, 1933: “So the old man [Hindenburg] is forced to appoint Hitler” (Noack, *Carl Schmitt*, 160). Then his version of the entry for January 30 quotes Schmitt as having written: “everything was already excited because of Hitler’s appointment as chancellor. I sent my letter to Kaas off with a certain satisfaction” (ibid.). Schmitt’s diary entries for these critical events are now available in Schmitt, *Tagebücher 1930 bis 1934*. The editors specifically criticize Noack’s rendition for having inserted “numerous formulations (conjectures) which are not included in the original” (Wolfgang Schuller and Gerd Giesler, “Editor’s Foreword,” in Schmitt, *Tagebücher 1930 bis 1934*, VII, 2). Their edition
that as it may, Schmitt quickly adapted to the changed state of affairs when it became apparent two months later that Hitler would be the Republic’s last Chancellor.

In the wake of the Reichstag Fire of February 27 and the electoral win of the Nazi Party-led coalition on March 5, complete control of the German State was effectively turned over to Hitler on March 23, 1933 with passage of the Enabling Act. On April 1, Schmitt called this act “a turning point of constitutional significance,” and two weeks later editorialized that it amounted to national revolution. Schmitt’s depiction indicates he understood the Nazi takeover as an instantiation of sovereign dictatorship as opposed to the less radical commissarial form he had long favored for the resolution of Weimar’s social and political crises. However, he had now changed his tune; the editorial was penned for a National Socialist publication, and in addition to acknowledging the Enabling Act as revolutionary, Schmitt also “praises the Nazis for freeing Germany from the clientelistic and parasitic ‘heterogeneous power clumps’ basic to the pluralist party state.” His impatience with what he believed were contradictions implicit to Weimar’s Constitution as well as a belief that social pluralism and liberal parliamentarism had undermined the unitary and sovereign German State eased his rapid transition to support of the new regime. Once the Nazi

transcribes Schmitt’s entries for late January 1933 quite differently than Noack as evidenced in these two quotes. First, Schmitt does not reference Hindenburg being forced to appoint Hitler in his entry for the 29th. Secondly, Noack seems to absorb that crucial sentence fragment “Excited, pleased, happy” into Schmitt’s next statement that he mailed his letter to Kaas. Shuller and Giesler present them as fully separate sentences, not necessarily meant to be read in conjunction. It is possible that Noack added into his rendition of Schmitt’s diary entries some aspects of a later undated document also in the jurists’ archives reprinted as: “Remembering the 30th January, 1933” in Schmitt, Tagebücher 1930 bis 1934, 482.


takeover was a *fait accompli*, to his lasting infamy, Schmitt joined the National Socialist Party in May 1933 and actively supported it until his expulsion—very much against his will—in December 1936.

When Schmitt decided to join the Nazi Party, he did so with enthusiasm and quickly advanced under the patronage of the second most powerful man within the Party, Hermann Göring (1893-1946), as well as from its leading jurist, Hans Frank (1900-46). Both Göring and Frank had admired Schmitt’s work on presidential dictatorship in the last years of Weimar. Through his capacity as head of the National Socialist Jurists’ Association and as President of the Academy of German Law, Frank named Schmitt editor of the leading Nazi law journal, the *Deutsche Juristen-Zeitung* (German Jurists’ Journal) on June 1, 1934. Then, in July, Göring appointed Schmitt the State Counselor for Prussia. Schmitt wasted no time in using his influence and pen in an effort to legally establish and stabilize the new regime by writing a defense of the legality of the Röhm Putsch immediately upon becoming editor of the *Deutsche Juristen-Zeitung*. More commonly known as the “Night of the Long Knives,” the putsch was a series of political assassinations of those people Hitler considered a threat to his consolidation of power, and was carried out from June 30 to July 2, 1934. The murdered included Ernst Röhm (1887-1934) and other leaders of the *Sturmabteilung* (Storm Division, “brownshirts,” or SA), the paramilitary arm of the original Nazi movement, which Hitler presently feared as too independent and a threat to the official German military now at his disposal. He also had many conservative and nationalist political opponents murdered, including Schmitt’s friend, the former Chancellor Schleicher.

While Schmitt did record his concerns over the Nazi takeover in diary entries such as for April 2, 1933, he also recorded excitement at the chance to attend a consultation meeting and press event for Hitler with his friend Johannes Popitz (1884-1945)—who was soon to be appointed the Prussian State and Finance Minister—in entries for April 4th and 6th, 1933. See: Schmitt, *Tagebücher 1930 bis 1934*, 277-9. A doctoral student and then assistant of Schmitt’s at the University of Berlin, Günther Krauss (dates unavailable), claims that in the spring of 1933 his mentor recommended that he join the Nazi Party “so strongly that it was meant as a command” (Günther Krauss, “Erinnerungen an Carl Schmitt – Teil 3: 1933,” in Schmittiana I, ed. by Piet Tommassen [Berlin: Akademie Verlag, 1988], 59).
Schmitt’s academic writings of this period, and that of many of his students, engaged in debate with rival jurists over the correct way to speak of the legal functioning of the Nazi State, as well as formalize and solidify the regime. He reflected on the new political form of the German State emerging after the Enabling Act as a “total state” set to replace the outmoded relic of the nineteenth century, the liberal Rechtstaat (Constitutional State). Schmitt also approved of the new State’s guiding principles of “leadership” (Führerprinzip) and a racial form of nationalism to provide social homogeneity and an identity or unity between the people (Volk) and the State.

Schmitt’s effort on behalf of the Nazi consolidation of power went beyond scholarly debates, and was foreshadowed in a letter he received from philosopher Martin Heidegger (1889-

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Schmitt began to develop his understanding of the total state in the chapter titled “Die Wendung zum totalen Staat,” in Der Hütter der Verfassung (Tübingen: J. C. B. Mohr-Paul Siebeck, 1931). This chapter was also published as a separate essay under the same title in Europäische Revue, 7.4 (April 1931), 241-50, and again in: Carl Schmitt, Positionen und Begriffe im Kampf mit Weimar – Genf – Versalles 1923 – 1939 (Hamburg: Hanseatische Verlagsanstalt, 1940), 146-57. Schmitt’s next treatment of the concept is found in a lecture delivered several times in the fall and winter of 1932-3 and published as “Weiterentwicklung des totalen Staats in Deutschland,” Europäische Revue, 9.2 (February 1933), 65-70. This was also reprinted in Positionen und Begriffe, 185-9, as well as in: Carl Schmitt, Verfassungsrechtliche Aufsätze aus den Jahren 1924 – 1934: Materialien zu einer Verfassungskunde (Berlin: Duncker & Humbolt, 1958), 339-66. The final work on the total state by Schmitt was a lecture given on February 5, 1937 and published as: “Totaler Feind, totaler Krieg, totaler Staat” Völkerbund und Völkerrecht, 4 (1937), 139-45. It was reprinted in Positionen und Begriffe, 235-9, as well as: Carl Schmitt, Frieden oder Pazifismus?: Arbeiten zum Völkerrecht und zur internationalen Politik 1920-1978, ed. by Günter Maschke (Berlin: Duncker & Humbolt, 2005), 481-507. All three of these essays can be found in English in: Carl Schmitt, Four Articles: 1931-1938, ed. and trans. Simona Draghici (Corvallis, OR: Plutarch Press, 1999). An excellent summation of Schmitt’s views on the development of the pejorative “quantitative” to a “qualitative” total state, which he favors, is found in: Muller, Other God That Failed, 210-11.

See especially: Carl Schmitt, Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit (Hamburg: Hanseatische Verlagsanstalt, 1933). This text also appeared in part under the title “Führer als Grundbegriff des nationalsozialistischen Rechts,” Europäische Revue, 9.11 (November 1933), 676-9, and is available in English as State, Movement, People: The Triadic Structure of the Political Unity, ed. and trans. Simona Draghici (Corvallis, OR: Plutarch Press, 2001). See also his: “Reich–Staat–Bund,” lecture given on June 20, 1933 at the University of Köln, available in Positionen und Begriffe, 190-8; an editorial “Das gute Recht der deutschen Revolution,” Westdeutscher Beobachter, 46.166 (April 14, 1933), also in Münchner Neueste Nachrichten, 151 (June 3, 1933); and Fünf Leitsätze für die Rechtspraxis (Berlin: Deutsche Rechts und Wirtschafts-Wissenschaft Verlags-Gesellschaft m. b. H., 1933), which was reprinted in Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933, mit Auszug aus dem Gesetz gegen gefährliche Gewohnheitsverbrecher und über Maßregeln der Sicherung und Besserung vom 24. November 1933, ed. by Arthur Gütt et al. (München: J. F. Lehmanns, 1934), 201-2, as well as published as “Neue Leitsätze für die Rechtspraxis,” Juristische Wochenschrift, 42.50 (December 16, 1933), 2793-4, and Deutsches Recht, 3 (1933), 201-2, and finally as “Das Jahr des Rechts” Sonntag-Morgen (January 7, 1934), 3.
1976) in August 1933. Schmitt had sent Heidegger a copy of the second edition of his book, *The Concept of the Political,* and the philosopher’s thank you note expresses the hope the jurist will lend him his: “decisive cooperation when it comes to reconstituting the Law Faculty [of the University of Freiburg] as a whole from within in accordance with its scientific and educational program.”

Schmitt did indeed engage in practical efforts at normalizing the Nazi regime such as Heidegger mentions. For, in 1935 Schmitt lectured and published in defense of the Nuremberg Laws on racially classifying Jews and denying German citizenship to all non-“Aryans.” Then, in October 1936, the jurist organized a conference for the National Socialist Lawyers’ Association in which the participants discussed eradication of the “Jewish Spirit” from German jurisprudence.

Despite these efforts in support of the regime Schmitt was ultimately looked on with suspicion by the methodically paranoid elements tasked with the internal security of the Nazi Party and Germany’s developing *Führerstaat,* namely, the *Schutzstaffel* (Protection Squad, or SS). Under the direction of Heinrich Himmler (1900-45) the SS had grown from a small paramilitary unit for the security of Hitler to control, by 1936, the entirety of Nazi Germany’s police forces and security services, both internal and State. Schmitt’s pre-1933 associations (including friendships with Jews), his lack of any expressed National Socialist ideological sympathies or efforts on behalf of the Nazi Party before joining them, as well as having been widely considered a supporter of “political Catholicism” and the Center Party, opened him up to the machinations of competitors seeking

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advancement within the Nazi legal profession. Such competitors included Reinhard Höhn (1904-2000) and Otto Koellreutter (1883-1972) and they successfully fed the SS’s paranoid suspicions.\(^27\) As a result, in December of 1936 Schmitt was denounced as an “opportunist Catholic rooted in a Hegelian concept of the state” in a leading SS publication and quickly driven from the Party and his post as editor of *Deutsche Juristen-Zeitung*, although he retained his professorship and (largely) symbolic role as a Prussian councilor.\(^28\)

Impact of Schmitt’s Nazism on Scholarly Exegesis.

Schmitt’s period of Nazi involvement gives rise to a number of possible methodological pitfalls when analyzing his early works, the primary one of which is an *a priori* reductivism to one or the other of apologetics or prosecution. Closely associated with such polemics is the temptation to a synchronic or artificially teleological approach to the interpretation of Schmitt’s life and thought. If one seeks a possibly more familiar point of comparison, the situation for Schmitt scholarship is much the same as that on Heidegger.\(^29\) Like with Heidegger, the constrictive dangers

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\(^{29}\) Although Heidegger student Karl Löwith (1897-1973) may deserve the credit for first addressing the relationship between Heidegger’s thought and Nazism in his book *Heidegger: Denker in dürftiger Zeit* (Göttingen: Vandenhoek & Ruprecht, 1960), the cottage industry that has arisen in the last few decades was primarily spurred on by the
of apology or polemic can be encountered within the three most common explanations for Schmitt’s support of Nazism: as “opportunism”; “an episodic aberration”; or “a logical culmination of a pre-Fascist trajectory.”

Scholars more inclined to defend or apologize for Schmitt’s Nazi collaboration gravitate towards the first two explanations above. They are greatly aided by the fact that the jurist’s most productive intellectual period pre-dates 1933 and largely coincides with the Weimar Era. Schmitt was forty-four years old at the time he joined the Nazi Party, a time when Hitler’s seizure of the German State had already occurred. The large influx of new applicants accepted into the Nazi Party in May of 1933 were “strewn no palm leaves,” and Hitler “once spoke of ‘the not particularly respected vintage 1933 in the movement’” to indicate the suspected opportunism of such Johnny-come-latelies. However, a point, which has come to be overwhelmingly accepted—and lends credence to the third explanation for his Nazism—is that Schmitt held strongly anti-Semitic views his entire life. The evidence of his racism has been the biggest factor in reducing the appearance of strong apologias on Schmitt’s behalf in recent years since it clearly makes the Nazi ideology seem less innately repugnant to scholarly perception of the jurist’s character and beliefs. The explanations of “opportunism,” or “aberration,” are now more typically accepted by those not publication in France of Victor Farias’s Heidegger et le nazisme, trans. Myriam Benarroch and Jean-Baptiste Grasset (Paris: Verdier, 1987). Other major titles in this discussion include: Richard Wolin, The Politics of Being: The Political Thought of Martin Heidegger (New York: Columbia University Press, 1990); Richard Wolin, ed., The Heidegger Controversy: A Critical Reader (Cambridge: The MIT Press, 1990); and Emmanuel Faye, Heidegger, l’Introduction du Nazisme dans la Philosophie: Autor des Séminaires inédits de 1933-1935 (Paris: Albin Michel, 2005). With the first volumes of Heidegger’s “Black Notebooks” recently being published it seems that l’affaire Heidegger will not run its course for some time yet to come. Yet, it is noteworthy that the active public service in support of the Nazi regime lasted for roughly a third of the length of time in the case of Heidegger as it did for Schmitt.


Krauss, “Erinnerungen an Carl Schmitt,” 59. Schmitt’s membership in the party is dated as May 1, which matches that of three of his friends employed as professors at Braunsberg’s State Academy. These colleagues include the “brown-priests” Hans Barion (1899-1973) and Karl Eschweiler (1886-1936) as well as Church historian Joseph Lortz (1887-1975). Although it is possible that they all entered the Nazi Party on that exact date as a form of protest against the Communists, Krauss indicates that due to the high volume of new applications in the month all membership cards issued were by default dated to the 1st.

His anti-Semitism has been quite decisively catalogued in Gross, Carl Schmitt and the Jews, 68-76.
looking to apologize for or defend Schmitt as much as seeking to bracket off his Nazi collaboration in their interest in reviewing, debating, or even appropriating specific ideas or texts. This is most frequently the case for academics interested in critically discussing political liberalism, whether from a perspective of the right or left.\(^{33}\)

The third option appeals to the harshest critics of Schmitt who are inclined to see any utilization of his thought as the adoption of “fruit of a poisoned tree.”\(^{34}\) However, it is easy to see the philosophical danger of an artificial teleology if one takes too doctrinaire a judgmental approach to Schmitt. Biography might seem to be destiny from the \textit{a posteriori} perspective of historical hindsight; but if one holds to some version of philosophical anthropology that accepts the freedom of human will and judgment (whether of a compatibilist or libertarian sort) history becomes more open. The human person as historical agent is site of the interplay and confluence from one direction of contingency and deliberate choice; while from the other direction arrives necessity and constraint both internal (habitual) and external to the agent.

For the purposes of this study I wish to be understood as attempting to split the difference. Like his critics, I favor the view that Schmitt’s Nazi involvement was a “logical” outcome of the manner in which his thought and personality developed through the Wilhelmine and Weimar eras. However, I by no means believe that the outcome was “necessary” given my subscription to a compatibilist philosophical anthropology. Therefore, I am not persuaded by the harshest critics of Schmitt.


Schmitt that one cannot, if so inclined, engage in a decontextualized analysis, or even an appropriation, of the jurist’s views. In a letter of 1930, Schmitt’s friend, the conservative nationalist novelist Ernst Jünger (1895-1998) described Schmitt’s thought—specifically in *The Concept of the Political*—as a “mine that explodes silently.” This is an apt description and one that I believe can be applied to his works more generally. Despite its applicability, however, it does not follow that to enter the “minefield” of Schmitt’s thought and life is to necessarily invite the same warning Dante found inscribed over the gates of Hell.

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INTRODUCTION.

The Standard Narrative in Schmitt Scholarship

“If I had not known that [Carl Schmitt] was Catholic, he would have probably not seemed to be such to me.”—Armin Mohler.

German legal and political theorist Carl Schmitt’s (1888-1985) thought holds a great deal of interest to scholars in multiple academic disciplines, both in itself and in context, as his career spanned the most tumultuous decades of German history. The ill-repute Schmitt garnered by his collaboration with the Third Reich from 1933-36 has, however, necessarily cast a long shadow backwards and forwards over the entirety of his life and work. Scholars in all disciplines are forced to tackle the origins of his thought and personal background to an extent usually typical only for intellectual historians. Unfortunately, there long existed a negligible amount of contemporaneous primary source material beyond Schmitt’s published writings from which scholars could shape an understanding of his intellectual formation pre-1933. The first three substantial Schmitt biographies all reflect this dearth. While Aristotle may not have been entirely correct that nature abhors a void, historical scholarship typically does. It was thus unsurprising for scholars to combine claims from Schmitt’s postwar autobiographical recollections with an extrapolation from the larger social, regional, and confessional milieu from which he emerged into what I call the “standard narrative.” This narrative fills in the vacuum of Schmitt’s early years and intellectual development with a presumption of his Catholicity. It presents Schmitt as a “Catholic intellectual,” even a proponent of “political Catholicism” until the later Weimar years.

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37 Bendersky, Theorist for the Reich; Noack, Carl Schmitt; and Andreas Koenen, Der Fall Carl Schmitt: sein Aufstieg zum “Kronjuristen des Dritten Reiches” (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995).
38 For example, political scientist Ellen Kennedy holds to the standard narrative when she claims: “In the first years of the Weimar Republic Carl Schmitt was closely identified with political Catholicism” (Ellen Kennedy, “Introduction: Carl Schmitt’s Parlamentarismus in Its Historical Context,” to The Crisis of Parliamentary Democracy, by Carl
The standard narrative runs through the greater portion of secondary scholarship on Schmitt as there is broad agreement—despite numerous individual variations—that confessional and theological considerations are decisive for coming to terms with, at least, Schmitt’s first several decades of intellectual development and work, if not his entire oeuvre. The primary objective of my study is to undermine this narrative by constructing what I believe to be a more accurate, and hopefully illuminating, intellectual and historical counter-portrait of Schmitt as a secular-minded and decidedly modern political theorist. I contend that Schmitt in the Wilhelmine and Weimar eras was motivated neither by personally held Catholic beliefs, nor even particularly concerned with appearing to be a Catholic intellectual. Therefore, a quick review is in order of the manner in which the standard narrative features in the first Schmitt intellectual biography—and for twenty-six years the best—political scientist Joseph Bendersky’s *Carl Schmitt: Theorist for the Reich*.

*Theorist for the Reich* and the Standard Narrative

*Theorist for the Reich* was published in 1983—two years before the controversial jurist’s death39, and has aged remarkably well. Even today it is likely the biographical source most frequently cited in English language Schmitt scholarship. Since it was only arguably overtaken for pride of place amongst Schmitt biographies in 2009 when Reinhard Mehring’s *Carl Schmitt: Aufstieg und Fall* first appeared, *Theorist for the Reich* is likely the most influential single source for promulgating the standard narrative. Bendersky structured *Theorist for the Reich* around the historically contextual placement of Schmitt’s political and legal thought and quite properly

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39 It surely was a most daunting task to write an objective and rigorous biography of a subject who was yet alive, especially one as problematic as Schmitt, and Bendersky deserves great credit for his scholarly achievement.

40 Mehring, *Aufstieg und Fall*. 
emphasizes his subject as first and foremost a German academic jurist. He depicts Schmitt as a significant and presumptively sincere Catholic intellectual through the early years of the Weimar Republic based on evidences culled from three basic directions: Schmitt’s personal background as a Catholic Rhinelander; his Weimar connections to Catholic intellectuals, publishers, academics, and Center Party politicians or activists; and the presence in his early writings of some concepts and terms borrowed from theology as well as direct references to Catholic thinkers.

On his family background Bendersky stretches into a reasonable presumption of Schmitt’s Catholicity a number of raw facts known to scholars at the time. These facts include: Schmitt’s father was a lifelong supporter of the Center Party; the jurist had three great uncle priests who lived through Bismarck’s Kulturkampf; his mother desired her eldest son become a priest; he always identified himself with his Rhenish and more specifically Franco-German heritage from the Moselle region.41 Bendersky also accepted Schmitt’s postwar recollection that he had navigating the secularizing influences of early twentieth century German education “with his faith undaunted and he never lost his deeply rooted aversion to materialistic philosophies.”42 Counter-evidence to Schmitt’s presumptive Catholicity during these years is primarily understood, by Bendersky, as tactful accommodation to Wilhelmine Prussia’s Protestant-dominated political and academic realities. In Chapter Two of this study it will be argued that problems exist for all of the above assumptions.

41 Bendersky, Theorist for the Reich, 4-6.
42 Ibid., 7. This view is echoed by Koenen who treats Schmitt as having moved from out of the “Catholic diaspora” into the exposure of “liberal-Protestant Prussian dominated institution[s]” (Der Fall Carl Schmitt, 31) with faith intact. After Theorist for the Reich, Koenen’s Der Fall Carl Schmitt was the next most influential work of Schmitt scholarship in giving subsequent commentators the impression that Schmitt fit smoothly both by effort and belief in his contemporary Catholic intellectual milieu. Noack’s biography is the least influential of the three earliest biographies of Schmitt but he likewise claims that Schmitt’s “life remained conspicuous in its Catholicity” (Carl Schmitt, 16). Perhaps Noack’s most influential view in this regard is that he recognizes Schmitt’s “admiration for [the Church’s] political sophistication and institutional dignity” and that the jurist “transferred this admiration to other institutions” (Carl Schmitt, 16-17). Kam Shapiro follows Noack on misinterpreting Schmitt’s interest in institutionalism as a product of his Catholicism rather than as derivative of his secular and modern concerns in Intensification of Politics.
Bendersky expertly sets the stage for Schmitt’s Weimar-era thought by contextualizing it within the jurist’s first-hand experience of the social and political turmoil involved from the outset of the fledgling Republic. The impact on Germany of its military defeat, the subsequent burdens of the Versailles Treaty, and its shaky transition from imperial monarchy to republic, made Schmitt skeptical and deeply concerned for Weimar’s political prospects. However, Bendersky concludes that Schmitt accepted the Weimar Republic largely because of the involvement in its creation and governance by a Catholic political party, the Center:

When the Weimar constitution went into effect on August 11, 1919, Schmitt was faced with the crucial decision of accepting the republic or remaining in opposition. Unlike the rootless political romantics, however, Schmitt had a guide in the Catholic Church—the embodiment of tradition and enduring values—which historically had served as a haven in the midst of chaos and change. The Catholic Center Party, which had been an active participant in the formation of the republic, supported the new constitution. And Schmitt found the Catholic involvement in the development of the new order encouraging. The Center Party might serve as a bulwark against more radical trends, particularly those associated with Bolshevism, which could lead into unknown spheres of political experimentation. While not dispelling Schmitt’s fears about Germany’s political future, Catholic participation did help to make the republic more palatable to him.  

Bendersky does not cite a source for the above claim but identifies Schmitt with German political Catholicism of the Twenties based primarily on the jurist’s connections within the milieu. He also makes use of Schmitt’s postwar autobiographical claims made in interviews, especially a radio interview from the early Seventies. This interview leads Bendersky to claim that while a professor at the University of Bonn (1922-26), “if [Schmitt] displayed any political partisanship at this stage in...

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1 Bendersky, *Theorist for the Reich*, 27.
2 Kennedy makes use of Bendersky’s depiction of Schmitt as frequent contributor to Weimar Catholic publications in “Introduction” to *Crisis*, by Schmitt, xiv and xlii.4 Kennedy’s later work *Constitutional Failure*, puts to one side considerations of Schmitt’s “Catholic” or theological thought to focus on his specific temporal political and legal concerns since he was primarily a jurist. This is a common, and valid, approach for a political theorist, however, by trying to tie together the entire scope of Schmitt’s political thought by jumping from one text to another (often written decades apart) and thus generally decontextualizing his works she does little to reform the flawed standard narrative. In fact, she says Schmitt “could accurately be described as a latter-day counterrevolutionary who wished that Rome and its church could return a world based on the values of European Christendom” (Ibid., 176); or again: “That Schmitt remained a devout believer throughout his life is indisputable; so too are the many explicit (and hidden) Catholic and Christian references in his work. His interest in, and commitment to, Roman Catholicism is obvious in many of his early works” which she then lists as *Theodor Däublers Nordlicht* (1916); “Die Sichtbarkeit der Kirche” (1917); and *Römischer Katholizismus und Politische Form* (1923) (Ibid., 182 and 235n113).
his life it was for the Catholic cause.” Over the course of the greater bulk of this study I will argue against the identification of Schmitt with political Catholicism or the general Catholic intellectual milieu of Weimar.

Bendersky also believed that Catholicism had a deep influence on Schmitt’s political and legal thought. First, Schmitt’s “tendency to view politics in terms of friend and enemy was no doubt greatly influenced by his youthful identity as part of a minority caught in a confessional struggle.” Here, the biographer assumes the experience of having been a Catholic in Protestant Prussia in the decades just after the Kulturkampf indelibly shaped the jurist’s thought. Secondly, the standard narrative is made plausible by its apparent fit with a number of Schmitt’s Wilhelmine and Weimar books. Schmitt published three books on legal theory before the First World War which are commonly read as reflecting a youthful neo-Kantianism and anti-positivism, or at least a generally “normative” approach to the law compatible with an ethically and intellectually rigorous Catholic worldview. Bendersky postulates:

Neo-Kantianism offered Schmitt a means of synthesizing the dichotomous sympathies he felt as a German nationalist and as a Catholic. The dictates of universal moral principles could be reconciled with the authority of the state; morality and power, religious conviction and nationalism, could be harmoniously integrated. It is not surprising therefore that neo-Kantian thought pervaded his early works.

Furthermore, Bendersky suspected that Schmitt’s lifelong dedication to hierarchical authority and anti-individualism, which is already present in these early works, is Catholic in inspiration. Such views were commonly accepted amongst both Catholic and non-Catholic German conservatives—particularly of the mandarin class Schmitt sought to join—so it is not illogical for Bendersky to identify the source as Catholic rather than secular-conservative, although I will make the case in Chapter Two that the latter source fits the evidence better.

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Bendersky, *Theorist for the Reich*, 48. Historian Paul Edward Gottfried relies on *Theorist for the Reich* to an extent for biographical details on Schmitt, however, he correctly suspected that Bendersky stresses too much the extent to which Schmitt was a Catholic intellectual or a supporter of Center politics in *Politics and Theory*.

Ibid., 6.

Ibid., 10.

Ibid., 12-13.
Schmitt wrote eight major books in the Weimar era and it is certainly the case that several of them can fit a constrained—I will ultimately argue superficial—narrative of Catholicity, including: 1919’s *Political Romanticism* with its defense of Catholicism as “classical” against the charge of being “romantic”; 1922’s *Political Theology* and its defense and appropriation of nineteenth century Catholic counter-revolutionary thought; and, especially, 1923’s *Roman Catholicism and Political Form,* which treats in passing the Church as representing and safeguarding European civilization as a bulwark against communist Russia. *Political Form* truly was the “single work [from which] Schmitt had acquired a reputation as a Catholic publicist” both then, and since. For Bendersky, it is also the primary evidence of his claim that Schmitt “would defend the Catholic cause into the mid-1920’s” since he reads it as, “nothing less than a reaffirmation of [Schmitt’s] allegiance to the Church.” Thus, when Schmitt makes a reference to Catholicism or theology in his early works, commentators frequently believe it to spring from a confessional allegiance and Catholic roots. In the case of the afore-mentioned texts I will argue for their fundamental secularity and distinct lack of Catholicity in Chapters Four through Six.

Although *Theorist for the Reich* is an important source of the standard narrative, it also has had a positive influence on scholarly recognition of the temporal specificity of treating Schmitt as some form of “Catholic” intellectual. Bendersky, and the bulk of commentators after him, recognize a definite shift, or even break, away from Catholicism within the jurist’s works towards decisionism, nationalism, and authoritarianism in his later Weimar writings. Bendersky believes

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21 Hereafter referred to as simply *Political Form* in order to emphasize its true subject matter.
22 Bendersky, *Theorist for the Reich,* 50.
23 Ibid., 5.
24 Ibid., 48.
25 For example, when Klaus Kröger reflects upon *Political Form* in 1988 he naturally found it “notable that Schmitt himself came from a German Catholicism in which he of course knew the great social encyclicals of Leo XIII, a German Catholicism which had won the Kulturkampf not only in the form of the Center Party but as a significant influence.” See: Klaus Kröger, “Bemerkungen zu Carl Schmitts ‘Römischer Katholizismus und politische Form,’” in Complexio Oppositorum: Über Carl Schmitt, ed. Helmut Quaritsch (Berlin: Duncker & Humblot, 1988), 171. Kam Shapiro believes the bare fact of references made to “metaphysics” in Schmitt’s Weimar works is enough to characterize them as from a “Catholic period” in *Intensification of Politics,* 21.
he can exactly date the change in Schmitt’s thought to the Winter Semester of 1925-26 at the University of Bonn. It was then that Schmitt held a seminar on “Political Philosophy” in which he first developed the friend-enemy thesis expounded in The Concept of the Political. Overall, the consensus view on the contextual dating of Schmitt’s alienation from Catholicism differs only slightly from Bendersky’s. Scholars most typically point to the jurist’s civil marriage to Dušanka Todorović (1903-50) on May 5, 1926, given Schmitt incurred latae sententia excommunication from the Church by failure to first have his earlier sacramental marriage to Pauline “Cari” Dorotić (1883-1968) declared canonically null. There is, however, general agreement with political theorist and intellectual historian Paul Gottfried’s assessment that, “[b]y the mid-twenties . . .

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18 Bendersky, Theorist for the Reich, 88. The Concept of the Political was originally a lecture given on May 10, 1927 at the Deutschen Hochschule für Politik in Berlin. It was first published as an essay in Archiv für Sozialwissenschaft und Sozialpolitik, 58.1 (September 1927), 1-33; that venerable journal in which Weber’s classic The Protestant Ethic and the Spirit of Capitalism appeared in two parts over 1904-5. This first version of The Concept of the Political was reprinted with essays from Hermann Heller, Max Hildebert Boehm, Ernst Michel and Fritz Berber in Probleme der Demokratie for the series “Politische Wissenschaft—Schriftenreihe der Deutschen Hochschule für Politik und des Instituts für Auswärtige Politik in Hamburg,” 5 (Berlin-Grunewald: Walther Rothschild, 1928), 1-34. Additionally, the fifth part was published as a separate article in Germania, 186 (April 21, 1928). It was finally published in book form as Der Begriff des Politischen. Mit einer Rede über das Zeitalter der Neutralisierungen und Entpolitisierungen, (München/Leipzig: Duncker & Humblot, 1932) [given as publication year despite actually appearing in November 1931]). This revised presentation included an afterword from October 1931 as well as the essay “Das Zeitalter der Neutralisierungen und Entpolitisierungen” (66-81). This essay was originally a lecture under the title “Die europäische Kultur im Zwischenstadium der Neutralisierung” given on October 12, 1929 at a meeting of the Association for Cultural Cooperation held in Barcelona and published as an article in Europäische Revue, 5.8 (November 1929), 517-30. The second revised edition of the book did not include the conference text and so was simply titled Der Begriff des Politischen, (Hamburg: Hanseatische Verlagsanstalt, 1933). All editions since the fifth follow the 1932 edition in order to excise those elements inserted in the 1933 edition which were most amenable to Nazism. Additionally these later editions cobbled together selections from several other Schmitt writings as corollaries. The details are as follows: fifth edition titled Der Begriff des Politischen. Text von 1932 mit einem Vorwort und drei Corollarien, (Berlin: Duncker & Humblot, 1963), foreword from March 1963. The three corollaries are: “Übersicht über die verschiedenen Bedeutungen und Funktionen des Begriffes der innerpolitischen Neutralität des Staates,” 97-101, an excerpt from Der Hüter der Verfassung (1931); “Über das Verhältnis der Begriffe Krieg und Feind,” 102-41, a revised and expanded version of his essay “Inter pacem et bellum nihil medium,” from Zeitschrift der Akademie für Deutsches Recht, 6.18 (October 1, 1939), 394-5; and “Übersicht über nicht staatsbezogene Möglichkeiten und Elemente des Völkerrechts,” 112-15, excerpted from pages 183-5 of Schmitt’s Der Nomes der Erde im Völkerrecht des Jus Publicum Europaeum (Köln: Greven, 1950). Finally, a fragmentary note on Hobbes from Schmitt’s participation in a 1960 Ebracher Seminar is appended in these later editions.

19 This form of excommunication is one in which the penalty is inherent in and occurs directly from the act itself.

20 The Schmitt-friendly participants of the twenty-eighth Special Seminar of the Hochschule für Verwaltungswissenschaften Speyer from 1986 also agree that Schmitt’s alienation from Catholicism occurred in late Weimar and was of a “personal” nature, an oblique reference to his excommunication. The lectures and discussions from this seminar are available as Complexio Oppositorum: Über Carl Schmitt, ed. Helmut Quaritsch (Berlin: Duncker & Humblot, 1988), here at 171. To list but a few more examples of the many who agree, see: Balakrishnan, Enemy, 62-3; Jan-Werner Müller, A Dangerous Mind: Carl Schmitt in Post-War European Thought (New Haven, CT: Yale University Press, 2003), 19; Shapiro, Intensification of Politics, 40.
Schmitt no longer concerned himself with the question of Catholic orthodoxy.” As another prominent Schmitt scholar, political scientist John P. McCormick, put it: “The moral authority of Roman Catholicism disappears altogether; indeed, Schmitt formulates a definition of politics explicitly and radically divorced from both morality and theology.” Over the course of this study I will present the case that while Schmitt did indeed drop most of the “Catholic” or theological language of his early works from his later Weimar ones this does not actually mark a distinct shift as regards the most basic premises of his political thought. Rather, my contention is the “Catholic” references and language of his early works are of superficial interest, and act as a red herring, which has long hindered scholarly treatments of Schmitt’s intellectual development and views. The jurist was far more a wolf in sheep’s clothing amongst Weimar’s Catholic intellectual milieu.

The above critical summary notwithstanding, I have great respect for the scholarly integrity and uniform excellence of Bendersky’s body of work on Schmitt. In fact, he deserves particular praise on at least two points especially relevant for this study. First, since I am engaged in a work of intellectual history and proceed diachronically, I share his concern for adequate and accurate periodization of Schmitt’s thought and actions. Secondly, he is a strong critic of a major change of direction in Schmitt scholarship which I consider to be an updated, yet inferior, offshoot of the older standard narrative focused on in this study. The change of emphasis is referred to as the “theological twist” in Schmitt scholarship, as it deals with Schmitt’s religiosity, and will be discussed in more detail below. By utilizing Theorist for the Reich to introduce the narrative I seek to upend I do not thereby intend to reject Bendersky’s excellent study as a whole, or cast aspersions its way. Indeed, the creation of a Straw Man argument is a very real and present danger for my thesis that a flawed “standard narrative” has too much influence over Schmitt scholarship. It therefore

behooves me to lay stress upon how eminently reasonable the growth of this narrative was in the postwar era.

Postwar Origins of the Standard Narrative

As mentioned above, the most decisive force in shaping the standard narrative was the lack of primary resources. The dearth of source material on Schmitt’s early life long existed for two reasons. First, Schmitt’s unpublished material, his Nachlass, has been effaced of a good bit of material dealing with his Nazi years (1933-36) and related to his first marriage (1915-22). Relatedly, as Bendersky noted, Schmitt was simply reticent about a good deal of his past. Secondly, and more consequently, Schmitt wrote his Nachlass in a unique style of shorthand. Johann Schmitt (1853-1945) taught a form known as “Gabelsberger” to his son, but it was already old-fashioned when he had learned it in the mid-nineteenth century. According to one editor of his diaries, Schmitt further personalized this shorthand to such an extent, there is, effectively, only a single person in Germany with the requisite knowledge to transcribe them. Thus, study in Schmitt’s archives has been extremely difficult for scholars and the publication of his Nachlass is a slow and tedious process that has only begun since 2000 to generate volumes from his early years.

Schmitt was extremely long-lived, dying three months shy of his ninety-seventh birthday on April 7, 1985. After being banned from teaching, as part of the de-Nazification process at the conclusion of the Second World War, he returned to his hometown of Plettenberg in exile. The jurist had significant financial concerns after the war since he was not able to secure a pension

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60 Mehring, Aufsteig und Fall, 16.
61 Bendersky, Theorist for the Reich, 44. This was especially true as regarded his first marriage since he made an effort to erase any reference to Pauline “Cari” Dorotić (1883-1968) from his archives—not even a single photograph of her exists—and in later life would refer to her simply as “the Woman.” See Mehring, Aufsteig und Fall, 16.
based on his professorial career until 1952 and his chances to publish were also greatly reduced. Schmitt even seriously considered emigration to Argentina to join a close friend, William Gueydan “de” Roussel (1908-unavailable) who had fled there to avoid imprisonment for his part in the Nazi collaborationist Vichy regime of France. During these lean years Schmitt was sustained primarily by the Academia Moralis, an organization formed by friends, which operated in secret as a private charity for his benefit. In such an inauspicious personal context it is not too surprising that, as historian Jerry Z. Muller noticed:

In the four decades after the fall of the Third Reich, [Schmitt] devoted a good deal of his time and energy to rewriting his past, as he tried to convince first Allied investigators and then journalists and historians that he had been intellectually and politically distant from National Socialism before and after 1933.

His infamy and ban from teaching exacerbated the mundane problem Aristotle warns us to remember, “every one, almost, is the worst judge in his own causes.” Therefore, after the lack of primary sources, the next most significant cause of the formation of the standard narrative was the concerted effort by Schmitt and his protégés to control his image and reshape his past after the Second World War.

64 Mehring, *Aufstieg und Fall*, 488. Gueydan “de” [he added this article to fake noble lineage] Roussel studied in Berlin in the middle 1930’s and published a French translation of Schmitt’s *Legality and Legitimacy* in 1936, of *The Concept of the Political* in 1942, along with other essays. He was friends with Schmitt since 1933 and wrote a dissertation, that reflects the jurists’ influence, on the development of a strong presidency in Germany from 1918-33. During the war Gueydan was the secretary (and possibly the lover) of Bernard Faÿ (1893-1978); the French historian tasked with collating and investigating the names of French Freemasons in an effort to single them out as the primary internal enemy by the Vichy government of Marshall Philippe Pétain (1856-1951). See: Barbara Will, *Unlikely Collaboration: Gertrude Stein, Bernard Faÿ, and the Vichy Dilemma* (New York: Columbia University Press, 2011), 250n101. Gueydan also did his part in trying to support the standard narrative of Schmitt as a Catholic by declaring him “the greatest Catholic philosopher of the twentieth century” (William Gueydan de Roussel, “Carl Schmitt, philosophe catholique et confesseur,” in *Schmittiana III*, ed. Piet Tommissen [Berlin: Akademie Verlag, 1991], 57). His reminiscences on his friend were originally published in Spanish as “Carl Schmitt: Filosofo católico y confesor” *Gladius*, 5.15 (August 15, 1989), 167-72.
65 Mehring, *Aufstieg und Fall*, 497.
66 Jerry Z. Muller, “The Radical Conservative Critique of Liberal Democracy in Weimar Germany: Hans Freyer and Carl Schmitt,” in *The Intellectual Revolt Against Liberal Democracy, 1870-1945: International Conference in Memory of Jacob L. Talmon*, ed. Zeev Sternhell (Jerusalem: Israel Academy of Sciences and Humanities, 1996), 193. Schmitt’s efforts at rehabilitation have less to do with the “dynamics of disillusionment” that Muller finds in the writings of Schmitt’s friend Hans Freyer (1887-1969) once the latter came to believe the Nazi Reich was failing to live up to his expectations in the mid-1930s. See: Muller, *Other God That Failed*. Schmitt did retain his friendship with Freyer and even wrote an article to honor the sociologist-philosopher on his seventieth birthday: Carl Schmitt, “Die andere Hegel-Linie. Hans Freyer zum 70. Geburtstag,” *Christ und Welt*, 10.30 (July 25, 1957), 2.
67 Aristotle, *Politics*, Book III, Chapter IX.
On his own behalf Schmitt entertained and cultivated protégés who would visit him in Plettenberg. He also participated in his former student Ernst Forsthoff’s (1902-74) “informal seminars held over several decades in Ebrach” as well as similar ones in Münster." Additionally, he stressed his Catholic heritage in an apologia he published, as well as in a number of interviews, and an autobiographical vignette left for his bibliographer." Finally, he attempted to connect with numerous intellectuals who had come through the Third Reich untainted, in the hopes they could assist in the rehabilitation of his public persona as well as help him find outlets for publishing translations of his books. He had limited success in this last attempt, being primarily rebuffed by

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Matthew G. Specter, Habermas: An Intellectual Biography (New York: Cambridge University Press, 2010), 48. Forsthoff was a doctoral student in law under Schmitt at the University of Bonn in the early 1920’s and was habilitated at the University of Freiburg in 1933. He was a “member of the Deutschnationale Jugendbund during the 1920s” (Muller, Other God that Failed, 211) and at the end of Weimar was deeply involved with purveyors of extreme German nationalism such as the journal Der Ring, which was deeply influenced by the political views of historian Arthur Möller von den Bruck (1876-1925), and then the Deutsches Volkstum of the Hanseatische Verlagsanstalt. In 1933 Forsthoff defended the concept of the Führerprinzip as well as Schmitt’s views for legally establishing the Third Reich as a “total state” in an infamous work of that same name. After the war Forsthoff was allowed to return to teaching public law at the University of Heidelberg in 1951 after earlier being forced out of political administration by the occupying Americans. For more detail, see: Muller, Other God that Failed, 211-12; as well as, Stefan Breuer, Carl Schmitt im Kontext: Intellekteullenpolitik in der Weimarer Republik (Berlin: Akademie Verlag, 2012), especially chapters VII and VII, 173-232.

the likes of neo-Thomist Catholic philosopher Jacques Maritain (1882-1973)\textsuperscript{50} and Christian political philosopher Eric Voegelin (1901-85).\textsuperscript{71} His greatest success was with the Jesuit theologian Erich Przywara (1889-1972).

Przywara established himself as one of the greatest Catholic minds in philosophy and theology during the Weimar era. Famed Protestant theologian Karl Barth (1886-1968) believed

\textsuperscript{50} In the 1920’s Schmitt had “close contact” with Maritain (Mehring, \textit{Aufsteig und Fall}, 144); although the contact was primarily due to a mutual friend, Pierre Linn (dates unavailable), the translator of Schmitt’s \textit{Political Romanticism} into a French edition of 1928. After the Second World War Schmitt found that neither Linn nor Maritain would reestablish contact with him and his reaction exhibits some of the darkest but enduring aspects of his character, such as: anti-Semitism; deep and grudging bitterness; and a lack of remorse. All are on display in Schmitt’s letters to his friend Gueydan “de” Roussel in which he blames without any evidence the “Jewish” Raissa Maritain (1883-1960), wife of Jacques, for the fact that neither the philosopher—who he now characterizes as a “wicked and noxious man”—nor Pierre Linn will renew contact and correspondence with him (ibid., 56-7). In one letter blaming Raisa Schmitt even characterizes her as exploiting the French Catholic novelist Léon Bloy (1846-1917) for propagandistic purposes (ibid.). Tommissen points out that Schmitt had apparently read the first volume of Raisa’s autobiographical chronicles of the early twentieth century French Catholic revival, \textit{Les Grandes Amitiés} (Paris: Desclée de Brouwer, 1941), which goes into detail on Jacques and her friendship with Bloy and ends with the novelist’s death. Bloy had authored a book, \textit{Le Salut par les Juifs} (\textit{Salvation through the Jews}) which was pivotal in the conversion of Raissa from atheism. It is quite possible that Raisa’s personal story of conversion which strongly identified with the Jewish Christ was anathema to Schmitt’s Gnostic anti-Jewish interpretation of Christianity, which shall be discussed in Chapter Two. Despite Schmitt’s bitterness towards them, the Maritain’s case for beatification as paradigm of a holy marriage is currently under consideration by the Church.

\textsuperscript{71} Voegelin’s two letters to Schmitt definitely suggest the jurist sought assistance in getting his writings published in English. They are found in: Eric Voegelin, \textit{The Collected Works of Eric Voegelin, Volume 30: Selected Correspondence 1950-1984}, ed. Thomas A. Hollweck, trans. Sandy Adler, et al. (Columbia, MO: University of Missouri Press, 2007), 88-90, 249-50. Voegelin was clearly uninterested in helping Schmitt or developing a close association as he waited months before responding to either of the jurist’s letters and depicts himself as extremely busy in both. He also avoids making too many statements, let alone questions, that would elicit further correspondence. In fact, Voegelin’s first reply of May 8, 1951, is a full year after receipt of Schmitt’s initial letter to him. This letter provides an indication of the extent to which Schmitt was still interested after the war in the impact of Judaism on political and legal thought given that Voegelin discusses his views on Jean Bodin (1530-1596) in great detail. Schmitt had apparently been trying to ferret out what in Bodin suggests “Judaization” from having possibly had a Jewish mother. Voegelin’s response is to suggest there is too little evidence as regards Bodin’s mother, her ethnicity or religion and influence, and so this question should just be left as speculative; but that a far surer influence upon Bodin lies in Dionysian mysticism or even Arab thought (ibid., 88-9). Although Mehring points out that Voegelin agreed with Schmitt’s claim that political views relate to fundamental metaphysical or theological views on divinity, even for atheists (Mehring, \textit{Aufsteig und Fall}, 128) he was far more an astute and stringent critic of Schmitt. Voegelin even recognized the necessity of grappling with Schmitt’s constitutional theory given that after the war the jurist: “in spite of his Nazi leanings, [was] still the great authority in the matter of constitutional theory in Germany” (Letter to Erskine McKinley of January 20, 1959 in: Voegelin, \textit{Selected Correspondence 1950-1984}, 376-9). Powerful criticisms of Schmitt can be found in a number of Voegelin’s extant letters, such as: May 20, 1950 to Alfred Schütz (ibid. 55-6); November 18, 1953 to Theo F. Morse (ibid., 183-4); and August 20, 1959 to Robert Heilman (ibid., 392-6). On Voegelin and Schmitt, see also: Sandro Chignola, “The Experience of Limitation: Political Form and Science of Law in the Early Writings of Eric Voegelin,” trans. Francesca Murphy, in \textit{Politics, Order, and History: Essays on the Work of Eric Voegelin}, ed. Glenn Hughes, et al. (Sheffield, England: Sheffield Academic Press, 2001), 75-9.
“Przywara was the Catholic thinker par excellence” after they engaged in a series of debates from 1927-29. The Jesuit was also an early admirer of Schmitt’s work; he wrote a complimentary review of the second edition of Schmitt’s Political Romanticism and discussed the jurist’s thought in a couple of later Weimar articles. After the war, Przywara praised Schmitt in 1953 as a great constitutional lawyer and sociologist “who had to endure anti-Nazi persecution due to his independent genius.” He viewed Schmitt’s “independent genius” as in having been an “anti-Berliner Rheinlander, but ‘Prussian after the Spirit.’ In an ‘almost suicidal self-overcoming of his Rhenish heritage,’ he had realized in his political philosophy the mind of Spain ([Juan] Donoso Cortés [1809-53]) and Prussia.” For his part Schmitt wrote a “draft report on Przywara” eventually made public by Schmitt’s secretary Piet Tommisse as well as contributed an article to a 1959 festchrift for the theologian.

Given Schmitt’s pecuniary retirement in a state of public disgrace it stands to reason that he and his friends might stress a narrative of his Catholicity; the presumption of Schmitt as a fundamentally Catholic thinker is extremely useful when defending the jurist against being identified primarily with Nazism. Efforts to rehabilitate his image in the direction of being

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72 Francis Slade, “Catholicism as a Paradigm of the Political?” Telos, 109 (Fall 1996), 115n8. Catholic philosopher Josef Pieper (1904-97) was a student and friend of Przywara (as well as critic of Schmitt). He claims that the public series of debates between Przywara and Barth was the first significant impetus for fruitful ecumenical dialogue between Catholics and Protestants in modern Germany, see: Josef Pieper, No One Could Have Known, An Autobiography: The Early Years 1904-1945, trans. Graham Harrison (San Francisco: Ignatius Press, 1987), 67.


74 Erich Przywara, S. J., Ringen der Gegenwart: Gesammelte Aufsätze 1922-1927, 2 volumes (Augsburg: Dr. Benno Filser, 1929), 218-20 in volume 1; and “Deutsche Front,” Stimmen der Zeit, 124.3 (December 1932 or 33), 153-67.


76 Dahlheimer, Schmitt und der deutsche Katholizismus, 453.


“Catholic intellectual” began with his pre-war students; a number of whom maintained their academic, legal, or political careers by virtue of having avoided being purged in the postwar process of de-Nazification.79 From there, the apologetic efforts radiate out from Schmitt’s “regular partners in conversation” during his “Plettenberg ‘exile’” who claimed to notice his “personal rootedness in the faith and piety of his childhood.”80 Two postwar protégés of the jurist worth singling out for their pronounced influence in establishing the standard narrative are Armin Mohler (1920-2003), and Ernst-Wolfgang Böckenförde (born 1930).81

Swiss-born Mohler was a communist in college who then sided with the Nazis once they invaded the USSR; he even defected from the Swiss army, moved to Germany and offered his support. Typical for the Nazis, they distrusted Mohler and did not let him join. After the war, he studied philosophy in Basel under Karl Jaspers (1883-1969) and his dissertation achieved fame when published as The Conservative Revolution in Germany, 1918-1932 (Stuttgart: Friedrich Vorwerk Verlag, 1950). In the book he treated Schmitt, Ernst Jünger, Oswald Spengler (1880-

79 The afore-mentioned Günther Krauss, for example, claimed that Schmitt was in his final estimation: “Catholic, and instantly recognizable as such” (Krauss, “Erinnerungen an Carl Schmitt,” 62. Krauss wrote a dissertation on the Protestant ecclesiastical lawyer Rudolph Sohm (1841-1917) in 1932-33, and then was an assistant to Schmitt at the University of Berlin. He was also a devoted anti-Semite and one of the foremost legal theorist defenders of the Third Reich. Richard Faber utilizes quotes from Krauss as well as the National Bolshevist Ernst Nieckisch (1889-1967) to the same purpose of suggesting that Schmitt was not a true Nazi due to his Catholic foundation. See: Richard Faber, “Carl Schmitt, der Römer,” in Die eigentlich katholische Versäumung, 257-278. Joining Krauss and Ernst Forsthoff in joining the Nazi Party were other Schmitt students such as Werner Weber (1904-76), and the constitutional law historian Ernst Rudolf Huber (1903-90). Weber received his doctorate in law under Schmitt’s direction in 1930. After the war he was an editor of Der Staat (The State), a journal that gathered together a number of Schmittian jurists, and he also became a prominent constitutional lawyer in the Federal Republic. Huber completed a doctorate under Schmitt at Bonn in 1926 and later worked under his professor as a legal counsel to the late Weimar cabinets of both Chancellor Papen and von Schleicher. He frequently published articles reflecting Schmitt’s influence in right-wing nationalist journals and after the Nazi takeover joined Schmitt in aggressively trying to rid German legal theory of “Jewish” influences. For an in depth overview see: Breuer, Carl Schmitt im Kontext, especially chapters VII and VIII, 173-232; also, Koenen, Der Fall Carl Schmitt, 104-5. After the war Huber served as an assistant to Schmitt for a time and had to wait until 1952 before he was allowed to resume an academic life at the University of Freiburg im Breisgau. On Weber and Forsthoff, see especially: Müller, A Dangerous Mind, 70-81. For Huber see the works of Ewald Grothe, including: “Eine ‘lautlose’ Angelegenheit? Die Rückkehr des Verfassungshistorikers Ernst Rudolf Huber in die universitäre Wissenschaft nach 1945,” Zeitschrift für Geschichtswissenschaft, 47 (1999), 980-1001; and “Über den Umgang mit Zeitenwenden: Der Verfassungshistoriker Ernst Rudolf Huber und seine Auseinandersetzung mit Geschichte und Gegenwart 1933 und 1945,” Zeitschrift für Geschichtswissenschaft, 53 (2005), 216-35.

81 For an overview of Schmitt’s postwar interactions with a younger generation of intellectuals see: Mehring, Aufsteig und Fall, 510-16.
1936), Ernst Nickisch (1889-1967), Hans Blüher (1888-1955), and Thomas Mann (1875-1955) as various types of “conservative revolutionaries,” but all as occupying a place on the ideological spectrum distinct from Nazism. As for Schmitt, Mohler believed the academic jurist did not really fit in with other conservative revolutionaries; rather, his political thought happened to be simply influential amongst a variety of right-wing intellectuals. The *Conservative Revolution in Germany* helped instigate a long-running debate in the literature on Schmitt between those who judge him an irrational and völkisch proto-Nazi or fascist “conservative revolutionary” in Weimar and those who actually use Mohler’s ambivalent argument as an apologetic springboard. The prosecutorial scholars generally ignored Schmitt’s supposed roots as a Catholic intellectual but his defenders (sometimes even apologists) often note that Schmitt’s Catholicism makes him a poor fit as a conservative revolutionary. Instead, he should be understood as a more typical and mainstream Weimar Catholic conservative and pragmatic political realist.

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Böckenförde is one such apologist for Schmitt in the postwar era who was also, informally, his student. Like Schmitt, Böckenförde was a constitutional lawyer and academic professor; he then served as a judge on Germany’s Federal Constitutional Court from 1982-96. He reflected Schmitt’s influence in a large number of his views, particularly in criticisms of liberal political theory, and, most famously, on secularization as undermining the homogeneous and law-abiding ethical character of citizens.44 Germane to this study, Böckenförde was the first in Germany to garner widespread attention by criticizing the postwar consensus view that the Catholic Church had been one of the best forces of resistance against the Nazi regime. In a 1961 article in Germany’s leading journal for Catholic culture, Hochland, Böckenförde argued that the Catholic Church and Catholic thought shared numerous affinities with Nazism; especially a shared authoritarianism which explained the ready acquiescence to and even collaboration with the Nazi regime of many Catholics.45 Böckenförde’s article treats both the Center Party and Germany’s Catholic bishops as deeply implicated in the rise to power of the Nazis. This essay is arguably the first volley fired in an ongoing postwar German Kulturkampf over the role of Christianity in abetting or even informing Nazism.46 A leading Schmitt scholar, John P. McCormick, recognizes this cultural struggle as frequently informing prosecutorial interpretations of Schmitt’s Nazi collaboration:

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46 This Kulturkampf is one aspect of the general postwar German process of coming to terms with the Nazi era (Vergangenheitsbewältigung). Böckenförde’s article predated Rolf Hochhuth’s 1963 play, The Deputy: A Christian Tragedy, which is typically credited for igniting the “Pius War” debate over the action or inaction during the Holocaust of Pope Pius XII (r. 1939-58). These Pius Wars continue on as the best known and most popular aspect of the deeper German historical and cultural debate in large measure begun by Schmitt’s protégé. The “Pius Wars” are also the form in which this postwar Kulturkampf most strikingly crossed the Atlantic. Representative English language titles include, on the side of Pius XII’s detractors: John Cornwell, Hitler’s Pope: The Secret History of Pius XII, (New York: Viking, 1999); Michael Phayer, The Catholic Church and the Holocaust, 1930-1965, (Bloomington: Indiana
In the intense but often unspoken *Kulturkampf* in contemporary Germany between those who would blame, alternatively, authoritarian Prussian Lutheranism or fanatical Central European Catholicism for the rise of the Third Reich, Schmitt is consistently positioned as an example of the latter: a ‘typical’ Catholic totalitarian. These camps “reduce fascism to an extreme expression of pathological religiosity.”

Fascinatingly, this cultural struggle also contributes to a defense of Schmitt in Böckenförde’s hands.

Böckenförde made immediate use of his criticism of German Catholicism in 1933 for the purpose of clever Schmitt apologetics. He included a long footnote in his *Hochland* piece to differentiate Schmitt from the naïve course pursued by Franz von Papen to place Hitler in power while believing he could be controlled, as well as from the Center Party that had helped pass the Enabling Act. Rather, Schmitt had smartly attempted to preserve the Republic by means of presidential dictatorship. Böckenförde also separates Schmitt from trends in Catholic thought such as natural law theory, as well as from “*Reichstheologie*” (imperial theology) and its basis in an “organic theory of the state”; both of which he believes contributed to Catholic support for the Nazis. Thus, while Böckenförde chastises Catholicism generally—and political Catholicism in

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McCormick, “Political Theory and Political Theology: The second Wave of Carl Schmitt in English,” *Political Theory*, 26.6 (December 1998), 843. McCormick is specifically lodging this criticism against an updated version of what I call the “standard narrative” which I will address below. This rendition treats Schmitt not so much as a specifically “Catholic” or “politically Catholic” thinker as a proponent of “political theology.” For his part McCormick still accepts the standard narrative to some degree since he reads *Political Form* as indicative of an early “clerico-conservative vision of Europe,” McCormick “Carl Schmitt’s Europe,” 2.


Böckenförde, *deutsche Katholizismus im Jahre 1933*, 56n45.

The claim that *Reichstheologie* influenced Catholic support of the Third Reich is plausible, and will be discussed in Chapter Nine of this study; but such an argument is inexplicable and counter-intuitive with regards to Catholic natural law theory.
particular—as contributing to support for the Nazi regime, he is also distinguishing Schmitt from both, and hence from Nazism.

It is noteworthy that this characterization of Schmitt as deeply independent from both Catholicism and German political Catholicism fits with the critique of the standard narrative I argue for in this study. Schmitt’s independence of mind certainly finds support in the fact that he never joined the Center Party, and, his influence on Weimar politics was most facilitated by the last two chancellors, Papen and Schleicher; both of whom were un-affiliated with any political party. Indeed, Schmitt was quite dismissive of the Center’s Heinrich Brüning, Weimar’s longest serving Chancellor, despite Brüning’s willingness to utilize presidential decrees to govern. Schmitt remarked in his journal in July of 1931 that Brüning was, “not the last word of German Catholicism.” However, the apologetic purpose to which Böckenförde puts his depiction of Schmitt is problematic. This apologia depends on Böckenförde’s Kulturkampf accusation against Catholicism for indubitably fomenting and leading Germans to Nazi support, a contention that is certainly debatable. It could just as well be the case that the opposite polemical stance could be argued for in the case of Schmitt; namely, that his lack of Catholic belief and disinterest in political Catholicism made him far more likely to end up supporting the Third Reich. Indeed, returning to Schmitt’s journals we find his statement five months after Hindenburg won reelection as the German President over Hitler, that he would rather see the Nazi leader President before Brüning.

Böckenförde later changed course to align himself more with the standard narrative approach to defending Schmitt. He has insisted that in order to understand Schmitt one must recognize that a “central drive” of the jurist’s thought comes from having been a part of the

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91 See the entry for July 24, 1931 in: Schmitt, Tagebücher 1930 bis 1934, 126.
92 See the entry for September 6, 1932 in: ibid., 214.
population for whom the Catholic *Kulturkampf* was a pivotal influence and “spiritual heritage.”’’\textsuperscript{93} If that is the case, then the most logical apologetic tactic is to depict Schmitt as a mainstream Catholic conservative whose collaboration was unexceptional amongst such persons; it was simply something conservative German Catholics did in 1933.\textsuperscript{94} Furthermore, by virtue of his purported Catholicism, Schmitt could be defended against the charge of having been a “genuine” Nazi. Böckenförde makes the attempt by claiming to “seriously” convert to Nazism one “had to renounce Catholicism” and “[t]hat cannot be said of Schmitt, even during the 1933-36 period.”\textsuperscript{95} Finally, and further proving his eventual changes of opinion (or mental elasticity), Böckenförde stated his agreement with the newest offshoot of both the standard and *Kulturkampf* narratives


\textsuperscript{94} This is not the tactic that Böckenförde originally chose to follow. As mentioned above he instead treats Schmitt as independent-minded and thus not to be accounted for as a Nazi supporter like the typical Catholic.

\textsuperscript{95} Ernst-Wolfgang Böckenförde, “Carl Schmitt Revisited,” trans. Michael Richardson, *Telos*, 109 (Fall 1996), 85. The logic of Böckenförde’s defense of Schmitt seems to be as follows: first, he congratulates his mentor for having avoided the naiveté of the Center’s vote for Hitler’s Enabling Act; then he claims Schmitt collaborated with the Nazis simply on grounds common to any Catholic of the time; finally, his Catholic *bona fides* allows Schmitt to avoid characterization as a “true believer” in Nazism. I am inclined to perceive this manner of defense as fitting for a lawyer in its rhetorical style of listing the alternatives for defense with no concern for truth but only effectiveness, like the famous yarn about a lawyer’s defense against having broken a vase. Given such a sophistical defense of Schmitt as well as his general criticism of German Catholicism in 1933, it is perhaps not surprising that Böckenförde was himself no proponent of “political Catholicism” after the war. In fact, several years before his *Kulturkampf* essay he had already published a deeply Schmittian article in the same leading Catholic journal demanding that the Catholic Church completely abstain from any involvement in partisan politics. See: Ernst-Wolfgang Böckenförde, “Das Ethos der modernen Demokratie und die Kirche,” *Hochland*, 50 (1957-8), 4-19. Instead of joining the Christian Democratic Union (Christlich Demokratische Union oder CDU) Böckenförde has always been a member of the leftist Social Democratic Party (Sozialdemokratische Partei Deutschlands or SPD). Schmitt likewise treated postwar Germany under Konrad Adenauer (1876-1967) and the Christian Democrats with total disdain. He wrote to William Gueydan “de” Roussel, in September 1960: “I have read many times your article on ‘Leviathan and Man’ and I . . . still wonder if it is unfortunate or rather lovely that it is not possible to publish it in the Germany of the Christian Democrats” (Gueydan, “Carl Schmitt,” 57). Without irony, Schmitt ends his complaint on a note of extreme pathos: “. . . I tell you: ‘Tenebrae factae sunt dum crucifixissent Jesum Judaei’” (ibid.). Schmitt’s Latin phrase is a quote from the Catholic Good Friday liturgy—“Shadows covered the earth when the Jews crucified Jesus”—here put to the blasphemous use of identifying himself as an innocent Christ-like sufferer of persecution.
which can also be utilized for Schmitt apologetics. This newer treatment casts the jurist as more generically “religious” than specifically Catholic, and as essentially a “political theologian.”

The “Theological Twist” within the Standard Narrative

Schmitt’s Catholicism, and its importance for his thought, was a generally accepted assumption in part due to the propaganda efforts of his students and friends noted above, but also due to a general lack of interest in actually investigating the theme until after his death in 1985. This lack is despite the fact that the last book Schmitt published, *Political Theology II*, revisited one of the jurist’s favorite themes; a theme in which he is reasonably credited for inspiring broad interest among many post-Second World War thinkers. One such intellectual was Jacob Taubes (1923-87), a widely influential professor of Jewish Studies. Taubes approached Schmitt from “a left-wing Jewish viewpoint” but depicted him, in a 1987 book, not as “the Hobbesian decisionist the world knew”—and that I believe him to primarily be—but, “really as ‘an apocalypticist of the...
Counter-Revolution.” 28 Then in 1988 the erstwhile philosopher Heinrich Meier published a book describing what he took to be a “hidden dialogue” between his muse, political theorist Leo Strauss (1899-1973), and Schmitt over the necessity of an absolute decision a thinker must make between faith and reason in order to become either a “political philosopher” or a “political theologian.” 29 Italian philosopher and politician, Michele Nicoletti, who penned a grand study of Schmitt’s political theology and claimed it accords with a Catholic philosophy of State 30 joined Taubes and Meier in 1990.

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29 Heinrich Meier, Carl Schmitt, Leo Strauss und “Der Begriff des Politischen”: Zu einem Dialog unter Abwesenden (Stuttgart: J. B. Metzlersche Verlagsbuchhandlung und Carl Ernst Poeschel Verlag GmbH, 1988). Meier, of course, favors the Straussian version of modernist atheistic rationalism over Schmitt’s commitment to political theology. Although trained in philosophy Meier is a prominent German neo-conservative who succeeded Armin Mohler as Director of the Carl Friedrich von Siemens Foundation in 1985. Neo-conservatism is a postwar political ideology of liberal modernist origins especially popular amongst admirers and students of Schmitt and Leo Strauss such as Mohler and Meier.

Such highly speculative readings of Schmitt were bolstered by the publication in 1991 of the jurist’s journals, and assorted primary materials, written soon after his post-Second World War internment.\textsuperscript{103} Professor of theology Michael Hollerich is far from alone when he claims Schmitt’s \textit{Glossarium}, “contained abundant evidence that he thought of himself explicitly as a Catholic.”\textsuperscript{104} The three most commonly quoted passages for the purpose of demonstrating Schmitt’s Catholic \textit{bona fides} are the following; listed in rising order of popularity:

I believe in the \textit{katechon} [Pauline term for the “restrainer” (\(\tau\omega\ \kappa\alpha\tau\epsilon\gamma\omega\nu\)) of the Apocalypse (or \textit{eschaton})]: it is for me the only possible way to understand Christian history and to find it meaningful.\textsuperscript{105}

This is the secret keyword to my entire mental and authorial life: the struggle for an authentically Catholic intensification.\textsuperscript{106}

For me the Catholic faith is the religion of my fathers. I am a Catholic not only by confession but also historical origin, if I may say so, by race.\textsuperscript{107}

\textsuperscript{103}Schmitt was initially arrested in Berlin by the Russians in April 1945 but they quickly concluded their interrogation and released him. Catholic philosopher Josef Pieper relates an incredible story he heard regarding how Schmitt got past the Russian commission engaged in de-Nazification. Supposedly Schmitt had told his interrogators that his involvement with the Nazis must be understood as akin to a medical experiment testing oneself for infectious disease; he claimed: “I have drunk the Nazi bacillus, but it did not infect me!” Pieper believes that such a story “of course, if it were true, would really and truly have made his conduct inexcusable. But [the Russian interrogators] laughed in bewilderment and agreed to his release. That is, assuming the story was not invented and put about by Carl Schmitt himself” (Pieper, \textit{No One Could Have Known}, 176). Schmitt was next arrested by the American occupying forces in September 1945 and this time was not released until March 1947 in Nuremberg; when the decision was finally made to refrain from indicting him as part of the famous War Crimes Trials taking place there. For more detail see; Joseph W. Bendersky, “Carl Schmitt’s Path to Nuremberg: A Sixty-Year Reassessment” \textit{Telos}, 72.139 (Summer 2007), 6-34; as well as his “Carl Schmitt at Nuremberg,” in the same issue at 91-6.

\textsuperscript{104}Hollerich, “Carl Schmitt,” 110. Koenen seems tricked by the \textit{Glossarium} given he points to it as allowing scholars to recognize Catholicism as the “key” to understanding Schmitt’s thought (Koenen, \textit{Der Fall Carl Schmitt}, 1995], 16). Others who likewise find the \textit{Glossarium} definitive for Schmitt’s thought simpliciter include: Lutz Berthold, \textit{Carl Schmitt und der Staatsnotstandsplan am Ende der Weimarer Republik} (Berlin: Duncker & Humbolt, 1999); Günter Meuter, \textit{Der Katechon; zu Carl Schmitts fundamentalischer Kritik der Zeit} (Berlin: Duncker & Humblot, 1994); and Allons Motschenbacher, \textit{Katechon oder Großinquisitor? Eine Studie zu Inhalt und Struktur der Politischen Theologie Carl Schmitts} (Marburg: Tectum Verlag, 2000).


\textsuperscript{107}Letter to Helmut Rumpf of May 23, 1948 in: Schmitt, \textit{Glossarium}, 131. Rumpf went on to later write a study of Schmitt’s fundamental Hobbesianism titled \textit{Carl Schmitt und Thomas Hobbes: Ideelle beziehungen und aktuelle Bedeutung mit einer Abhandlung über: Die Frühscriften Carl Schmitts} (Berlin: Duncker & Humblot, 1972); as well as a more apologetic defense of Schmitt around the fact that the bulk of the jurist’s scholarly contributions were made prior to his Nazi collaboration, see: “Carl Schmitt und der Faschismus,” \textit{Der Staat}, 17.2 (1978), 233-43.
All three of these postwar reflections have contributed to the perpetuation of both branches of the standard narrative in the secondary literature on Schmitt. However, the jurist’s first biographer is rightly skeptical of purveyors of this:

...most recent trend in Schmitt historiography: the ‘theological twist.’ They argue that Schmitt’s deep Catholic faith in revelation and Christian eschatological history are the keys to his thinking and political engagements. In the struggle between good and evil, he supposedly felt compelled to strengthen the *Katechon* against the various historical forms assumed by the Antichrist—modernism, Bolshevism, liberalism, pacifism, and so on.\(^{108}\)

For the present purpose of introduction I will only point out that the most significant problem with recent approaches in the vein of the “theological twist” is their necessary over-reliance on Schmitt’s postwar writings and reflections to read back and impose a narrative of religiosity on the totality of his works and thought.\(^{109}\) I will make a sole exception for the second quote about Schmitt’s “struggle for an authentically Catholic intensification.”\(^{110}\) When understood in a certain manner this postwar remark can be used as a description of a good deal of Schmitt’s behavior and writings in the later Weimar years, as will be discussed below in Chapter Six. All things considered, however, the problem of overreliance on Schmitt’s postwar reflections returns us once again to the void that existed in primary materials; a void that only began to slowly be remedied from 2000.

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\(^{108}\) Bendersky, Joseph, “Book Review of Andreas Koenen, *Der Fall Carl Schmitt* and Heinrich Meier, *Carl Schmitt and Leo Strauss,*” *The Journal of Modern History,* 69.4 (December 1997), 891. Another critique can be found in: Jean-François Kervégan, *Hegel, Carl Schmitt: le politique entre spéculation et positivité* (Paris: Presses universitaires de France, 1992). Kervégan correctly stresses that Schmitt must be considered primarily as a secular-minded jurist and sees him as both modern and even postmodern in his thought. Given this fits Kervégan’s interests it means Schmitt has a good deal to say to contemporary legal and political theorists. The phrase “theological twist” or turn to describe the shift in the scholarly narrative as regards Schmitt’s purported religiosity was coined by Manfred Lauermann. He likened Meier’s discussion of the theological in Schmitt to Richard Rorty’s “linguistic turn” in philosophy; see: Manfred Lauermann, “Carl Schmitt—Jenseits biographischer Mode: Ein Forschungsbericht 1993,” in *Die eigentlich katholische Verschärfung,* 299.

\(^{109}\) On Meier, McCormick writes: “He baldly asserts that Schmitt was a Catholic ‘political theologian’ all his life, while never taking into account the implications of Schmitt’s excommunication in 1926 nor his denunciations of the Church both before and during his affiliation with National Socialism” (McCormick, “Political Theory and Political Theology,” 836). Another excellent critique of Meier can be found in: Jianhong Chen, “What is Carl Schmitt’s Political Theology?” *Interpretation,* 33.2 (Spring 2006), 153-75.

\(^{110}\) The phrase was used as the point of departure for the lectures given at a symposium in the Spring of 1993, held at the Katholische Akademie Rabanus Maurus (Weisbaden-Naurod). These lectures appeared in print the following year as: Bernd Wacker, ed., *Die eigentlich katholische Verschärfung.*
Schmitt’s Nachlass Diaries and their Impact on Standard Narrative

The first volume of material previously unavailable to researchers on Schmitt is a collection of the letters Schmitt wrote to his younger sister Auguste from 1905-13; which appeared in 2000. These letters were followed by Schmitt’s diaries and other contemporary material covering the years 1912-15 and 1915-19 in 2003, and 2005, respectively. The two most recent German language biographies of the jurist are the first to take this recently available material into account. They are Christian Linder’s Der Bahnhof von Finnentrop: Eine Reise ins Carl Schmitt Land (2008) and Mehring’s afore-mentioned Aufstieg und Fall (2009).

As a journalist and travel author Linder’s more literary, even lyrical, approach to biographical story-telling—which includes imaginary conversations with the deceased Schmitt—leaves his work far less influential than the systematic and sober approach taken by Mehring, the academic political scientist. Mehring also had the advantage of having already authored several well-respected books and numerous articles on Schmitt before his magnum opus. Therefore, it is quite just to claim that Aufstieg und Fall—with its deep commitment to archival research—is the closest to a definitive biography of Schmitt yet written, or likely to be published for some time to come. Mehring’s great biographical achievement is far more likely than Linder’s to influence subsequent Schmitt scholarship, and deservedly so. However, Linder’s biography does have one

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11 Carl Schmitt, Jugendbriefe: Briefschaften an seine Schwester Auguste 1905 bis 1913, ed. Ernst Hüsmert (Berlin: Akademie Verlag, 2000).
12 Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, Schmitt, Carl, Die Militärzeit 1915 bis 1919: Tagebuch Februar bis Dezember 1915, Aufsätze und Materialien, edited by Ernst Hüsmert and Gerd Giesler (Berlin: Akademie Verlag, 2005). Another volume of his diaries which is not as significant for this study has been made available in: Schmitt, Carl, Tagebücher 1930 bis 1934, eds. Wolfgang Schuller and Gerd Giesler (Berlin: Akademie Verlag Berlin, 2010). Unfortunately, I have not been able to gain access to a copy of the latest volume of Schmitt diaries to be published: Schmitt, Carl, Der Schatten Gottes: Introspektionen, Tagebücher und Briehe 1921 bis 1924, edited by Gerd Giesler, Ernst Hüsmert, and Wolfgang H. Spindler (Berlin: Duncker & Humblot, 2014).
13 Linder, Der Bahnhof von Finnentrop; and Mehring, Aufstieg und Fall.
14 Mehring’s books on Schmitt include: Pathetisches Denken: Carl Schmitts Denkweg am Leitfaden Hegels: Katholische Grundstellung und antimarxistische Hegelstrategie (Berlin: Duncker & Humblot, 1989); Carl Schmitt: zur Einführung (Hamburg: Jünius Verlag GmbH, 1992); and as editor, Der Begriff des Politischen: ein kooperativer Kommentar (Berlin: Akademie Verlag, 2003).
feature I consider to be in its favor. While impressionistically pursuing insight into the controversial jurist’s psychological and spiritual motivations, Linder proves far more willing than Mehring to break from the standard narrative. To take here but one example, Mehring provides a perfectly correct description of the recently published letters from Schmitt to his sister as illustrating “the brother as mentor,” and accurately draws upon their express content. Yet, Mehring fails to notice the most striking feature of these letters is actually one missing from them; a feature that anyone long familiar with the standard narrative presentation of Schmitt would be conditioned to expect. It is left to Linder to point out that when reading:

\[\ldots\] the letters of the youthful Schmitt to his sister Augusta, we find no evidence of the often held view that Schmitt’s intellectual positions were explainable in overheated Catholic terms obtained during growth in the Plettenberger Diaspora. One detects nothing of a Catholic militancy. 

In fact, there is no indication that the author of these letters is specifically Catholic at all beyond a reference to the German-Catholic tradition of celebrating one’s “name day.”

Mehring had already signaled an acceptance of the standard narrative and its later off-shoot which stresses Schmitt’s general religiosity in his earlier work before the archival material became more available. 

\textit{Aufstieg und Fall} continues the standard narrative in a more watered down form

\begin{itemize}
\item \textsuperscript{115} Mehring, \textit{Aufsteg und Fall}, 40-2.
\item \textsuperscript{116} Linder, \textit{Der Bahnhof von Finnentrop}, 342. The only mention of anything remotely tied to having an interest in political Catholicism is a postscript of a letter written when Auguste was working in Portugal updating her on recent elections. Schmitt evidences perfunctory support for the Center by noting that the Social Democratic Party was now the largest party in Parliament with 110 seats and that the Center had only 97 of the total 397. See the letter of February 19, 1912 in: Schmitt, \textit{Jugendbriefe}, 133.
\item \textsuperscript{117} See the undated letter from November, 1906 in: Ibid., 55. Schmitt was named after the great Italian Saint of the Counter-Reformation, Charles Borromeo (1538-84) and so his “name day” was the saint’s feast day of November 4th. Schmitt’s parents used the Germanic spelling of the saint’s name, Karolus Borromäus, on their son’s birth certificate; however, Schmitt always preferred to Latinize the spelling of his name. In fact, his student Werner Becker (1904-81) accounted for it as an example of the “weird behavior” Schmitt’s deep vanity made him prone to as the jurist considered it “a ‘mortal sin’ to write his name with ‘K’” (Werner Becker, \textit{Briefe an Carl Schmitt}, ed. Piet Tommissen [Berlin: Duncker & Humblot, 1998], 115). I suspect that his utilization of Carl instead of Karl developed from his lifelong Francophile sentiments. In these early letters to his sister he typically signed off as “Carolus” or even Charles. The next closest indicator of a Catholic affiliation for Schmitt is a possible indication of perfunctory support, or at least interest, in the Center Party in a postscript to a letter of February 19, 1912. His sister was then residing in Portugal, so Schmitt asks if she is aware of the results of a recent Parliamentary election which left the Social Democratic Party as the largest with 110 seats and “the Center only 97” of the 397 total seats (ibid., 133). Beyond this are only bare references to Christian holy days such as Christmas and Easter.
\item \textsuperscript{118} See especially: Mehring, \textit{Pathetisches Denken}.
\end{itemize}
by characterizing Schmitt as primarily a religious thinker and a lifelong Catholic. However, “religious” is now meant in diffuse, vague, and very personal terms, and “Catholic” lacks all specificity as regards actual practice or belief. For example, Mehring characterizes Schmitt from roughly the end of the First World War until the mid-Twenties as seeking to overcome his own romantic tendencies as well as his early brooding negativity by means of a “Christian creed that negates metaphysical pessimism and Gnosticism”\textsuperscript{119}, yet; this “creed” remains undefined. Mehring believes Schmitt experiences an early Weimar period of renewed religiosity inspired primarily by Protestant existentialist philosopher Søren Kierkegaard (1813-55) and Spanish Catholic counter-revolutionary Juan Donoso Cortés—the latter of which Schmitt largely builds his political-theological project upon.\textsuperscript{120} In Chapters Two and Four I contend that Schmitt’s interest in Kierkegaard and Donoso does not prove a Catholic, Christian, or simply “religious” revival and I will often point to Mehring’s own research as evidence. Mehring also believes—in further agreement with the standard narrative—that a secular-mindset only establishes intellectual priority for Schmitt after his remarriage and excommunication from the Church caused him to undergo a “change of mood” and a “change of direction.”\textsuperscript{121} This last thesis of the standard narrative I will attack over the course of this study.

In a private communication, Mehring rightly cautions against drawing strong conclusions about Schmitt’s motivations in these early years given the still existing lacunae in primary material evidence. In addition to an honorable motive of scholarly circumspection I believe that Mehring also feels a sense of compunction about daring to tread into the inner life of a person’s religious

\textsuperscript{119} Mehring, \textit{Aufsteig und Fall}, 100-01. Furthermore, in Schmitt’s Wilhelmine diaries Linder is far more impressed than Mehring by the voracious appetite Schmitt evidences for the early Christian heresy of Gnosticism. On these and other points which problematize the standard narrative I side with Linder, as will be particularly shown in Chapter Two. In stressing Schmitt’s clear preference for Gnosticism Linder builds on: Manemann, \textit{Carl Schmitt und die Politische Theologie}. Manemann did not have the benefit of as much archival material as Linder but does a great job of recognizing the deeply Gnostic lines in Schmitt’s thought.

\textsuperscript{120} Mehring, \textit{Aufsteig und Fall}, 96-7, 102-5

\textsuperscript{121} Mehring, \textit{Aufsteig und Fall}, 184.
faith. He would likely agree with Karl-Egon Lönne’s emphatic claim that since Schmitt clearly thought of himself as a Catholic “no one has the right to say otherwise.” Considered as a matter of ecclesiastic law this is certainly correct but also quite an unremarkable truism. Schmitt was always a Catholic, not because of assertions on the part of himself or his commentators, but, rather, due to his baptism and the basic principle of *semel baptizatus, semper baptizatus* (once baptized, always baptized). Simple assertions that Schmitt was Catholic either dodge or simply miss the interesting fact that each and every Catholic can still fail to be in full communion with the Church, both at specific points of time in their lives or over an extended period. Nominal or merely “cultural” Catholics—as Schmitt most assuredly was—can be more accurately described under a number of refining rubrics based on their discernible beliefs and practices, such as: “lapsed”; “non-practicing”; “dissenting”; “heretical”; “apostate”; and even “excommunicated.”

Many recent Schmitt commentators actually recognize the difficulty in characterizing Schmitt’s Catholicism. For example, Gopal Balakrishnan presumes the truth of Schmitt’s having “an attitude, more difficult to specify, stemming from a Catholic, petty-bourgeois and provincial background,” while still astutely acknowledging that Schmitt remained “a man without conventional allegiances or sentimentalities.” Even Lönne, who defies anyone to deny that Schmitt is a Catholic, admits the jurist is: “Catholic in a very special and perishable, seductive manner.” Therefore, the standard narrative has perdured in part due to the reluctance of

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123 There was a short window of time in which confusions arose from within canon law as regards whether a baptized Catholic could formally renounce the Church and be truly considered an “ex” or “former” Catholic. These confusions resulted from changes put into effect in a 1983 revision of the *Code of Canon Law* but were dissolved in 2009 by Pope Benedict XVI (r. 2005-13). See: Benedict XVI, Apostolic Letter issued “motu proprio,” *Omnium in Mentem*, 26 October 2009, articles 3 and 4. Accessed online as of 30 December 2014 at: http://www.vatican.va/holy_father/benedict_xvi/apost_letters/documents/hf_ben-xvi_apl_20091026_codex-iuris-canonici_en.html.
125 Lönne, “Carl Schmitt und der Katholizismus,” 35. Lönne’s essay was part of the influential 1993 Rabanus Maurus symposium and is an excellent example of a type of Schmitt scholarship that I am critiquing in this study. For, he both wants to assert religion and Catholicism as significant factors in Schmitt’s life and thought yet is uncertain how exactly
Schmitt scholars to engage in sticky evaluations of the jurist’s heterodoxy and heteropraxy; an evaluation most would be ill-prepared to conduct even if they deemed it a necessary or decorous task. Luckily, one does not need to be an inquisitor in the mold of a Tomás de Torquemada (1420-98)—the bane of Spanish Marranos—in dealing with Schmitt. The basic takeaway from studying his behavior and words without a presumption of his Catholicity is that Schmitt is simply not a Catholic thinker.

Indeed, I am agnostic as to whether Schmitt personally held to any Catholic or Christian beliefs. He neither considers himself beholden to the intellectual life of the Church nor openly presents himself as such. His interest in certain superficially Catholic or theological themes and ideas results neither from a Catholic frame of mind nor even a fundamentally religious impulse, rather, from secular motives, be they juridical, sociological, or political. Schmitt’s apparent rejection of metaphysical materialism is as little evidence of his religious bona fides as it is for philosopher Friedrich Nietzsche (1844-1900).

With some thinkers, the historian can use social factors to assume their beliefs. This approach really does not work with Schmitt. As a result, Catholicism inadvertently acts as a red herring within Schmitt’s writings and has endured as a stumbling block in the secondary literature on him. Balakrishnan suggests “world wars and revolutions are often solvents of these inherited identities, erasing, scrambling and recombining the relevant details from the past.”

Indeed, the fall of an imperial constitutional monarchy, post-First World War revolutionary agitation of the left to characterize this supposed foundational influence. For another example, Lönne correctly notes that “[t]heological issues, the Church and Catholicism have been approached by [Schmitt] especially in so far as they were politically relevant” (Ibid., 15). Yet, like many commentators, he does not recognize the extent to which such a secular-minded appropriation of Catholicism is at odds with claims that Schmitt’s Catholic upbringing or purported faith was a meaningful influence on his thought. Rather than demonstrate his Catholicity, Schmitt’s approach actually calls it into question by reducing it to the same utilitarian interest found in the atheist French nationalist Maurras and his radical political movement, Action Française. In fact, throughout his essay when Lönne makes broad claims he repeatedly asserts that we should accept Schmitt’s Catholicity, yet, in the substantive details the evidence he provides proves ambivalent on the issue or even makes a stronger case for my claim that Schmitt was not a Catholic thinker at all. Lönne’s influential essay is discussed in more detail below in Chapter Six.

126 Balakrishnan, Enemy, 11.
and right, occupation and oversight by foreign powers under the Versailles Treaty, and the arrival of a constitutional parliamentary republic are of paramount importance in analyzing Schmitt’s mature thought. Catholicism definitively, and theology to a large extent, should be allowed to fade towards insignificance, but Schmitt scholarship has yet to fully accept this state of affairs. The recently published primary materials have revealed far more about Schmitt’s intellectual commitments and influences from the ages of seventeen to thirty-one than previously available. Therefore, the veil of obscurity shrouding the jurist’s life and intellectual development through the Wilhelmine and Weimar eras has slowly begun to lift. However, neither recent biography nor the Nachlass publications have truly been absorbed by the great bulk of Schmitt scholarship that continues to be rapidly published, especially in the English language. I believe that a complete reevaluation of the standard narrative is now an imperative task; especially pressing given Mehring’s unprecedented archival research combined with his reluctance to break decisively with this outdated narrative.

Chapter 1.

Political Catholicism

“[I asked] why, in his book on ‘the concept of the political’ he had not written a syllable about the *bonum commune*, since the whole meaning of politics surely lay in the realization of the common good. He retorted sharply: ‘Anyone who speaks of the *bonum commune* is intent on deception.’”

—Josef Pieper.

The Definition

To establish Schmitt’s relationship to political Catholicism it is first necessary to define the phrase and establish the context. Historian Martin Conway uses the expression to “describe political movements . . . which claimed a significant, though not necessarily exclusively, Catholic inspiration for their actions. . . . Political Catholicism does not mean Catholics who were active in politics but political action which was Catholic in inspiration.” Given its focus on organized parties or groups, Conway’s definition requires a slight modification to suit my purpose, to wit, it must include intellectual-theoretical activity. Thus, political Catholicism is a proper term of designation for the organized political activities of a movement or party as well as for the writings of theorists, either individually or grouped, for whom Catholic doctrine and theology are a significant and self-conscious source of inspiration for their intellectual and/or practical efforts. To be a

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128 Catholic philosopher Josef Pieper (1904-97) recounting his first conversation with the purportedly co-confessor Schmitt in: Pieper, *No One Could Have Known*, 175.

129 Martin Conway, “Introduction,” to *Political Catholicism in Europe, 1918-1965*, ed. Tom Buchanan, et. al. (Oxford: Clarendon Press, 1996), 2. A recent study on German Catholic culture from 1880 through Weimar applies a similar understanding that Conway applies to politics to culture. “German Catholic culture was more than just culture produced by an individual who happened to be Catholic: it was intellectual and artistic activity with a specifically Catholic stamp, a unique blend that offered distinctive variants of art, literature, and music. It was produced for Catholic consumption but competed on the national stage, and, like another major and more studied variant, socialist culture, was intended to reflect and promote a specific worldview and to create a particular structure of meaning. Both Catholic and socialist cultures were alternatives to the majority culture and were based on a partial rejection of it” (Margaret Stieg Dalton, *Catholicism, Popular Culture, and the Arts in Germany, 1880-1933* (Notre Dame: University of Notre Dame Press, 2003), 4. Dalton’s treatment of Catholicism and Socialism as representing two major alternatives to modern liberalism is frequently found in the scholarly literature, for example, Wolfram Kaiser and Helmut Wohlfahrt dispute Ralf Dahrendorf’s well-known claim in 1979 that the “Social Democratic century has come to an end,” by arguing that the era should be known as both Social and Christian democratic (“Introduction,” in *Political Catholicism in Europe 1918-45*, Vol. 1, eds. Wolfram Kaiser and Helmut Wohlfahrt [New York: Routledge, 2004]), 1-2.
proponent of political Catholicism it is insufficient to be only nominally or culturally Catholic; the faith must be normative. Both the local material and legal interests of Catholicism considered ecclesiastically, as well as the Church as authoritative teacher (magisterium) of the individual or group by means of its body of doctrine, tradition, canons, and institutions must be recognized by the movement or theorist in order for them to be designated an example of “political Catholicism.” Anything less would make the ascription of the term “Catholic” too misleading given another system of thought (“liberalism” or “conservatism” most commonly at present) would be actually determinative.  

Let us now solidify the concept of political Catholicism by examining its intellectual origins and development within the modern era as a response and alternative tradition to political modernity.

Part One. Survey of Catholic Political Theory from the Middle Ages to Modernity

Pre-Modern Catholic Political Thought

Scholastic thought maintained continuity with ancient philosophy and both can therefore be treated under the single term “pre-modern.”

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130 Conway notes the inadequacy of various “hybrid terms” commonly found in scholarship on Catholic political involvement which try and ferret out the various cleavages within political Catholicism, such as: “Christian Democracy”; “clerico-fascism”; “liberal Catholicism”; and “ultramontane Catholicism” (“Introduction,” 10). It is important to recognize that all of the actual inter-war Catholic parties of Europe defined themselves as separate from and opposed to the liberal, socialist, and conservative-nationalist parties or movements within their nations (ibid., 7-8). Thus the interplay between unity and differences amongst “political Catholics” should be maintained, particularly when in Germany they did overwhelmingly unite in practical support of the Center Party. Given my expansion upon Conway it could seem that emphasizing self-consciousness might result in an overly restrictive definition of political Catholicism in which only a very narrow band of orthodox intellectuals or political movements are designated by the label. However, the orthodoxy or heterodoxy of an intellectual’s thought is actually irrelevant, as will become clear going forward.

131 I follow the terminology Francis Slade develops: “There are at our disposal two versions of political philosophy possessing political specificity, the politics of sovereignty or the state, and the politics of the common good or the political community. The former is consubstantial with modern political philosophy, the latter with what came before the modern, call it simply pre-modern. . . . Pre-modern designates conceptual distance, rather than, as modern philosophy would have us believe, historical distance, something whose being is to be absent. For before there was modern philosophy there was philosophy. Modern philosophy presented itself as a new beginning—‘a path as yet untrodden by anybody’ as Machiavelli puts it—and understood itself in opposition to philosophy as it had hitherto
importance: the metaphysical concept of telein (ends) in nature ordered to the ultimate telos (end) of the Good, and the virtue of phronēsis (prudence or practical intellect) as determinative of proper ethical and political action. The first concept suggests the erotic nature of the soul, of its natural desire for the Good and for the achievement of the human end; the enduring state of completeness called eudaimonia (happiness) in Aristotle or beatitudo (beatitude) in the churchmen. The second principle entails the practical intellect applying the first principles of ethics and human nature—derived from natural law, metaphysics and theology—to the specific and particular context within which statesmen are tasked with acting for the common good materially considered. Both of these guiding principles or concepts will be seen wending their way through the development of scholastic and then modern Catholic political thought.

Scholastic political thought from at least as early as Saint Augustine’s (354-430) City of God described a division of Authority (auctoritas) and Power (potestas) between two separate orders, the spiritual and temporal. The spiritual order is embodied in the Catholic Church and functions as the Authority upon natural law and the first principles of ethical life. The temporal order is the political community, or specifically its governing part, tasked to exercise Power in directing the community towards the common good materially considered. Of the two orders, the spiritual (the social or pre-political order) is viewed as both temporally prior and ontologically superior to

been practiced. . . . Philosophy as ‘ancient’ and as ‘medieval’ is the creation of ‘modern’ philosophy. The new philosophy understands itself in the light of the rejection of what it calls ‘old,’ a rejection it constantly recalls and reenacts. This historicization of philosophy is essential to modern philosophy. . . . Historicization is intended to divest philosophy as it had been practiced of philosophical significance except as something that has to be overcome and replaced. . . . [It] is a rhetorical posture, a tactic for winning an argument” (“Two Versions of Political Philosophy,” 237-8). Philosophy, as Slade puts it, “has no past” (ibid., 238) what modern philosophy disdains as dead and gone is only ignored in modern thought, conceptually distant by act of will but immanent to the possibilities of thought and the nature of reality and being.

I am admittedly simplifying the development of such a distinction most definitively worked out in early modernity by St. Robert Bellarmine (1542-1621). The terms auctoritas and potestas could be used interchangeably by medieval authors as Francesco Maiolo details in Medieval Sovereignty: Marsilius of Padua and Bartolus of Saxoferrato (Delft, The Netherlands: Eburon Academic Publishers, 2007), 69-77. By focusing on Marsilius and Bartolo, Maiolo seeks to work out the medieval origins of the concept of popular sovereignty. On Bellarmine and what I am here describing as the fundamentally traditional Catholic view that can be traced to Augustine, see: Stefania Tutino, Empire of Souls: Robert Bellarmine and the Christian Commonwealth (Oxford: Oxford University Press, 2010).
the political. This priority and superiority does not entail subjecting the temporal to theocratic rule, rather, it serves as a check on tyranny as well as revolution. The former is avoided by moral critique and check on government injustice and the latter by legitimating political authority as perfective of human nature—assisting in the achievement of man’s *telos*—and ordered to God’s just dominion.

Additionally, the pre-modern consensus amongst Catholic thinkers held that the establishment of political community entails both “designation” of a ruler and “transmission” of power, yet misapprehending either aspect can cause errors. On the side of transmission, “traditional views concerning the consent of the governed”\(^{133}\) form the basis of the transfer of power from the people as a whole to the designated government.

Civil authority resides primarily in the civil community, not in any distinct person. . . . The controversial issue is whether the God-given power to claim obedience for the sake of the civil common good resides primarily in the civil community as a whole. [Thomas Aquinas (1225-1274), Thomas Cajetan (1469-1534), Robert Bellarmine (1542-1621), and Francisco Suárez (1548-1617)] hold that it does. They hold, accordingly, that the designation of rulers—whenever there is need for a distinct governing personnel—is accompanied by a *transmission* of power.\(^{134}\)

Practically speaking the designated Power in medieval Europe meant the monarch, although following Aristotle, Aquinas had recognized that there were several legitimate forms that political rule could take given that all government was ordered to the same end. The legitimacy of regimes other than monarchy was most forcefully revived for theoretical discussion in the Baroque era Thomists, particularly the Spanish scholastic renaissance known as the “School of Salamanca.” These Jesuits (such as Suárez and Luis de Molina [1535-1600]) “often ran afoul of Catholic sovereigns by speculating that political authority is vested inchoately in the body politic, that the original form of government was by nature democratic, that there are, in principle, plural forms of


\(^{134}\) Ibid., 110. For more detail and analysis of both Simon and Maritain’s development of the Thomistic transmission theory of political legitimacy see: John P. Hittinger, *Liberty, Wisdom, and Grace: Thomism and Democratic Political Theory* (Lanham, MD: Lexington Books, 2002), chapter 3 “Jacques Maritain and Yves R. Simon’s Use of Thomas Aquinas in Their Defense of Liberal Democracy,” 35-60.
legitimate government.” Indeed, given that the traditional Catholic understanding of politics opposed the free and universal exercise of royal power, conflict was inevitable. Yet, Christendom, a generally unified civilization, largely held until the early modern monarchs began to actively foment nationalism through centralization as well as exploit the emerging social revolution of Protestant sectarianism.

Political Modernity: Protestantism, Gallicanism, and Absolute Sovereignty

Political Modernity is deeply tied to the rise of Protestant Christianity; in many ways it serves as modernity’s version of “political theology.” Protestantism, similar to the earlier developing Islam, lacks a robust ecclesiology. Consequently, the Protestant mind was more amenable to political mythology and nationalism. The demand for state control of religion, ever striven for by princes and kings, was naturally attractive to Protestants trying to establish toleration

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136 The most famous and paradigmatic such conflict in the Middle Ages is likely the dispute between English King Henry II (r. 1154–1189) and his hand-picked Archbishop of Canterbury, Thomas Becket (circa 1118-1170). Becket had been Henry’s tutor and a father figure yet once he took ecclesiastical office it became quickly evident that he would not placidly support the monarch’s attempt to aggrandize his power over the Church. Becket defended the autonomy and rights of the Church against the intrusions of the king, including: giving secular court’s jurisdiction over priests; taxation of the Church; forcing oaths of allegiance to his majesty which included separation from the Pope; and the power of the monarch to appoint to ecclesiastical office. The conflict between Henry and the indomitable Archbishop escalated into an international scandal during which Henry risked incurring an interdict by Pope Alexander III (r. 1159-81). In the twelfth century papal interdiction could easily have resulted in the king’s overthrow by rivals, including his already disaffected sons. Henry is purported to have instigated Becket’s assassination by asking in frustration words to the effect of, “will no one rid me of this troublesome priest?” Four knights rode out and cornered Becket in Canterbury Cathedral where he was preparing for evening prayers on December 19th, 1170, and dashed his brains out by sword. The Archbishop’s fame spread throughout Europe where he was venerated by Catholics of all ranks as a martyr against political tyranny. Just over two years after his death (remarkably fast at the time) Pope Alexander III canonized Becket a saint. In that same year of 1173 Henry’s three sons were prodded into full revolt by their mother and the king’s grip on rule was quite tenuous. Reconciling with the Church became absolutely necessary so Henry temporarily swallowed his pride and agreed to make public penance. On July 12, 1174 the king donned sackcloth and made a public pilgrimage to Becket’s tomb at Canterbury, made public confession, and received chastisement with a rod by the gathered bishops and monks.
137 Historian John W. Boyer adopts the definition of “civilizational” found in anthropology “as a whole way of life involving many different folk communities, each having its own physical identity but bound together by a higher order (or . . . a Great Tradition) of shared legal and moral norms, sacred cultural rites and performances, overlapping historical memories, common forms of reflective and systematic thought and collective aesthetic forms” (“Catholics, Christians and the Challenges of Democracy: The Heritage of the Nineteenth Century,” in *Political Catholicism in Europe 1918-45*, Vol. I, ed. Wolfram Kaiser, et al. (New York: Routledge, 2004), 20.)
for their sects and protection of their interests. Contrariwise, Catholicism inculcated a larger degree of internationalism by giving believers a sense of belonging to a Europe-wide (if not worldwide) Christendom. Augustine praised the diversity of the Church and its irreducibility to culture a millennium before Martin Luther (1483-1546) penned his revolutionary theses:

This heavenly city, while it sojourns on earth, calls citizens out of all nations, and gathers together a society of pilgrims of all languages . . . It . . . is so far from rescinding and abolishing these diversities, that it even preserves and adopts them, so long only as no hindrance to the worship of the one supreme and true God is thus introduced.18

However, Catholic monarchs were not less likely than their Protestant counterparts to desire control over the Catholic Church within their territories. Indeed such struggles and machinations can be traced throughout medieval history as a fight between “state supremacy” (later called Josephism or Gallicanism) and “ultramontanism.”

From the Latin for “beyond the mountains” (ultra montes) the term signifies a hard identity Catholicism which upholds the pope’s spiritual and ecclesial authority as the leader of the Church, therefore, it is traditional and orthodox. The word originally came into being as a pejorative for use by supporters of political nationalism or state supremacy. Its earliest known usage dates to the German Holy Roman Emperor Henry IV (r. 1070-1105) who upbraided his political opponents as Ultramontanes in their support of Pope Saint Gregory VII (r. 1073-1085) and his attempts to reform the clergy by attacking European monarchs simoniacal (selling clerical office) influence on the priesthood.19 Ultramontanism thus serves as a term of contrast within Catholic political thought to Gallicanism; the latter being the heterodox statism or nationalism that truly metastasized within religious thought from out of the Protestant Reformation and early modern political thought. As the word itself indicates, Gallicanism can exist within Catholic nations just as much as

18 Augustine of Hippo, City of God, book 19, chapter 17.
Protestant if the pope, and even the Magisterium, is seen as a threat to the purported autonomy of the lay believer, local church and national bishops, or, simply, if the principle of state supremacy is accepted. Indeed, the Catholic monarchy of the French and Spanish Bourbons achieved the dubious honor of being paradigmatic of modern absolute kingship.

With the onset of religious strife the pre-modern understanding of politics, which had resulted in a limited form of monarchy, came under rigorous intellectual attack. Modern science dismissed ends from nature, including human nature, completely altering the manner in which political regimes were differentiated and evaluated. To pre-modern philosophy a political regime has the human attributes of the ruling element or part and is evaluated in terms of the capacity of that part to instantiate the common good. Beginning with Niccolò Machiavelli (1469-1527), modern political philosophy conceptualizes rule as without human attributes; the ruler exhibits divine qualities, such as, unity (singularity), omnipotence, and infallibility. The result is that the Sovereign can never be judged as potency; rule becomes an end in itself—autonomous—not to be evaluated in ethical terms. Philosopher Francis Slade explains:

The actuality of the [modern] sovereign, unlike that of the [pre-modern] king, is complete as soon as it exists. Whereas a king is measured and limited by the form he aspires to embody in his kingdom, realizing that form in varying degrees, there being good, bad, and mediocre kings and kingdoms, the sovereign is never less than a sovereign.140

As Thomas Hobbes (1588-1679) put it: “the name of Tyranny, signifieth nothing more, nor lesse, than the name of Sovereignty, be it in one, or many men.”141 And Machiavelli uses the single term

140 Slade, “Two Versions of Political Philosophy,” 245. In Chapter Five we will see that Schmitt recognizes and accepts this modern secular appropriation of a late medieval voluntarist understanding of divine attributes taken as applicable to the political Sovereign.

141 Thomas Hobbes, Leviathan, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), 486. In the subsequent century both Charles-Louis Montesquieu (1689-1755) and Jean-Jacques Rousseau (1712-1778) demonstrate the settled nature of these modern views on monarchy. As Slade points out Montesquieu criticized Aristotle for failing to understand monarchy properly because he thought you distinguish kinds of rule of one: “... by accidental things like the virtues or vices of the prince. In other words, Aristotle finds the difference between king and tyrant in their difference as human beings ruling for or against the end that belongs to the city as a whole, the common good” (Slade, “Two Versions of Political Philosophy,” 253). For Rousseau's part, he demonstrates agreement by declaring: “The sovereign, by the mere fact that it is, is always everything it ought to be” (Jean-Jacques Rousseau, The
principality, to cover both pre-modern concepts of tyranny and kingship. These two philosophers are joined by Jean Bodin (1530-1596), who is best credited for developing fully the modern concept of unitary and absolute sovereignty. Bodin also assisted Hobbes in providing Gallicanism the guiding principle of *Cujus regio, ejus religio* (whose rule, his religion). These three early modern philosophers of the State stand as a Great Triumvirate for whom Schmitt evidenced the deepest attachment and admiration.

The philosophical revolution begun with Machiavelli included the rejection of the pre-modern understanding of statecraft as mastered by the virtue of prudence. Instead, modern political philosophy replaced *phronēsis* with the Florentine’s definition of *virtū* as facility in achieving one’s purposes or designs without regard to their intrinsic ethical merit, given the lack of natural ends. This line of thought was expanded, by Hobbes, as characteristic of the practical intellect of the Sovereign; namely, prudence is reduced to mere efficacy in achieving the aims or purposes (self-defined) of the sovereign power in the State. The substitution of efficacy for prudence marked the modern transition to a non-normative understanding of politics.¹⁴² Norms do return in the modern liberal tradition, either as self-generated out of reason—*Kritik*, as in Immanuel Kant (1724-1804)—or, as contractually agreed upon, as in Hobbes or John Locke (1632-

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¹⁴² This non-normativism was ironically enshrined in modern ethical philosophy by a decidedly “normativist” philosopher, Immanuel Kant (1724-1804), who wrote: “Now skill in the choice of means to one’s own greatest well-being can be called prudence. . . . The word ‘prudence’ is used in a double sense: firstly, it can mean worldly wisdom, and secondly, private wisdom. The former is the skill of someone in influencing others so as to use them for his own purposes. The latter is the sagacity to combine all these purposes for his own lasting advantage” (Immanuel Kant, *Grounding for the Metaphysics of Morals*, trans. James W. Ellington, [Indianapolis: Hackett Publishing Co, 1991, 3rd ed.], 26 and 26n4). Unlike Hobbes or Machiavelli, Kant rejects both definitions because he does not believe in private wisdom. That is, he accepts the degraded concept of prudence but only in order to reject it and bring moral principle back into politics by tying it to the conscience of the Good Will which can determine what is to the lasting advantage of the Kingdom of Ends. Kant holds that nature (as understood by modern science) compels us to seek “happiness” and prudence is simply the means to that aim. However, happiness is solely a private and non-moral endeavor consisting of obtaining our “own purposes.” And with that classical *phronēsis* is degraded into, at best, private sagacity in achieving one’s own advantage; it is simply one kind of morally irrelevant “hypothetical imperative” which must be rejected in favor of the categorical.
1704), but not as given by nature (ends). For Schmitt we will find that norms return simply as the prerogative of Sovereign declaration.

Early modern Catholic monarchs recognized that their own long-standing desire to assert their power over the Church in their realms could be achieved by means of exploiting the social revolution sweeping Europe. By taking up the mantle of “Defender of the Faith” (*Fidei defensor*), as Pope Leo X (r. 1513-21) dubbed England’s King Henry VIII (r. 1509-47), these kings leveraged their defense of Church interests and the fight against Protestant heresy into concessions and prerogatives for the State vis-à-vis the Church within their territory. Thus, pre-modern limited monarchy began to be replaced by the modern unitary sovereign State, first exemplified in Bourbon absolutism and later by modern republicanism.

Bourbon absolute monarchy as it coalesced under Louis XIV (r. 1643-1715) was most ably defended by Bishop Jacques-Bénigne Bossuet (1627-1704), who drew upon Bodin’s work on absolute sovereignty to promote a theory of “divine right” rule based on an error in interpretation, or simply an abuse, of the scholastic concept of “designation” and “transmission” previously discussed. Bossuet held that God, not the civil community, designated the monarch directly through heredity from Adam. Such a claim bypasses the need for a “transmission” in order to grant power to a ruler and ground a duty of obedience on the part of the ruled. Bossuet’s theory of “divine right” thus gave kings a firm standing to combine in themselves, as divinely

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143 The older medieval common law was destroyed by the Treaty of Westphalia (October 1648) and a new “system of states having diverse confessional allegiances” with sovereigns who claimed for themselves absolute and divine rights within their land emerged from the wreckage (Hittinger, “Two Modernisms, Two Thomisms,” 848). In the Catholic nations individual arrangements were devised granting monarchs numerous rights over the Church in their territories in exchange for protections against the encroachment of Protestantism as well as help in supporting the Church’s missions in the new colonies. See also: Hittinger, Russell, “Introduction to Modern Catholicism,” in *The Teachings of Modern Roman Catholicism: On Law, Politics, and Human Nature*, ed., John Witte, Jr, et. al. (New York: Columbia University Press, 2007), 1-38; and on the arrangement in Spain: W. Eugene Shiels, *King and Church: The Rise and Fall of the patronato Real*, (Chicago: Loyola University Press, 1961).
commissioned, both power and authority *against* the claims of the pope. As Bossuet and Bourbon absolutism demonstrates, the establishment of modern absolute monarchy and national churches was as much a matter of course in Catholic kingdoms as Protestant, up until the period of revolutionary fervor that began with the French Revolution.

**Restoration Period: Legitimism and Ultramontanism**

The Restoration period of early nineteenth-century Europe after the final defeat of Napoleon Bonaparte (1769-1821) and the peace established by the Congress of Vienna (1814-15) saw the balance of power in Europe tilt in a decidedly Protestant direction. After all, Napoleon had largely destroyed the Catholic powers while ultimately being defeated by the efforts of a coalition consisting of England, Russia, Prussia, and Austria, with only the latter being a Catholic State. Additionally, Poland was absorbed, Holland dominated Belgium, and the Rhenish “prince-bishops” were eliminated. The eminent historian of modern Christianity, Owen Chadwick, pointedly remarked that “[t]he word *Restoration* bore only a very partial truth in the Roman Catholic Church.”

Monarchies may have been restored but once again in the modern absolutist form to the further expense of the Catholic Church, both considered internationally in the person of the Pope and his territorial rule, as well as locally, in her particular interests within the various European states. The Church sought to establish concordats in order to try and maintain local

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11 Catholic philosopher Yves Simon thus pointedly remarks on the context of the theory’s early modern origins: “No wonder that the designation theory first obtained currency in an historical context marked by nationalism, absolutism and Protestantism” (“Doctrinal Issue,” 87-114). On divine right theory’s development out of the secular monarchical creation of a “political theology” see the classic text: Ernst H Kantorowicz, *The King’s Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1997 (originally 1957). This early modern example of secular creation of a “political theology” is in line with what Schmitt promotes.

12 Owen Chadwick, *The Popes and the European Revolution* (Oxford: Clarendon Press, 1981), 538. As an Anglican priest Chadwick readily saddles the Catholic Church with the adjective “Roman” meant to distinguish it from the English “Catholic” Church established by Henry VIII. When examining Schmitt’s book *Political Form*, in Chapter Five, we shall find that he approaches the Catholic Church in a similar manner which emphasizes its “Roman” qualities.
independence but rarely succeeded; those actually agreed to “marked a general increase in state control.” Reluctantly, but in the main, the Church accepted the absolute sovereigns, which ruled modern Europe, as the most prudent approach in the revolutionary decades of the first half of the nineteenth century. This policy of “legitimism” or “regalism” prioritized political obedience above ecclesial interests. However, the pre-modern intellectual foundation for Catholic political thought remained intact in the modern era and soon began to experience a renaissance.

In the nineteenth century, particularly under the influence of the principle of democratic popular sovereignty, the modern State began to shift from Gallicanism to secularism, denoting religion “private” while making the self-worship of the people, nationalism, the “public” religion. It is easy to forget that as the ancien régime of absolute monarchs began to fall in historically Catholic nations and democratic republics arose, a separation of Church and State did not accompany the change. Rather, the prerogatives over the Church within a nation’s borders, which

146 Ibid., 539.
147 Hittinger claims that “no encyclical better exhibits the principles and failure of Legitimism than Pope Gregory XVI’s [r. 1831-1846] Cum primum (1832)” (Hittinger, “Introduction to Modern Catholicism,” 6). Gregory’s encyclical addressed the Polish revolt against the takeover of their country by the Russian Tsar Nicholas I [r. 1825-55], resulting from the Congress of Vienna, who “governed his dominions according to the slogan, ‘Orthodoxy, Autocracy, and Nationality” (ibid.). Gregory uses the traditional defense of Catholic obedience to political authority as found in Romans 13 and First Peter 2 to call on the Poles to be peaceful and accept the Tsar as “legitimate authority.” As Hittinger suggests: “The Polish bishops were surely puzzled, not to say appalled, by the suggestion that an eight-hundred-year-old church, with a tradition of fierce loyalty to Roman ecclesiastical authority, should abandon its self-government to a schismatic tsar on the model of the obedience owed by early Christians to the Roman emperors” (ibid., 7). If Schmitt’s authoritarian and statist views fit in with any historical manifestation of actual political Catholicism it would be this legitimism of the early nineteenth century. However, he clearly believes that the “era of kings” is dead and legitimacy gone. Schmitt’s statism and authoritarianism does not hearken backwards romantically in a counter-revolutionary form but rather yearns forward.

148 An excellent study of the development of nationalism as secular political religion in Germany is George L. Mosse, The Nationalization of the Masses: Political Symbolism and Mass Movements in Germany from the Napoleonic Wars through the Third Reich (Ithaca, NY: Cornell University Press, 1991). Mosse notes: “The nation in the eighteenth century was now said to be based upon the people themselves, on their general will, and was no longer symbolized solely by allegiance to established royal dynasties. The worship of the people thus became the worship of the nation, and the new politics sought to express this unity through the creation of a political style which became, in reality, a secularized religion” (ibid., 2). In the eighteenth but especially in the nineteenth century, Rousseau’s “general will” was frequently made the basis of “a secular religion, the people worshipping themselves, and the new politics sought to guide and formalize this worship” (ibid.). The way for the Nazi racial State was thus paved by nationalism. See: Michael Burleigh, and Wolfgang Wippermann, The Racial State: Germany 1933-1945 (Cambridge: Cambridge University Press, 1991); although they focus on the attempted transition from a Weimar State divided by “class” to one unified by race.
had been claimed by the Catholic monarchs, were transferred (or attempted to be) to the republican State. Even more encroachments were made into Church affairs, as well as property confiscated.

Such vast, sweeping changes of political modernity by its agent the State ultimately demanded an intellectual retrenching on the part of Catholic intellectuals both inside and outside the hierarchy. Philosopher and historian Russell Hittinger informs us that:

... [T]he post-1789 church-state crisis is what gave the Church real incentive to develop a body of social doctrine. On this score it is important to understand that the social doctrine did not begin with the industrial revolution and the problems of benighted and dislocated workers. It began with the need to defend the institutions of the Church. Catholic social doctrine, accordingly, emerged in defense of two propositions: first, that the state does not enjoy a monopoly over group-personhood; second, that societies other than the state not only possess real dignity as rights-and-duties bearing unities, but that they also enjoy modes of authority proper to their own society. These two propositions originate in pre-modern and ultramontane thought. The ultramontane stance is, therefore, foundational to modern “political Catholicism” *simpliciter*; it unified Catholic conservatives and liberals alike, such as: Joseph de Maistre (1753-1821); Louis de Bonald (1754-1840); Juan Donoso Cortés (1809-53); Hugues-Felicité de Lamennais (1782-1854); Charles-Forbes-René, Comte de Montalembert (1810-70); and Jean-Baptiste Lacordaire (1802-61). The renaissance of ultramontanism also occurred on the popular and incipiently democratic level in the

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151 Gallicanism can be professed by conservative proponents of absolute divine right monarchy or liberal Catholics seeking Church obeisance to a Republican nation-State but as such both would likely not be considered engaged in political Catholicism at all. Rather, they are following a secular ideology without regard for being intellectually “Catholic.” On the threat of Gallicanism to the independence of the Church as well as its modernism see: Hittinger, “Two Modernisms, Two Thomisms,” 855.
nineteenth century in response to Gallicanism and creeping nationalist centralization; both looked
upon the Church as an alien element in the social body and the pope as simply a foreign power.

The Late-Modern Leonine Elucidation of Catholic Political and Social Principles

In a related manner, the papacy rose in significance, ecclesiastically and popularly, while
other bishops of large dioceses in Europe (e.g., Mainz, Cologne, Trier, and Salzburg) were
diminished by Gallicanism: “The French bishops were stipendiaries of the State; the Spanish
bishops were troubled by division and civil war; the Archbishop of Vienna lived under a Josephinist
government.”152 In seeking reprieve from the State Catholics naturally looked to the pope and thus
became “ultramontane.” The papacy in the nineteenth century “was elevated, not in political
power, for there he lost rights steadily; but in the feeling of ordinary faithful worshippers.”153 The
centralization and strengthening of the Vatican as voice of the Church was, paradoxically, the only
successful means for Catholics in the several nations of Europe to maintain their religious liberty
against the ever increasing encroachments of the State.

The first resounding attempt by the Vatican to fight back the tide was Pope Pius IX’s (r.
1846-78) promulgation of the encyclical Quanta Cura (Condemning Current Errors) on December
8, 1864 accompanied by the Syllabus Errorum (Syllabus of Errors). Within the Syllabus only
seven of its eighty propositions do not deal directly with the relation between Church and State:

In proposition after proposition, Pius IX flatly denies the rights once exercised by Catholic sovereigns, and
now by nation-states. He declares, in effect, the independence of the Church not only in matters of ordinary
governance (sacraments and the episcopacy), but also with regard to schools, religious orders, marriage and
families, and sodalities.154

152 Chadwick, Popes, 609. “Josephinist” refers to the principle of state supremacy over the Church as instituted by the
Austrian Emperor Joseph II (r. 1741-90; as Holy Roman Emperor r. 1765-90).
153 Ibid.
154 Hittinger, “Two Modernisms, Two Thomisms,” 854.
In effect, Pius “inaugure[d] what came to be known as Catholic social doctrine.”

The *Syllabus* and Vatican I laid out the predicates of ecclesiastical order unfettered by civil control. They killed Gallicanism—no more national churches, no Catholicism controlled by local ecclesiastical and lay elites.

Even an observant contemporary like John Henry Cardinal Newman (1801-90), critical of the timing of defining papal infallibility and universal jurisdiction, praised its overall result: “there will be no more of those misunderstandings out of which Jansenism and Gallicanism have arisen, and which in these latter days have begotten here in England the so-called Branch Theory.” In this mid-nineteenth century context began well over a century of the papacy, in which, half of all encyclicals would deal with “problems relating to the nature, the ideologies, and the policies of the state.”

In these encyclicals the modern era popes consistently endorsed the pre-modern thought of Aquinas as lodestone for Catholic social and political thought; thus, making Thomism normative for Catholic intellectuals from the decades immediately before Schmitt’s birth through more than half of his productive life. In fact, a German Jesuit, Josef Wilhelm Karl Kleutgen (1811-83), wrote Pope Leo XIII’s (r. 1878-1903) initial draft of *Aeterni Patris*; the 1879 encyclical which reestablished Thomistic scholasticism as the foundation for the present and future of Catholic philosophy and theology. These social encyclicals also “share a common stock of principles on such things as the human person, the different forms of solidarity, subsidiarity, and

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Ibid.

Ibid., 855.

Ibid.

Hittinger, “Introduction to Modern Catholicism,” 2. In another essay Hittinger notes: “To my knowledge, no institution sounded such an early and persistent warning about the state as Volkskörper (a nation body) than the Catholic Church. Catholic thought de-substantialized the state in favor of the idea of societies as unities of order” (“Coherence of the Four Basic Principles,” 122). This notion of Catholic thought “de-substantializing” the modern State is exactly right and it is crucially lacking in Schmitt’s modernist political theory.

In addition to previously mentioned essays by Hittinger see also: Jose Pereira, “Thomism and the Magisterium: From *Aeterni Patris* to *Veritatis Splendor*,” *Logos: A Journal of Catholic Thought and Culture*, 5.3 (Summer 2002), 147-83.
the common good.” All four principles are fundamental to political Catholicism. No pope was more important intellectually in this period than Leo XIII, and no encyclical better illustrates the four core principles of Catholic social thought than his *Rerum Novarum* dealing with the conflict between capital and labor and promulgated in 1891.

*Rerum Novarum*

On the first principle of the dignity of the human person, Leo delivers a strong critique of socialism combined with a defense of the natural right to property:

[A] man's labor necessarily bears two notes or characters. First of all, it is personal, inasmuch as the force which acts is bound up with the personality and is the exclusive property of him who acts, and, further, was given to him for his advantage. Secondly, man's labor is necessary; for without the result of labor a man cannot live, and self-preservation is a law of nature, which it is wrong to disobey.

Additionally, he recognizes the natural right to association most immediately in the family as the fundamental social unit. Human sociability leads to the creation of other corporate or mediating societies, including labor associations, but premier among them is the Church and its charitable organizations.

The natural impulse towards social life leads to the second principle of solidarity:

The consciousness of his own weakness urges man to call in aid from without. . . . It is this natural impulse which binds men together in civil society; and it is likewise this which leads them to join together in associations which are, it is true, lesser and not independent societies, but, nevertheless, real societies.

It follows that there is no necessity of conflict between social or economic classes. To illustrate the point Leo utilizes an organic analogy:

160 Hittinger, “Coherence of the Four Basic Principles,” 75. Hittinger points out that Pope Pius XI (r. 1922-39) was the first to explicitly discuss Catholic “social doctrine as a unified body of teachings which develop by way of clarity and application. In *Quadragesimo anno* [Encyclical on Reconstruction of the Social Order issued May 15, 1931], Pius said that he inherited a ’doctrine’ handed on from the time of Leo XIII” (ibid.).


162 Ibid., §44.

163 Clearly this view also reflects the pre-modern principle of the temporal priority and ontological superiority of the social over the political.

Just as the symmetry of the human frame is the result of the suitable arrangement of the different parts of the body, so in a State is it ordained by nature that these two classes [labor and capital] should dwell in harmony and agreement, so as to maintain the balance of the body politic.\footnote{Ibid., §19.}

Leo’s purpose in the analogy is to stress solidarity, that both “need the other: capital cannot do without labor, nor labor without capital.”\footnote{Ibid.} He soon utilizes the metaphor again:

The members of the working classes are citizens by nature and by the same right as the rich; they are real parts, living the life which makes up, through the family, the body of the commonwealth; It would be irrational to neglect one portion of the citizens and favor another, and therefore the public administration must duly and solicitously provide for the welfare and the comfort of the working classes; otherwise, that law of justice will be violated which ordains that each man shall have his due.\footnote{Ibid., §33, emphasis added.}

The pontiff’s use of an organic analogy has been a cause of confusion amongst many interpreters of the encyclical, who understand it as promoting a romantic social organicism.\footnote{For example, see: Martin Conway, Catholic Politics in Europe, 1918-1945 (New York: Routledge, 1997), 23; and Evans, German Center Party, 184-5. Conway thinks Rerum Novarum “could be used to justify a nostalgic anti-modernism” and Evans thinks it expresses a view of society common to romantic anti-modern conservative sentiment such as found in the Austrian economist Othmar Spann (1878-1950); who later became influential amongst a faction of Catholic extremists that joined the Nazis. However, Spann was far more influenced by German Idealism and Romanticism than either Leo or Thomas.} However, such a reading makes a fundamental category error as regards “parts” and “wholes” alien to Catholicism’s Thomistic philosophical tradition, which forms the basis of Leo’s thought. Specifically, the “whole” which is a political society, is not the same as the “whole” which is an organism, a natural body, because the parts within a society are themselves also “wholes” in their own right (as persons, families, corporate entities) with their own parts/whole relationship as well as specific human dignity. Contrariwise, the parts of a natural organism are simply material parts (such as hands and feet) and do not have the same dignity in relation to the whole of which they partake as do the “parts” of social wholes.

Therefore, the key phrase in the passage of Rerum Novarum just quoted is “through the family,” as the family is itself a “whole” consisting of individual human “parts” which are likewise treated as “real.” That is, the “parts” of the family—persons—are substantial and not merely
constitutive. Persons, for Leo, subsist both as a part to a larger whole and as a whole in their own right. The political ramification of Leo’s orthodox understanding of the relationship between social parts to the whole is a strict denial of both anarchism (and classical liberalism) as well as statist totalitarianism whether in Socialism or (later) Fascism. The former ideologies succumb to individualism, which denies that families and social groups actually do materially constitute a real whole, a society. The latter destroys the integrity of the parts by subsuming them completely to the social whole; thus denying their dignity as substantial wholes in addition to being constitutive parts in favor of a romantic social organicism.  

The discussion of the relationship of parts to wholes leads to the crucial principle of subsidiarity as it relates to the proper relationship between the State and the intermediary, and subsisting, forms of social association, again beginning with the family. Leo acknowledges that “lesser” societies do lack full autonomy (indeed, no societies are autonomous as all must conform to natural law), and are subject to the consideration of the political common good which it is the duty of the State to seek and defend. However, the State must recognize its limits and act in justice towards the smaller but wholly “real” corporate entities. For example, the State may only intrude in the family in rare circumstances, either to provide “public aid” in times of “extreme necessity,” or if in the home, “there occur grave disturbance of mutual rights.” Additionally, Leo argues that given property is a natural right the State can only interfere with it in authentic cases of conflict with the justly construed interests of the common good. That the State has absolute limitations, and in fact, a positive duty to protect subsisting corporate and social entities is illustrated most essentially

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169 This interpretation of Rerum Novarum is clearly bolstered by a single passage that simultaneously defends individual human dignity as well as social solidarity, when Leo cites Aquinas—“As the part and the whole are in a certain sense identical, so that which belongs to the whole in a sense belongs to the part”—before concluding that rulers are strictly tasked with doing “their best for the people” as a matter of distributive justice (giving to each their due). See: Leo XIII, Rerum Novarum, §33. Leo further bolsters his stance by a defense of establishing “private societies” as a natural right belonging to persons at §51.
170 Ibid., §14.
171 Ibid., §47.
in the case of “the confraternities, societies, and religious orders which have arisen by the Church's authority and the piety of Christian men.”\textsuperscript{172} Leo claims that reason dictates, according to natural law, that these societies are “perfectly blameless” and fully sanctioned, but further:

In their religious aspect they claim rightly to be responsible to the Church alone. The rulers of the State accordingly have no rights over them, nor can they claim any share in their control; on the contrary, it is the duty of the State to respect and cherish them, and, if need be, to defend them from attack.\textsuperscript{173}

Leo then sadly notes, in modern times, such religious societies have in fact been suppressed, despoiled, and continually “hampered in every way,”\textsuperscript{174} grossly violating the principle of subsidiarity.\textsuperscript{175}

The principle of subsidiarity does acknowledge the duty of the State to pursue and defend the common good, however, the State must resist the desire to intervene unjustly and thus degrade the autonomy of corporate societies. Leo illustrates:

Whenever the general interest or any particular class suffers, or is threatened with harm, which can in no other way be met or prevented, the public authority must step in to deal with it. . . . The limits must be determined by the nature of the occasion which calls for the law's interference - the principle being that the law must not undertake more, nor proceed further, than is required for the remedy of the evil or the removal of the mischief.\textsuperscript{176}

He adds, “The State must not absorb the individual or the family.”\textsuperscript{177} The restraint of the State is based on recognition that mediating societies are themselves “unities of order.”\textsuperscript{178} They have their own internal order (of parts and wholes) and an integrity which involves seeking their own

\textsuperscript{172} Ibid., §53.
\textsuperscript{173} Ibid.
\textsuperscript{174} Ibid.
\textsuperscript{175} Ibid.
\textsuperscript{176} Ibid., §30.
\textsuperscript{177} Ibid., §36.
\textsuperscript{178} Ibid., §35.
\textsuperscript{179} Neo-Thomism introduced the term “unity of order” to replace speaking of society as an organism or “body” in order to avoid the romantic, “organicist,” misunderstanding of the limited analogical nature of relating the parts of an organism to the parts of a social whole. The Belgian-Canadian Thomist Charles de Koninck (1906-1965) illustrates in his attack on the totalitarian subsuming of the person to the social whole in his 1943 essay “The Primacy of the Common Good against the Personalists,” in \textit{The Writings of Charles de Koninck, Volume Two}, ed. and trans. Ralph McInerny (Notre Dame, Indiana: University of Notre Dame Press, 2009), 74-108. In a review of Koninck's essay Yves Simon makes clear that famed French neo-Thomist Jacques Maritain’s views are wholly in accord with Koninck’s, see “On the Common Good: Review of The Primacy of the Common Good” in ibid., 165-71. See also in the volume Koninck’s “In Defence of St. Thomas: A Reply to Father Eschmann’s Attack on ‘The Primacy of the Common Good,'” in ibid., 205-364, especially part two “St. Thomas on Part and Whole,” 214-20.
particular “common good.” Hence, these lesser “common goods” need to be respected by the “greater” political society: “The State should watch over these societies of citizens banded together in accordance with their rights, but it should not thrust itself into their peculiar concerns and their organization, for things move and live by the spirit inspiring them, and may be killed by the rough grasp of a hand from without.”

Finally, on the principle of the common good as the proper object of the political community, regardless of the specific form in which the State exists, Leo writes:

By the State we here understand . . . the State as rightly apprehended; that is to say, any government conformable in its institutions to right reason and natural law . . . The foremost duty, therefore, of the rulers of the State should be to make sure that the laws and institutions, the general character and administration of the commonwealth, shall be such as of themselves to realize public well-being and private prosperity. This is the proper scope of wise statesmanship and is the work of the rulers. . . . It is the province of the commonwealth to serve the common good.

Leo adds in a number of examples of what the common good consists in: “moral rule, well-regulated family life, respect for religion and justice, the moderation and fair imposing of public

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179 Leo XIII, *Rerum Novarum*, §55. See for a further illustration the last line from §50 quoted above, “lesser and not independent societies, but, nevertheless, real societies.” Additional elaboration follows in §51: “These lesser societies and the larger society differ in many respects, because their immediate purpose and aim are different. Civil society exists for the common good, and hence is concerned with the interests of all in general, albeit with individual interests also in their due place and degree. It is therefore called a public society, because by its agency, as St. Thomas of Aquinas says, ‘Men establish relations in common with one another in the setting up of a commonwealth.’ But societies which are formed in the bosom of the commonwealth are styled private, and rightly so, since their immediate purpose is the private advantage of the associates. ‘Now, a private society,’ says St. Thomas again, ‘is one which is formed for the purpose of carrying out private objects; as when two or three enter into partnership with the view of trading in common.’ Private societies, then, although they exist within the body politic, and are severally part of the commonwealth, cannot nevertheless be absolutely, and as such, prohibited by public authority. For, to enter into a ‘society’ of this kind is the natural right of man; and the State has for its office to protect natural rights, not to destroy them; and, if it forbid its citizens to form associations, it contradicts the very principle of its own existence, for both they and it exist in virtue of the like principle, namely, the natural tendency of man to dwell in society.” The principle of subsidiarity thus derives from the Catholic understanding of human dignity and freedom and can be found developed in Aquinas at *STI*, Q. 65, Art. 2. In short, given the ontological priority of the familial and social to the political community as well as human freedom and choice, then nothing which can be done at a local and decentralized level should be done by a more complex and distant bureaucratic or centralized body. Leo XIII is generally viewed as the first pontiff to fully begin developing this principle at the level of Church doctrine. The term itself dates to the works of Italian Jesuit Luigi Taparelli (1793-1862). Hittinger helpfully summarizes the concept: “For Taparelli and the tradition of Catholic social doctrine, subsidiarity is not a freestanding concept. As a principle regulating and coordinating a plurality of group-persons, subsidiarity presupposes a plurality of such persons, each having distinct common ends, kinds of united action, and modes of authority” (Russell Hittinger, “Society, Subsidiarity, and Authority in Catholic Social Thought,” in *Civilizing Authority: Society, State, and Church*, ed. Patrick Brennan [Lexington Books, 2007], 135).

taxes, the progress of the arts and of trade, the abundant yield of the land . . . everything . . . which makes the citizens better and happier,” especially promoting “to the utmost the interests of the poor.”

A related traditional principle of Catholic political thought present in *Rerum Novarum* is worth mentioning in conclusion. Namely, that the source of political rule, of sovereignty or power, is God and therefore, must be exercised on the model of divine rule and solicitude necessarily restrained by the good, as reason recognizes it in the natural law. Tyranny then, just as it had been for classical political thought, is governance to “the advantage of the ruler,” while good governance is for “the benefit of those over whom [the State] is placed.” On all of these basic principles of Catholic social and political teaching, Schmitt is in dissent or dismissive, as will be pointed out where appropriate going forward. Now let us shift focus from the general and theoretical foundations of Catholic social and political thought to the specific manner in which political Catholicism developed in Germany.

Part Two. Political Catholicism in Germany.

Modern German Political Catholicism to the *Kulturkampf* (1815-70)

For the Germanic lands “the secularization of 1803 [The Final Recess] was never undone,” so that the territorial remnants of the Holy Roman Empire were absorbed into larger states, such as France, Austria and Prussia. Prussia had begun the conquest of Catholic territories in the 1700's by the addition of Silesia and in partitions of Poland, including the Bishopric of Ermland, West, South, and New East Prussia. By the first two decades of the 1800s, there were no

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181 Ibid.
182 Leo is not here defending modern divine right theory which makes use of the divine origin of power to subjugate the Church to the State but, quite the reverse, to remind the political sovereign that it is subject both to God’s will and law, hence both the Church’s authority and natural law.
183 *Leo XIII, Rerum Novarum*, §35.
184 Chadwick, *Popes*, 538.
more privileged “prince-bishops,” the right of sanctuary was ended, and Church property was no longer sacrosanct as evidenced by the suppression of many monasteries and abbeys. Further, after the Vienna settlement of 1815, Baden, Württemberg, and Hesse-Darmstadt became the Protestant states with the most Catholics in them and all three “issued official edicts establishing the principle of state supremacy over the churches” in 1821. Even in Bavaria, ruled by the Catholic Wittelsbach dynasty, King Ludwig I’s (r. 1825-48) “personal piety, respect for the papacy, and encouragement of Catholic scholarship were at all times balanced by his firm belief in a Josephine state supremacy, which decisively prevailed in 1847-48.” In short, “[t]he first decades after 1815 saw not the reversal of the State controls sought by the eighteenth century but their expansion.”

Thus, the approximate beginning of modern German political Catholicism dates to the “Pre-March” (Vormärz) period of Restoration stretching from the final defeat of Napoleon in 1815 to the German Revolution which began in March of 1848 (the Märzrevolution).

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185 Evans general sympathy for the German Catholics she studies does not extend to these smaller independent political communities. She takes for granted the superiority of larger, centralized states and believes the “ecclesiastical states, free cities, and tiny principalities were inefficient forms of government and handicaps to the formation of a modern state.” Evans calls them “anachronistic survivals” and yet notes benignly that the result of forced annexations and the destruction of local self-rule in these smaller distinct political communities was “the transference of nearly the entire population of west and southwest Germany to Protestant administrations” (Evans, German Center Party, 2). She fails to recognize that the Prussian discrimination and militarist nationalism she will critique is coextensive with the rise of the modern German state.

186 For a treatment of some of these issues in Germany over a longer and earlier timespan see: Derek Beales, Prosperity and Plunder: European Catholic Monasteries in the Age of Revolution, 1650-1815 (London: Cambridge University Press, 2003), 39-83.

187 Evans, German Center Party, 8.

188 Ibid., 9.

189 Chadwick, Popes, 539.

190 The general facts and history discussed in this chapter are primarily drawn from Evans, German Center Party; and Jonathan Sperber’s Popular Catholicism in Nineteenth-Century Germany (Princeton: Princeton University Press, 1984). Both works avoid too narrow a focus, or overemphasis of synchronic or diachronic methods, and are written in a very judicious style without a constraining ideology. Some prominent histories dealing with political Catholicism take a teleological approach by focusing on the views on democracy of various Catholic thinkers or movements with an eye to the eventual formation of Christian Democratic parties after World War Two, for example: Hans Maier, Revolution und Kirche: Studien zur Frühgeschichte der christlichen Demokratie, 1789-1901 (Freiburg: Verlag Rombach & co., 1965), translated by Emily M. Schossberger as Revolution and Church: The Early History of Christian Democracy, 1789-1901 (Notre Dame: University of Notre Dame Press, 1969); and Noel D. Cary, The Path to Christian Democracy: German Catholics and the Party System from Windthorst to Adenauer (Cambridge, MA: Harvard University Press, 1996). In a similar teleological manner Willfried Loth is most interested in detailing the
In these early decades of the nineteenth century a consensus slowly developed amongst German Catholics (most pronounced in Prussia) to politically resist state domination of the Church. Mind, it was a consensus and not unanimity. Historian Christoph Weber noticed two main camps—broadly construed—within German Catholicism in the nineteenth century. On the one hand were the “traditionalists,” orthodox and ultramontane defenders of popular piety who attacked the Protestants and state bureaucracy which interfered in the autonomy of the Church. The other camp consisted in “enlightened” liberal Catholic clergy, nationalists (conservative or liberal) and bourgeois who supported the Protestant bureaucracy and wanted a state church (Staatskirchentum). Only the former camp engaged in a “political Catholicism” as the latter camp found its political motivation and principles not in their Catholic faith, regardless of its bona fragility of the Center and of political Catholicism in general as it eroded into its various internal social and ideological cleavages leading to its eventual limp demise in 1933 in “Soziale Bewegungen in Katholizismus des Kaiserreichs,” Geschicht und Gesellschaft, 17.3, Neue Aspekte der reichsdeutschen Sozialgeschichte 1871-1918 (1991), 279-310, and “Integration und Erosion: Wandlungen des katholischen Milieus,” in Deutscher Katholizismus im Umbruch zur Moderne, ed. Wilfried Loth (Stuttgart: W. Kohlhammer, 1991), 266-81. While others are much more narrowly focused, such as: John K. Zeender, The German Center Party: 1890-1906, Transactions of the American Philosophical Society, Volume 66, Part 1, 1976 (Philadelphia: The American Philosophical Society, 1976). It would be remiss of me to fail to mention the nine large volumes written on the party by its official historian and one of its politicians, Karl Bachem, Vorgeschichte, Geschichte, und Politik der Deutschen Zentrumspartei (Köln: J. P. Bachem, 1926-32), although I did not make use of it in writing this chapter. Evans writes: “In general, there is very little evidence, before 1848, of the existence of an active political Catholicism in any part of Germany except Prussia. In liberal Baden and in conservative Bavaria and Austria, educated Catholics in and out of government accepted the idea of state domination over the church either out of conviction or from the belief that the interests of state and church were for the most part in harmony. In Prussia, on the other hand, both ‘liberal’ and conservative Catholics had already begun to feel somewhat threatened by state domination in a state which was both Protestant and authoritarian” (German Center Party, 10). Evans is also here implicitly recognizing that both “liberals” and “conservatives” secularly understood could coexist under the umbrella term of political Catholicism if they rallied in defense of the autonomy of the Church and specifically Catholic social or political interests. Weber has developed his characterization of this divide amongst Catholics in a number of books, including: Kirchliche Politik zwischen Rom, Berlin und Trier 1876 bis 1888: Die Beilegung des preußischen Kulturkampfes (Mainz: Matthias-Grünwald-Verlag, 1970); Aufklärung und Orthodoxie am Mittelrhein: 1820-1850 (München: Schöningh, 1973); and “Eine starke, enggeschlossene Phalanx,” der politische Katholizismus und die erste deutsche Reichstagswahl 1871 (Essen: Hartext, 1992). Paradigmatic of the state-supremacy side of German Catholicism amongst the clergy in the early nineteenth century were the proponents of the strain of theology designated “Hermesian.” Fr. George Hermes (1775-1831) was so celebrated by Protestant theologians that he was given a chair of theology at the University of Münster and his views spread to other theological faculties such as at Bonn and the Köln seminary. Hermesianism was condemned as heretical in its fundamental rationalism in 1835. A later example of dissenting Catholics who favored the state is the “Old Catholics” schismatic sect who rejected the dogmatic definition of papal infallibility at the First Vatican Council (1870). On the Old Catholics, see: Sperber, Popular Catholicism, 233-40.
fides, but in secular political ideologies. Since the proponents of German political Catholicism maintained an attachment to pre-modern philosophical principles, their story is primarily one of ultramontanism.

The most significant early show of Catholic resistance to the Prussian State occurred in the events of the 1830s known as the “Cologne troubles” (Kölner Wirren). In 1826 the Prussian bureaucracy had succeeded in make overnight religious pilgrimages illegal, motivated by their rationalist desire to combat “superstition.” The State had even been assisted by the subservient Archbishop of Cologne, Count Ferdinand August von Spiegel (1764-1835), who was similarly lax on enforcement of Church law regarding priestly assistance at mixed marriages. Canon law required a priest to be assured by the couple that they agreed to raise their children as Catholics, but recent Prussian law decreed that “sons be brought up in the father’s faith and daughters in the mother’s.” In 1837 von Spiegel was replaced as archbishop by Clemens August von Droste-Vischering (1773-1845) who “began his term of office by purging the theological seminary in Bonn of professors who taught the principle of state supremacy over the churches and he defied the state regulations on mixed marriages.” Additionally, he refused to enforce the prohibition on pilgrimages. For his defiance of the state, Droste-Vischering was imprisoned until April of 1839. Archbishop Martin von Dunin (1774-1842) of Posen-Gnessen in East Prussia was similarly arrested for defiance of the laws regarding mixed marriages and imprisoned for ten months.

Historian Jonathan Sperber finds that Catholic supporters of liberalism or progressivism were usually distinctive based on social status and class; they were overwhelmingly secularized bourgeois. Thus, then as now, religious laxity was most likely to accompany (or motivate?) political liberalism. See: Sperber, *Popular Catholicism*, 138-143.

The Prussian bureaucracy was always deeply anti-clerical and anti-Catholic, “It was accustomed to the German Protestant tradition in which the monarch was the official head of the Church; its officials, graduates of universities, believed that they represented trained intelligence, and they regarded the Catholic Church as an obstruction to progress and rational administration.” Quoted from: Zeender, *German Center Party: 1890-1906*, 6.

Evans, *German Center Party*, 4-5.

The ensuing furor over imprisoning geriatric bishops brought to prominence the Catholic journalist, Joseph von Görres (1776-1848), who in 1837, in a “widely circulated pamphlet, *Athanasius*, . . . protested the imprisonment of Droste-Vischering and demanded freedom of action for the [C]hurch and parity for Catholics in the civil service and universities.”

Görres then started the *Historische-politische Blätter für das katholische Deutschland*, the journal which inaugurated political Catholicism as an ultramontane, intellectual, and organized political phenomenon in Germany. To resolve the troubles, the government decided to quietly stop enforcing the pilgrimage prohibitions and released the archbishops.

It is reasonable to see the Cologne Troubles as foreshadowing later conflicts, as Evans suggests:

> The tendency of the Prussian state to regard the Catholic clergy as a potentially subversive element, the immediate willingness to use force against it, and, most significant, the passive acceptance of this by the non-Catholic population are all suggestive for later civil rights issues not only in the *Kulturkampf* but also in actions against other ‘subversive elements’ such as Socialists, Poles, Alsatians, and Jews.

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197 Evans, *German Center Party*, 6. The subject of the Cologne Troubles allows me to comment upon the fact that while Evans and Sperber both lack a constraining political ideology that would make them excessively antagonistic to their subject matter, such antagonism is evident in other prominent works on German political Catholicism. For example, in *Beleaguered Tower: Dilemma of Political Catholicism in Wilhelmine Germany* (Notre Dame, IN: University of Notre Dame Press, 1976) Ronald J. Ross pursues the *Sonderweg* approach by wondering why modern Germany did not develop into a stable liberal democracy. He sees the Center primarily as a backwards and retrograde party which “collaborated with antidemocratic forces, [and] inhibited political and social reform” (ibid., xi). Ross believes that the stalemate situation between Protestantism and Catholicism which resulted from the Reformation’s failure to fully revolutionize Germany was “cause of the aberrations of German evolution” (ibid., 3). He frequently uses loaded language to cast a negative light on German Catholics defending their interests and often assumes the correctness of judgments he makes without sharing an argument. For example, he claims that during the Cologne Troubles the Prussian government was upholding “equality” in forcing the Church to marry couples against their canonical requirements. He then describes Bishop Droste-Vischering as “stubborn” and “obstreperous,” causing the government to “lose patience” and dismisses Görres's *Athanasius*, calling it a “curious piece of work” which “ignored contradictions of the archbishop’s position,” without sharing his warrant for these claims (ibid., 13-15).

198 Evans, *German Center Party*, 6. Given the definition of political Catholicism spelled out above I agree with Evans. However, Sperber treats political Catholicism as much more strictly an issue of the existence of a political party which holds to a confessional platform. Therefore, he dates German political Catholicism only as far back as the 1861 electoral win of the Progressives since it was only in the period of 1850-66 that a number of social and economic issues coalesced into a unifying force for Catholics such as that they could establish a viable political party. The key issues included: defense of usury laws; the protection of guilds; the fight against both laissez faire and state control; and opposition to Bismarck’s maneuvers against Austria for dominance of Central Europe. See: Sperber, *Popular Catholicism*, 98, 153-5.

199 Evans, *German Center Party*, 5. Two of the minorities she mentions, the Poles and Alsatians, largely overlap with Catholics.
Any setback to the government was temporary, however. The Prussian state never ceased to apply pressure, such as encouraging “enlightened” priests to secularize Catholic religious associations and clubs, or at least push them towards expressed support for the expansionist Prussian state, and the bishops continued to have all communication with the Holy See reviewed by the government.\textsuperscript{200} Yet, a significant change had occurred within German Catholicism in response to the Cologne troubles; both the lay and priests began to stir in hostility to state interference and became more unified in recognition of their confessional interests. The ongoing issue of German national unification intensified this developing political Catholicism.

The Catholic population of Germany was concentrated in regions most likely to resist the manner in which German unification progressed in the nineteenth century, on ethnic grounds in Alsace-Lorraine or German-Polish areas, such as Posen and Silesia, as well as in hotbeds of separatism such as Bavaria, the Rhineland and West Prussia. Unification was envisioned in the 1840s to 60s either as \textit{kleindeutsch} (lesser Germany) excluding Austria or \textit{grossdeutsch} (greater Germany) including it. The two visions also differed greatly in terms of the importance of federalism, as the lesser Germany might be smaller in extent, but would be far more centralized. Thus, the \textit{kleindeutsch} program found political support from organized liberalism, progressivism, and Protestant anti-Catholicism in addition to Prussian conservatives and nationalists.\textsuperscript{201} Southern Germans and Catholics were staunchly defensive of federalism and the autonomy of the states, so overwhelmingly favored continuance of the German Federation, which already included Austria.\textsuperscript{202} Thus, the Austro-Prussian War of 1866, engineered by Prussian Prime Minister and Foreign

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{200} Sperber, \textit{Popular Catholicism}, 30-5.
\item \textsuperscript{201} Ibid., 116-18.
\item \textsuperscript{202} During the short-lived Frankfurt Assembly (May 1848 to May 1849) German Catholics had their first chance to demonstrate increasing political unity when their delegates overwhelmingly opposed the exclusion of Austria from the German Confederation, as well as the offer to Prussia’s Frederick William IV (r. 1840-61) to become hereditary emperor of a united Germany.
\end{itemize}
\end{footnotesize}
Minister, Otto von Bismarck (1815-98), was opposed mainly by Catholics and progressives; the latter of whom viewed the war as reactionary and an attack on fellow Germans.

During the run-up to war with Austria, the Prussian press fanned the flames of Anti-Catholic prejudice. The Norddeutsche Allgemeine Zeitung called the Habsburgs, “the mortal enemy of the Evangelical Church” and the conservative Kreuzzeitung prophesied that, “a religious war is brewing, perhaps as bloody as the Thirty Years’ War 200 years before.” The Catholics identified with their co-religionists and were vociferously pro-Austrian. Mutinies and demonstrations were frequent occurrences and “Nowhere was the opposition to the war more open and vehement than in the Rhineland and Westphalia”—the land of Schmitt’s ancestors and youth. When the war came, any opposition was considered unpatriotic; hence Catholics were politically isolated and silenced given their general immunity to nationalism. The resulting Prussian victory in 1866, reduced Catholics “to approximately one-third of the population . . . [and] also branded [them] . . . as somehow less than true Germans, [as] potential subversives in the new state . . .” The views of the victorious typically become settled popular history; the suspicion of Catholics as subversive “particularists” due to their local and regional allegiances against Prussian led kleindeutsch nationalism became a widely adopted political assertion of even the Progressives, who had themselves opposed the wars. In 1867, the Reichstag of the North German Confederation only had two Catholic delegates when one of them, Hermann von Mallinckrodt (1821-74) made a speech alluding “to Prussia’s aggressive role in German history.”

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203 Ross, Beleaguered Tower, 11.
204 Sperber, Popular Catholicism, 156-7.
205 Evans, German Center Party, 25.
206 Evans is more forceful about the selectively pejorative use of the term “particularist”: “Southern Catholics who championed the interests of Bavaria or Württemberg were not, on the other hand, called patriots for doing so, but labeled ‘particularists.’ It could be plausibly argued that it had been the Prussian government’s ‘particularism’ which had prevented reform of the confederation during the past fifteen years, but the term with its pejorative connotations was always used in reference to Kleinstaaterei, never to Prussia” (Ibid.). See also: Sperber, Popular Catholicism, 162-3.
Bismarck rejoined by “pointedly blam[ing] Germany’s division upon the thirteenth century ‘Guelphs and ultramontanes.” Just as in the prewar propaganda, the defeat of Austria “was widely hailed in Germany as a victory for Protestantism over Catholicism, a true completion of the Reformation. Catholics did not have to be paranoid to feel that they were about to be Protestantized as well as Prussianized.”

Following quickly on the heels of victory over Austria was victory over Napoleon III’s Second French Empire in 1870-71. As with the earlier war, German Catholics were opposed to Prussian militarism albeit they naturally did not favor France. An unintended consequence of the Franco-Prussian War was the removal of French protection from the Papal States. Italy’s King Victor Emmanuel II (r. 1861-78) did not miss the opportunity to put a final end to the Pope’s secular territorial rule. Although the Papal States had been an albatross around the Pope’s neck for centuries, their loss did leave the papacy in a vulnerable position that persisted as an issue—called the “Roman Question”—until the Lateran Treaty of 1929 created the Vatican City-State.

“The defeat of Austria, followed by the defeat of France and of the papacy in 1870, seemed to symbolize the downfall of international Catholicism and placed German Catholics, however they felt as individuals, collectively on the defensive.” Catholic defensiveness quickly produced political unity and the development of the German Center Party.

Germany’s liberal and progressive parties were dogmatically “anticlerical, secularist, and freethinking, while the conservative parties were closely identified with the established Protestant

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207 Evans, German Center Party, 26.
208 Ibid.
209 The “Roman Question” was most clearly seen to be a problem during the First World War when the Center tried to help the Church maintain neutrality. See: Ibid., 205-6.
210 Ibid., 29. Additionally, Catholics living as minorities in Protestant lands were already on the defensive against anti-Catholic sentiment due to the stringent anti-liberalism on display in Pius IX’s papacy, from the Syllabus of Errors of 1864 to Vatican I’s dogmatic definition of papal infallibility in 1870. John Henry Cardinal Newman (1801-90) in England and leaders of the Center Party in Germany as well as the editors of the Kölnische Volkszeitung were among those Catholics who believed that the timing of defining papal infallibility was unfortunate and imprudent. It was easy fodder for the propaganda of Protestant politicians like William Gladstone or Bismarck who predicted widespread and “serious defiance of national authority” (ibid., 36-7) from their Catholic populations.
state churches." This had been true for over two decades, but the new national configuration of 1870 drove home Catholic political isolation and necessitated creation of a confessional party to defend their interests. The resulting Center Party adopted as its platform the Soest Program which included the following nine points: independence and rights of the Church; political equality among religions; protest of any secularizing of marriage; support for denominational schools; maintain federalism; decentralization of the federal administration; limited taxation and spending; support for the middle class of farmers and small business owners to balance capital, landed property and labor; and freedom for efforts to resolve the social problem without threatening workers with moral or physical ruin. From this platform, it is easy to recognize the status of political Catholicism as a highly developed attempt to formulate a “third way” between the modern political and economic left and right. German Catholics were socially diverse but when unified by their religious interests and principles the result was:

... a section of the population whose leadership was traditionally conservative and even allied with reaction developed a political party allied, for many purposes, with the Left... with an ideological base flexible enough to encompass a strong civil rights platform, a relatively high concern for social welfare, an opposition to militarism, and even, by the opening of the twentieth century, a tentative embrace of democracy.  

\footnote{Ibid., ix. See also: Michael B. Gross, The War Against Catholicism: Liberalism and the Anti-Catholic Imagination in Nineteenth-Century Germany (Ann Arbor: The University of Michigan Press, 2005).}

\footnote{Evans, German Center Party, 32. Evans correctly notes as "... significant that the program’s emphasis upon a decentralized ‘federalism’ for the whole of Germany is matched by equal emphasis upon decentralization within the state of Prussia. It was the consistent desire of the Center to obtain more autonomy for the Catholic provinces of the Rhineland, Westphalia, and Silesia, as well as for the Polish districts. The goal was not reached, however, until after the Second World War, and then only under the direction of Allied occupation forces, in the process of redividing Germany altogether" (ibid., 32-3). As will become clear in subsequent chapters of this study, while Schmitt was never an overt supporter of any point within this program he clearly and consistently rejected Federalism and decentralization.}

\footnote{Evans, German Center Party, x-xi. Ultramontanism in modern times is an incipiently democratic and populist bend of mind. Chadwick covers how the Holy See recognized this democratic aspect early on in the nineteenth century and slowly began to cultivate it as deemed fitting within particular political and social contexts (Chadwick, Popes, 542). Of course, Pius IX's condemnations of republicanism and popular sovereignty dominate most presentations of the Church's relationship to democracy in the nineteenth century. As Russell Hittinger points out this is partly a result of Pius's tendency to expound lists of negations rather than to spell out what the positive corollary happened to be. That is, a condemnation logically entails a positive affirmation but since Pius left those open to others to interpret, a general picture of the Catholic Church as intrinsically anti-democratic was easy enough to formulate for the opponents of ultramontanism. On this “confusing format” see: Hittinger, “Two Modernisms, Two Thomisms” 853-4. One example of the positive defense of democratic government undertaken at times by the nineteenth century papacy is Pope Leo XIII's encyclical letter of February 16, 1892 on the Church and State in France, Au Milieu des Solicitudes. Leo condemns revolutionary activity and encourages French Catholics to support the legitimate existence of the Third}
Center leadership was less socially diverse as it mainly consisted in conservative aristocrats. Yet, due to their politically Catholic platform—which continued with little change to be the unifying agenda for the party until its demise—and resistance to Bismarck’s centralizing, militarist, and authoritarian government, the Center leaders were routinely called “rebels,” and “linked with radicals, Socialists, and other ‘enemies of the state.’” This line of attack was a consistent refrain from Bismarck and the National Liberals as they combined forces to attempt the destruction of political Catholicism during the Kulturkampf (cultural struggle) of 1871-83.

**Kulturkampf (1871-83)**

Although the Kulturkampf is most closely identified with Prussia and Bismarck, it actually began in a number of majority Catholic southern German states, and continued for various lengths of time and degrees of intensity before being nationalized by Bismarck. Austrian liberals believed that Catholics were supporters of Slavism and federalism against German-Magyar dualist rule and so controlled suffrage laws in a manner that kept a Catholic political party from even developing prior to the Christian Social Party of the late 1880s. Bavaria had similarly constructed suffrage laws to discourage organized political Catholicism, and passed a “pulpit paragraph” (Kanzelparagraph).

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21 Evans, *German Center Party*, 35.
prohibiting “abuse of the pulpit” by speaking against the state or its laws.215 In the state of Baden the Liberal government reacted to the publication of the Syllabus of Errors in 1864, by beginning an assault on confessional education. Led by the liberal government minister, Julius Jolly (1823–91), Baden pushed for the combination of Protestant and Catholic schools (Simultanschulen) under lay supervision, only allowing classes in religious instruction to be separate. In 1867, Jolly and the liberals enacted a law requiring clergy to pass a state exam on their educational qualifications. Then in 1869, civil marriage became compulsory and all schools were declared secular and under the control of the state. Additionally in 1870, Baden made it illegal to publish the dogma of papal infallibility.216

Prussia began an anti-Catholic legislative campaign later than other German states due to its fear (especially promoted by Queen Augusta [r. 1861-88; Empress from 1871])217 that the southern states might withdraw in protest from the Prussian dominated German Confederation. As soon as Bismarck became confident in German national unity in 1871, he quickly made up for lost time, concerned as he was by the success of the new Center Party in its first election cycle the same year.218 Bismarck prepared the political landscape by publishing calumny in “letters to two newspapers linking the Center with the Progressive radicals because of its civil rights stand, and

\[\text{\textsuperscript{215}}\text{Evans, } \textit{German Center Party}, \textit{45}. \text{Attempts to exert control over the content of sermons lives on; in the United States the threat of removing the tax exempt status of churches over political endorsement from the pulpit constantly recurs as a means to suppress criticism.}\]

\[\text{\textsuperscript{216}}\text{Ibid., 39-40. } \text{A nice point of contrast to highlight the development of organized political Catholicism is the town of Württemberg. Catholics made up only a quarter of the populace but the majority never introduced the discriminatory measures common to the Kulturkampf. Therefore, Catholics generally voted for the Progressives and so the Center only established itself much later when Progressive economic policies became too detrimental to middle class interests (ibid., 100-01).}\]

\[\text{\textsuperscript{217}}\text{Ibid., 48.}\]

\[\text{\textsuperscript{218}}\text{Sperber details the two interpretations of the Kulturkampf that dominate scholarship. Some treat it as Bismarck’s ploy to tie the liberals to his government by pitting them against Catholics as the proper enemy; while others put the blame on the secularist liberal party which wanted to break the clerical power of all Christian sects in order to undermine the conservative parties and produce liberal parliamentary majorities that could force the ministry to work with them. Sperber correctly points out that these are actually complementary views as both the government and the liberals wanted the conflict to serve their own purposes (\textit{Popular Catholicism}, 207-8).}\]
conjuring up a ‘Red-Black alliance.’

He further attempted to undermine the nascent Center and political Catholicism by associating it with non-German ethnicities, for example, in 1871, he:

. . . advised that there had been ‘too much forbearance against ultramontane, anti-Prussian efforts in West Prussia, Posen, and Upper Silesia. There is a Slavic ultramontane and reactionary propaganda from the Russian border to the Adriatic Sea, and it is necessary to defend our national interest and our language against such hostile efforts.’

A month later he asserted: “[t]he influence of local clergy hinders the use of the German language, because Slavs and Romans in alliance with ultramontanism seek to uphold barbarism and ignorance and fight everywhere in Europe against Germanism, which seeks to spread enlightenment.”

In 1872, Bismarck made his famed speech against the Center, accusing it of “mobilization against the state” and he “denounced the idea of a confessional party as dangerous and divisive.”

Bismarck’s Kulturkampf really took off once he replaced the moderate Prussian Minister of Culture, Heinrich von Mühler (1813-74), in 1872, with Adalbert Falk (1827-1900), a protégé of Julius Jolly. Bismarck and the National Liberals preferred open warfare with Catholicism while Mühler had refused to take that step. Falk had no such reservations in carrying out the Chancellor’s directive “to restore the rights of the state in relation to the church, and naturally with as little fuss as possible.”

In practice the latter clause was of far less importance than the former. Bismarck looked for any chance to alienate the Church from involvement in society, such as:

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19 Evans, _German Center Party_, 49. Bismarck throughout the Kulturkampf would shift back and forth from maligning Catholics as in league with progressives to then fanning the progressive’s deep anticlericalism in order to manipulate that party into reducing their support for civil rights to hypocritical lip service (ibid., 50).

20 Ibid.

21 Ibid.

22 Ibid., 56-7. Many commentators since have shared Bismarck’s sentiment, indeed, Carl Schmitt was fully dedicated to the view. It should be remembered, as Evans often points out, that the other political parties manifestly desired to suppress political participation by Catholics _qua_ Catholic; they were staunchly Protestant or anticlerical. The reason we can even discuss a phenomenon designated as “political Catholicism” in Germany is because the mainstream of political modernity and its project of constructing the national secular state is “political Protestantism.” Political Catholicism represents a genuine alternative tradition and highly developed critique of modernity promoted by a well-organized minority. Credit goes to political theorist P. Bracy Bersnak for the manner in which I am here formulating the contrast between modern political Catholicism and Protestantism; our exchanges have been of great assistance.

23 As quoted in: Ibid., 54.
cutting off financial support to a bishop for not clearing an excommunication of a heretical teacher with the state; ending the post of Catholic military chaplain; and intentionally nominating a heretical Cardinal as ambassador to the Holy See in order to provoke his rejection and then eliminate the diplomatic post in response. The primary work of the struggle was carried on in laws which Falk had passed over the course of several years, the most stringent of which are known as “May Laws,” for having been passed in spring Reichstag sessions. These laws increased in severity and reach from year to year. Some of the laws included: a pulpit law banning sermons which spoke critically of the State or its policies; legal limitation of the use of clerical punishment; oversight of clerical matters by a royal court; the exile of the Jesuits\textsuperscript{224}; requiring religious instruction be given in the German language; removal of Catholic school inspectors and then of priests from teaching in state schools; civil marriage; priestly training and appointment as the prerogative of the State; the freedom of individuals to separate from churches by declaration; the right to expatriate any priest at will; confiscation of Church property; forcibly disbanding religious orders and communities; suspension of state income to the Church, or even taking over its financial administration.

The promulgation of these laws served to unite and intensify Catholic support for the Center which expanded its electoral success throughout the \textit{Kulturkampf}, especially with significant victories in the Prussian Landstag in 1873 and the Reichstag in 1874. The laws led to both widespread local defiance as well as uneven application in the states where the government bureaucrats had the difficult task of trying to apply them. The government thus resorted to escalation by widespread arrests and imprisonments, of even very public personages, such as the Archbishop Mieczislas Halka Ledochowski (1822-1902) of Gnesen-Posen for encouraging religious

\footnote{224 The law to exile the Jesuits was intended to be even harsher as Bavarian opposition was the only thing that saved it from also eliminating the actual citizenship of any German Jesuit, as well as excluding several other orders along with them (ibid., 62).}
instruction in Polish, and Fr. Paul Majunke (1842-1899), the editor of the Center’s Berlin newspaper Germania. Majunke’s arrest is a good example of the disregard for the rule of law common to the Kulturkampf, given that he was by right, immune from political arrest as member of the Reichstag. The year 1875 was the high point of government force and terror with every Prussian bishop exiled or imprisoned by its end. The Frankfurter Zeitung put together a list tabulating:

... the arrests of 241 priests, 136 editors, 210 Center party members (in addition to those included in the first two categories) and 55 other persons; 20 confiscations of newspapers; 74 house searches; 103 expulsions and internments; and 55 dissolutions of meetings and organizations.

The May Laws specific to the year, known as the Orders and Breadbasket Laws:

... involved 296 different branches of Catholic religious orders and several thousand men and women. Their property was taken by the state. Their disbanding by the police was the occasion of much public protest, and caused [Emperor] William I and [Empress] Augusta more distress than any other aspect of the struggle.

The height of Bismarck’s arrogance was reached in November of 1877 when he asked the cultural ministry:

... whether the pope himself might properly be considered subject to the May laws as the ‘highest Catholic church employee . . . naturally only within the territory of the Prussian state.’ The ministerial councillor who responded to this suggestion felt that the law in question ‘had not really been intended for foreigners’ and would not be possible to apply in practice to the pope!

The intent and scope of laws do, indeed, become more difficult to grasp when a ruler gives free reign to the exercise of their political will.

The lawlessness of Bismarck’s government incited general disrespect for its laws, with at least eleven protest gatherings ending in violence from 1872 to 1877. Pius IX issued a striking encyclical on February 5, 1875, which directly counselled German Catholics to engage in passive resistance to the state by recognizing the nullity of the May Laws. Pius encourages Catholics to

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22 Evans, German Center Party, 67.
23 Ibid., 76.
24 Ibid., 72.
25 Ibid.
26 Sperber, Popular Catholicism, 229-33.
“rightfully fulfill both duties” by giving “tribute and homage to Caesar in those matters which are subject to civil authority and power” but to “refuse to give to Caesar what belongs to God.”230 However, Catholics did not always maintain the high road, and at times degraded into displays of prejudicial retaliation. For example, instead of celebrating on September 2 the newly instituted national holiday memorializing victory over France, Sedan Day, Catholics celebrated instead the elevation anniversary of Pius IX, June 16, each year during the Kulturkampf. A sad practical effect of this manner of protest was that in Catholic areas, the majority would carry on business as usual on September 2, thus the “beflagged and illuminated houses of the bureaucrats, Protestants, Jews, and National Liberals stood out, an easy target for stone-throwing.”231

The Kulturkampf also created ample opportunity for political parties most likely to defend civil and minority rights to compromise their stated principles. When the law to exile the Jesuits was passed by the Reichstag in 1872 only one National Liberal member voted against it, one third of the Progressives, and the sole socialist. Yet, “the civil rights issue was very clear-cut: without due process of law or any stated cause other than their membership in the society these men were deprived of their rights of residence in Germany.”232 In similar fashion, the May 1874 vote on the

231 Sperber, *Popular Catholicism*, 226. To their credit, the national leadership of the Center Party throughout its history vigilantly suppressed expressions of anti-Semitism by its supporters and generally within its press as well. Anti-Semitism was always present in those sections of Catholic society most likely to see Jews as economic competitors (for example, peasants dealing with lenders and small shopkeepers). Catholics took the Kulturkampf to be a conflict with Protestantism and atheism so that the political rhetoric of the Center, even at its most apocalyptic, consistently focused on godless forces of liberalism, the Enlightenment, Masonry, and socialist revolution; eliding these forces with Judaism was more common amongst France’s Catholic anti-liberals than Germany’s. See also: David Blackbourn, “Roman Catholics, the Centre Party and Anti-Semitism in Imperial Germany,” in *Nationalist and Racist Movements in Britain and Germany before 1914*, ed. Paul Kennedy, et. al. (Macmillan, London, 1981), 106-29; and Jacob Borut and Oded Heilbronner, “Leaving the Walls or Anomalous Activity: The Catholic and Jewish Rural Bourgeoisie in Germany,” *Comparative Studies in Society and History*, 40.3 (July 1998), 475-502.
232 Evans, *German Center Party*, 69. The Evangelical and liberal antipathy for the Society of Jesus was a frequent reminder of the deep political and social hostility faced by German Catholics. The Center fought particularly hard for constitutional governance and religious tolerance in the early years of the twentieth century. In 1903 Chancellor Bernhard von Bülow (1849-1929) expressed “to the Reichstag his personal belief that a repeal of Article 2 of the Jesuit law was desirable” (ibid., 137). Article 2 “most flagrantly violated civil rights by permitting internment and exile of anyone shown to be a member of the order” (ibid). In practice Jesuits had long since returned to and were living in
Expatriation Act found hardly any liberals opposed, despite the fact that it “clearly violated the civil rights of German clergy,” allowing the government to summarily exile any priest.\textsuperscript{233} To the extent that voices were raised out of concern for the disregard of the rule of law, Bismarck simply had the pesky constitutional articles deleted. Indeed, the Chancellor’s consistent message that: “We are acting in self-defense and cannot restrain ourselves with liberal phrases about citizen’s rights”\textsuperscript{234} was more than sufficient justification given the popularity of the Kulturkampf.\textsuperscript{235} What the cultural struggle was not, however, was successful.\textsuperscript{236}

Implementation at the level of the states had always been highly uneven and the local liberal parties and bureaucrats tasked with living with large or even majority Catholic populations naturally compromised.\textsuperscript{237} The most important and visible failure of the Kulturkampf, though, was the continued steady success of the Center Party, which had given Catholics the means to be a permanent adversarial force in kleindeutsch German politics. With the election results of 1877 confirming the Center’s staying power, Bismarck began to think that he may be able to undermine Germany despite Article 2; the real threat they faced was police harassment and surveillance as well as being harassed when teaching and actually being proscribed from teaching religion. Yet, to barely repeal this moot article took such incredible political maneuvering and horse trading as well as caused such a demonstrative public backlash by Evangelicals that the Center was forcefully reminded of its precarious place in German society (ibid., 137-9). The full ban on the Jesuits would not be lifted until 1917 at a time when the Imperial government was collapsing and could finally recognize the Church as an intrinsically socially conservative force for public order.

\textsuperscript{233} Evans, \textit{German Center Party}, 69.
\textsuperscript{234} Ibid., 61. A delegate of the Freikonservative Partei (Free Conservatives or FKP) provided another quote representative of Bismarck’s attitude: “a political party in this house which has its center of gravity outside Germany has no right to be judged by the same standards with which the other parties are judged” (ibid., 66). Such views on Bismarck’s rule and the propriety of the Kulturkampf fit nicely with Schmitt’s views on “commissarial” dictatorship as will be discussed below in Chapter Four.
\textsuperscript{235} Ross, \textit{Beleaguered Tower}, 13.
\textsuperscript{236} Evans summarizes the results as giving final victory to the Church “although its position was never again so favorable as in Prussia in the years before 1870. State supervision of the public schools, civil marriage, and easy withdrawal from church membership were permanent realities, not even challenged in the Weimar period” (Evans, \textit{German Center Party}, 92). It is worth noting that the Apostolic See made specific allowance to the Center to use their judgment when negotiating reforms to civil law in the early 1900s that included provisions respecting civil marriage and divorce.
\textsuperscript{237} See Blackbourn, \textit{Marpingen}, 226-35; also Ronald J. Ross, “Enforcing the Kulturkampf in the Bismarckian State and the Limits of Coercion in Imperial Germany,” \textit{The Journal of Modern History}, 56.3 (September 1984), 456-82. Ross argues that the Bismarckian state never had the institutions and reach needed to carry out such a coercive project against a third of the population; it was never able to live up to its authoritarian pretensions. He later builds upon this essay in: \textit{The Failure of Bismarck’s Kulturkampf: Catholicism and State Power in Imperial Germany, 1871-1887} (Washington, DC: Catholic University of America Press, 1998).
political Catholicism by a reverse approach of ending the clash and making peace with the Church. Even if the Center survived a loss of what might be its *raison d’etre*, his hope was that it could be turned into a party supportive of the government.238 After Pius IX died and Leo XIII was elevated to the papacy in February 1878, Bismarck cleverly decided to open up negotiations for an end to the struggle directly with the Apostolic See. He hoped to marginalize the Center by circumventing it and, incidentally, reinforced the notion that Catholics are a foreign-led element in the body politic. The Center treated the *Kulturkampf* as involving vital constitutional principles and the rule of law, whereas, the Apostolic See treated the affair as they would any other foreign and diplomatic negotiations for the defense of Church interests. Therefore, while the Holy See initially sought a restitution of the legal status of Catholics prior to 1870, as the Center wanted, they eventually accepted Bismarck’s promise to simply stop enforcement of anti-Catholic laws. Such an approach left the hated laws on the books and implied state supremacy at all times as well as the potential to renew the conflict, quite an unsatisfactory resolution to the Center.

Negotiations between Bismarck and the Holy See took place over the course of eight years, with an official end to the *Kulturkampf* finally coming by passage of “Peace Laws,” in the springs of 1886-7, which greatly revised the original May Laws. The process was punctuated by several opportunities for the Center Party to assert, or showcase, its independence from the Church hierarchy. The Center first disappointed the wishes of the Holy See by voting against the Anti-Socialist Laws which passed the Reichstag in 1878, and then repeating the performance each time the laws came up for extension (1880/84/86/88/90). In a letter of 1880 Bismarck vented his frustration:

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238 Evans, *German Center Party*, 77.
Of what use to us is the theoretical position of the Roman See against the Socialists, when the Catholic fraction in the state, while loudly avowing its devotion to the will of the pope, gives public assistance in all its votes to the Socialists, as [it does] to every other subversive tendency? 239

The Center shared in the orthodox Catholic rejection of socialism, but constitutional principles determined their vote as a matter of political prudence. Party leader Ludwig Windthorst (1812-1891) had explained their stand for civil rights and the rule of law in the Reichstag a few years earlier, during the height of the Kulturkampf “On the question of absolute state supremacy . . . the Prussian state might not always be controlled by authoritarian conservatives and that a Social Democratic state might make use of the principle of absolute supremacy in very different ways.” 240

Restrained constitutional government was too important to undermine by destruction of the civil rights of even a minority group like the Socialists, whom the Center did consider dangerous.

The next significant disagreement between the Center and the Holy See again related to the issue of “absolute state supremacy,” as it involved the price the Church had to pay in the negotiated peace with Bismarck. Leo XIII recognized that Bismarck cared most about reinstating the placet (Anzeigepflicht), that is, the allowance of royal approval for all ecclesiastical appointments in German territory. The placet had been restricted in the 1840s, during the reign of Frederick William IV, by the monarch’s promise to “appoint as bishops only those men in whom the pope expressed confidence.” 241 For Bismarck, the placet was now the concession he needed most “in order to avoid the accusation that the Prussian government had arrived at

239 Ibid., 83. Amusingly Bismarck “never ceased to hope, against experience, that the Center would pay as much attention to the interests of Rome as its liberal opponents accused it of doing” (ibid).
240 Ibid., 73.
241 Ibid., 6-7. Evans quotes the German historian Heinrich von Trietschke, who expresses well the importance placed on the placet by nationalist sentiment in his condemnation of its earlier revision: “Thus the authority whose function it was to maintain the supremacy of the Prussian crown vis-à-vis the Catholic church (sic), was to consist of persons thoroughly satisfactory to the curial!” (ibid., 7). Trietschke suspected that the Polish nobles acted as a cabal behind the revision, suggesting “most of the measures of the Catholic Department [in the ministry] were prepared in the Radziwill palace” (ibid).
Leo thus initially conceded indeterminate allowance of the *placet* for minor Church positions and promised expansion of this prerogative according to the extent to which Bismarck reciprocated. In the end, Leo conceded to Bismarck the full *placet* to insure the “Peace Laws” presentation in the Reichstag. The leadership of the Center believed that such a concession went too far and were able to have it removed from the bill, as otherwise they would not have allowed it to pass the lower house.

Soon after the “Peace Laws” were passed, Bismarck’s military funding bill came before the Reichstag, and Windthorst provocatively amended it to only be good for three years instead of its traditional seven (hence known as the “*Septennat*” law). The move so infuriated Bismarck, who had received an assurance of help to pass the bill from the Holy See, that he “denounced what he called a ‘Polish majority’ and precipitously dissolved the Reichstag on 14 January 1887.”

During the politicking that went on after the dissolution, the Center was attacked “on the old grounds of being pro-Alsatian, pro-Polish, collaborator with Social Democrats, and in general, a danger to the fatherland.” Leo’s Secretary of State sent a note to the Center indicating that the Pope wished it would pass the bill without amendment. A party leader replied with the Center’s reason for the action it had taken as well as saying that if the Pope wished the Party to dissolve itself it would do so, but that if “a party was to exist, it must make its own political decisions.” A second letter came back in response in which the Apostolic See assured “the Center of its continuing importance and of its freedom to act independently as a political party,” although they again asked them to support the *Septennat*.

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242 Ibid., 89. “Canossa” refers to the location in northern Italy at which Holy Roman Emperor Henry IV underwent his penance at the behest of Pope Gregory VII.
243 Ibid.
244 Ibid., 90.
245 Ibid.
The second letter was soon leaked, which led “[b]oth the liberal and the conservative press [to criticize] the ‘disloyalty’ of Catholic politicians to their religious leader, and Windthorst was dubbed the ‘Guelph antipope’ by one liberal paper, the *Kölnische Zeitung.*” The furor over the Center’s supposed disloyalty to the pope became the occasion for Windthorst to deliver his “greatest” speech in which he addressed the consistent misapprehension of the Party’s enemies with regard to actual Catholic teaching about the political and social spheres. He explained the Pope, of course, did not really care about a bill funding the German military. Rather, the Center and the pope disagreed only on the nature of the most prudent political course to take to achieve shared aims. Yet, in that disagreement, the Pope readily acknowledged the Center’s proper independence to make such determinations. The episode allowed the Center to both assert and explain its independence from the Holy See while yet remaining proponents of politically Catholic opposition to the government.  

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246 Ibid., 91. Evans continues by noting the hypocrisy of the reaction by the Center’s enemies: “Yet unquestioning obedience to the pope had been a supposed characteristic of the Center condemned by opponents as a fatal flaw in that party’s makeup; a papal note urging opposition to a government measure would have called forth equal indignation, as it had in the days of Pius IX (ibid).

247 In Evans’ estimation, see: Ibid.

248 Evans believes that: “The future of the Center as a political organization separate from church interests was assured on that day” (ibid). Historians are frequently interested to stress the Center leadership’s desire to maintain a degree of distance from the Apostolic See. Windthorst refrained from travelling to Rome in order to emphasize the Party’s formal independence and even suspected that Catholicism in Germany may be best served by an American-style separation of Church and State, see: ibid, 27; and the comprehensive biography by Margaret Lavinia Anderson, *Windthorst: A Political Biography* (Oxford: Clarendon Press, 1981), 144 and 321-35.

249 In part the Center was concerned to make their independence from the Holy See clear due to sensitivity to the prejudice that Catholics are a foreign-allied element within the populace. However, the deeper explanation is the traditional Catholic understanding about the relationship between the Church and the civil governing authority. The longest running charge against the Catholic Church by secular governments has been that it seeks to determine local political rule and subject the State to its own dominion. In his important encyclical of February 16, 1892, *Au Milieu des Sollicitudes* (On the Church and State in France), Pope Leo XIII described the Church’s approach to any government as intending to treat “with them concerning the great religious interests of nations, knowing that [to the Church] is the duty to undertake their tutelage above all other interests” (Leo XIII, Encyclical Letter, *Au Milieu des Sollicitudes*, 16 February 1892, § 14. Accessed online as of 21 January, 2014 at: http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_16021892-au-milieu-des-sollicitudes_en.html). Leo discusses the “craftily circulated calumny” that “the vigor of action inculcated in Catholics for the defense of their faith has for a secret motive much less the safeguarding of their religious interests than the ambition of securing to the Church political domination over the State” (ibid., § 9). Leo treats the charge as “a very ancient calumny” that had first been levelled at Jesus Christ as a claimant of kingship against Caesar (ibid.). He goes on to point out that while France had been subject to several distinct governments in the last century (empire,
Fin de siècle through the First World War (1900-18)

One of the more important results of the *Kulturkampf*, as an outgrowth of the unity and development of the Center, was the increased social organization of Catholics. Some of the significant organizations created to promote Catholic political activism included: the Görres Society of Catholic lawyers and scientists, founded in 1876 to promote the development of the sciences amongst Catholics; the Windthorst League, a Catholic youth club to groom future Center delegates begun in 1895; and the Catholic Women’s League, founded in 1903, to promote political participation of Catholic women. Especially noteworthy was the *Volksverein für das katholische Deutschland* (The People’s Association for Catholic Germany) established in 1890, by lawyer and Center Reichstag member Adolf Gröber (1854-1919). The *Volksverein* was created in response to the political agitation of the Evangelical League formed by Prussian Protestants in 1886. The League acted “for the defense of German Protestant interests’ against ‘false parity and tolerance concepts’ to bring ‘more light into the Roman darkness which still lies over fully a third of our people.’” For its part, the *Volksverein* “stated its object to be ‘the opposition of heresy and revolutionary tendencies in the social-economic world as well as the defense of the Christian order in society.’” Windthorst hoped that the *Volksverein* would serve as “not only a defensive

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monarchy, and republic) the discussion of which form is the best can be put aside as an abstraction. Rather, he reminds the French that all of these forms of government “may be affirmed . . . good, provided it lead straight to its end—that is to say, to the common good for which social authority is constituted . . . .” (§ 14). And the pope allowed that in such theoretical concerns “Catholics, like all other citizens, are free to prefer one form of government to another precisely because no one of these social forms is, in itself, opposed to the principles of sound reason nor to the maxims of Christian doctrine” (§ 114). The Center also came into conflict with the Holy See from 1882 into the First World War due to their support for the Triple Alliance, of Germany, Austria-Hungary and Italy, but they tried to placate the Pope by calling for Italy to return lands to the Vatican to insure the pope’s security, see: Zeender, *German Center Party: 1890-1906*, 24-5. Such a disagreement further demonstrates the rule of prudence within Catholic political thought.

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Evans, *German Center Party*, 105.

Ibid., 93.

Ibid., 104.
propaganda organization but as a much broader social and educational agency.”253 The 
Volksverein’s heyday was prior to the First World War, when Evans describes it as the Center’s 
idealistic “conscience.”254 The Volksverein is evidence for the “deep and lasting impression” which the Kulturkampf 
left on the Center Party and German Catholics in general, both because of the government’s 
actions as well as the “obvious enthusiasm for anti-Catholic measures shown by the Protestant 
population of Germany.”255 The struggle reinforced Catholic distaste for the Klein deutsch form of 
German national unity, and as a body, Catholics were never truly reconciled to it; partly evidenced 
by the principled commitment to federalism and decentralization throughout the life of the Center 
Party.256 More generally, it had a lasting negative legacy in its “injurious effect upon the 
development of responsible parliamentary government in Germany,” by making any future 
cooperation between the Liberals and the Center—the main parties of the political middle—
incredibly difficult and fraught with mutual distrust.257 However, the Center and Catholics, in 
general were not naturally disposed to anti-authoritarian, let alone revolutionary, sentiments. 
During the earlier years of revolutionary fervor in 1848-49, Catholics had even committed to a 
makeshift alliance with the Prussian state.258 Such an alliance did occur again during the years of

253 Ibid., 93.
254 Ibid.
255 Ibid., 56. Evans describes Catholic-Protestant relations as “poisoned” until after World War Two (ibid., 93). 
256 Sperber, Popular Catholicism, 252. The Center’s defense of relative local autonomy, federalism and 
decentralization was vindicated after World War Two when the Allies enforced a federal solution to the postwar 
governance of Germany.
257 Evans, German Center Party, 94. Needless to say this proved disastrous in the last years of the Weimar Republic. 
A less sympathetic historian of political Catholicism, Karl-Egon Lönne, effectively criticizes the Center for failing to 
become a Christian Socialist party and failing to forge an alliance against Nazism with the Liberals. However, he does not 
address whether the Liberals would have even cooperated, nor does he recognize the extent to which the other 
parties wanted to isolate Catholics politically. See his: Politischer Katholizismus im 19. Und 20. Jahrhundert 
(Frankfurt am Main: Suhrkamp, 1995), 217-47; and “Germany,” trans. Cyprian Blamires, in Political Catholicism in 
258 See: Sperber, Popular Catholicism, 47-50.
1901-06 when the Center Party became the dominant legislative party.\textsuperscript{259} This interlude as a government party did not end well when the Center’s indifference to militarism and colonialism finally became too much for the Imperial government to tolerate. From 1906 to the First World War, the Center once again found itself a solidly opposition party. More important than opposition to the government in this period were the fault lines within political Catholicism that came to the fore, most decisively in the Gewerkschaftsstreit (“Union Controversy”) and the Zentrumstrei ("Center Dispute").

Well before the First World War, the Center had a well-established reputation for trying to pass legislation to assist struggling laboring groups and defuse social conflict. They particularly focused on the Mittelstand of peasants, craftsmen and shop keepers but also gave keen attention to urban workers that they wanted to keep from gravitating to Socialism.\textsuperscript{260} In 1877, the Center proposed social legislation, which was mocked by liberals and Social Democrats as “medieval” because it called for Sunday rest and wanted to protect corporative organizations (not unlike what Leo would call for fourteen years later in Rerum Novarum), which they thought sounded like the recently destroyed guilds. Possibly more notable is that the attempted legislation provoked (or embarrassed) the liberals and Socialists into proposing their own legislative schemes for labor reform.\textsuperscript{261} Rather than simply seeking a return to pre-modern guilds, “Catholic social policy since

\textsuperscript{259} The classic work on the fin-de-siècle Center is: Zeender, German Center Party: 1890-1906. The most important legislative episode of this era for reshaping the government’s approach to the Center was over the funding of the German Navy. King Wilhelm II promised a total repeal of the anti-Jesuit laws in order to gain Center support for the Naval Bill of 1900 but reneged once it came to a vote. The Center allowed the bill’s passage but was so split over the deception that Bernhard von Bülow recognized the need to cooperate with the Center. Over the course of his chancellorship (1900-09), he cooperated with the Party on agricultural and factory bills as well as labor legislation more friendly to unions. See: Zeender, German Center Party: 1890-1906, 63-74 and 81-5; also Evans, German Center Party, 130-4.

\textsuperscript{260} Zeender, German Center Party: 1890-1906, 75-84.

\textsuperscript{261} Evans, German Center Party, 87. In a similar incident in the early years of the Kulturkampf, Windthorst "introduced a motion [in the Landstag in 1873] for the liberalization of the Prussian three-class voting system, which embarrassed the liberal delegates, who supported the intent of the motion but not its sponsors; as one speaker said, ‘the motion offers a gift from a hand from which we can accept nothing.’ The motion was tabled. As in Baden, the
the beginning of modern machine industry in Germany had... [sought the]... repudiation of capitalism and Manchester School liberalism... as well as Socialism.

In Germany, the Catholic unions found native sources for political inspiration in the views of the early nineteenth century economist, and Catholic convert, Adam Müller (1779-1829) as well as the romantic and heterodox philosopher Franz von Baader (1765-1841). Müller was a sharp critic of Adam Smith’s liberalism, particularly its individualism. He critiqued it from a religious and ethical standpoint which stressed the responsibilities of the state for the common good, focused attention on corporate bodies within society, and anticipated Leo XIII’s concept of solidarity. Baader’s economic views were similar to Müller’s, but additionally argued for political participation by the working class. If the medieval guilds could not be revived (hence his romantic streak) then Baader wanted industrial organizations which could limit both competition and free trade. Catholic workers began to aggressively organize into labor unions during the 1890s drawing upon these native sources as well as finding particular encouragement with the promulgation of *Rerum Novarum* in 1891. The intellectuals behind Catholic unions generally sought to “avoid the evils of both socialism and capitalism,” by seeking that “third way” of mediating groups commonly designated corporatism.

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division between clerical and anticlericals effectively prevented the development of parliamentary government in Prussia, a consequence of the conflict which was surely not overlooked by Bismarck” (ibid, 65).

262 Ibid., 86.

263 On Müller and Baader see: Ibid., 184-6.

264 Ibid., 184. It has also been called “corporativism” and Boyer brings out its contemporary or modern side by using the term “corporate modernity” since he believes it came into its own in postwar European politics. See: John W. Boyer, “Catholics, Christians and the Challenges of Democracy: The Heritage of the Nineteenth Century” in *Political Catholicism in Europe 1918-45*, Vol. 1, ed. Wolfram Kaiser, et. al. (New York: Routledge, 2004), 7-45. More German Catholic intellectuals supportive of an idea of mediating societies, estates or *Stände* between the state and individuals and influential both on corporatism generally as well as economic and social issues, include: Bishop Wilhelm Emmanuel Baron von Ketteler (1811-77); Karl Freiherr von Vogelsang (1818-1890); Fr. Franz Hitze (1851-1921); and the Jesuit Heinrich Pesch (1854-1926) who termed it “solidarity” (*Solidarismus*) in the five volumes he wrote from 1905-23, *Lehrbuch der Nationalökonomie* (Textbook on Political Economy). Yet the Center always rejected corporativism as a theoretical basis of its social policies. Evans is correct to emphasize that corporatism was never truly embraced by the Center Party or the Catholic Unions at the highest levels, it remained an ideal promoted most diligently by intellectuals but with few manifestations in practice (Evans, *German Center Party*, 183-91).
The initial development of Catholic labor unions was largely devoid of controversy, and the national organization of the Congress of Christian Unions was led, from 1903 to 1928, by the steady hand of “a young cabinetmaker from Bavaria,” Adam Stegerwald (1874-1945) as well as under the guidance of the Volksverein. But, as the unions began to gain more representatives in the Reichstag and slowly gained in influence and numbers, their very legitimacy came to be questioned and the Gewerkschaftsstreit ensued. From 1900, the German bishops, as a group, had expressed their concern in a pastoral letter that Catholic trade unionism was developing in a direction that would lead it to join with the Socialist unions; they also were concerned about the inclusion of Protestants and acceptance of striking. Although the Center responded by declaring its support of the unions, the controversy would become intertwined with the other conflict within political Catholicism prior to the First World War, the Zentrumstreit, and gain in ferocity from 1907 until the war.

The opposition to the increasingly inter-denominational Christian Unions came from a faction within Center politics designated as “integralists,” which had largely sprung into being from a misunderstanding of Pope St. Pius X’s (r. 1903-14) fight against theological modernism. Pius’s encyclical of 1907, Pascendi dominici gregis (On the Doctrines of the Modernists), primarily had France in mind when he encouraged the rooting out of modernist heresies from faculties and seminaries as well as renewed vigilance as regards Catholic publications. Theological modernism had never been a strong trend in German Catholic theology, yet the fear of modernist influences provoked a debate within the Center Party over “integralism,” that is, “a wholehearted Catholic consciousness in all aspects of intellectual endeavor and, presumably, of life in general.”

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Evans, German Center Party, 195.
proponents of integralism rejected anything they thought could make the Center a less confessional party and invite outside influences, such as from Protestants sympathetic to party concerns. Alliance with Protestants had occurred most within the labor unions, for Stegerwald had been particularly successful in developing inter-denominational Christian trade-unionism. It is the debate over integralism versus inter-denominationalism within the Center that was at the heart of the *Zentrumstreit*.

The Center had always maintained theoretical inter-denominationalism, even, if in practical terms, they existed as a confessional Catholic party. Likewise, the Catholic unions pragmatically recognized the need to expand their membership in order to effectively offer an alternative to the Socialist and liberal unions. The leader of the alternative to the Christian unions was Franz von Savigny (dates unknown) who promoted strictly Catholic workers’ associations. Savigny’s chief ecclesiastical ally was the Prince-Bishop of Breslau, Cardinal Georg von Kopp (1837-1914), who “sought repeatedly to elicit official preference for the associations from the Vatican.” Pius X finally decided to intervene in the controversy in the encyclical *Singulari Quadam* (On Labor Organizations) of September 24, 1912. In the encyclical Pius essentially refers the German combatants to recall and follow the advice and directives of Leo XIII’s *Rerum Novarum*. He thus summarizes and expresses a consistent and traditional view, that the best forms of association will accept Catholic principles and normally be exclusively Catholic, however, the need to combat socialism makes a number of forms of labor organization, including interdenominational ones, theoretically possible and licit as they are all context dependent. Further, all unions or associations need to accept the oversight and guidance of the local bishop. Unfortunately the encyclical did not

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267 Lönne, “Germany,” 162.
268 Evans, *German Center Party*, 192.
not settle these controversies within German political Catholicism; it took the deaths of Cardinal Kopp and then Pius X in 1914, the outbreak of war, and finally a papal encyclical from Benedict XV (r. 1914-22) of November 1, 1914, which called—in the context of the eruption of a World War—for Catholic unity and the suppression of divisive sects within the faith.  

Beyond the internal struggles the Center faced, problems within German political Catholicism were also evidenced by the great difficulty that Catholics faced in achieving social or political advancement. “Windthorst once remarked that the meeting room of the Reichstag fraction should have a sign above the door reading ‘abandon hope, all ye who enter here,’ because Centrist affiliation was such a barrier to government appointment.” The universities were also bastions of Protestantism and Prussian nationalism. The major case study revealing the extent to which anti-Catholic prejudice ruled the universities is the furor that erupted over the 1901 appointment to the University of Straßburg of the twenty-six year old Catholic, Martin Spahn (1875-1945), the son of Peter Spahn (1846-1925), a judge and Reichstag member for the Center. His appointment as a professor of history was due to pressure from the government, and eventually, a direct intervention by King William II, as part of a plan to bring the teaching of Catholic theologians under state control by establishing a Catholic faculty of theology at the university and thus removing it from the local Catholic seminary. The government was in negotiations with the Apostolic See to establish the faculty and believed it needed to give professorships to other Catholic candidates to achieve their aim.

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270 Benedict XV, Encyclical Letter, *Ad Beatissimi Apostolorum*, 1 November 1914. Accessed online as of 17 January 2014 at: http://www.vatican.va/holy_father/benedict_xv/encyclicals/documents/hf_ben-xv_enc_01111914_ad-beatissimi-apostolorum_en.html. Evans reads this encyclical as specifically condemning integralism (German Center Party 1870-1933, 200) but I do not see anything implicitly or explicitly addressing integralism in the text. Rather, it is the general decrying of division and sectarianism within Catholicism that was readily applied by German Catholics to the Gewerkschaftsstreit and Zentrumstreit.

271 Ibid., 108-9. The rise of the Center did little to change the social discrimination against Catholics even in the governance of majority Catholic areas under Prussian rule. For example, “[d]espite its Roman Catholic majority, the Prussian Rhine Province never had an Oberpräsident of that creed during the entire nineteenth century” (Ross, *Beleaguered Tower*, 10).
The appointment caused a storm of controversy in the press, partly due to his age and as being perceived as an act of political patronage, but more out of the bigotry of liberal Protestants in and out of academia. The famous historian Theodor Mommsen (1817-1903) penned a series of articles protesting the appointment by implying “that a Catholic world-outlook disqualified a man for a university history position.” Friedrich Meinecke (1862-1954) was even more direct: “Catholic history professors are and remain a monstrosity.” Simultaneously, nationalist-Völkisch students fought “to exclude the rapidly growing Catholic student corporations from recognition by the universities.” The furor becomes even more fascinating when one considers that Spahn was, at the time, a quite secularized, nominal Catholic interested in pushing the Center towards a nationalist politics allied to Protestant conservatism.

The Center was likewise largely unable to improve parity for Catholics in bureaucratic and governmental office. The situation for Catholics would only become noticeably better in the later years of the First World War:

In the year 1917 there was a decided change of heart, and a number of Catholic appointments to high office were made, including Center party members. With the deteriorating war situation and threat of social revolution, the Center suddenly appeared far less subversive to the regime than it had before.

Although the Republic would not be unanimously or continuously popular amongst Catholics, they shed few tears for the Wilhelmine Reich. It is into this changing environment that Schmitt began his professional academic career—he was no victim of anti-Catholic discrimination.

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272 Evans, German Center Party, 144.
273 Ibid., 144-5.
274 Ibid., 145. She notes that this activity is a precursor of their later more virulent anti-Semitic campaigns.
275 “In theory, all Germans, inclusive of Catholics, Jews, and workers, were equal before the law in the empire and the states; in practice those three groups suffered from varying degrees of discrimination under the monarchy. At the end of sixteen years of leadership in the Reichstag the Center’s leaders could not claim that they had substantially improved the position of educated Catholics in the administrative services of Prussia and the wider empire” (Zeender, German Center Party: 1890-1906, 117).
276 Evans, German Center Party, 143.
Chapter 2. Biographical & Textual Placement of Schmitt 1888-1915

“First is the command, the people come later.”  
—Theodor Däubler

Family Background

Schmitt was born on July 11, 1888, in the small (around 5000 residents in 1900) Rhenish town of Plettenberg-Eiringhausen in Westphalia of the Sauerland, about thirty miles northeast of Cologne. The Rhineland had been under Prussian rule since 1815, and although the region was 65% Catholic, Plettenberg was majority Protestant. Schmitt’s father, Johann, was the oldest of nine children to farmer and innkeeper, Nikolaus Schmitt (1826-81) and Catherine Anna Franzen (dates unavailable), in the Eifel village of Bausendorf close to the Moselle River. Johann spent two years in the postal service in Mosel before he took a job with the railroad which relocated him to Plettenberg in October of 1878. Given his skill-set, having studied both stenography and accounting, he soon found a better position as a bookkeeper and clerk in the sales office of Graewe & Kaiser, a metal fasteners fabricating firm, and would remain there until a late retirement at the age of seventy-five, in 1928. Although he was well-liked and given real accounting responsibilities within the firm he had no chance of rising to an executive level given one of the partners, William Graewe, was an active freemason. Johann was a popular man in Plettenberg, active in the Gabelsberger stenography club as well as the parish church, where he was an alderman and used his accounting skills to handle parish finances and tax collection. He was also a member of the Center Party until its demise in 1933. In 1879, Johann married a Protestant named Maria Carola Helene Rehse (1850-82). They had one son, Ernst (1880-1919), and a daughter

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277 Theodor Däubler, *Das Nordlicht: Volume Two* (Leipzig: Insel-Verlag, 1922), 556.

278 Ernst Hüsmert, “Introduction,” to *Jugendbriefe* by Schmitt, 16.
Marie who died in infancy (1881), with Maria following in 1882. Four years later the widower met Carl’s mother, Louise Steinlein (1863-1943), and they were married in September 1887.

Louise also hailed from the Eifel. She was born illegitimate to Augusta Louise Bell (dates unavailable) in 1863. Augusta then married Franz Josef Anton Steinlein (1833-1911), a Trier customs official, in 1865. The standard commentary often points out that Schmitt was the nephew of three great uncle priests who survived the *Kulturkampf*; all three were older brothers of Franz Steinlein: Nicholas (1821-1894), Andreas (1823-1897), and Peter (1825-1892). However, the real story is not one of unalloyed Catholic heroism. From Koenen, we learn that the youngest of the three priests, Peter, actually spent time in prison as a “victim of Bismarck,” but Andreas was a “black sheep” who supported the May Laws. Nicholas split the difference by surviving the cultural struggle in a merely decent fashion, neither a legendary fighter nor collaborator. However, recent biographical research indicates that Nicholas was the biological father of Louise.279 Her family frequently lived with Father Nicholas Steinlein in the Eifel and he made holiday visits to the Schmitt household until his death, when Carl was six. Nicholas’ natural paternity to the family, while remaining a priest, complicates the image of Schmitt as having simply come from a strong family system of “Catholic support,” like Koenen suggests.280

Louise spent several years of girlhood in Paris and received a strict Catholic education in the French department of Meuse, by the Sisters of Saint Charles Borromeo. As a typical Catholic mother, she hoped her first-born son would discern a vocation for the priesthood, and more generally, she was the primary impetus for advancing her childrens’ education; although Johann persuaded the local pastor, Fr. Fischer (dates and full name unavailable), to train Carl—an altar

279 See: Linder, *Der Bahnhof von Finnentrop*, 244; and Mehring, *Aufsteig und Fall*, 19.
280 Koenen, *Der Fall Carl Schmitt*, 30.
server in his youth—in Latin beyond just liturgical usage. The Schmitts had four children in total. The first-born, Carl, was followed by: a daughter, Auguste (1891-1992), called “Ussi” (anglicized as “Uzzi”); Joseph (1893-1970), known as Jup; and a second daughter, Anna Margarethe (1902-54). As a result of Louise’s upbringing, French was a second language for her, and Carl became fluent under her tutelage at a young age as well as from spending holidays with French speaking relatives living in the Mosel and Lorraine regions. Schmitt always took great pride in these French-German Mosel roots, and especially celebrated its wine; he “would speak of the Moselle valley as though he had been reared in that setting.” Schmitt depicted his family as having been part of a Catholic migration—a diaspora—from the southwest of the Mosel Valley in search of better prospects in the more industrialized areas of the Rhineland. Much of Johann’s side of the family did indeed relocate to Plettenberg, including three siblings and his son, Ernst, Carl’s half-brother. In an interview from 1971 Schmitt described his hometown as a “little nest” where his “very modest” family lived as a “religious minority in an intensely evangelical, partly sectarian Protestant environment.” However, area studies caution us to not take Schmitt’s characterization at face value.

Jonathan Sperber’s research on popular piety in the Rhineland found that by the 1880’s Rhenish Catholics (65% of the population) were, in the main, “firmly united under ultramontanist auspices” due to having come through a “period of intense state persecution,” and that the Church “enjoyed an unprecedented degree of popular support.” However, exceptions to this general rule existed, particularly amongst the bourgeoisie, who were not models of piety. The Rhineland

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281 Education was clearly a priority for her as Carl’s sister Auguste was sent to study to become a teacher and then his brother Joseph became a physician.
282 Bendersky, Theorist for the Reich, 5. Schmitt poetically describes his personality by likening it to the slow and silent Mosel river in his postwar apologia Ex Captivitate Salus, 10, as Noack points out in Carl Schmitt (Berlin: Verlag Ullstein GmbH, 1993), 16.
283 Schmitt, Carl Schmitt Im Gespräch, 31.
284 The original source is the Groh/Figge interview, here quoted from: Koenen, Der Fall Carl Schmitt, 31.
285 Sperber, Popular Catholicism, 8.
was an economically cutting edge region of a majority Protestant—and Protestant-ruled—Prussia, which made a deep imprint on the Catholic bourgeoisie. Instead, they evidenced the general secularizing trends from out of the French Revolution and freemasonry, as well as the social pressure of an overwhelmingly Protestant upper class. In fact, southwest Germany was the most clearly liberal area of the time, and the Catholics there were likewise the most secular and liberal of all German Catholics. Unsurprisingly, it is also the region in which the schismatic-liberal “Old Catholic” movement had made its presence most felt after the First Vatican Council. Thus, Schmitt came from the exact German Catholic social and regional milieu most likely to have bucked the general ultramontanist trend, and see its faith recede in the face of secularist and Protestant social pressure. It will soon become evident that Schmitt did indeed follow this quite common modern path of secularization.

Schmitt’s education (1894-1910)

Schmitt began Catholic primary school in 1894, first in the Plettenberg city center, and then nearer home in the Eisinghausen District, in 1897. Fr. Fischer recommended that Carl be sent fifteen kilometers away to the neighboring city’s state grammar school, Attendorn, as there was no local boys’ school. Attendorn was chosen because the populace was majority Catholic, and Carl would be able to board in a nearby seminary, the Collegium Bernardinum. So, at eleven years old, Schmitt was enrolled at a Prussian humanistic Gymnasium, which, despite being in a Catholic majority town, was a progressive-national liberal, and even, secularist school.

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286 Ibid., 13-14.
287 On the Old Catholic movement see note 192 above.
288 Evans, German Center Party, 8.
289 Schmitt also came from the social milieu and background of Catholicism most likely to embrace racial anti-Semitism. See note 231 above.
Attendorn only allowed for two hours of religious instruction, which was very light for the time, even for a state school. The curriculum was heavy on language study at which Schmitt excelled. He was required to learn Latin, Greek, French, and then chose English over Hebrew. The choice to study English was a strong indication that Schmitt had already rejected any form of priestly training given that Hebrew was a requisite of theological study. He recalled having first broken the news that he did not want to pursue the priesthood to his father, towards the end of high school:

I remember a short Conversation with my father, in 1904/05 . . . . He was then 51/52 years old, I was 16/17 . . . . I told him that I did not want to study theology. He said, ‘have you spoken with your mother?’ And then added, ‘In any case, we want to leave the Church in the village.’

There is actually no indication that Schmitt ever wanted to be a priest; it likely was never anything more than a dream of his mother’s, whom Schmitt always held in lower esteem than his father. He recalled Johann with great fondness and sympathy as “industrious” and “a very devout Catholic . . . who had a lot of bad luck in his life.” Yet, the placid response of his father to Schmitt’s declaration that he did not want to study for the priesthood, as well as the fact that he had first married an Evangelical woman at a time when German Catholics were enduring the Kulturkampf, suggests a certain liberality or at least an aloofness from strong religious identification and sentiment. Rather, indications are that Louise was the more strictly devout Catholic parent.

When recalling his studies in Attendorn from 1900-07, Schmitt mentions the presence in the faculty of the “worst kind” of “free-thinking” teachers. Included was a Darwinist natural science teacher that he describes as a “drunkard bachelor.” He mentions two more teachers by name, Ernst Sommer, who wrote books such as Gymnastik des Willens (Gymnastics of the Will),

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290 Mehring, Aufsteig und Fall, 21.  
291 As quoted in: Linder, Der Bahnhof von Finnentrop, 215.  
293 As quoted in: Linder, Der Bahnhof von Finnentrop, 212.  
294 Schmitt’s postwar comments on his past paint a confusing picture as regards the impact of his education on his religious belief and Catholic identity; a confusion that the standard narrative exploits.  
295 Quoted in: Villinger, Verortung des Politischen, 4.
and Körperform (Body Culture), and a “typical elementary school teacher,” named Joseph Wüst, who was social democratic and anti-clerical. Yet, Schmitt admits, much later on, he had come to recognize how deeply those secularist teachers had influenced him. Schmitt never seemed to accept evolutionary theory in detail, but he credits the Darwinist with helping to awaken within him a scientific curiosity. He recalls with admiration that Sommer taught him about “Bushido”—the Japanese term for “way of the warrior,” indicating the samurai life. And Wüst taught Schmitt that theologians do not study pedagogy, but instead simply unleash themselves on schoolchildren in order to control them, a view echoed in Schmitt’s description of life boarding in the seminary. Schmitt claimed the Collegium Bernardinum was very old-fashioned and characterized by a defensive close-minded approach given “so-called subjectivism” was expelled “from all sides,” with the result that such a “strict Catholic religious education . . . could be impressed upon by nothing.” The use of the sarcastic diminutive “so-called” to describe those views the seminary rejected, fits the demeanor on Schmitt’s part of what would have been considered in contemporary parlance “modernist,” and would now likely be considered “liberal” Catholicism. Such an impression of dissent is bolstered by Schmitt’s amusing, but bitter, contention that his experience in the seminary prepared him for certain periods of his adult life, specifically time spent in a military barracks, and then, in an American prisoner of war camp.

Although Schmitt could not recollect exactly which Attendorn teacher was responsible, one of them gave him a copy of David Friedrich Strauss’ Life of Jesus, an infamous book to the orthodox due, in part, to its denial of the historicity of the Gospel accounts of Christ. Schmitt mentions only the presence of Strauss’ Indexed book being discovered amongst his belongings as grounds for his expulsion as a boarder at the seminary in September 1906, the beginning of his last

295 Schmitt, Carl Schmitt Im Gespräch, 31.
296 Villing, Verortung des Politischen, 4.
297 Ibid., 31.
298 Ibid., 31-2.
year in high school. However, Mehring has discovered, a month earlier (August 3rd 1906), Schmitt was caught and punished with detention along with twelve classmates for an “illicit tavern visit.” He believes that incident more likely to have resulted in Schmitt’s expulsion given that the seminary president informed his parents that his “behavior does not correspond to his knowledge.” Schmitt was left having to commute by train for the final months of his Gymnasium studies and his letters of the time to Auguste reveal no record of recriminations from his parents. They do, however, show that he enjoyed the long commute and looked upon his expulsion as a mark of pride; even signing himself ironically as “the beast man of Plettenberg” (der beese Mann aus Plettenberg).

While Schmitt’s postwar recollection leaves open the question of whether or not he had found Strauss’ Life of Jesus persuasive, we now know, from a letter of October 1906, he was certainly interested enough to expand his reading of the Tübingen theologian. He records having read Strauss’ biography of Ulrich von Hutten (1488-1523), an important predecessor and then supporter of Martin Luther’s “Reformation.” Hutten was a violent critic of the papacy and engaged in actual military attacks on the Church within the Holy Roman Empire, most especially as a leader of the “Knight’s Revolt” against the Archbishop of Trier in 1522-23. He was a significant writer of humanist satires as well, and Schmitt went on to read his Letters of Obscure Men (Epistole Obscurorum Virorum), which inspired him to write his own satirical work in 1913, titled Silhouettes (Schattenrisse), under a pseudonym in part derived from the last name of one of Hutten’s characters, “Petrus Negelinus.”

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299 Mehring, Aufsteig und Fall, 21.
300 Villinger, Verortung des Politischen, 4.
301 Letter to his sister Auguste of February 1907 [no date], in: Schmitt, Jugendbriefe, 61.
302 Letter to his sister Auguste of October 1, 1906, in: Schmitt, Jugendbriefe, 49-52. In the letter he quotes Hutten’s romantic dictum that it is “a joy to be alive so seize the day” and he also tellingly signs his name as “Charles, the bohemian.”
Concomitantly, Schmitt developed a deep interest in modernist art and avant-garde bohemianism, especially expressionism, from adolescence. At Attendorn he befriended Carl Franz Kluxen (1887-1968), the son of a textile storeowner, who would later write a book on Richard Wagner (1818-83) and who, like Schmitt, became a lifelong amateur collector of modern art. Kluxen introduced Schmitt to the music of Wagner, and then, more potently, the thought of controversial Austrian philosopher, Otto Weininger (1880-1903).\textsuperscript{304} Schmitt’s Wilhelmine diaries reveal that his views on sex and sexual morality were deeply shaped by reflecting upon Weininger’s infamous 1903 book, \textit{Sex and Character}.\textsuperscript{305} Weininger fostered some of Schmitt’s worst intellectual proclivities, certainly his racial anti-Semitism, but also his vanity and self-adoration in believing himself destined to be a “universal genius.” Most especially for present concerns, Weininger identified Jews with the “feminine,” which he defines as the unethical and irrational, as passivity. To Weininger, the “feminine” has been a terrible influence on modern life because women lack a true ego, or soul, and individuality. Schmitt reflects Weininger’s views on the feminine in his own lifelong treatment of women, even describing one of his later mistresses as “having no soul.”\textsuperscript{306}

Given that Attendorn was a Prussian state school, Schmitt was also exposed to the nationalist and Protestant interpretation of German history, particularly in Heinrich von Trietschke (1834-96). In 1912, Schmitt published a short story titled “Der Spiegel” (“The Mirror”) in a literary and cultural arts magazine, \textit{Die Rheinlande}. The education of the story’s protagonist, Franz Morphenius, is described thus:

\textsuperscript{304} Mehring, \textit{Aufsteig und Fall}, 20.
\textsuperscript{305} See: Mehring, \textit{Aufsteig und Fall}, 58; and Hüsner, “Introduction,” to \textit{Jugendbriefe} by Carl Schmitt, 27. The diaries also show as a lesser, but noticeable, influence on sex and marriage, the works of Swedish modernist playwright and novelist August Strindberg, such as \textit{A Dream Play} (1901).
\textsuperscript{306} As quoted in: Mehring, \textit{Aufsteig und Fall}, 233. Schmitt is referring to one Margot von Quednow whom he met through their mutual friend Moritz Bonn in 1929 and promptly began an intense affair with.
In the religion class from 8 to 9 in the mornings he believed in the Trinity (he also believed in a four-, five- and six-unity); in the second, Mathematics class, he laughed merrily over the mockery of religion of the somewhat frivolous teacher; in history class he glowed over Patriotism, so that his eyes were often filled with tears; and in reading Horace he enjoyed as a cosmopolitan Halkyone [mythological Greek concept of a woman who is aloof and reserved, out of reach, introspective, disdainful]. On the whole, he felt comfortable; he often had sentimental moods . . .

Although the standard narrative believed based on Schmitt’s postwar recollections that his faith survived his secular education at Attendorn intact, given the evidence now available, it is far more likely that Schmitt’s own high school experience is identical with the description he gives of Morphenius’s. Schmitt’s education at Attendorn is thus analogous to Friedrich Nietzsche’s at Schulpforta a generation earlier: vestigial faith destroyed by the impact of modern scientific learning, Darwinism, and rationalist biblical criticism; combined with a deep interest in the classics, languages, modernist art, and philology.

After graduation from Attendorn, the eighteen-year-old Schmitt decided to attend the Friedrich-Wilhelm University (now called Humbolt) of Berlin “the pinnacle of the German university system.” His application indicates he intended to apply his language-heavy Attendorn

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308 Schmitt’s postwar recollections are themselves to blame given the lack of access to contemporary sources until recently. For example Schmitt complained later in life that he had been made to feel like an outsider amongst the evangelical children of Attendorn, although the specific complaints he mentions did not have to do with religion. Instead, Schmitt recalled that his classmates “could not tolerate” his excellence in speaking French and ridiculed him when he proudly shared plums brought back from the Metz. He learned to “not stand out so much . . . especially not with foreign languages or the like” (Schmitt, Carl Schmitt Im Gespräch, 31-2). These recollections are from the 1971 radio interview and were also available to the standard narrative commentators through Villinger, Verortung des Politischen. However Mehring has found that in Schmitt’s class of seventeen students there were in fact thirteen Catholics, only three Protestants, and one Jew (Mehring, Aufstieg und Fall, 21). Therefore, while his story of being picked on for his acumen in languages and travels in French territories are likely true, his framing it within a complaint of being an isolated Catholic outsider amongst Protestant schoolmates is an inaccurate revision.
309 The more astute commentators on Schmitt strain against the conclusions of the standard narrative even if they largely accepted its assumptions. One of these commentators is Gopal Balakrishnan who recognized that much like Nietzsche in his youth:

At the Gymnasium Schmitt was exposed to a humanistic curriculum which had an unsettling effect on his relationship to Catholic dogma. Even if he never fully embraced the world-views of German Idealism, Charles Darwin, or liberal Protestant biblical critics, these influences had irreparably corrosive effects on that simple, unquestioning belief which distinguishes the devout from those intellectuals who, even when they are unwilling to accept any modern secular ideology, no longer believe in the literal tenets of their faith.

See: Balakrishnan, Enemy, 12.
310 Ibid., 13.
studies to the discipline of philology."³¹ However, Schmitt’s wealthy uncle, André Steinlein (dates unavailable), suggested the far more practical jurisprudence.³² When Schmitt arrived on campus on April 25, 1907, he recalled Steinlein’s advice and registered in the law department. Late in life he recalled that he “found the study of law wonderful because it started with Roman law in the first semester. That was for me a pleasure: Latin—an immense joy.”³³ Any conflict over his decision to opt for jurisprudence instead of philology was immediately assuaged when he recognized how useful the latter was for the study of law. He was awed by Berlin as a “new world” and considered the university “a temple of higher spirituality.”³⁴ Yet, Schmitt would transfer to Munich after the Winter Semester of 1907/08, and then settle at the University of Straßburg in the Winter Semester of 1908/09.

In the winter of 1946-7, Schmitt wrote a short recollection upon the two semesters he spent studying law at the University of Berlin. He describes himself as having arrived as “an obscure young man from humble origins” with allegiances to neither “the ruling class nor the opposition.”

Poverty and humility were the guardian angels that held me in the dark. This means that I, standing in complete darkness, looked from the darkness into a brightly lit room. For an audience and observers this is the best position. The actors in the brightly lit room did not feel the slightest compulsion towards me. They had a very different audience in mind . . . . In this way I could look at them better than they themselves . . . [study] the social and historical life of the people, the behavior of microphysical processes of world history on macro historical events. Anyway, it was an advantage to be in the dark. L’obscurité protégé Mieux [the darkness protected better].³⁵

Schmitt goes on to claim that he did not want to leave the darkness and be integrated into the social life of Berlin:

Of even greater benefit was that I had no thought of striving for the light from my darkness. I was a Catholic educated young man from West Germany, who by his parents, grandparents and spiritual relatives had strong memories of Bismarck’s culture war. The Kulturkampf had not been a bloody civil war. But the conflict was

³¹ Mehring, Aufsteig und Fall, 23.
³² Steinlein was Louise Schmitt’s younger brother, and he acquired his great wealth through land speculation. He proved to be a critical source of financial support during Schmitt’s pursuit of a university and then doctoral education; he also provided periodic assistance until his nephew was established in an academic career.
³³ As quoted in: Mehring, Aufsteig und Fall, 23. Indeed, his first semester of courses included “Intro to Jurisprudence,” “History of Roman Law,” “The System of Roman Private Law,” and “The Culture of Hellenism.”
³⁴ As quoted in: Ibid.
still sharp enough to distance a young Catholic from the ruling class. . . . [I]t took many personal encounters and a long-standing process of dialectical confrontation, before I really understood . . . [that] . . . although a hostility and conscious opposition did not result, [I had] sufficient distance from the myths of the Bismarckian Empire and the national liberal atmosphere of the University of Berlin. I participated in the spectacle that Berlin offered to me without identifying myself with it.\textsuperscript{316}

The sentiments and autobiographical claims expressed in “1907 Berlin” are fundamental to the standard narrative and the text is frequently quoted as evidence for his Catholicity. For example, Schmitt’s claimed sense of cultural alienation when he first studied in Berlin as a provincial Catholic caused Bendersky to speculate that he had sought and found at Straßburg an approach to the law more amenable to his Catholic beliefs.\textsuperscript{317} Mehring correctly rejects such a speculative extrapolation and believes that the far more prosaic, but likely, reason for Schmitt’s final transfer to the University of Straßburg was financial; it was simply a much cheaper location for him.\textsuperscript{318}

“1907 Berlin” also promotes the claim that Schmitt’s familial “strong memories of Bismarck’s culture war” made him immune to the nationalist myths of the Protestant ruling class. However, this claim also fails to match the contemporary evidence. We already dealt above with the ambivalent record of his great-uncle priests as regards the Kulturkampf as well as his lack of sympathy for the likely embattled and protective stance the priests at the Collegium Bernadinum took towards the faith.\textsuperscript{319} More to the point, however, is that Schmitt was a lifelong admirer of Bismarck.\textsuperscript{320} In a diary entry from January 1914, the twenty-six year old Schmitt records that having read Bismarck’s letters “to his bride has been good for me. He is a good person.” He goes on to criticize Bismarck for his “intense rage” and for being “addicted to power” as detrimental to his

\textsuperscript{316} Ibid., 20-1.
\textsuperscript{317} Bendersky, \textit{Theorist for the Reich}, 9.
\textsuperscript{318} Mehring, \textit{Aufsteig und Fall}, 25.
\textsuperscript{319} Linder, \textit{Der Bahnhof von Finnentrop}, 342.
\textsuperscript{320} David Cumin sticks to the standard narrative by believing Schmitt to have been close to political Catholicism and the Center in the Twenties, but he does recognize the counter-evidence that Schmitt did not follow his parents in praising Windthorst but instead “dedicates a great admiration” to Bismarck. See: David Cumin, \textit{Carl Schmitt: biographie politique et intellectuelle} (Paris: Cerf, 2005), 32.
actions against “Roman clericalism” and “in the labor union dispute,” but the entry overall strikes a tone of admiration.\textsuperscript{321}

Later, in 1929’s “Der unbekannte Donoso Cortés” (“The Unknown Donoso Cortés”), Schmitt’s tone is sympathetic when he notes that Bismarck:

. . . feared a Catholic system of foreign policy. The possibility of such a system appears to have been a dominant theme in Queen Eugenia’s [the Spanish-born French Empress, Eugénie, wife of Emperor Napoleon III] political thought, and it led to fantastic plans, all of which were aimed at uniting all the Catholic powers: France, Austria, Bavaria, the Rhinelands, Spain, and Latin America. . . . The mere thought of such a powerful Catholic network of foreign powers must have been disturbing and worrisome to Bismarck . . . [and was] an important root of the German Kulturkampf.\textsuperscript{322}

Schmitt then turns to Donoso’s view that the best scenario for European peace—and for the cause of German Catholics, although Schmitt does not acknowledge this aspect—is continued federalism in Germany.

In particular, [Bismarck] knew how deeply these politicians [Donoso, Russian ambassador Peter von Meyendorff as well as the Empress Eugénie] were convinced that Protestant and Catholic Germany must form two separate states. In this case, Bismarck was rightly concerned about a dangerous enemy of German national unity, just as the idea of a unified Germany appeared to be dangerous and unnatural to Donoso and his friends—an Unacceptable folly for Germany and Europe.\textsuperscript{323}

Schmitt is routinely taken to be a student of Donoso, and many of the former’s radical views are, wrongly, assumed to be derived from the latter. Yet, Schmitt’s differences from the Spaniard are both legion and significant; among which his total and consistent lifelong rejection of the political principle of federalism ranks near the top, given it is a principle at the very core of modern German political Catholicism, and is in accord with the general Catholic social principle of subsidiarity.

In a letter sent to Schmitt on June 23, 1932, Karl Eschweiler (1886-1936)—a theologian who would soon become a “brown priest”—told his friend, “Bismarck will be in heaven, because his Kulturkampf was for Protestants inevitable and for the Catholics derived from error, thus a


\textsuperscript{323} Ibid., 83.
venial sin.” Eschweiler’s dismissal of the *Kulturkampf* as a minor injustice is a view shared by Schmitt if his essays on Donoso Cortés are any indication. For in addition to the essay of 1929 Schmitt sides with Bismarck against Donoso over the cause of German nationalist unification, along the *Kleindeutsch* lines, in his earlier text: “Donoso Cortés in Berlin (1849).” Bismarck understood Donoso as promoting the idea that the battle over “papal power and the ending of creedal struggles . . . must be fought ‘on the sands of Mark Brandenburg.’” Schmitt sides with Bismarck and evangelical Prussia against the Spanish Catholic diplomat when he notes: “The fact that the name of Donoso Cortés is referred to in this connection [the 1870 war with Austria]—a name strange and foreign to most readers of Bismarck’s memoirs—is a sign of Bismarck’s deepest instincts and a noteworthy aftereffect of the years of revolution.”

Returning to Schmitt’s time spent as a student in Berlin, he also mentions having there discovered Max Stirner (pen name of Johann Kaspar Schmidt, 1806-56) and finding his thought to be: “a true refreshment.” In Stirner’s radical Hegelian magnum opus *The Ego and Its Own*, he attacked liberal individualism as based on universalist abstractions derived from Christianity. In opposition, Stirner pointed to the concrete differences and singularities amongst peoples. These views are consistently evident in Schmitt’s own anti-individualism, decisionism, and emphasis on the concrete, as well as, his Hobbesian concern that the conceivably radical impact of Christianity be controlled by the state.

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324 Koenen, Der Fall Carl Schmitt, 30n23.
327 Ibid.
329 On Stirner’s influence on Schmitt see: Bernd A. Laska, “Katechon” und “Anarch”: *Carl Schmitts und Ernst Jüngers Reaktionen auf Max Stirner* (Nürnberg; LSR-Verlag, 1997).
While a student in Straßburg, Schmitt continued and deepened his interest in contemporary artistic trends. He became best of friends, in the winter semester of 1908-9, with fellow law student Fritz Eisler (1887-1914), who, along with additional law students Kluxen and Eduard Rosenbaum (dates unavailable) worked with Schmitt on the production of an unpublished (and subsequently lost) serialized novel called *Worm*, about someone with a head of water and hollow tooth through which he sucks to slake his thirst. Eisler later partially co-authored Schmitt’s 1913 expressionist work in literary parody, *Silhouettes*. Schmitt also formed a coterie with Straßburg writers René Schickele (1883-1940) and Ernst Stadler (1883-1914).

The law faculty at Straßburg was dominated at the time by the elder statesmen of German legal positivism, Paul Laband (1838-1918). However, Schmitt gravitated to Professor Fritz van Calker (1864-1937) as his mentor and director. Schmitt took from Calker his interest in a political approach to the law as Calker specialized in how “political values” are the sources of positive laws. Schmitt was graduated *summa cum laude* with a law degree from Straßburg in 1910, on the strength of his dissertation *On Guilt and Degrees of Guilt: A Terminological Investigation* (*Über Schuld und Schuldarten: Eine terminologische Untersuchung*). *On Guilt* is a work that already points towards the secularity of his thought as well as several of his fundamental, politically modern, concepts and concerns.

*On Guilt and Degrees of Guilt*

Schmitt’s dissertation set out to investigate, in criminal law, the uniformity or accuracy of usage between the concepts of “intent” and “negligence” as applied to determinations of the degree

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330 Ernst Hüsmert speculates that this novel might have qualified as a Dadaist work predating Hugo Ball’s (1886-1927) 1914 first Dada novel *Tenderenda the Fantast*. See: Hüsmert, “Introduction,” to *Jugendbriefe* by Carl Schmitt, 21.

of guilt (or “debt” owed) of the offender. He immediately makes clear that his investigation will be critical of the psychological approach of the dominant party of Positivists within German legal theory, such as expressed by Gustav Radbruch (1878-1943). Radbruch moved neo-Kantianism in a positivist direction by arguing that terms like “negligence” are devoid of all normative content, but rather, are conceptually and psychologically “pure” legal terms. Legal positivism had dominated German legal theory since the 1870’s, especially in the work of Carl Friedrich von Gerber (1823-1891) and Paul Laband, who treated positive law statutes “as the highest expression of the state’s will.” As a result, positivists “had sought to eliminate all traces of natural-law language—indeed, political and moral commentary of any kind—from the study of law.” It is crucial to recognize that Schmitt does not criticize positivism in the name of natural law theory, as a Catholic legal theorist likely would; rather, he begins—even in this earliest of his books—to establish a stance within modern legal theory that recognizes the role of political decision in establishing positive law.

That is, Schmitt attacks the positivists for treating the law (and constitution) as well as the legal system itself as if it was simply a given, or a self-sustaining “machine,” rather than the result of both political will and judicial decision.

In On Guilt, Schmitt builds from an initial recognition that since the fundamental principle of German criminal law is “no punishment without guilt,” then guilt must be, “something internal and subjective” specifically, “evil will.” But how is a criminal’s evil will determined? Schmitt muses over various psychological or normative interpretations of legal concepts to then reach the

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332 Schmitt, Über Schuld und Schuldarten, 1.
333 Ibid., 4.
335 Balakrishnan, Enemy, 13.
answer: criminal will is determined by a judge’s application of the Criminal Code to an
eexamination of the facts of the given “concrete situation” presented by the actions of the accused.337

Positivists treated the law itself as the “norms” and so make “the formal analysis of the meaning of
legal terms in statutes the exclusive focus of jurisprudence.”338

Schmitt’s basic reply to positivism is that it fails to account for the fact that the interpreter of the Criminal Code (of the norms) must be
located above them; that the judge thus determines in act what content the words of the statutes
contain.339 While Schmitt is, from a certain angle, a strong critic of positivism, and seems to be
recalling the traditional Catholic emphasis on equity and prudential judgment, he has not rejected
positivism’s essence.340 Rather, Schmitt pointed out that positive law itself is in a state of flux, it still
needs to be made determinate, and only authority (judicial or political) can make the needed
decision. Schmitt posits no source for norms beyond the will of the human authorities responsible
for creation of the positive law, unlike a natural law theorist, whether Kantian or Catholic. He
attacks modern liberal positivism for attempting to drive personality out of the law, leaving it self-

337 Ibid., 64-5.
338 Balakrishnan, Enemy, 13.
339 Schmitt, Über Schuld und Schuldarten, 150-1.
340 Bendersky inexplicably describes legal positivism as exactly what Schmitt favors while claiming he rejects it.
Positivism signified “a departure from the universalism of natural-law theory in favor of the idea that law was the
creation of the sovereign state” and “[p]ositivist law consisted of the norms created by the power of a state which
recognized no higher authority.” See: Bendersky, Theorist for the Reich, 9-10. Bendersky thinks that as a critic of
positivism the University of Straßburg’s dominant neo-Kantianism “offered Schmitt a means of synthesizing the
dichotomous sympathies he felt as a German nationalist and as a Catholic” (ibid., 10); that is, combining universalism
with state authority. He thinks that such a hybrid neo-Kantian-Catholic approach to law is characteristic of Schmitt’s
early works and only gives way to a more decisionist and statist approach after the First World War. On the contrary
side, Ball recognized that in Schmitt’s first works you can already see his transitioning from the law as a starting point to
political philosophy; likely in part due to Calker’s influence. See: Hugo Ball, “Carl Schmitts Politische Theologie,” in
Der Fürst dieser Welt: Carl Schmitt und die Folgen, ed. Jacob Taubes (München: W. Fink, 1983), 100-15; originally in
Hochland, 21.2 (April-September 1924), 261-86. It is useful to keep in mind the distinction that the Catholic legal
theorist (and dedicated anti-Nazi) Heinrich Rommen (1897-1967) made, as described for us by Russell Hittinger,
between “methodological” legal positivism and “world view” positivism. The former is what Schmitt attacks and is “the
seemingly modest project of studying and describing the law just as it is, without recourse to metaphysical or even
moral analysis.” The latter form of legal positivism that Schmitt adheres to, however, is the truly dangerous one which
“holds that human law is but a projection of force—proximately, legal force is the command of a sovereign; ultimately,
however, the sovereign’s decree replicates the force(s) of nature, history, or class.” See: Russell Hittinger,
Thomas R. Hanley (Indianapolis: Liberty Fund, 1998), xii. Rommen introduced himself to Schmitt in Bonn in the
mid Twenties and attended his seminar for a time. Schmitt, always dismissive of natural law, records his reaction to
Rommens dissertation on Suárez simply as, it is “miserable.” See: Mehring, Aufstieg und Fall, 197.
referential and a matter of technique. Schmitt’s mentor, Calker, taught him to examine the political origins of law and we can see here the roots of his mature decisionism: “he argued that the discretionary prerogative of a judge to determine a sentence highlighted the moment of decision as a free-floating element in the legal process.”

Schmitt’s life in Düsseldorf (1910-12)

After graduation from the University of Straßburg, and his first state exam in the spring of 1910, Schmitt moved to Düsseldorf in July to begin the required five years of legal training under a judge or prosecutor. He was sworn in as a clerk for the prosecutor of the Higher Regional Court of Düsseldorf on August 25, 1910 and worked in the district courts of Lobberich, Wegberg, and Mönchengladbach. Then, from May 1911, Schmitt served as clerk to the Public Prosecutor and Judicial Councilor Hugo Lambert (dates unavailable) of the Düsseldorf Court of Appeals. Upon his arrival in Mönchengladbach, Schmitt made the acquaintance of manufacturer Arthur Lamberts (dates unavailable). Lamberts was impressed enough by the young law clerk to pay for the publication of his dissertation. He also gave Schmitt access to the local upper class society, including the twin concert pianists, Helene and Marta Bernstein (dates for both unavailable).

The twin’s father was a wealthy man of business who had left the Jewish community in 1886, prior to marrying, and converted to Protestantism. Schmitt began a courtship of Helene. His letters to his sister make clear they were soon all, but engaged, to be married. However, Helene’s parents intervened and told Schmitt that he was an unsuitable match for their daughter given his poverty and lack of prospects; further contact was forbidden. Indeed, the clerkship was unpaid, so Schmitt kept his options open by simultaneously working to establish an academic career. He

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341 Balakrishnan, Enemy, 14.  
343 Letter of May 4, 1912, in: Schmitt, Jugendbriefe, 149.
resumed studies at the University of Straßburg in 1911, now for a doctorate of law. In a letter to his sister of October 27, 1911, Schmitt indicates having then completed a second legal text, published in 1912 as *Law and Judgment: A Study of the Problem of Legal Practice (Gesetz und Urteil: Eine Untersuchung zum Problem der Rechtspraxis)*. This text further develops his belief in a voluntarist concept of political or judicial will and decision.

In *Law and Judgment*, Schmitt investigates the question: “[upon] which normative principle is modern legal practice based?” That is, how can the correctness of a decision be determined? To start, he claims the positivist approach failed to recognize that a meaningful distinction exists between the question “when is the decision right?” and the question “when is the law interpreted correctly?” For Schmitt, such a distinction is imperative as there are plenty of judicial decisions rendered in which a judge is not relying on the law itself but on external rules, “cultural ideals,” or some other form of extra-legal induction. Yet, these latter cases, which break free of the positive law, are exactly the ones of interest to him.

Since there is general agreement that some sort of standard must be present under which the question of the correctness of a judicial decision can be subsumed, Schmitt lands upon a criterion autochthonous to legal practice. He first reviews and rejects the argument that the intention of the lawmaker is determinative, because this approach risks relying on the fiction of an “ideal” legislator, not an authentic historical one—in no small part due to an often incomplete

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344 Mehring, *Aufsteig und Fall*, 38.
346 Ibid., 1. For a good summary of this text, see: Mehring, *Aufsteig und Fall*, 38-40; also Balakrishnan, *Enemy*, 14-15.
347 Ibid., *Gesetz und Urteil*, 10-11.
348 Ibid., 20-1.
record of just what, exactly, lawmakers intended. But he also denies that it is a matter of the subjectivity of the judge alone, despite the judge’s task of interpreting a law in a specific and unique set of concrete circumstances. Instead, Schmitt stresses the methodological difference between legal doctrine and legal practice, and argues that the criterion for determining the correctness of a decision is whether or not a “modern legal jurist” would agree with it: “A judicial decision is correct today if it can be assumed that another judge would have decided the same. Another ‘judge’ here means the empirical type of quite learned modern jurist.” Schmitt’s proposed criterion stands as a version of the expertise of the jurist and the principle of collegiality and communicability amongst judges. It is this foundation for a judicial decision that gives the legal system a “tendency to stability” in practice.

As with On Guilt, Schmitt is developing a more personalist and decisionist approach to the law in Law and Judgment. He also is consistent with his later works by favoring a sociological and concrete practical account, in which first principles or universal extralegal norms are notable by their absence. Schmitt emphasizes the relevant person (here the judge) who themselves may make a decision based on norms, but he does not investigate how one could get to those norms to begin with (such as from culture, religion, or philosophy). For example, the only mention of natural law in the entire text is a single footnote in which he is dismissive of this traditional Catholic approach.

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Ibid., 29.
Ibid., 65. In a footnote at 65-6n1 Schmitt refers on this point to Bentham and describes how dangerous it is for a judge to substitute his will for that of the legislator and “dares to arrogate to himself the power of interpreting the laws”; to do so is essentially arbitrary and results in “legal tyranny.” Such a situation is “usurpation of a power superior to the law” which can at times have useful immediate effects and limited good, but always unlimited potential for evil as arbitrary power. We will see further along that Schmitt does not like to see sovereignty dislocated from its specific central and unitary locale.
Ibid., 71.
Ibid., 75.
to the establishment of political and ethical norms. Instead, a judge simply decides in a way that other judges will agree with and which will make decisions predictable.

Within the positivist and neo-Kantian factions in modern German legal thought, Schmitt’s book was very well received. A substantial review of *Law and Judgment* was soon penned by a student of the positivist Laband, Walter Jellinek (1885-1955), “a dean among German jurists,” who “remarked that Schmitt’s book on law and judgment ‘towered far above’ the cross-section of countless works on the subject.” The book was also very well received by the neo-Kantian contingent of German legal theory in a review for *Kant Studien*, by Felix Holldack (1880-1944). Holldack noticed that Schmitt paid particular attention to times when a judge has to make a decision where “the law is silent.” Schmitt at this early stage is already moving towards his treatment in *Political Theology* of the exceptional case as determining the norm.

Schmitt’s life in Düsseldorf continued (1912-15)

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533 Schmitt, *Gesetz und Urteil*, 77, also 100.


536 Ibid., 372.

537 In his preface to the second edition of *Law and Judgment*, written in October 1968, Schmitt claims that this work is the first in which he begins his lifelong interest in the importance of the decision.
While Schmitt was making progress on a path towards either a legal or academic career, he also showed the breadth of his intellectual interests during his time in Düsseldorf, especially in literary and bohemian directions. In early 1912, Eisler introduced Schmitt to the poet Theodor Däubler (1876-1932), and the three took a summer trip to the Alsace region. Däubler made another visit to see Schmitt in 1913. For his part, Schmitt became a true devotee of the author of the—now forgotten—16,000 verse epic poem from 1910, *Northern Lights (Das Nordlicht)*. Schmitt wrote a short piece on Däubler in 1912, intended for publication in the magazine *Der Brenner (The Torch)*, published by Ludwig von Ficker (1880-1967), but it never appeared.359 He later incorporated the piece into his book length study on *Northern Lights*, published in 1916.360 Schmitt also came into contact with the naturalist author Wilhelm Schäfer (1868-1952), who convinced him to write for the cultural magazine he edited, *Die Rheinlande (The Rhineland)*. A total of six pieces appeared between 1911 and 1913.361 In addition, Schmitt published an article each on the Kantian philosophy of Hans Vaihinger (1852-1933),362 Wagner,363 and philosopher Arthur Schopenhauer (1788-1860).364

Of more practical interest for his legal and then academic career, Schmitt added two articles in legal theory after publishing *Law and Judgment*.365 On the strength of the book Schmitt’s

advisor, Calker, invited him to begin lecturing on criminal law and philosophy. Schmitt declined given it did not pay well enough.\textsuperscript{366} He did, however, manage to compose a third legal text over the course of January 10\textsuperscript{th} to May 10\textsuperscript{th} 1913. It was published in 1914 as: \textit{The Value of the State and Importance of the Individual (Der Wert des Staates und die Bedeutung des Einzelnen)}.\textsuperscript{367}

\begin{center}
\textit{The Value of the State}
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Schmitt dedicated \textit{The Value of the State} to his fiancée as “Pabla v. Dorotic” and borrowed a line of Däubler’s \textit{Northern Lights} as a revealing opening quote: “First is the command, the people come later.”\textsuperscript{368} With such a quote Schmitt forcefully sets the tone for the ensuing anti-individualism of the text, but it equally speaks to his political modernism, or Hobbesianism, since he duly prioritizes the political over the social. Schmitt then begins \textit{The Value of the State} by speaking of the necessity to critique contemporary life. He announces that he will address defects in the “spirit of the times” of a “mechanistic age,” in which man is primarily understood as “free, skeptical,” and “an enemy of authority.”\textsuperscript{369} Schmitt rejects this liberal individualist anthropology, particularly in the third chapter, in which he compares the individual to the State.

Schmitt there describes the State as “the highest earthly power,” a “super individual.”\textsuperscript{370} He proposes the State is a servant of “right” or of the individual, it cannot be both, and is rightly only

\textsuperscript{366} Mehring, \textit{Aufsteig und Fall}, 38.
\textsuperscript{368} Ibid., 9.
\textsuperscript{369} Ibid., 11. To this end he mentions Walther Rathenau’s (1867-1922) \textit{Critique of the Present} (1912) as an inspiration. He had reviewed Rathenau’s work, see: Carl Schmitt, “Kritik der Zeit,” \textit{Die Rheinlande}, 22 (January-December 1912), 323-4.
\textsuperscript{370} Schmitt, \textit{Der Wert des Staates}, 85. Bendersky is justified to note when discussing \textit{The Value of the State} that Schmitt’s attitude towards the German state was not at all unpopular; rather, Schmitt shared “the exalted view of the state so prevalent among his future colleagues. And his concept of the moral purpose of the state had no relationship to the liberal doctrine of individualism. From his perspective the freedom of the individual was secondary to the grandiose task allotted to the state. In fulfilling its function of establishing right law, the state could not tolerate
In fact, “[t]he State is . . . the only subject of legal ethics, the only one who has rights in an eminent sense.” In an abstract published in Kant-Studien, Schmitt could not be clearer in summarizing the book’s statist conclusions:

The State is the idea of the function of right. It is the only legal subject in the specific sense, the only one who is entitled and obliged immediately by right. The individual is only a function of the State. . . . The book ends in the conclusion that neither the right nor the state recognizes the individual as subject of original or autonomous values.

This view is a common, but radical, modern view of the individual (qua citizen) as creature of the State. Schmitt’s description of the relationship between the State and right has, however, led some commentators to believe that he is maintaining a normatively grounded, even a Catholic, point of view. Indeed, a year earlier in his diary Schmitt had recorded belief in law as normative, “an end in itself,” meant to shape “a state that corresponds to the norm.” In the text, Schmitt does compare the State and the Church, noting the latter can claim its catholicity as a basis of superiority over and against the former. That is, as there is only one Church but hundreds of individual countries, the Church is, on this basis, superior. The Church’s self-assurance is the opposition and consequently ‘no individual can have autonomy within the state.’” See: Bendersky, Theorist for the Reich, 12.

Schmitt, Der Wert des Staates, 86.

Ibid.


See: Schmitt, Der Wert des Staates, 69.

Bendersky suggests that since the State is servant to right, Schmitt is pointing beyond mere power; rather, “the incontestable value of the state emanated, not from power, but from its relationship to a ‘higher law.’ It was the function of the state to transform this higher law into a worldly phenomenon” (Bendersky, Theorist for the Reich, 10. Schmitt’s student Waldemar Gurian (1902-34) also treats Der Wert des Staates as emphasizing the normative character of law but that later Schmitt became a decisionist. See: Paul Müller [alias Waldemar Gurian], “1934/35: Entscheidung und Ordnung. Zu den Schriften von Carl Schmitt,” Schweizerische Rundschau (1934), 569. One more example is Jan Werner-Müller who believes that in The Value of the State Schmitt “combined Catholic and Hegelian patterns of thought in his affirmation of politics as representing and governed by ideas” (Jan-Werner Müller, “Carl Schmitt’s Method: Between Ideology, Demonology and Myth,” Journal of Political Ideologies, 4.1 [February 1999], 65).


Schmitt, Der Wert des Staates, 49.
basis of its legal order\textsuperscript{378} and also of the Church’s \textit{potestas indirecta} (indirect power) as a moral authority with jurisdiction on whether the State’s laws correspond to the moral or natural divine law.\textsuperscript{379}

However, while Schmitt does cover the above discussion, it is also evident that he does not actually believe the Catholic Church’s conclusions, especially its belief in its superiority to the State. Rather, he presents the Church’s self-understanding as a useful model for emulation in both its unity and self-assurance. The Church demonstrates a pure example of what the State should assume in its own concrete decisions, namely, certainty and the belief in its infallibility. Schmitt even anticipates \textit{On Dictatorship} and \textit{Political Theology} by speculating the origin of the political doctrine of monarchical absolutism is founded upon “the doctrine of the Thomistic-Catholic Church” on the “infallible pope” who “is only an instrument, Vicar of Christ on Earth, \textit{servus servorum Dei} (Servant of the servants of God).”\textsuperscript{380} Furthermore, as Balakrishnan astutely points out, there is simply no content given to the “higher law” as discussed by Schmitt.\textsuperscript{381} The higher law exists, in \textit{The Value of the State}, merely as a cipher or null. A contemporary reviewer recognized,

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\textsuperscript{378} From Balakrishnan: “According to Schmitt, one of the central problems of natural-law doctrine - the legitimacy of a title to power, and the conditions of obedience to those who have it - was simply not an issue for jurisprudence: ‘The question of how to help the empirical individual is no longer one of legal philosophy, just as little as the question of how the holder of power can be made to stick to the law’” (Balakrishnan, \textit{Enemy}, 15).

\textsuperscript{379} Schmitt, \textit{Der Wert des Staates}, 82. In this context Schmitt refers to the Spanish Jesuit and Thomist, a leading figure in the School of Salamanca, Francisco Suárez (1548-1617). Bendersky believes Schmitt is open to the consideration “that in doubtful cases the Catholic Church could decide what constituted right, because it embodied universal ethical norms” (Bendersky, \textit{Theorist for the Reich}, 11).

\textsuperscript{380} Schmitt, \textit{Der Wert des Staates}, 95. Another lesser example is that Schmitt discusses the charisma of the office of pope as of interest to lawyers by dint of being a form of “anti-naturalism” that has analogues in the law, such as the independent “will” of the law (ibid., 102).

\textsuperscript{381} Balakrishnan thinks the language of \textit{The Value of the State} “often suggests a certain sympathy for neo-Thomist law, a ‘higher law’ which the state has the duty to ‘realize’ in the form of positive law. But many of the substantive conclusions of this work were in fact stringently positivist . . . because Schmitt wrote ‘The state is a legal structure whose significance resides entirely in the task of realizing law.’ . . . [Yet] “[t]his ‘higher law’ which the state translates into positive law was so indeterminate, as Schmitt conceived it, that it could be known only through the decisions of the state; in other words, it was a logical fiction with no relation to the ethical precepts of the Catholic natural-law tradition.” See Balakrishnan, \textit{Enemy}, 15.

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as well, Schmitt entirely lacked a “theory of norms.” His references to the Catholic Church were formal and legalistic, a recasting or transformation of the Church in its utility for the State. This same approach is taken in all of Schmitt’s purportedly Catholic Weimar texts.

Although Schmitt critiques a particular rendition of modern philosophical anthropology, that of liberal individualism, his own political modernism is on display throughout The Value of the State. First, he recognizes the foundational importance of the State and treats it as a special Power, the only “factual will” from which a complex of norms can emanate. This construction defines the relationship between the State and the law; law emanates from the will of the sovereign Power, the laws “contents are set by an act of sovereign decision.” Secondly, Schmitt claims the State is “the only entity in the eminent sense,” legitimated by being “the first servant of the law.” The State as the sole “entity” or corporate person is a clear rejection of the pre-modern view of politics, in which society is ontologically prior to, and superior to, the governing part. In Catholic thought—according to the principle of subsidiarity—there are multiple political “persons”; hence, the family is the foundational unit for the political community and the Church is the preeminent corporate “person” (or “unity of order”).

Given that we now know the extent to which Schmitt admired Stirner, and the philosopher viewed individualism as a dangerous abstraction for ethics derived from Christianity, it is

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383 Mehring, Aufsteig und Fall, 64. Dahlheimer also recognizes that Schmitt was presenting the teachings of Catholic dogma in The Value of the State as a “model for the methodology of jurisprudence” (Dahlheimer, Schmitt und der deutsche Katholizismus, 82).
384 Schmitt, Der Wert des Staates, 16. He refers here to Fichte as “a great philosopher” for recognizing the State as foundational. Mehring quotes the diary entry of 1912 where Schmitt embraces the idea of being a lawyer in character, which he thinks means “surrendering your own personality” (Mehring, Aufsteig und Fall, 60). He then describes Schmitt’s movement from the more theoretical On Guilt to the more practical Law and Judgment and further into the practical and political in The Value of the State as placing the earlier considerations “firmly in the value of the state” (Mehring, Aufsteig und Fall, 59). Now “[i]n place of the judge, of which Law and Judgment speaks, enters the state as the legal reality” (Mehring, Aufsteig und Fall, 59).
385 Schmitt, Der Wert des Staates, 27.
386 Ibid., 78.
387 Ibid., 57.
388 See above at note 178.
implausible to view Schmitt’s anti-liberalism as in-line with a Catholic corporatist critique. Indeed, Schmitt treats the individual as gaining its meaning only within the tasks of the state, claiming that placing the value of the individual in his function in the state does “not destroy the dignity of the individual, but only shows the way to a justified dignity.” The author of Rerum Novarum would be surprised to learn that human dignity is justified by one’s function within the modern state. Schmitt’s choice of words is telling, since he lacks a theological understanding of justification, so rather than human nature perfected by grace, he proposes the State as providing that function. In so doing, Schmitt also displays at this early date, “an anthropological pessimism that he attributes later to writers such as Donoso Cortes and Hobbes.”

The Value of the State was very well received amongst jurists, even by the school of legal thought led by Austrian liberal, Hans Kelsen (1881-1973), which stressed the rule of law and restraint of executive authority. Schmitt sent a review copy to Georg Lukács (1885-1971) who henceforward became an interested reader. Schmitt even received an approving letter from laicized priest Carl Jentsch, (1833-1917) a member of the schismatic Old Catholics, in 1875, and known as a supporter of “rabid Pan-German land conquest.” Jentsch tells Schmitt that he is pleased to see the jurist understands politics not “biologically,” but “idealistically,” as subject to “immutable standards.” He also notes that despite his own opposition to the papacy he does respect how the Catholic Church is “able to protect the territory of conscience” against the

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389 Mehring, Aufsteig und Fall, 64.
390 Ibid., 108.
391 Mehring, Aufsteig und Fall, 61. Mehring believes that this expression of anthropological pessimism and justification of human dignity through the state is an example of Schmitt’s political theology in a manner which makes it religious, in part due to the extent to which Schmitt examines canon law in this text. He interprets Schmitt as making a twist in the old debate of power versus right by playing off of each other the alternate solutions of Catholicism and Protestantism. Schmitt accomplishes this contrast by placing the Church against the Protestant canon lawyer Rudolph Sohm and Protestant theologian Adolf Harnack (1851-1930). Indeed, something similar to his later style in Political Theology is present in this early work. However, in neither text is Schmitt’s concern theological or religiously motivated; rather he has sociological and secular-minded concerns in both. He is also far more in agreement with the views of these Protestants than with the Church. See: Mehring, Aufsteig und Fall, 63-4.
392 Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 497n1.
powerful State; both points show Jentsch did not fully apprehend Schmitt’s own views. Overall, within mainstream German Catholic intellectual life, Schmitt’s *The Value of the State* went unnoticed.

At the time of *The Value of the State*’s composition, Schmitt was struggling to make ends meet. He was only rescued from poverty by the generosity of Privy Counsellor Hugo am Zehnhoff (1855-1930), a Center Party Reichstag Deputy, who began, in 1913, to periodically send him legal work, and attempted to foster a paternal relationship towards the young law clerk. Schmitt’s financial concerns in these years are a dominant theme of his diaries and oppressed his thoughts, particularly once he became involved with and then engaged to his first wife.

Schmitt and His First Wife, Pauline Marie “Cari” Dorotić

In February 1912, at the age of twenty-three, Schmitt began a relationship with a dancer (likely cabaret or vaudevillian) in Düsseldorf. In a letter to his sister, Auguste, of May 19, Schmitt mentions having begun a romance with a Spanish dancer, which a later letter names “Pabla.” Schmitt describes Pabla—the Spanish version of the name Pauline—as a dancer who lives out of a suitcase, traveling through the capitals of Europe. She speaks German badly, so has been taking lunch with Schmitt in his room, after which he reads to her to help teach her the language. He disingenuously adds that his sister need not be scandalized by these private encounters. Shortly after, Schmitt suddenly drops any mention of a Spanish dancer and Pabla morphs into a dancer called “Cari” who claims to be the Viennese born daughter of a noble Croatian landowner Johann Francis von Dorotić. Cari told Schmitt that she was born in 1888, to make herself five years younger, and claimed her parents died young, after which, she was raised in Munich by an aunt.

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whose cruelty she fled from into the dance halls. The consensus view agrees that the two dancers are one and the same despite the discrepancies of going from being Spanish and speaking poor German, to being a Croatian-Austrian noble raised in Munich, thus fluent. Schmitt would learn, in 1922, while investigating her background for divorce proceedings, that rather than a countess, the woman he knew as Pauline Carita “Cari” Maria Isabella Dorotić was baptized in Vienna as a Protestant with the name Pauline Marie on July 18, 1883 (she died in 1968), as the illegitimate daughter of Auguste Marie Franziska Schachner (dates unavailable). She was later legitimized when Shachner married a Croatian plumber from Zagreb named Johann Dorotić (dates unavailable). From 1889, Cari was raised in Munich, where her father worked.

Schmitt and Dorotić became deeply involved in a rapid manner. They spent Christmas 1912 together, rather than Schmitt returning to Plettenberg to be with his family. His letters to Auguste and diaries record a deep sense of social inferiority in general, but also specifically towards Cari given his belief that she was of noble lineage. Schmitt’s sense of inferiority fed his social ambition, such as suggested in a diary entry maligning the memory of Helene Bernstein who is “false gold” (as a wealthy bourgeois) compared to the noble Dorotić’s “pureness.” In addition

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397 Schmitt complains of social injustice to his sister such as in the letter of November 21, 1912, in: Schmitt, Jugendbriefe, 167. His social ambition is clear in the diary entry for Sunday November, 14, 1915, see: Schmitt, Die Militärzeit 1915 bis 1919, 155. Mehring notes Schmitt’s “anthropological pessimism” during the war years and correctly ties it in part to doubts in regards to “the chance for social advancement” (Mehring, Aufstieg und Fall, 42).
398 In a diary entry of November 6, 1914 Schmitt expresses uncertainty and a deep sense of financial and social inadequacy towards his bride, a “noble from an old Croatian family,” given that he is just a “Schmitt from Plettenberg who does not know if he wants to be alive tomorrow.” As quoted in: Linder, Der Bahnhof von Finnentrop, 269. Social ambition seems to be a lifelong character trait given it is a primary defense, such as it is, offered for his involvement with the Nazis.
399 Mehring, Aufstieg und Fall, 58-9. The standard view has long treated Schmitt’s first marriage as the product of the delayed adolescence of an immature romantic. This view is even shared by the two best recent biographical treatments of Schmitt: Mehring, Aufstieg und Fall, 57; and Linder, Der Bahnhof von Finnentrop, 560-1. The view is not without merit since after the divorce, and for the rest of his life, Schmitt avoided even mentioning his first wife’s name; instead referring to her simply as “the woman.” He also destroyed most records of Dorotić from his belongings so that not even a single photograph of her exists in his Nachlass (Mehring, Aufstieg und Fall, 16). Such actions do suggest a deep disillusionment one could expect from a reformed romantic. However, I am presenting a case here which weakens this (perhaps incidentally) apologetic interpretation by suggesting that actual settled character plays a much larger role than does romanticism or lingering psychological adolescence. After all, given that Cari “tells fantastic stories to
to ambition, his very involvement with what Zehnhoff described as a “Tingle-Tangle” (low vaudevillian or cabaret) dancer,\(^{400}\) reflects Schmitt’s dedicated bohemianism. Likewise, Schmitt’s sexual activity with Dorotić is also evidence of his generally secular turn of mind as concupiscence will always be a major motivating factor in the rejection of religion, especially Catholicism.

A review of Schmitt’s diary over a five month period, from September 1913 to January 1914, reveals a short interlude from Schmitt’s long running movement away from Catholic religion, in which he attempts a degree of continence and mass attendance. It is worth looking at in detail because it is a point, after which, there is no strong evidence he ever returned to a penitent and orthodox practice of the religion of his early childhood.\(^{401}\) Schmitt’s diaries record his deep desire for Dorotić and the lustful, even manic, nature of their relationship.\(^ {402}\) He had a lifelong habit of recording his sexual activities in his diaries in a euphemistic but succinct manner. Entries in September and October 1913, for example, record sex with Dorotić as having “been naughty”\(^ {403}\) or as having had a “merry,”\(^ {404}\) “wonderful,”\(^ {405}\) or “glorious”\(^ {406}\) ejaculation.\(^ {407}\)

authenticate her origin” it does seem reasonable to agree that it is “[h]ard to believe that Carl fell for it” (ibid., 58). Rather, the relevant vices exhibited in his diaries (social ambition, lust, sexual rapacity, vanity, imprudence) are exhibited for the entirety of Schmitt’s adult life.

\(^{400}\) Ibid., 74.

\(^{401}\) Self reproach over failings in various virtues is an almost daily occurrence in Schmitt’s diaries. He castigates himself for being conceited, greedy, as well as intermittently declaring an intention to become a good person, such as at Thursday October 24, 1912 and Saturday February 7, 1914 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 26 and 150 respectively.

\(^{402}\) Representative entries of their first year together, 1912, include: Wednesday November 13, where he declares, “Cari, I love you like the power of the sea”; Friday November 15; Tuesday November 19; Friday November 21; and Wednesday November 27. Found in: Schmitt, Jugendbriefe, on the respective pages: 40; 42-3; 46; 48; and 54.

\(^{403}\) Examples include the entries for the consecutive nights of Friday to Sunday, September 19-21, 1913 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 97-9.

\(^{404}\) Entry for Friday September 19, 1913 in: Ibid., 98.

\(^{405}\) Entry for Friday September 26, 1913 in: Ibid., 100.

\(^{406}\) Entry for Thursday October 9, 1913 in: Ibid., 105.

\(^{407}\) Schmitt frequently just uses the term ejaculation to reference sexual activity. Hüsmert claims that when Schmitt says “ejaculation in the magnificent Cari” on Wednesday September 17, 1913 he is not using a “profane technical term” because he is an admirer of the poet Theodor Däubler who romanticized ejaculation as reviving the earth. See: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 96n6. However, if true this would be a demonstration of Schmitt’s profane illogic given that he clearly practiced some form of contraception or coitus interruptus with Dorotić (see note 422 below), hence his ejaculations were intentionally masturbatory and sterile.
Schmitt announces their engagement in a letter to his sister of October 28, 1913, informing Auguste she will meet his fiancée upon return to Plettenberg, as Dorotić will be living for a prolonged period with their parents. He bought a ring and worked to arrange a quick wedding, but then Dorotić “discovered” that her Austrian passport had been lost. The wedding was put off indefinitely as she must try and get new identity papers. Schmitt describes himself at the time as living as a “married bachelor.”

While working in Düsseldorf, with Cari at his parent’s home, Schmitt dreads her being “around the abominable, wicked, vicious and evil mother and too spoiled little Anna [Schmitt’s twelve year old youngest sister].” The disdain Schmitt had for his mother seems to have primarily been a matter of considering her “strict,” disagreeing with her traditional morality, and her desire for him to attend Mass and practice the faith. When he visits Plettenberg a couple of weeks later, Schmitt records having rose early and attended Mass with Cari much to “the great joy” of his mother; yet, later that night, Schmitt secretly rendezvoused with his fiancée on the stairs and quietly hurried her to his bed.

Schmitt soon seems to have experienced a bout of conscience and was moved to try and practice continence as well as Catholic religion, perhaps after his mother discovered the couple’s fornication. For example, on December 4, 1913, he records: “In the card room, suddenly read the Church fathers enthusiasm about virginity again and was deeply moved.” On Christmas day, Schmitt attended mass with Cari where: “We worshiped with great devotion, it was lovely. The

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409 As quoted in: Mehring, Aufstieg und Fall, 68.
410 Entry for Thursday October 30 to Friday November 14, 1913 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 115.
411 Mehring notes that Schmitt would occasionally speak very negatively about his mother: Mehring, Aufstieg und Fall, 69.
412 Schmitt’s letter to his sister Auguste of October 11, 1908, in: Schmitt, Jugendbriefe, 74.
413 Mehring, Aufstieg und Fall, 19.
415 Entry for Thursday December 4, 1913 in: Ibid., 122.
importance of the Catholic Church was again renewed in me.” He attends early morning mass again the next Sunday, December 28. Subsequent entries show that he was attempting to remain continent at home with Cari and they attended mass again on New Year’s Day, a holy day of obligation. The next Monday, January 5, 1914, we find Schmitt reading in the Bible for consolation. He quotes Proverbs 14: 11: “House of the wicked shall be destroyed, but the hut of the upright shall flourish.”

At this point Schmitt received quite a jolt. On Wednesday January 7, an express letter from Cari arrived, asking him to come to Plettenberg because his mother had accused her of being pregnant. Another express letter arrived soon after, from his father, telling Schmitt to stay. In response to these missives he cried, and despairingly wrote in his diary: “So this is the end.” Rather than the end, the next day Schmitt arrived at the family home and had “a small scene with mother.” He describes his father’s actions during the confrontation as “weak,” and “sappy.” Schmitt attended low mass again on Sunday January 11, where it so happened that a pastoral letter on “the Christian family and the prevention of conception was read.” After the drama with his mother, and a period of time in which he seemed to have been trying to bend his will towards sexual continence, his reaction to this reminder of Catholic natural law ethics was to be “deeply scared.” Later that week, Schmitt is again reading the Bible, this time before going to sleep, but he notes that he went to bed with great desire for Cari and then adds the next morning that he was “horny” for her. Unfortunately, both Schmitt’s practice of sexual continence and of the Catholic

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417 Entry of Thursday January 1, 1914 in: Ibid., 133.
418 Entry for Tuesday, January 5, 1914 in: Ibid., 136.
419 Entry for Wednesday (mistakenly listed as Thursday) January 7, 1914 in: Ibid., 136.
420 Entry for Thursday (mistakenly listed as Friday) January 8, 1914 in: Ibid., 137.
421 Entry for Sunday January 11, 1914 in: Ibid., 137-8. This pastoral letter was most likely one written from the German Catholic Bishop’s Conference in Fulda on August 20, 1913.
423 Entry for Wednesday, January 14, 1914 in: Ibid., 140.
religion during these years was short-lived. Schmitt’s diaries very rarely record Mass attendance beyond the few weeks covered above, and then, primarily on a few high holy days such as Christmas. These stand as an intermittent exception to the general trend of Schmitt’s will and thought towards a complete rejection of the Catholic faith.

Eight months into his relationship with Dorotić, Schmitt recorded in his diary a portentous reflection given his developing and soon to be lifelong sexual behavior. He ponders why “the man who stays faithful to a single woman has fear of her and for losing her and so is asocial,” but the “healthy” man who even “cheerfully goes to war . . . is always polygamous, takes harmless delight in paying common whores” and suffers from no “devastating jealousy.” The reflection, of course, points well beyond the lustful activity of a young couple in love. Although he had attempted for a period to practice continence and even for a short span of time was attending Mass, he soon conformed his thought and will to the above sentiments on male sexuality. His first recorded instance of procuring the services of a prostitute is on Sunday September 6, 1914. He had long desired engaging one, and his reaction covers relief from a feeling that had long oppressed him, as well as waves of feeling “ashamed, happy, cleansed,” but when returning home he goes to bed thinking of his fiancée with the “happy intention” to “never again!” make use of a prostitute.

Now the periods of continence become farther apart. A few months later an exception to the norm occurs when Schmitt shows restraint first by leaving Cari’s when she wanted him to stay the

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424 For example, in the entry of Saturday October 18, 1913 Schmitt mentions visiting a church as an afterthought “even went to a church,” in: Ibid., 109. Or in the entry for Sunday October 26, 1913, Schmitt specifically mentions not attending church while at home in Plettenberg. See: Ibid., 112. He records on Sunday September 28, 1913 that he did study the New Testament a bit, see: Ibid., 101. Schmitt does attend the midnight mass on Christmas Eve 1915, and says it was a wonderful and beautiful Mass, in: Schmitt, Die Militärzeit 1915 bis 1919, 172.

425 Entry for Saturday October 26, 1912 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 27.

426 Entry of Sunday September 6, 1914 in: Ibid., 194.
night, and then, having “controlled [him]self” and gone home after encountering a prostitute looking for a john.\footnote{Entry for Saturday January 30, 1915 in: Ibid., 308.}

On December 7, 1914, Schmitt took and passed the final written assessor’s exam. Anticipating passing the final oral exam, he moved in with Dorotić in January 1915. His benefactor, the devout Catholic Zehnhoff, criticized Schmitt’s decision to cohabitate with Cari.\footnote{Mehring, \textit{Aufstieg und Fall}, 74.}

In fact, Zehnhoff had often tried to dissuade Schmitt from marrying a “Tingel-Tangle” dancer. He even suggested that the jurist could be matched with his niece in what certainly would have been an advantageous marriage as well as being to a co-religionist instead of the Protestant Dorotić.\footnote{Ibid., 58. Linder relates that Zehnhoff remarked to Schmitt at one point that in “his long life had known no lawyer who . . . had more order in his thoughts and concepts . . .” but with “more disorder and confusion in his private life” (Linder, \textit{Der Bahnhof von Finnentrop}, 288).}

Rather than respect his benefactor’s advice, Schmitt’s diaries record bitterness at feeling indebted to Zehnhoff’s patronage; on one occasion, Schmitt even records homicidal thoughts directed toward him.\footnote{Entry of Tuesday August 25, 1914 in: Schmitt, \textit{Tagebücher: Oktober 1912 bis Februar 1915}, 184.}

Soon after moving in together, Dorotić succeeded in gaining forged documents to match her identity and age as she had claimed them to be. They then obtained a marriage license and had the civil ceremony on February 13, 1915, at the Cologne registry office. The next day, Schmitt reported to the military barracks in Munich, but was able to obtain a few days leave for the Catholic marriage ceremony, at the Marienkirche in Düsseldorf, on February 20. Afterwards, they honeymooned in Düsseldorf for a few days before Schmitt traveled to Berlin to complete his clerkship, by taking a final oral assessor’s exam, on February 25, at the Court of Appeals.

Schmitt’s Inner Life in Düsseldorf (1910-15)
One of the more surprising elements his diaries reveal is the severity of his suicidal tendencies and manic depression, particularly in the 1910’s, which will be dealt with in more detail below. It is in the context of these frequent bouts of melancholy and even despair we find Schmitt, at times, willing to implore God for release from mental anguish. For example, after excoriating himself for his desperate sense of guilt and wickedness to not be worthy of Cari by reason of laziness, dishonesty, and a lack of geniality, Schmitt cries: “O dear God, help me, Lord Jesus. Lord Jesus?” But, he then states the belief that nothing or no one is there to help. The diary entry for June 13, 1914 is arguably the most nihilistic and despairing of all. It covers, particularly well, how his interest in religion was motivated by bouts of despair or conscience, while also reflecting his deep alienation from Catholicism:

...I am lost and half [dead]. I stagger and hesitate like a wounded man, my brain is tired, dull, faded, withered. No faith, no despair, no rage, no indignation, only one pitiful nothing. I can believe in everything and believe in nothing. No one can say how terrible this is, and I have lured a kind trusting child to me and thrown her with myself into this destruction. I am a murderer. I am destroyed, become nothing and have murdered the soul of a child. Where shall I flee [?]; to the Catholic Church [?]. But I really cannot. Just as well to the great Dalai Lama or to a Mexican god. Nothing more, nothing at all. Not even more thinking about my emptiness. End, insanity. Finish. Off. Conclusion. Make off with yourself. What are you still doing here [?], you bum, you bankrupt, you fraud. Every conversation that you must engage in is fraud; because you converse as if you would save something, yet know nothing, and believe neither in you nor in the one with whom you speak. So why the vulgarity [?].

In my terrible agony and anguish of the soul, I can talk to no one. No one believes me; I seem so nice and friendly, I am too genial to expect anyone to listen to me. I know people demand of one that they be a fresh, healthy, hopeful man that feels youthful enthusiasm like them, and I am obedient and appear [as such]... And I am really just a poor, helpless, desperate good-for-nothing. And at night I scream to the silent, unknown gods for help and advice, plead to the Mother of God and all the saints; but I might as well pray to a wooden box. Why does one sit so alone in the world and beg with looks to all sides for help and still remain alone. If anything is left in me it is this fear that drives me around, the debilitating, devastating terror that consumes the residue and leaves nothing more of me. I am finished."

Several months later he berated himself in a melancholic fashion as being “too weak,” often thinking of Saint Augustine—presumably of The Confessions—and yet declaring he, Schmitt, “know[s] nothing,” and can “do nothing,” and concludes “I am just nothing.” Soon after, when he is wrought with concerns over his coming state assessor’s exam as well as pending marriage to

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431 Entry of Saturday February 7, 1914 in: Ibid., 150.
433 Entry of Sunday October 11, 1914, in: Ibid., 224.
Cari, he records: “In my anguish I make vows and say prayers.” 434 But as the extended quote from June shows, these moments also elicited admissions of deep doubt as well: “I have no trust in God and am a ridiculously bad person” 435; or the entry of May 27, 1915, where he expresses frequent confusion over whether to turn to faith and apply it to his religious questions. 436

Schmitt’s intellectual connection to the faith was even more superficial than his ambivalent emotional attachment. As will become clear in later chapters, his “Catholic” works are actually secular-minded utilizations of the institutional or canonical framework of the Church, or a few theological concepts, as a model or ideal for the secular state. This approach to the Church is found as early as a 1912 diary entry where Schmitt reflects upon Faust’s “solution” as referring “to the state, which is also an overcoming of temporality. The ideal is of the Papal States.” 437 Beyond secular appropriation of Catholicism, he also expressed his simple lack of belief in his diaries, often prompted into expression by melancholy or despair.

Schmitt had long suffered from depression; the earliest mention was in the first year for which we have a diary, 1912, when he was twenty-four. 438 His depression probably predates this given an entry from 1914 records Schmitt being reassured by the fact that he is still alive despite living for years “in the same despair as now.” He thinks it will “probably always remain so throughout life until death.” 439 Frequently, his depression leads to suicidal thoughts, 440 and he

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434 Entry of Wednesday October 14, 1914 in: Ibid., 226. Another example is the entry for Sunday September 5, 1915 in which Schmitt thinks about Jesus Christ and his suffering as a means to try and bear his own misery, see: Schmitt, Die Militärzeit 1915 bis 1919, 123-4.
435 Entry of Monday January 4, 1915 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 289. This is soon followed by an entry on Wednesday January 27, 1915 in which he first records crying “Dear God, help me,” and then credits George Eisler with actually getting him to again read the Bible (ibid., 306).
437 Entry of Thursday November 21, 1912, in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 47.
438 Entry for Wednesday October 30, 1912 in: Ibid., 33.
439 Entry for Wednesday June 24, 1914 in: Ibid., 161. Another entry recording his depression is Wednesday December 23, 1914 in: Ibid., 279.
440 A list of entries where he expresses his suicidal thoughts in: Ibid., includes (with the page number in parentheticals): Wednesday October 30, 1912 (33); Monday November 4, 1912 (36); Tuesday September 16, 1913 (96); Tuesday September 30, 1913 (102); and Friday July 10, 1914 (166).
reached a nadir after learning in a letter of October 7, 1914, that his good friend, Fritz Eisler, had died in battle at the front.\textsuperscript{441} Completely distraught over Eisler’s death, Schmitt expresses strong thoughts of suicide, wondering how it is that he is the one alive. Grieving is a common theme in the ensuing entries.\textsuperscript{442} When Schmitt receives back his letters to Eisler, marked “dead,” he declares in his diary, on October 19, 1914: “Christianity has nothing to do with Europe. The present war proves it. Perhaps Catholicism. But ugh disgusting!”\textsuperscript{443} He soon follows up with one of his most pronounced anti-Catholic entries, on December 5, 1914:

There is no succession of Christ in the legal sense. But the Catholic Church understands her papacy in the legal sense as succession from Christ who legalizes the pope by a coherent chain of endorsements. Isn’t this outrageous? Has anyone already recognized this in all its wickedness? If one has a trace of intelligence and they see the palaces of the bishops and cozy houses of the parish priests, they would scream with laughter or anger if the well-fed residents of these houses come out and preach poverty and describe themselves as privy councilors of Christ. Really, secret conventional councils of Christ.\textsuperscript{444}

Schmitt’s material concerns and social envy are present in this entry as well as his lifelong agreement with the negative interpretation of the Catholic Church found in Fyodor Dostoyevsky’s (1821-81) parable of the Grand Inquisitor.\textsuperscript{445} He immediately continues in the same entry:

I believe in Providence. There is a purely physiological need. It preaches a number of good days. Find sociology! The man is interested in scientific problems, so he is a professor. Great! The Catholic Church is done once a good sociologist explains it; that would be one more task.\textsuperscript{446}

Schmitt is even moved to reflections against the Church when reading modern French literature, such as Gustave Flaubert’s \textit{The School of Sensibility}\textsuperscript{447} and Stendhal’s \textit{The Red and the Black}.\textsuperscript{448}

\begin{enumerate}
\item Entry of Wednesday October 7, 1914, in: Ibid., 222.
\item In the entry of Monday May 24, 1915, Schmitt records that after saying farewell to a departing George Eisler at the train station he was filled with grieving thoughts over Fritz: “I was extremely sad at the station and thought of death, of the uncanny, indescribable nothingness of human Life and everything and bustle. Wearily home.” See: Schmitt, \textit{Die Militärzeit 1915 bis 1919}, 73. Meiring places a particular stress on the impact of Eisler’s death in shaping Schmitt’s life and thought, see: Mehring, \textit{Aufstieg und Fall}, 97.
\item Ibid., 267.
\item There are numerous references to reading or discussing Dostoyevsky in his diaries. See: Ibid., Wednesday January 12, 1914, (139); Monday August 3, 1914, (175); Tuesday January 19, 1915, (300); Friday January 22, 1915, (302); Tuesday February 16, 1915, (318). In: Schmitt, \textit{Die Militärzeit 1915 bis 1919}, Sunday March 21, 1915, (31); Monday April 12, 1915, (46); Tuesday April 13, 1915, (47); Saturday April 17, 1915, (48); Sunday 18, April, 1915, (50); Saturday 18, December, 1915, (169).
\item Schmitt, \textit{Tagebücher: Oktober 1912 bis Februar 1915}, 267, emphasis added.
\end{enumerate}
Although Schmitt’s politics would always be anti-liberal, the same cannot be said for his religious beliefs, such as they were. He was an early convert to the Gallicanism of the heretical Catholic theologian, Johann Joseph Ignaz von Döllinger (1799-1890). Döllinger was a Church historian, theologian, priest and canon lawyer. However, he was excommunicated in 1871, due to his extreme rejection of the dogma of papal infallibility. Döllinger was a strong proponent of state superiority to the Church, who caricatured papal infallibility as indicating that the pope would dominate over secular rulers. Döllinger’s excommunication was a key moment leading to the development of the “Old Catholic” schism. Schmitt was very sympathetic to Gallican views, given that he records in his diary entry for Thursday October 2, 1913, how he had “read Döllinger, angry about the Roman Church.”

On the subsequent Sunday, Schmitt attends Mass—in itself a rare occurrence—with Cari, and has a chance to demonstrate how good a student of Döllinger he has become. He records, “a terrible Catholic priest talked about politics in the pulpit,” and they “were shocked from the Church.” Cari described the priest as “a profane being” and Schmitt returned to his reading of Döllinger that afternoon. Two months later, we find Schmitt reading Hugues-Félicité Robert de Lamennais (1782-1854), another liberal and Gallican theologian.
In addition to Gallicanism, Schmitt’s diaries reveal the extent to which Gnosticism persuaded him. Schmitt read “everything he could get his hands on” about the Gnostics. Döllinger was one source, but the primary source was the liberal Protestant church historian, Adolf Karl Gustav von Harnack (1851-1930). Schmitt records in his diary on Sunday, December 14, 1913, reading Harnack on Gnosticism “with great enthusiasm until late in the evening.”

Harnack’s treatment of the ancient Gnostics, most especially Marcion of Sinope (85-160), is one of the more profound influences on Schmitt’s thought. In Marcion’s reading of biblical texts he could not square the God preached by Jesus Christ with that of Jehovah, the God of the Jewish scriptures. He discerned two distinct gods being described, a “god of love” revealed by Jesus and the Jews’ “god of law.” The first of these divine principles, the god of love, favors humans, but only as spiritually concerned, while the material world and bodies are subject to the god of law. The all-merciful god of love desires a wholly spiritual existence for humankind, while the god of law is subject to wrath and vindictiveness. The god of law is credited by the Gnostics with creating and ruling the material world.

Harnack believes Marcion came to his views based on a motive he attributes to St. Paul, namely, resentment of the Jewish overtones of Christian faith. Marcion sees the Law as vindictive and wrathful and believes Paul describes a God that cannot possibly be the same as this Jewish God of the Law. Therefore, the Gnostic sought to purge Christianity of any and all influence from

provoked concerns about his orthodoxy. Schmitt praises Eckhart, relies on him and even quotes him on Friday September 4, 1914 and again on Wednesday September 16, 1914 (ibid., 192-3 and 200).

Linder, Der Bahnhof von Finnentrop, 349.


Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 127.
Judaism. First, this meant simply dropping the Jewish scriptures from the Bible. Secondly, most of the Christian canon had to likewise be excised or highly revised. Marcion’s exercise in editing resulted in discarding all of the accepted Gospel accounts and other works of the New Testament, except for a now unrecognizable version of the Gospel of Luke and ten of the Pauline Epistles, with the latter edited to a lesser degree. Harnack defends Marcion’s version of the Christian canon as the true Gospel untainted by Judaism and these readings likely added fuel to Schmitt’s own lifelong anti-Semitism.\textsuperscript{456}

Of even more certain impact is Marcion’s basic duality of a god of love and one of law.

Expressionist painter and writer Richard Seewald (1889-1976), of Munich’s “New Secession” (\textit{Neue Sezession}) group founded in 1913, recalled an evening late in the First World War when he debated with Schmitt the nature of God:

The evening remains unforgettable to me in which he, the great jurist, cited justice as the quintessence of God and disregarded my modest protest lodged for love as a law according to God’s justice. I will never forget our walk down the Ludwigstraße where he discoursed with great enthusiasm about Marcion. And are not these two seemingly random memories really the key to his behavior?\textsuperscript{457}

Seewald is not the only acquaintance whom Schmitt enthusiastically regaled with Gnostic theology during the war years, as early as October 1914 he records having spent a Sunday telling the sister of his deceased friend Eisler all about the Gnostics.\textsuperscript{458} Five months later he recounts having had lunch

\textsuperscript{456} For example, Harnack writes that Marcion believed Paul prophesied “violent attacks were yet in store for the Church of the good God on the part of the Jewish Christ of the future, the Antichrist” (Adolf von Harnack, \textit{History of Dogma, Vol. I}, trans. Neil Buchanan [Boston: Little, Brown & company, 1901], 277). This passage reminds one of Schmitt’s interest in political “eschatology,” that is, for the State as \textit{katechon} [Schmitt only uses this term postwar, however] defending against the forces of chaos. Of course, the passage also ties in with anti-Semitism. Although Raphael Gross has written the most definitive treatment of the deep racial anti-Semitism which besmirched Schmitt’s thought his entire life, he does not address the role played by Harnack, and Gnostic anti-Judaism in general beyond a quick mention that Harnack and Lutheran tradition did have a branch which rejected the Old Testament. See: Gross, \textit{Carl Schmitt and the Jews}, 57. Gross does suggest that to some extent what has long been referred to as Christian “anti-Judaism” would have been an influence on Schmitt becoming a racial anti-Semite. However, the response by the early Church to Marcion was to embrace Christ’s Jewish heritage as well as the religion and condemn his anti-Judaism; such sentiments have always been heretical, hence their most poignant revitalization within Protestantism or other epigones of neo-Gnosticism.


with Fritz’s brother, George Eisler (1892-1983), to whom he “put [his] theory of the God of Justice and the other God of this world.”

In fact, his diaries record a serious personal identification with Gnosticism as well as an intellectual commitment to its views.

In an entry from July 1914 Schmitt relates having met a nephew of Zehnhoff, who happened to be a Benedictine monk. The manner in which the monk talked and joked about his own mother made the easily scandalized Schmitt “shudder to think of [him] as a monk or at the altar.” Schmitt’s reaction to the thought of such a representative of the priesthood was to find it “hilarious” and to declare he “was shocked.”

He then “noticed with the utmost certainty that [the monk] refrains from shaking [my] hand,” and though Schmitt does not know why he would undermine him by so acting, he suspects that it “[p]robably is the instinct a cleric has against Gnostics.”

A month later Schmitt claims the Gnostics were the correct interpreters of Christ:

> I think I feel it: For a few days of the human life one has not only their own personal fate but the fate of one’s people and of millions put in their hands. The days go by fast. Then one feels the general consciousness of guilt. Whoever then holds out and is strong is rewarded; whoever does not bear it and is bad, goes under. Nobody knows anything about it, but the turn comes to everyone, at least to everyone who understands these

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141 Ibid.
142 Entry for Friday July 10, 1914 in: Ibid., 166. Sadly the immediately following several sentences of the entry are illegible. Christian Linder believes that this specific entry makes Schmitt’s lack of Catholic belief a question “open no longer.” See: Linder, *Der Bahnhof von Finnentrop*, 348. Linder’s conclusion is more in line with the weight of the evidence of Schmitt’s commitment to Gnosticism than is the other most significant commentator aware of his diaries, namely, Reinhard Mehring. Mehring severely downplays Schmitt’s commitment to developing his views around an interpretation of Gnostic theology. When he mentions the encounter with the Benedictine monk Mehring does not make very much of it (Mehring, *Aufstieg und Fall*, 70). Additionally, Mehring sticks as best he can to the standard narrative by mistakenly thinking indications in his early writings suggest Schmitt was religious. For example, he seems to think Schmitt’s god of love and god of law duality is an old distinction of Church and State and sincerely religious rather than Gnostic heresy (Mehring, *Aufstieg und Fall*, 77). Two excellent commentaries which, like Linder, recognize the importance of Gnosticism for Schmitt’s intellectual development are: Manemann, *Carl Schmitt und die Politische Theologie*; and Peter U. Hohendahl, “Political Theology: The Border in Question,” *Konturen*, 1, issue titled “Political Theology Revisited: Carl Schmitt’s Postwar Reassessment,” pdf accessed online at: http://konturen.uoregon.edu/volume_1/Hohendahl2.pdf, 28 pages. See also: Martin Leutzsch, “Der Bezug auf die Bibel und ihre Wirkungsgeschichte bei Carl Schmitt,” in *Die eigentlich katholische Verschärfung*, 175-202. An eccentric treatment is by Arthur Versluis, himself a Gnostic, who notices Schmitt’s discussion of Gnostic dualism in *Political Theology Two* but then fails to connect it to Schmitt’s thought entirely. Rather, he claims that the source of Schmitt’s concept of friend and foe is the *anti*-Gnostic Church father Tertullian. See: Arthur Versluis, *The New Inquisitions: Heretic-Hunting and the Intellectual Origins of Modern Totalitarianism* (Oxford: Oxford University Press, 2006), 54-5.
Schmitt, here, gives voice to the extent to which Gnosticism provided him with an appealing rationalization of human sinfulness and guilt, as well as, first reveals his interest in the concept of fate, which we will soon examine.

To the Gnostic a strict dualism exists between the material and spiritual orders, with the human body and its sensual actions considered intrinsically evil. This dualism allows the complete psychological separation of one’s spiritual existence from one’s bodily actions, hence, sin and the guilt that accompanies it—certainly sexual as the most powerful of sensual appetites—can be treated by the Gnostic as unreal and as not touching upon the soul. Jesus preached the all-forgiving and merciful god of love who will simply forgive all transgressions of a bodily nature since man’s physical existence is only subject to the lesser god of law and Satan. Schmitt again alludes to Gnosticism in January, 1915, and makes another explicit avowal of his belief, in March, while reflecting upon the trials of military service:

When will this horrible nonsense end? . . . Walked around, thinking about the state, militarism, St Augustine. I flew into a rage again, raped; what a shame. How atrocious is the state, and the Church tolerates it out of inertia . . . [The military] will recognize the world, it has grasped the god of this world, the law. But God does not suffer. I become Gnostic, die for my beliefs.

The entry then records a prayer and ends with a reflection:

Tonight I recognized the God of this world, the God of Law and that he wears it with love, beauty and comeliness. I know the God of Love but can only remain silent over him. You puzzle over injustice? So you believe in the God of this world. Thou art not a Christian! (No, Gnostic).

And in a related fashion, Schmitt frequently records in his diary deeply Manichean attacks on the body, such as: “I am disgusted by my flesh. I feel nailed to the flesh. Disgusting. I must die, rotten, stinking, away, and it does not help.”

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463 Entry for Thursday August 6, 1914 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 177.
466 Ibid., 29.
467 Entry of Wednesday April 7, 1915 in: Ibid., 42.
Theodor Däubler was also a strong Gnostic influence on Schmitt. In his 1916 work of literary criticism on Däubler’s *Northern Lights*, Schmitt situates the poem in the spirit of the religious volatility of “Alexandria in the first Christian centuries . . . where the Gnostics, Christians, and pagan philosophers” battled and raged. He then refers to the Gnostic Marcion as, for Catholic’s, the “patriarch of all heresy” because of his dualist conception of a world in which the human soul is helplessly manipulated by the devil unless it obeys the dictates of the god of law. Schmitt’s treatment in his Däubler commentary of evil and his pessimistic anthropology is also expressed in terms of Gnostic dualism. Further proving that his postwar recollections are untrustworthy, Schmitt claims—in *Ex Captivitate Salus*—his interpretation of *Northern Lights* was a Christian one, and Däubler had not contradicted him, but that only now has he come to realize it is actually a poem “shining in the dim light of mankind’s Gnosis.” He now believes the poem was Promethean themed, and ultimately about mankind saving itself. The problem with this postwar recollection is that, in 1912, Schmitt had written an unpublished short piece on Däubler that was finally made available by the collating efforts of Piet Tommissen, in 1988. In it, Schmitt describes the philosophical point of view expressed by *Northern Lights* as the merging of spirit with an elemental force common to the natural philosophy of the pre-Socratics, the Gnostics of early Christianity, and nineteenth-century idealism. The jurist then asserts this syncretic philosophy’s superiority to the barbarian materialism of the present.

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471 As quoted in: Schmitt, *Tagebücher: Oktober 1912 bis Februar 1915*, 397. Schmitt says that he came to this recognition in 1938 while reading an essay of the athiest socialist Pierre-Joseph Proudhon (1809-65) on the “fate of the earth and its people” (ibid.).
The various strands of Schmitt’s early psychological and intellectual life came together on Thursday October 8, 1914, when he has an experience, which has been likened to Saint Augustine’s “tolle lege” (“take up and read”) moment of conversion.\(^{473}\) While grieving at night over the death of his friend Eisler, Schmitt first wrote a letter to Dorotić in “deepest distress” and then opened up Soren Kierkegaard’s (1813-55) *Concept of Dread*, chapter 3, part 2 where he “suddenly hit on the spot about fate and genius.” His reaction is to declare:

\[
\text{Praise be to God, I am saved. I was blessed, I immediately wanted to write to Däubler, but I tore up the letter. I may tell it to no one. I know now that I am right with my faith in destiny, my conviction that everything depends on whether I am a good person or not. Alone I know it.}\]

*Concept of Dread*’s subtitle reveals that the book is a psychological study of original sin.

Kierkegaard believes that the pagan concept of fate is the object of dread, and dread of fate, in paganism, is a negation of Providence. It took Christianity to break free from the contradictory pagan concept of being “guilty” by fate, by means of a deeper recognition of each person, as both an individual and the species in one, whereby, one can share in the guilt of the first person and thus suffer from original sin. Therefore, the pagans do not have a deep enough concept of guilt and sin for an adequate psychology.

Kierkegaard now brings the concept of “genius” into the equation. A genius is one who constantly discovers fate within their own subjective immediacy and who recognizes the need for fate to restrain their omnipotence. As a result, the genius is essentially pagan, for he does not understand himself religiously in terms of sin and providence, but rather, under the concepts of dread and fate. Kierkegaard’s example of such a person is Napoleon. Schmitt was already deeply

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\(^{473}\) Hüsmert characterizes it as such in his “Preface” to: Schmitt, *Tagebücher: Oktober 1912 bis Februar 1915*, 3.
\(^{474}\) Entry of Thursday October 8, 1914, in: Ibid., 222. Schmitt was already an avid reader of the Danish philosopher. The first mention of enthusiastically reading Kierkegaard occurs on Saturday October 3, 1914. Schmitt is reading *Stages on Life’s Way*, the sequel to *Either/Or* where Kierkegaard exemplifies his theory of the aesthetic, ethical, and religious forms of life (ibid., 216). The next day he quotes from Kierkegaard’s *The Concept of Angst* and records having read it aloud to Cari on Tuesday October 6, 1914 (ibid., 219). A year later Schmitt records being thrilled to discover and purchase a copy of Kierkegaard’s *Critique of the Present*, translated by a fellow resident of Munich, Theodor Haecker (1879-1945). See the entry of Tuesday May 11, 1915 in: Schmitt, *Die Militärzeit 1915 bis 1919*, 66. Schmitt soon struck up an acquaintance with Haecker based on his love for Kierkegaard.
interested in the concept of fate and he now connects it to a belief that he is personally destined for genius, and speaks of starting to again, “trust in my fate.” Of course, in so doing, Schmitt was embracing a paganism which was exactly what the Danish philosopher is critiquing.

Rather than to Saint Augustine, a more appropriate connection to draw from Schmitt’s Kierkegaardian moment of conversion might be to novelist Nathaniel Hawthorne’s (1804-64) invention, Arthur Dimmesdale, in *The Scarlet Letter*. The flawed Reverend Dimmesdale ascends the scaffold, in the dead of night, in order to relieve his oppressive sense of guilt and believes he sees a red letter “A” written in the sky by a meteor. Hawthorne’s narrator interprets the psychology of despairing guilt when combined with hubris:

> But what shall we say, when an individual discovers a revelation, addressed to himself alone, on the same vast sheet of record! In such a case, it could only be the symptom of a highly disordered mental state, when a man, rendered morbidly self-contemplative by long, intense, and secret pain, had extended his egotism over the whole expanse of nature, until the firmament itself should appear no more than a fitting page for his soul’s history and fate.

A Catholic intellectual contemporary to Schmitt, neo-Thomist philosopher Josef Pieper (1904-97), explains how disordered sensuality corrupts the reason:

> Unchaste abandon and the self-surrender of the soul to the world of sensuality paralyzes the primordial powers of the moral person: the ability to perceive, in silence, the call of reality, and to make, in the retreat of this silence, the decision appropriate to the concrete situation of concrete action. This is the meaning inherent in all those propositions which speak of the falsification and corruption of prudence, of the blindness of the spirit, and of the splitting of the power of decision.

Schmitt’s intellect conformed over time to the influence of his unbridled will, and Gnostic thought fed into his ethical rationalizations while also shaping his political views.

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475 Linder interprets Schmitt’s “conversion” as realization that his fate as a genius is to initiate a theory of myth which he calls “political theology.” See: Linder, *Der Bahnhof von Finnentrop*, 294-5.
478 Josef Pieper, *The Four Cardinal Virtues: Prudence, Justice, Fortitude, Temperance*, trans. Richard Winston, et. al. (Notre Dame, IN: University of Notre Dame, 1966), 160. Pieper utilizes terms common to Schmitt, such as ”concrete situation” and “decision,” but in a diametrically opposed and authentically Catholic manner.
Especially by means of undergirding his pessimistic views on human nature, the Gnostic concept of the god of the world as a god of law and justice\textsuperscript{479} is easily adapted to Schmitt’s secular political interests, and provides a metaphysical basis for his statism. In a diary entry from a month before the beginning of the First World War, Schmitt speaks of the wisdom of Machiavelli’s opinion:

If all men are good in the world, so it would be wickedness to lie and cheat. If, however, everything is apparently just rabble and mob, it would be folly to be noble and decent. From this theory speaks the outrage of a noble mind, good, disappointed man, over the blind, unteachable, irrefutable and unassailable meanness that everyone that is in the world can watch every day and every hour around them.\textsuperscript{480}

Schmitt goes on to claim this pessimistic view is one of which he finds “nothing is more understandable and sympathetic” to his thought.\textsuperscript{481} His later friend-enemy distinction is thus likely derived from Harnack’s works on Gnostic dualism.\textsuperscript{482} Finally, as Linder suggests, in Schmitt’s postwar debate with Hans Blumenberg (1920-96) and Erik Peterson (1890-1960), found in\textit{Political Theology Two}, the jurist “lets the cat out of the bag” on his lifelong attachment to Gnosticism as intellectually foundational.\textsuperscript{483}

\textsuperscript{479} Ironically, Schmitt seems to be more inclined to latch onto the god that Marcion rejects as “Jewish” as of central importance to his political views.

\textsuperscript{480} Entry for Friday June 26, 1914 in: Schmitt, \textit{Tagebücher: Oktober 1912 bis Februar 1915}, 163.

\textsuperscript{481} Ibid. We noticed above at note 397 that his letters to his sister Auguste already revealed his anthropological pessimism.

\textsuperscript{482} Linder, \textit{Der Bahnhof von Finnentrop}, 348-9.

\textsuperscript{483} Ibid., 349-52. See for example his use of the “theological opposition between the Old and the New Testament, in which the \textit{law} is opposed to the \textit{gospel}” a Gnostic (and later Protestant) purported opposition, not a Catholic or orthodox one in his “Postscript: On the Current Situation of the Problem: The Legitimacy of Modernity,” in: Schmitt, Carl, \textit{Political Theology Two: The Myth of the Closure of any Political Theology}, trans. Michael Hoelzl, et. al. (Cambridge: Polity Press, 2008), 119. Or again, his positing a “politico-theological \textit{stasiology} . . . \textit{[a]}t the heart of the doctrine of Trinity” (ibid, 123), which means an eternal struggle between principles of divinity, hence the need for recognition of the duality of friend-enemy, which he goes on detail in its explicitly Gnostic formulation in great detail over the subsequent pages. Schmitt concludes by referencing his earlier essay “Die vollendete Reformation: Bemerkungen und Hinweise zu neuen Leviathan-Interpretationen,” \textit{Der Staat}, 41 (1965), 51-69. In that essay Schmitt had claimed “Hobbes brought the Reformation to a conclusion by recognising the state as a clear alternative to the Roman Catholic church’s [sic] monopoly on decision-making” which could serve equally well as a succinct formulation of Schmitt’s own basic political convictions (Schmitt, \textit{Political Theology Two}, 125-6).
Chapter 3.

Biographical & Textual Placement of Schmitt 1915-19

“Do not give your enemies the chance to grasp you . . .”
—Carl Schmitt (1948).

Schmitt in Munich (1915-21)

With the coming of the First World War, Schmitt’s academic mentor, Fritz van Calker, had been designated a Major in Munich. Calker counseled Schmitt to volunteer into his infantry regiment so that he could protect the twenty-six year old from being sent to the front. During basic training, Schmitt claimed a back injury, and so on March 23, 1915, Calker was able to secure a transfer for him to the Deputy General Command of the First Bavarian Army Corps in Munich (the other two Commands were located in Würzburg and Nürnberg). Schmitt would remain there until being discharged from military service on June 4, 1919. In November 1915, Calker also invited Schmitt to begin a postdoctorate in Straßburg. The Value of the State was subsequently accepted as his postdoctoral thesis (habilitationschrift) on February 16, 1916. Afterwards Schmitt frequently lectured at the University of Straßburg until it was closed, by virtue of being located in territory ceded to France towards the end of the war, on November 11, 1918.

During his military career, Schmitt rose to the rank of Sergeant, and was placed in charge of a surveillance office which handled issues of censorship of various pacifist and socialist publications, both foreign and domestic. In 1918, he was awarded the highest decoration that someone at the rear could garner, the Iron Cross second class, for having conscientiously performed his duties as censor. After the war, Schmitt’s professional direction was momentarily up in the air. His commanding officer at the Deputy General Command, Captain Christian Roth

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485 A large collection of material from Schmitt’s time working as a military censor is now available in: Schmitt, Die Militärzeit 1915 bis 1919, 180-391 and 538-570.
(1873-1934), became the Bavarian Minister of Justice. His old benefactor, Hugo am Zehnhoff, was now the Prussian Minister of Justice in Berlin. Both were excellent references if he decided to enter the judicial bureaucracy. Thus, Schmitt first applied for a position in the newly established Ministry of Welfare. However, he withdrew the application when a friend, the economist Moritz Julius Bonn (1873-1965)—who had recently been appointed director of the Munich Graduate School of Economics—offered him a position as full-time lecturer. The position allowed Schmitt to remain in Munich, so he accepted, and dedicated himself to an academic career, lecturing there from September 1919 to September 1921. Schmitt’s lectures at the Graduate School reflected his mandarin interests, focused as they were on the early modern political theory of the State and philosophical anthropology.

Schmitt’s Inner Life in Munich

Schmitt’s military work gave him practical insight into the politics of looking for, and combatting, internal enemies, but it is a mistake to think of him as a militarist or even much of a nationalist during the First World War. His overall mindset during the war has been justly called “metaphysical pessimism.” He loathed military service and frequently complains that the

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10 Cumin, Carl Schmitt, 38.
11 Bendersky, Theorist for the Reich, 18. Balakrishnan notes how detached he was from the war and suspects he was too Latin, maybe too Catholic, and too sympathetic to the French to get caught up in German nationalism. See: Balakrishnan, Enemy, 16.
12 Some representative entries that reflect the misery he felt in the military can be found in: Schmitt, Die Militärzeit 1915 bis 1919. These include: Sunday February 28, 1915, when on leave “for an hour once again to be free from slavery” (ibid., 21); Tuesday March 9, 1915, “I feel wretched as a soldier” (ibid., 23); Wednesday March 10, 1915 (ibid.); Tuesday March 16, 1915, “A noncom drops in, I failed to recognize him. He shouts at me: ‘Why don’t you salute? Speak up, you lout, you dumb recruit.’ I have wept with rage. What a brutal rape” (ibid., 28); Sunday March 21, 1915 (ibid., 31); he calls military service “rape” again on Monday March 22, 1915 (ibid., 32); Tuesday March 23, 1915 (ibid.); On Sunday June 13, 1915 Schmitt records that he “read French newspapers again, have a strange joy when the enemy wins” (ibid., 81); Monday July 5, 1915 (ibid., 90); Thursday July 15, 1915 (ibid., 95); Tuesday August 3, 1915 (ibid., 103); Saturday August 14, 1915 he relates “I am bound. The State and the wife keep me on a tight leash” (ibid., 112); July 1916, “This war lets the people over 50 slaughter those under 30” (ibid., 178).
military is “more demanding than the Catholic Church.”

Contrary to his published writings, Schmitt bemoans “[t]he destruction of the individual, the clumsy rape of private life is already so terrible that it will probably never get better.” During his initial training stint in barracks, he recorded with disgust: “Germany is the land of justice, the destruction of the individual; it achieved exactly what I in my book [The Value of the State] set as an ideal of the state.” When Schmitt ponders the reason that everything is demanded of a person during war, he records: “What for? For nothing, for the Fatherland; O God, what a state, and you are powerless.”

Just as he had in Straßburg and Düsseldorf, Schmitt continued to seek the company of artists and writers through his years in Munich. He hobnobbed in cafes with “the leading figures of German expressionism” as part of the Bildungsbürgertum “deeply alienated from the bourgeois culture of the German Reich.” Schmitt primarily belonged to a circle gathered around the poet Däubler, including: the Austrian modernist painter, Albert Paris Gütersloh (1887-1973); translator of Greek literature, Hans Rupé (dates unavailable); novelist, Alice Berend (1875-1938); musician, Walter Harburg (dates unavailable); poet, Konrad Weiß (1880-1940); and editor and author, Franz Blei (1871-1942). Through Blei, he became acquainted with the Austrian modernist novelist Robert Musil (1880-1942), as well as a number of Catholic intellectuals, including: translator of Kierkegaard and John Henry Cardinal Newman, essayist and cultural critic Theodor

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10 Entries of Saturday March 20, 1915 and Friday April 9, 1915 in: Ibid., 30 and 44.
12 As quoted in: Mehring, Aufstieg und Fall, 77. Mehring correctly remarks that: “The anti-individualism of the early works now appears as a negative utopia” (ibid.).
13 Entry of Tuesday May 18, 1915 in: Schmitt, Die Militärazeit 1915 bis 1919, 70.
15 Muller, “Radical Conservative Critique,” 192.

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Haecker (1879-1945); Germany’s leading publisher of Catholic authors, Jakob Hegner (1882-1962); and historian and philosopher of religion, Otfried Eberz (1878-1959), who was also associated with Hochland, the leading Catholic magazine. Through his wartime work monitoring pacifist groups, Schmitt also came to know Hochland’s editor, Karl Muth (1867-1944).196

Schmitt’s circle of friends was not particularly inviting to his wife; in fact, jealousy was a common experience for the couple. Early on from Schmitt, when Cari danced with his friend Fritz Eisler,197 and later from her, over Schmitt’s close friendship with George and Lily Eisler after Fritz’s death.198 It also seems that Berend saw through Cari’s deception. The novelist depicted her as a trickster and Schmitt as a romantic, lovesick “unworldly professor who is betrayed by the world,”199 in her 1919 work The Fortune Cookie (Der Glückspilz). For his part, Schmitt had long harbored his own suspicions towards Dorotić, even if not specifically about her family origins. He even had to travel to Cologne on October 30, 1914 where Cari had been accused of shoplifting; the issue was finally resolved in May 1915. The engaged couple had made frugal wedding plans on Saturday January 10, 1914,200 but in a series of entries over the next two weeks, Schmitt repeatedly voices distrust of his fiancée, as well as disgust with people in general and himself. Reflecting on the psychology of it, he declares “man can never be sure of a woman.”201 Only four months into their married life, Schmitt’s diary reveals: “Often we argue, without words, but in looks. . . . What a misery, have suicidal thoughts.”202 Despite having found momentary respite in Kierkegaard,

196 Schmitt was charged with monitoring the correspondence between pacifists Muth and Friedrich Wilhelm Foerster (1869-1966), a German pedagogue and politician. The documentary evidence of Schmitt’s investigation is available in: Schmitt, Die Militärzeit 1915 bis 1919, 567-8.
199 Mehring, Aufstieg und Fall, 105. See also: Schmitt, Die Militärzeit 1915 bis 1919, 521-3.
Schmitt’s depression and suicidal tendencies continued throughout the war and his marriage, as well as his Manichean attacks on corporeal existence and manic mood swings. Schmitt experienced his years as a court clerk, then military and married life, in an emotional and psychological state of siege.

As far as his religious views go, for the most part, one finds only scattered evidence of a residual “cultural” Catholicism, the thin superficial veneer or vestiges of a dismissed or inactive faith and confessional affiliation. However, the occasion of a world war did give rise to the only unalloyed complimentary remark Schmitt makes towards the Catholic Church in these years. As a parenthetical to the diary entry that mused upon the German State achieving the destruction of the individual, Schmitt notes, apologetically, that the Catholic Church could not effectively oppose it

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20 Entries in ibid. which express suicidal thoughts include: Sunday August 1, 1915: “Shall I jump out the window! No, I’m afraid of the 2 seconds, which it takes to fall. Shooting oneself is better. There is no danger that you regretted it. This is in one second. I will go crazy . . . I direct my anger against myself, because above all else I fear” (102). The entry for Sunday August 8, 1915 mentions as cause for his depression: “I pull on two cords: the Military and the marriage, the State and my wife” (106). Saturday August 14, 1915 he expresses suicidal thoughts over his feeling of being trapped “on a tight leash” by the military and his wife (112). Monday August 30, 1915 claims the military and marriage are crushing him and notes having suicidal thoughts (120). And Tuesday November 2, 1915 mentions having suicidal thoughts and contemplating defenestration. He says he decides against it due only to his “deep-rooted indecision” (106). Schmitt’s penchant towards despair and suicidal thoughts are also recorded in his writings while being interned after the war.

21 Entry for Wednesday April 7, 1915: “I am disgusted by my flesh. I feel nailed to the flesh. Disgusting. I must die, rotten, stinking, away, and it does not help.” In: Ibid., 42.

22 Entry of Wednesday July 28, 1915, for example records: “Often violent rage, then again indifferent.” In: Ibid., 98.

23 For example Schmitt expresses a temporary desire to again be a Catholic during a trip to Salzburg of Wednesday November 24, 1915: “St. Peter’s Church, the beautiful engravings at the entrance, I would like to become Catholic again. So much culture and depth.” In: Ibid., 158. The church that evoked this response from Schmitt is part of a Benedictine Abbey in Salzburg, fashioned in the Baroque style and was the site of the premier of Mozart’s Mass in C Minor in 1783, thus, Schmitt is only expressing a superficial appreciation for the Church for aesthetic or cultural reasons. For another example, Schmitt takes note when he begins a new diary on Wednesday December 8, 1915 that it is the feast day of the Immaculate Conception. See: Ibid., 163. However, Linder (though less so than Mehring) still thinks that Schmitt did have some amount of real religious and even Catholic sentiment or views. He misinterprets Schmitt’s early praise of the Papal States as an “ideal” as evidence of Catholic sentiment when it is really a matter of secular political formalism or tactics. He then says that Schmitt was outwardly able to appear a Catholic by saying prayers at meals as compulsory and enjoying singing Christmas songs. Yet that is superficiality; again it is “cultural” Catholicism. Linder then throws in the postwar racially Catholic diary quote for good measure in service of a bad argument. Thus he concludes it is still a mystery, it is the “arcanum” of Schmitt whether he dismissed Christian humanism and its belief in no earthly paradise in favor of “the consequences of his political theory” (Linder, Der Bahnhof von Finnentrop, 342). Müller is far more accurate when he begins and ends by noting that from around the end of the First World War Schmitt began to describe his Catholicism as “displaced” and “de-totalised” (Müller, Dangerous Mind, xxix).
“because she had no real power or . . . because it was too much the mother.” Yet, he was still impressed that given the size of the Catholic Church, it “resists the military state without cannons.”

Then, in an entry in July 1916, one can see an early appearance of what will soon become well-known as “political theology,” and in a version that is as close to “political Catholicism” as Schmitt ever treads. He quickly elides from religious or theological reflections into profane political applications when he jots down:

   Who still knows what Protestantism is? It has gone so far that the Catholics must teach the Protestants . . . because enthusiasm has nothing to do with duty, nothing to do with Catholic spirituality . . . . The Catholic’s individuality is not expressed in the contents of his faith but in the devotion to the Church, in the free choice of the Church as a mediator, as the woman in the choice of a man.

Schmitt shifts quickly to social and political commentary, further exhibiting an abstract, clinical, and disconnected manner towards religion:

   Only a religious people is a free people. A people that is not pious falls immediately into the most degraded slavery. There is no help for those who have not yet recognized this fact. Do not complain about the extreme pressure you live under, but know that your godlessness, your Protestantism, your racial mysticism, your relativism, your godless vertigo is a result of the logic of Kantianism, Wagnerianism and other impostors.

His thoughts then turn to the State. He describes it as the “manliest” of institutions and notes the opposition to it expressed by the young. Schmitt immediately returns to a critique of Protestantism:

   They [Protestants] have no relationship to the visibility of the Church, to God’s visibility. They always say that it is a minor matter; that it is not the core which is invisible, ineffable, and in this way they do not fight evil and leave it in the world.

The logic of complaining that the “manly” State is opposed by the young, followed with the connection between “visibility” and “fighting evil,” suggests that Schmitt believes Protestantism is a
motivating factor in anti-authoritarian or individualist modern political liberalism; which, he thinks leads to moral and political passivity. Even if this diary entry does not seem strong enough to bear such an interpretation, all becomes clear in the essay Schmitt wrote shortly thereafter: “The Visibility of the Church: A Scholastic Consideration.”

“The Visibility of the Church: A Scholastic Consideration”

Schmitt begins “Visibility,” as with most of his writings, with a straightforward and memorable opening statement of what term(s) he will be exploring: “Everything that can be said about the visibility of the Church stems from the following two tenets: “Man is not alone in the world” and “The world is good, and what evil there is in the world is the result of the sin of man.” We find here recognition of the central importance of the Incarnation for Christianity, plus an orthodox presentation of Catholic philosophical anthropology (creation and human nature are good, evil comes of sin). From these tenets Schmitt first stresses the public nature of the Church as a partial means of subjugating private religious experience or mysticism. “A religious experience should not be obtained from a psychic phenomenon.”

Therefore:

Whether someone can be called a true Christian has nothing to do with the intensity of impatience with which he seeks to bind himself to God but rather with the path he takes. The path is determined by the law of God, that is, the pan rema with which Christ admonished the tempter when he challenged Christ to make bread from stones. It means the rejection of the immediacy, which Christ the mediator and His means (the Church) would overcome in order to still the hunger for God.

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516 “Pan rema” (every word) here refers to Luke 1:37: “Because no word shall be impossible with God” (Douay Rheims version).

There is an undercurrent present of Schmitt’s anti-individualism\textsuperscript{118} and of finding security in conformity to law, which soon is brought to the forefront; for, as Francis Slade points out, “Visibility” is not a “religious tract” but an effort “to think through the meaning of modernity.”\textsuperscript{119}

For Schmitt, the individual is subject to and even subjugated by law, both from nature or the State:

Everything lawful in this world destroys everything individual. . . . A natural law no less than its prototype—the juridical law regulating human relations—respects a distinction between persons. The first, most primitive allusion to a contract made the participating individuals into contracting parties . . . The fact that man is not alone in the world leads to the conclusion that it is no longer a question of his individuality.\textsuperscript{118}

To Schmitt “[o]nly God is alone,” and no matter our mistaken views on human solitude these are mere “indications of a sinful world and of the longing for God, who is alone.”\textsuperscript{121} That is, perception of a solitary and individual existence is a false one, and yet, this recognition is at the center of modern political theory which presupposes a primordial social contract. Now we come to the political point of Schmitt’s discussion so far:

If a Christian obeys authority because it is grounded in and bound by God, he obeys God and not authority. This is the only revolution in world history that deserves to be called great—Christianity provided a new foundation for mundane authority.\textsuperscript{120}

The Christian religion, for Schmitt, is reduced to the possibility of its being turned into a sacralization of authority in general and of the sovereign State in particular. He seems to fail to

\textsuperscript{118} Mehring describes “Visibility” as presenting the Catholic counter-position against modern self-assertiveness which he would later satirize in “The Buribunks.” See: Mehring, \textit{Carl Schmitt zur Einführung}, 42 & 184.

\textsuperscript{119} Slade, “Catholicism as a Paradigm,” 114. The editors of Schmitt’s diaries completely misrepresent the point of “Visibility” in a manner that accords with the standard narrative. They first list several Catholic authors (Léon Bloy, Georges Bernanos [1888-1948] and Louis Veuillot [1813-83]) along with Dostoyevsky as sources for his supposed anti-modernism. Then they reference an article by Giancarlo Caronello to justify the opinion that Schmitt’s essay argues that the Church has been commissioned by God to rule the world for the sake of its salvation, to guide the world, which is in its nature good, out of the “state of emergency of evil.” The claim is that the Church will “restore the world order.” See: Schmitt, \textit{Die Militärzeit 1915 bis 1919}, 431. For the article they reference see: Giancarlo Caronello, “Max Scheler und Carl Schmitt, zwei Positionen des katholischen Renouveau in Deutschland: Eine Fallstudie über die Summa (1917/1918),” in \textit{Vernunft und Gefühl: Schelers Phänomenologie des emotionalen Lebens}, ed. Christian Bermes, et. al. (Würzburg: Königshausen & Neumann, 2003), 225-65. Hüsmert and Geisler are on firmer ground in claiming the essay is “Schmitt’s only writing in which he explicitly argues theologically” (Schmitt, \textit{Die Militärzeit 1915 bis 1919}, 431). However, the theological arguments found within are not put to the service of theology; not even in this most “scholastic” exercise of his career.

\textsuperscript{120} Schmitt, “Visibility of the Church,” 50.

\textsuperscript{121} Ibid., 48.

\textsuperscript{122} Ibid., 50-1, emphasis added.
recognize that authority, and obedience to it, actually accord with human nature, quite an unusual lapse for a conservative. He exaggerates in characterizing the Christian approach to temporal authority as “revolutionary”; individualist anarchism was not the political norm prior to the advent of Christianity. Instead, Schmitt here gives voice to his fundamentally secular interest in Christianity for its possible utilitarian effect on the political quiescence of the masses.

Schmitt then goes more in depth upon the nature of the Church’s “visibility” and its relationship to the individual believer:

[The individual’s] relation ad se ipsum [to himself] is not possible without a relation ad alterum [to the other]. To be in the world means to be with others. From a spiritual standpoint, all visibility is construed in terms of a constitution of community. The members of the community derive their dignity from God and thus cannot be destroyed by the community. But they can only return to God through the community. Thus arises a visible Church.

To be a member of the Church is to constitute one’s individual dignity through means of a shared communal life. “The visibility of the Church is based on something invisible. The concept of the visible Church is itself something invisible. . . . Thus the Church can be in but not of this world.”

The Church “represents” (to utilize a key term for Schmitt that will soon appear in Political Form) something metaphysical made substantial within the mundane world. “An arrangement making the invisible visible must be rooted in the invisible and appear in the visible. The mediator descends, because the mediation can only proceed from above, not from below.” Interestingly, Schmitt is describing, quite accurately, the traditional self-understanding of the Church as the “mystical Body of Christ.” A concept derived in part from Saint Paul the Apostle (5-67) and developed through scholastic theology, it would later be defined by Pius XII (r. 1939-58) in his encyclical Mystici Corporis Christi (On the Mystical Body of Christ). Yet, Schmitt is fully aware early modern thought secularized or adapted to political purposes the concept of the mystical

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23 Ibid., 51.
24 Ibid., 51-2.
25 Ibid., 52.
body. In scholastic theology two parallel concepts had developed, that of the “mystical body” (corpus mysticum) as the body of persons making up the Christian Church and the “real body” (corpus verum) of the body of Christ present in the Eucharist. Early modern absolutist thought secularized the idea by naming the king as the representative of the “mystical body” of the nation.  

Indeed, in “Visibility,” Schmitt is primarily responding to the Protestant canon lawyer Rudolph Sohm (1841-1917) who had, in Schmitt’s view, reduced the corpus mysticum to a “corpus mere mysticum” a merely mystical or ideal body in his 1909 book On the Nature and Origin of Catholicism (Wesen und Ursprung des Katholizismus). Schmitt recognizes the centrality of the Incarnation and the Catholic understanding of the Church when he complains:

Every religious sect which has transposed the concept of the Church from the visible community of believing Christians into a corpus mere mysticum basically has doubts about the humanity of the Son of God. It has falsified the historical reality of the incarnation of Christ into a mystical and imaginary process. . . . [T]hat is no longer the physical, visible incarnation, which the most inward of all Christians, Kierkegaard, maintained with such fervor.

The point of this passage, however, is not to signal his agreement with Kierkegaard’s religious views even if they happened to agree with orthodox Catholicism. This passage is attacking a typically Protestant formulation, such as Sohm’s, against the established and visible hierarchical authority of the Church, primarily because of how damaging Schmitt finds the attack once transposed (back) into political theory; it smacks of liberal individualism. Protestantism typically denies the historical and visible Catholic Church; “it has succeeded in making the visibility of the Church into something invisible in a material sense, thereby making it necessary to distinguish between true

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127 This transposition can be readily taken as a variant of “political Protestantism” and Schmitt will himself soon make this transition. The classic work on the political adaptation of the concept of the corpus mysticum is: Kantorowicz, King’s Two Bodies. Kantorowicz strongly criticizes Schmitt’s Political Theology in this text as recognized in a fantastic essay; Jennifer Rust, “Political Theologies of the Corpus Mysticum: Schmitt, Kantorowicz, and de Lubac,” in Political Theology and Early Modernity, ed. Graham Hammill et. al. (Chicago: The University of Chicago Press, 2012, 102-23.

128 Dahlheimer points out that the title of Schmitt’s essay makes its focus on Sohm quite clear given that Sohm’s thesis dealt with the “invisible Church of Christ.” See: Dahlheimer, Schmitt und der deutsche Katholizimus, 82, 90-1. The editors of Schmitt’s wartime writings correctly point out that: “The visibility of denominational Christianity was one of the most important issues of the time” (Schmitt, Die Militärzeit 1915 bis 1919, 430).

129 Schmitt writes: “One cannot believe God became man without believing there will also be a visible Church as long as the world exists” (Schmitt, Die Militärzeit 1915 bis 1919, 430).

130 Ibid.
visibility and factual concreteness.” On the contrary, Schmitt maintains that although the visibility of the Church remains an ideal, “a task whose fulfillment . . . is always incomplete,” a church entails “a visible, that is, juridical community.”

In “Visibility” Schmitt gives priority to the law, to a legal structure which deals with human fallenness by being superior to it: “The lawfulness of the visible world in the Christian conception is thus by nature good. The juridical regulation of human relations existed before evil and sin, and was not its result”; and in spiritual matters, “the great institution of mediation [is] the Church, a corporate entity.” This is the closest Schmitt ever draws to the natural law and contributes heavily to the essay being the most authentically Catholic piece he ever wrote. Unfortunately, Schmitt’s “closest” to political Catholicism is still quite far removed. There are two variants of political Protestantism (political modernity) at issue here, the early modern variant of absolute monarchy and late modern liberal individualism. Schmitt accepts the transposition from theology of the former and is only attacking the latter. For despite the overt defense of the visibility of the Catholic Church against Protestant inwardness and anti-authoritarianism, Schmitt’s point is political and neither scholastic nor theological.

Schmitt attacks what he thinks is the root source of modern liberal individualism that undermines any settled legal or political order. Slade helpfully quotes Hegel for illustration: “the distinctively Protestant principle . . . now the principle universally admitted, to hold fast to

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132 Ibid., 53. Schmitt utilizes a quite colorful analogy with which to critique Protestant individualism, one which is fraught with amusing hypocrisy given his sexual views and actions: “[Protestants] are so pretentious as to hold that their independent feeling for God need not be bound by ties to the Church. That is like a man going to a bordello because his marriage is so strong he need not be bound by a monogamous relation. There are even Christians who hide their faith so well that in the world one can see only paganism and idolatry” (ibid., 57).
133 Ibid., 54.
134 Ibid., 55.
135 Ibid., 56. Notice that the inherent goodness of law for Schmitt does stand aloof from his presentation of an orthodox philosophical anthropology: “Whoever recognizes how deep is the sin of man is compelled by the incarnation of God to believe that man and the world are ‘by nature good,’ because God can will no evil” (ibid). Both in his diaries and his later writings, however, we shall see that Schmitt does not himself believe in an orthodox anthropology but rather has a strongly pessimistic view of human depravity.
136 Ibid., 57.
interiority as such, rejecting, and regarding as impertinent and lifeless, externality and authority.”

Protestant subjective religious inwardness had a corollary in ontology as a form of idealism, or more precisely, internalism, which claims the external world “points to nothing, signifies, or stands for, nothing . . . [internalism] divests the world of significance except as it is derived from inwardness itself.” From ontology this Protestant internalism enters political thought as the “worldliness” described by Max Weber (1864-1920) as central to the Protestant work ethic. To Schmitt this worldliness, or “economic thinking,” simply amounts to late modern liberalism. Contrariwise, scholastic realism “takes the things of this world as real and their reality consists in their signifying, manifesting, or pointing to, other realities. Their being makes something other than themselves visible.”

Schmitt’s Catholicity in this essay goes no further than to present an orthodox interpretation of the visibility of the Church as a divinely ordered mediating institution in the world; he then puts this interpretation to use as a metaphor to reinvigorate the intellectual foundations of the politically modern unitary and absolute sovereign state. Thus Sandrine Baume correctly and brilliantly described Schmitt’s thought as not really political theology, or political Catholicism, but rather political ecclesiology. The Catholic Church is important for

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231 Ibid.
232 It is unlikely to be coincidence that Schmitt had begun to attend Weber’s lectures in Munich before writing “Visibility.”
233 Slade, “Catholicism as a Paradigm,” 114. Thus scholastic realism attends to the existence of form in things, and for epistemology it holds to a belief in universals.
234 Cumin connects “Visibility” with Political Form as proof that Schmitt has a Catholic basis in his admiration of the Church owning the “ethos of authority in all its purity” (Cumin, Carl Schmitt, 45). He does not recognize that in so doing Schmitt is secularizing the Church’s form. Ulmen’s introduction to Political Form is far more reliable in how it connects “Visibility” to the later book for he recognizes that the concept visibility “is understood in the sense of concrete manifestation in history, of externalization of the idea, of realization in the public sphere.” So the Church is “a spiritual institution manifest in a mundane ‘visible’ form.” See: Gary L. Ulmen, “Introduction,” to Schmitt, Political Form, xi.
Schmitt only in so far as it is a useful structural model for the State. This basic aspect of his thought runs through his major works of the early years of the Weimar Republic.

Schmitt as Public Intellectual

Schmitt’s first foray into Catholic publishing outlets occurred after his friend, Franz Blei, agreed to edit a quarterly Catholic journal, *Summa*, published by Hegner. The magazine lasted for only a single year over 1917-18, but in that short span Blei was able to secure three articles from Schmitt. The first piece, “Right and Power” (“Recht und Macht”), is a reprint of the first chapter of *The Value of the State*. The second article was “Visibility” discussed above. The third one, “The Buribunks: A Historico-Philosophical Meditation” (“Die Buribunken: Ein geschichtsphilosophischer Versuch”), is a satirical piece mocking the popularity of keeping diaries as a form of self-assertion amongst the historical and scientific milieu. Although it is satire, Schmitt’s lack of Catholic belief does still show up in his prefatory coupling of “ultramontane narrowness” with “Old Lutheran stubbornness” as the only things that could cause one to fail to see

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142 The origins of Schmitt’s friendship with Blei are a bit obscure. Blei scholar Angela Reinthal suspects they became acquainted through mutual connections to artists such as the expressionist poet Ernst Stadler and essayist René Schickele since Schickele worked for the newspaper “Die Weißen Blätter,” of which Blei became editor in 1913. See: Angela Reinthal, “Introduction” to Franz Blei, *Briefe an Carl Schmitt 1917-1933*, ed. Angela Reinthal et. al. (Heidelberg: Manutius Verlag, 1995), 8-9.

143 Blei explained why *Summa* lasted only one year in a letter to Karl Muth of Feb 24, 1919. It seems that the Austrian party of conservative political Catholicism, the Christlichsoziale Partei (Christian Social Party) threatened to withdraw all of its orders from Hegner for publishing and printing unless the likes of journals such as *Summa* which he published take a strictly Christian social line; it was not enough to be just “Christian” or “social.” Hegner folded to their pressure and withdrew financial support from *Summa*, much to Blei’s annoyance as he then mocks Hegner for preferring to publish the works of the socialist Gustav Landauer then to help *Summa* survive. See: Schmitt, *Die Militärzeit 1915 bis 1919*, 431.

144 Carl Schmitt, “Recht und Macht,” *Summa*, 1 (1917), 37-52. Schmitt’s essay was given pride of place in this first issue directly after the opening editorial statement from Franz Blei.

the power of the argument regarding the nature of “buribunk” he is about to make. These articles in *Summa* are part of a process through which Schmitt slowly became more prominent as a public intellectual by publishing outside of strictly academic legal journals. However, they do not signify an attempt to become a Catholic intellectual as he would not publish in a Catholic outlet again until 1922.

Over the course of the years 1917-20 Schmitt attended Weber’s most famous lectures delivered in Munich, including: “Science as a Profession,” “Germany’s New Political Order,” and “Politics as a Vocation.” In 1919-20 he even took part in Weber’s final lectures and faculty seminar at the Graduate School. Schmitt’s major works henceforward often show a distinct Weberian influence, as we have already seen in “Visibility,” especially in their intellectual-historical approach. The great sociologist’s influence possibly helped motivate Schmitt’s attempts to branch out into the role of a public intellectual. Along with Weber, Schmitt’s fascination with Kierkegaard also continued to influence his writing choices.

In 1918, Schmitt edited the autobiography of the German Pietist, Johann Arnold Kanne, and compared him to Kierkegaard for his critique of modern rationalism and materialism. However, Schmitt believes that ultimately Kanne’s project of confronting this “evil spirit of the nineteenth century, was reserved for another, Kierkegaard, who as a new church father articulated anew the same eternal truth for his age.” Kanne also made an appearance in Schmitt’s major

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549 Carl Schmitt, “Preface” to Johann Arnold Kanne, *Aus meinem Leben: 1773-1824* (Berlin: Furche Verlag, 1919) in: Schmitt, *Die Militärzeit 1915 bis 1919*, 475. Of our two recent biographers Linder recognizes that Kierkegaard’s influence is seen primarily in a fundamental political concept such as the “exception” (Linder, *Der Bahnhof von Finnentrop*, 40 and 123) while Mehring stresses Schmitt’s encounter with Kierkegaard as evidence of religiosity. He believes that by means of Kierkegaard Schmitt overcomes anthropological and religious pessimism which he had first
work of the year, *Political Romanticism (Politische Romantik)*, a text largely built on the back of Kierkegaard’s treatment of the romantic personality in *The Concept of Irony* (1841). This is the first book Schmitt wrote with the clear intention to address a general audience and not specifically an audience of experts in a particular field. The book introduces Schmitt as a public intellectual interested in commenting upon and possibly influencing political opinion. Schmitt sent *Political Romanticism* to the publisher in July 1918, and it went to press in August, before finally appearing in early 1919.

**Political Romanticism**

Schmitt begins his study of the political manifestation of romanticism by taking note of the fact that, in Germany, it is identified with political conservatism or reaction, while in France it accords with revolutionary liberalism. He seeks to identify a common core of beliefs or attitude, which can account for such divergent political orientations. Since he believes “[t]he elucidation...
of romanticism, like that of every important situation of modern intellectual history, must begin with Descartes,” Schmitt points to the *cogito* and modern philosophy’s turn to a subjectivist rationalism as the first pillar upon which romanticism was built. What next occurred was a reaction that set in against rationalism under four different modes, only one of which actually qualified as a basis for the emergence of romanticism. This mode of anti-rationalism was the “emotional-aestheticist (lyrical) reaction,” which maintained the subjectivist modern turn but rejected its rationalism. Schmitt thinks this progression first appeared in the thought of British philosopher (and leading Whig) Lord Shaftesbury (Anthony Ashley Cooper, 1671-1713). Schmitt focuses immediately on the fact that Shaftesbury was “particularly hostile” to the political thought of Hobbes, especially his “anti-idyllic idea of a person who is ‘evil by nature,’ a struggle of all against all,” that is, for a pessimistic philosophical anthropology.

From this aesthetic foundation, Schmitt turns to Rousseau as the next prominent developer of romanticism. The Genevan philosopher gave to romanticism its rejection of classicism, especially, by adding the element of individualism so important to the emerging romantic attitude. Schmitt believes that from Rousseau’s thought on, romanticism’s growth in influence is a result of an underlying shift or: “metaphysical development from the seventeenth to the nineteenth century [which] led to entirely new ideas of God and the absolute.” God was displaced from the metaphysical center by the concepts of humanity and history:

> 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, and thus as the ultimate point of legitimation in historical reality. Two new worldly realities appeared and carried through a new ontology without waiting for the conclusion of the right. Especially when one adds in that he draws on Marx in the book and without any particular hesitation or criticism. Therefore, it is not so surprising that Georg Lukács (1885-1971) wrote a favorable review of the text and used it in his own thought (Balakrishnan, *Enemy*, 23).

555 Ibid., 56-7.
556 Ibid., 57.
557 Ibid., 59.
558 Ibid., 58.
epistemological discussion: humanity and history. Completely irrational when considered in terms of the logic of the rationalistic philosophy of the eighteenth century, but objective and evident in their superindividual validity, in reality they dominated thought as the two new demiurges. The first, human society, came to the fore in different forms: as the people, community, and humanity, but always with the same revolutionary function. While “humanity” was the new political god of revolutionaries whose “omnipotence was . . . proclaimed in Rousseau’s The Social Contract,” “history” was the “conservative demiurge.” In the French Revolution this substitution of humanity for God made “politics a religious matter”; hence the “bloody zeal” and “fanaticism” with which it unfolded. And from the standpoint of reaction, Schmitt points to the insight of Louis de Bonald that political positions are built on metaphysical assumptions:

From the standpoint of his Christian political philosophy, Bonald saw the Jacobinism of 1793 precisely as the eruption of an atheist philosophy. He had worked out an analogy between the theological and philosophical idea of God and the idea of the political order of society. It led to the conclusion that the monarchist principle corresponds to the theistic idea of a personal God because it requires a personal monarch as a visible providence. A monarchist-democratic constitution is supposed to conform to the deist assumption of a transcendent God. An example is the Constitution of 1791, according to which the king was just as powerless in the state as the God of deism was in the world. For Bonald, that is crypto-antiroyalism, just as deism is crypto-atheism. The ‘demagogic anarchy’ of 1793, however, was open atheism: no God and no king. This ‘identity in the principles of the two societies, religious and political,’ has its justification in the methodological identity of numerous theological and legal concepts, especially constitutional concepts.

Bonald, along with Maistre and Burke, turns toward history, duration, and tradition as the ontological substrate determining human society and the Volksgeist.

Schmitt continues his intellectual history of the development of romanticism through Johann Fichte (1762-1814), Georg Hegel (1770-1831), and Friedrich Schelling (1775-1854). What romanticism took from German Idealism was, firstly, the recognition that “there was no longer any

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298 Ibid., 58-9.
299 Ibid., 59.
300 Ibid.
301 Translator Guy Oakes aptly notices: “Schmitt also insists that the way to understand a metaphysical position is not to analyze it in the abstract, but rather to explore the concrete situations and circumstances of life in which its commitments are exhibited” (Oakes, “Translator’s Introduction,” in: Schmitt, Political Romanticism, xxx). Political Romanticism is Schmitt’s first intellectual-sociological study of the manner in which metaphysical (and hence also religious) thought forms the motivating foundation for the politics of an era. Although he refers here to Bonald as a source his approach was likely adapted in large measure from Max Weber’s famous treatment of Protestantism. In a 1974 letter Schmitt claimed: “The theme of Max Weber is by no means obsolete, it is the theme of Political Theology—nothing more and nothing less.” Quoted in: Mehring, Aufstieg und Fall, 128.
302 Schmitt, Political Romanticism, 60.
way back to the traditional God of Christian metaphysics; and secondly, the deep belief in
individualism. Therefore:

The essential feature of the intellectual situation of the romantic is that in the struggle of the deities he does not commit himself and his subjective personality. His position is the following. Under the impression of Fichte’s individualism, the romantics felt strong enough to play the role of the creator of the world themselves, and to bring forth reality out of themselves.

The romantic is known to seek escape from the present reality into specific idealized “concrete” realities, such as ancient Greece or the Middle Ages, but as conjured out of their own will; their own subjective reality becomes the totality:

In the romantic, everything—society and history, the cosmos and humanity—serves only the productivity of the romantic ego. Rousseau says of himself: 'But what shall I play with when I am alone at last? With myself. With the entire universe.' . . . For the romantic, intercourse with nature is actually intercourse with himself. Neither the cosmos, nor the state, nor the people, nor historical development has any intrinsic interest for him everything can be made into an easily managed figuration of the subject that is occupied with itself.

And now Schmitt hones in on what precisely is distinctive and essential about the romantic personality that can appear in one context as revolutionary and in another as reactionary. After displacing the traditional God as the center of all being the romantic does not so much substitute “humanity” or “history” for God; but, rather, they take that position themselves as a new demiurge, a creative force which “takes everything as an occasion.”

Schmitt borrows his concept of “occasion” from the group of Cartesian philosophers aptly classified as “occasionalist,” including: Arnold Geulincx (1624-1669), Géraud de Cordemoy (1626-1684), and Nicolas Malebranche (1638-1715). Unlike the later romantics:

In the philosophers just mentioned, God—in the sense of traditional Christian metaphysics—is retained. In their works, therefore, the distinctive qualities of the occasionalist attitude toward the world are exhibited only

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564 Ibid., 64.
565 Ibid. Again we see the sociological use of theology to illustrate his claim: “Only God is infinite possibility and, at the same time, each concrete reality. He unites in himself posse and esse, what could be and what is, as the suspension of all the oppositions of the infinite and the finite, motion and rest, possibility and reality. As the curious form of words employed by Nicholas of Cusa (ca. 1400-1464) has it, he is the Possest the unified identity of possibility and actuality. That is a mystical resolution, but it is not romanticism. Here, too, the romantic attitude is that of the subject that does not commit itself. What the medieval mystic had found in God, the romantic subject attempted to take upon itself, but without giving up the possibility of assigning to the two new demiurges, humanity and history, the problem of such a unification” (ibid., 67).
566 Ibid., 75.
567 Ibid., 82.
indirectly. This is because, although the world and what occurs in it are indeed only an occasion, they are an occasion for God, in which order and law are recovered.\textsuperscript{568}

For the romantics, they exhibit an occasionalism in which “the main factor of the occasionalist system,” God, is subjectified. “In the liberal bourgeois world, the detached, isolated, and emancipated individual becomes the middle point, the court of last resort, the absolute.”\textsuperscript{569} Schmitt thus defines romanticism as “subjective occasionalism,” and a romantic personality is one “the essence of which is passivity.”\textsuperscript{570} Given a revolutionary context, the romantic will be swayed to the left and in a conservative context, towards reaction. In short, the romantic “unconsciously submits to the strongest and most proximate power”\textsuperscript{571} and lacks in decisiveness. He sees politics as an occasion for self-expression, but from a passive core rather than principles. Thus, “[t]he ‘endless conversation,’ [is] a typically romantic idea.”\textsuperscript{572}

It is at this stage of his study that Schmitt develops a line of thought, which leads many to read him as a Catholic intellectual. Indeed, he does engage in a limited form of apologetics by defending Catholicism against the charge of being romantic.

\begin{quote}
Catholicism is not something that is romantic. Regardless of how often the Catholic church [stet] was the object of romantic interest, and regardless of how often it also knew how to make use of romantic tendencies, the Church itself was never the subject and bearer of a romanticism, no more than this was the case for any other world power.\textsuperscript{573}
\end{quote}

The conversion of leading romantics, such as Müller and Karl Wilhelm Friedrich Schlegel (1772-1829), had led German commentators to believe a connection existed between “political romanticism and the ‘theocratic-theosophic’ conception of the state—as if ‘Roman Catholic’ and ‘theosophic’ were not just as antithetical as ‘classical’ and ‘romantic.’”\textsuperscript{574} Schmitt is quite correct to reject as error the belief that Catholicism supports a theocratic state or politics and he is well served

\begin{flushright}
\textsuperscript{568} Ibid., 85.  
\textsuperscript{569} Ibid., 99.  
\textsuperscript{570} Ibid., 115.  
\textsuperscript{571} Ibid., 162.  
\textsuperscript{572} Ibid., 27.  
\textsuperscript{573} Ibid., 50.  
\textsuperscript{574} Ibid., 31-2.
\end{flushright}
here by his Francophile and classicist tendencies. He recognizes the romantic view of the Church perceives in it “a vast, irrational community, a world-historical tradition, and the personal God of traditional metaphysics” and therefore as a “magnetic force” attracting them in their passivity and desire to avoid making “decisions.”

At this point, Schmitt makes it clear why romanticism ends when Catholicism begins: “[w]ith the definitive renunciation and the perception of an either-or, the romantic situation was brought to an end” precisely by Catholic conversion, because if they wanted to be a pious Catholic then “they had to give up their subjectivism.”

Suggestively, Schmitt becomes even more derisive of Müller’s in his later years after the economist’s conversion: “When he had become an unconditional and sincere Catholic, his lack of scientific and political productivity was manifested in a cheap hyperorthodoxy.” This is the point at which Political Romanticism becomes a very interesting text for our study.

To begin, Müller becomes Schmitt’s whipping boy, as he purportedly “represents political romanticism as a type with rare purity”; a type for which political actions and decisions amounted merely to “journals.” Schmitt’s attacks on Müller are vicious despite the fact that the

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575 Ibid., 65.
576 Ibid.
577 Ibid., 128.
578 Ibid., 21.
579 Ibid., 36. Schmitt’s critique here reminds one of his earlier essay mocking the bourgeois intellectual tendency to write diaries in *Die Buribunken*.
580 Balakrishnan recognizes that Schmitt’s attack is unreasonable for the jurist “penned a savagely unflattering portrait of [Müller as] a charlatan” (Balakrishnan, *Enemy*, 21). Schmitt describes Müller’s biography in a manner which sounds fascinatingly close to the jurist’s own character and biography. Schmitt’s animus for Müller might make an analyst suspect that he had seen himself in Müller and hated him for it. Schmitt notes that Müller had run away from Dresden to Berlin “with the wife of his friend and host of many years” (Schmitt, *Political Romanticism*, 43). By the time Schmitt wrote *Political Romanticism* he had already become a frequenter of prostitutes and would soon become a serial adulterer including later cuckoldling a great benefactor during the Nazi era, Hans Frank (1900-46), and siring a son by virtue of this affair (Niklas Frank, dates unavailable) whom he never acknowledged. On his affair with Frank’s wife see: Linder, *Der Bahnhof von Finnentrop*, 428; and Mehring, *Aufstieg und Fall*, 330, 578. Further, Müller made connections—or at least tried—with both the nobility to gain their financial support and their opposition, the agrarian-conservatives. He was therefore, an “untrustworthy and superficial littérateur” (ibid., 45). Schmitt berates Müller for “political opportunism and lack of character” (ibid., 45) the former charge of which is the most common apologia for Schmitt’s own later support for the Nazi State. Schmitt then actually offers a reason for Müller’s opportunism which is likewise relevant to much of his own behavior: “Because of his economic predicament, Müller was forced to pursue an opportunistic policy” (ibid., 46). He next lists the various attacks on Müller by contemporaries for having “lived off the tables of certain aristocrats” and so proving himself “concerned only with his ‘distinguished role’” (ibid. 46-7). Given

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economist’s views were actually anti-liberal and anti-individualist. He was a generally orthodox thinker who contributed strategically to the development of a Catholic concept of solidarity. Schmitt likely was aware of the resonance which Müller’s economic thought had for contemporary German Catholic trade unionism and thus political Catholicism. Furthermore, despite being known as a political romantic, Müller did believe in the traditional Catholic view “that the external unity of society rested upon the inner unity of faith.” Although, at this point in my study of Schmitt’s thought, it remains speculative to suggest that Schmitt is attacking political Catholicism and the Center Party by proxy, in the person of Müller, this possibility should be entertained—and kept in mind—given what we shall soon find in his Weimar texts and deeds. For, Schmitt consistently rejects Catholic corporatism in virtue of statism, as well as dismisses Christian labor movements just as readily as he does socialism. Schmitt’s contemporary and close friend, novelist Ernst Jünger (1895-1998), took just such a polemical motive as a given, when he later told Schmitt that whether the jurist’s criticisms of the romantics were in all cases applicable is irrelevant because the “focus of your designs is well within the future.”

In the text, Schmitt begins his presentation of Müller’s thought by noting that he “contrasts the state as ‘idea’ with the lifeless, mechanical ‘concept’ of the state.” This view happens to accord with Schmitt’s own, yet Müller goes on to argue that:

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581 Chadwick, Popes, 537. Müller demonstrates this Catholic classicism in books like 1820’s Of the Necessity of a Theological Foundation for the Science of the State and especially State Economy (Von der Notwendigkeit einer theologischen Grundlage der gesamten Staatswissenschaften und der Staatswirtschaft insbesondere). We shall soon see how this orthodox opinion is also found in Donoso Cortés.


583 Schmitt, Political Romanticism, 114.
The state is supposed to be the ‘totality of all human affairs,’ the embodiment of psychic and intellectual life; and all oppositions—especially the opposition of the estates (nobility, clergy, and bourgeoisie) necessary for the articulation of the organism, but also the opposition of person and thing—are combined in a grand, vital, and organic unity. Insofar as the nature of this state is life, diversity, and movement, it belongs to Schelling’s philosophy of nature. But—and this is Müller’s distinctively romantic quality—it is not construed as in Schelling. This state is the object of the most fervent love. It can demand everything from us.285

The view of society as an “organism” occurs frequently in romantic conservative thought, but is heterodox from the perspective of Catholic social and political theory. Schmitt does reject the view of either state or society as an organism, but only because he believes romantic organicism as ultimately destructive of the State by virtue of being based on base emotion or whimsy. He makes this clear in a later criticism:

An emotion that does not transcend the limits of the subjective cannot be the foundation of a community. The intoxication of sociability is not a basis of a lasting association. Irony and intrigue are not points of social crystallization; and no societal order can be established on the basis of the need, not to be alone, but rather to be suspended in the dynamic of an animated conversation. This is because no society can discover an order without a concept of what is normal and what is right. Conceptually, the normal is unromantic because every norm destroys the occasional license of the romantic.286

Yet, just as he had done in *The Value of the State*, Schmitt provides no guidelines or basis for the establishing of norms. Ultimately, his consistent statism leads to a similar error in the relationship of social parts and wholes found in romantic conservative organicism, as it makes norms and the dignity of the person subsistent on the prerogative of the sovereign State.

284 Possibly best evidenced in 1938’s *The Leviathan in the State Theory of Thomas Hobbes* (Der Leviathan in der Staatslehre des Thomas Hobbes: Sinn und Fehlschlag eines politischen Symbols) but present throughout his works.
285 Schmitt, *Political Romanticism*, 114. To be fair Schmitt does recognize in this early text that the totalization of the state is revolutionary: “In the *Elemente der Staatskunst*, it was with malicious scorn that [Müller] had abandoned the individualism of the eighteenth century to the liberal Prussian bureaucracy. Filled with enthusiasm, he had spoken of the state that demands everything—and, indeed, demands everything with love. It was only after reading Haller that he noticed what he could have already found in Burke: that this hyperbolic magnification of the state and this contempt for civil rights amounted to revolutionary Jacobinism” (ibid., 141). Compare this treatment with that in his new “Preface” of 1924, he reiterates that in Malebranche’s occasionalist metaphysics “God is the final, absolute authority, and the entire world and everything in it are nothing more than an occasion for his sole agency.” Schmitt now gives his evaluation: “That is a grandiose picture of the world. It magnifies God’s preeminence to enormous and fantastic dimensions. This characteristically occasional attitude can persist at the same time that something else—the state, perhaps, or the people, or even the individual subject—takes the place of God as the ultimate authority and the decisive factor. The last of these possibilities is the case in romanticism.” (ibid., 17). In my view Schmitt is more placid here about the early modern hyperbolic metaphysical treatment of divinity and power and what he is fully willing to accept it when transferred to the State but not to the individual as in political romanticism. Schmitt’s acceptance of the total state would only fully arrive in the Thirties. Until he came to accept it he consistently wanted a unitary, decisive, and sovereign State which establishes and maintains order both internally and externally but does not try and be “total” in its social and economic policies.
286 Ibid., 161.
We get closer to why Schmitt is silent about how norms are established by moving on to his discussion of Schlegel’s understanding of the State in its relationship to the Church. Schlegel makes a concession that there exists “the possibility of a justified resistance [to the State], for as a Catholic he cannot doubt that one must obey God more than man.” While resistance is theoretically possible, Schlegel maintains that it “is only the Church . . . that should decide whether such a case obtains.” While such an admission may suggest Schlegel sees the Church as a “political reality” alongside or above the State, he actually:

. . . rejects as ‘unhistorical’ de Maistre’s resolute advocacy of the Church’s right of control. In relation to secular states, the Church is not supposed to have any legal control and any position as arbitrator. That was justified until the sixteenth century. It is no longer feasible, however, for our times, nor can it return. In the end, therefore, nothing is changed. The paramount activity of the government is not endangered by the opposition between Church and state. And yet this very government, the only thing that is permitted to act, experiences the same fate as the God of the occasionalist system. It is not supposed to do anything that is ‘arbitrary,’ ‘mechanical,’ and ‘absolute.’ Actually, it should simply abandon itself to historical development.

Now we are getting to the crux of the matter. Schmitt agrees with Schlegel that the time is long since passed in which the Church could “endanger” the State by being a moral authority or an indirect power. Hence, the only entity that could establish norms is the State itself. But romanticism as construed by Schmitt is both passive at the level of the individual, and, what is far worse it transposes this passivity and indecisiveness to the public actor, the State. For, Schlegel held:

The government is the higher, inclusive third factor, elevated above the oppositions of the parties. It should pay heed to the parties of neither the right nor the left. Above all, it should not choose to be a moderate center, because in this position it would be only a passive center. Schlegel also regards it, however, as

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26 Ibid., 121.
27 Ibid.
28 Ibid., emphasis added.
29 In the new preface he wrote for the second edition of *Political Romanticism* in 1924 he explains how he understands the process of “secularization” as it progressed over the modern centuries: “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. This does not mean that the attitude is no longer metaphysical. The thought and feeling of every person always retain a certain metaphysical character. Metaphysics is something that is unavoidable, and—as Otto von Gierke has aptly remarked—we cannot escape it by relinquishing our awareness of it. What human beings regard as the ultimate, absolute authority, however, certainly can change, and God can be replaced by mundane and worldly factors. I call this secularization” (ibid., 17-18).
inadmissible to speak of an active center. “The solution to the big problem does not lie at the ends and the extremes and not in the middle, but rather only and exclusively in the depths and the heights.”

It is the threat of an indecisive or passive State, which makes political romanticism so dangerous to Schmitt’s way of thinking, as it hamstrings the State from achieving its function of establishing order and norms by decisive action. Schmitt thus sees no need to discuss how norms are determined, as he believes it is always the State’s prerogative; sovereign decision establishes the norm. The state creates social unity and can act as national mythmaker only not in the manner specific to romanticism. The need for decisive action of a unitary sovereign state is a consistent motif of Schmitt’s Weimar thought, and he identifies the passivity and indecisiveness in the face of threats to the State, found in romanticism, with bourgeois liberalism, his primary ideological opponent.

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244 Ibid., 120. Schmitt presents this argument of Schlegels specifically as an argument with Görres and in a complete reversal it is exactly how Schmitt will himself attack and dismiss Görres and political Catholicism three years later when he writes Political Form. See Chapter Five below.

245 Simona Draghici expresses this point vividly: “[Schmitt] considered political romanticism virtually lethal in an age of unprecedented political turmoil that needed more than anything else the determination to take decisions and to act on them unswervingly.” Quoted from her notes to: Schmitt, The Idea of Representation: A Discussion, trans. Simona Draghici (Washington, DC: Plutarch Press, 1988), 68. Hugo Ball had already noted the central importance of “decision” for Schmitt even in this early text: “In analyzing the reality of romantic notions, there was the paramount importance of the concept of decision” (Ball, “Carl Schmitts Politische Theologie,” 104). To his credit McAleer also recognizes the importance of the appearance of the concept of “decision” in Political Romanticism; see: Graham McAleer, “Introduction to the Transaction Edition,” in Schmitt, Political Romanticism, xiv.

246 As Jan-Werner Müller points out he had already discussed the importance of myth in Theodor Däublers “Nordlicht” where he “praised an immediate, mystical language of images [Sprache der Bildlichkeit], which, formed into a vision, would provide an access to the absolute” (Müller, “Carl Schmitt’s Method,” 75). Müller goes on to argue that Schmitt begins to work out a “specifically positive view of myth” in Political Romanticism and this interest continues through his Weimar work, such as in his positive embrace of Georges Sorel’s (1847-1922) Reflections on Violence (ibid.). I would add his interest in Maurras and Benito Mussolini’s (1883-1945) fascism to Sorel. Schmitt believed along with modern political theorists as diverse as Rousseau or Alexis de Tocqueville (1805-59) that the State must make use of a political religion or myth in order to unify society and ground the state’s sovereignty in an increasingly democratic era. Hugo Ball’s essay is again quite insightful for he recognizes that “[t]he antithesis of rational and irrational dominant in many different ways Schmitt’s work” (Ball, “Carl Schmitts Politische Theologie,” 106). Ball continues by recognizing that Schmitt was indifferent to the development of “society” and “history” as the modern mythical demarcations of left and right but appreciated them as the possible substrate for decision (ibid). I view Schmitt as proceeding through Weimar waiting for the next big myth that could unify Germany. He sadly found it in the Nazi Party once they took control of the State. Another recent and valuable work on Schmitt’s use of myth is: Michael Salter, Carl Schmitt: Law as Politics, Ideology and Strategic Myth (London: Routledge-Cavendish, 2010).

247 Müller addresses this aspect in sharp but altogether unwarranted terms: “But rather than being just a disinterested study of competing ideas, [Schmitt’s] own approach [in Political Romanticism] was also largely ideological in the pejorative sense: it amounted to a systematic distortion and instrumentalization of the past to provide a platform for Schmitt’s present political attacks on liberalism and parliamentarism. While Schmitt supposedly had analyzed the structure of Romanticism ‘on the basis of intellectual-historical and systematic relationships’ he in fact systematically distorted its characteristics to present the Romantic as the prototype of the morally insincere, shallow and opportunistic liberal bourgeois” (Müller, “Carl Schmitt’s Method,” 65).
There are further reasons, even if admittedly more peripheral, to put aside the standard narrative’s assumption of Schmitt’s Catholicity when reading *Political Romanticism*. First, in addition to drawing heavily upon Kierkegaard, Schmitt admits to relying on David Friedrich Strauss’ book *Julian the Apostate: The Romantic on the Throne of the Caesars* (Mannheim, 1847) “for the conceptual scheme of *Political Romanticism*.595 Along with these Protestant thinkers, Schmitt presents an oddly skewed portrait of the manner in which the priest-theologian Malebranche had been accused of heterodoxy for his system of occasionalist philosophy. What is odd in Schmitt’s presentation is that while Malebranche had been suspected of trending towards pantheism as well as compromising human free will in a manner which would imply God is the cause of sin, Schmitt chooses, instead, to focus on a purported error in Malebranche that the jurist finds *politically* troubling.

For Malebranche, moral laws constitute an eternal order in which not even God can alter anything. . . . In Malebranche, the generality of the idea of ‘order’ is only apparently a case of Cartesian rationalism. In fact, it signifies the dissolution of the activity of God into a general harmony. . . . Such arguments were based on a conviction that the orthodox perceived as ungodly. How does it happen, Fénelon asked, that the philosophers want to limit God’s authority? It is true that in this way God is subjected to a general order, and that the authoritative command and all activity become impossible. Here there is an analogy with the thinking of political revolutionaries who attempted to subject the monarch to the general will. It is the ancient opposition for which Tertullian found the classical formulation: *audaciam existimo de bono divi praecipit disputare, neque enim quia bonum est, ideoque auscultare debemus, sed quia deus praecipit* [I consider it presumptuous to debate the goodness of a divine precept. We should attend to it, not because it is good, but because God has prescribed it].596

Embedded in this quote is what has come to be referred to by philosophers as the “Euthyphro Dilemma,” from its appearance in Plato’s dialogue of that name. The dilemma is generally expressed in the form of the question: “Is what is good commanded by God because it is good or is it good because it is commanded by God?” Catholic Thomistic theology resolved this dilemma by grabbing both “horns” simultaneously; that is, by treating divine perfection or justice and the good as metaphysical equivalents. Hence, a command of God is also an acknowledgement of His

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596 Ibid., 95-6.
own perfectly good nature; it is not actually *distinct* from that nature. One odd result is that Malebranche, as here presented, is more orthodox than Schmitt.

Schmitt accepts a resolution of the Euthyphro dilemma known as “divine command theory,” one common to early modern Protestant thought. This approach abhors any whiff of a limitation being placed upon the will of God to the point of grabbing just one horn of the dilemma, without concern for giving an impression that divine will is arbitrary. This ungrounded and open-ended power to determine norms, without reference beyond one’s own sovereign will, gets transferred from divinity to the State in early modern political theory. The implication from Schmitt is that we should obey the dictates (laws) of the State simply because they are issued by the State and not by any consideration of their justice. He especially rejects the late modern political revolutionaries who “attempted to subject the monarch to the general will,” which is a compromise of the State’s unitary sovereignty.

Furthermore, Schmitt relies on two theologians, François Fénelon (1651-1715) and Quintus Tertullian (160-220), who both were equally subjected to reprimand for heterodoxy by the Church as Malebranche. We already noted Schmitt’s interest in Protestant or heterodox Catholic theologians, reflected in his diaries above, and find that his reliance on them yet continues.

Although the standard narrative assumes Schmitt’s *bona fides* as a Catholic intellectual when reading *Political Romanticism*, the Catholic press ignored it upon its release, but his friend, Franz Blei, did write a review for a secular outlet.

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597 Obeying the laws of the State simply because they are issued by the sovereign can be a standard conservative position skeptical of civil disobedience as old as Socrates in the *Crito*. However, with Schmitt this cannot really be the case given that he combines it with strict positivism as regards determination of the good. McAleer recognizes this tension as reason for Thomist (natural law) or Lockean (natural right) conservatives to be wary of Schmitt; but yet he celebrates the jurist’s position as “an effort to be utterly modern and conservative” (McAleer, “Introduction to the Transaction Edition,” in Schmitt, *Political Romanticism*, xx). That is an apt way to characterize Schmitt but also points to why he admired fascism and could so readily ally himself with the National Socialists.

598 Franz Blei, “review of *Political Romanticism*,” *Tage-Buch*, 2.49 (10 December 1921), 1509. Dahlheimer claims that *Political Romanticism* was reviewed, or at least gets a mention, in a 1920 *Hochland* piece entitled “Christmas Book Show” (*Weihnachtsbücherschau*). See: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 96. He says Schmitt’s
Postwar Munich and Early Weimar Political Catholicism

Schmitt completed *Political Romanticism* in July 1918, a month before the German Army Command called for a ceasefire. In the beginning of October, the new government began to be formed, but by the end of the month soldiers were in mutiny. On November 7, socialist journalist, Kurt Eisner (1867-1919), was asked to declare the Wittelsbach monarchy deposed and lead a provisional council government of workers, peasants, and soldiers in Munich. On November 9, the German monarchs did abdicate, a Republic was declared, and the socialists immediately made a push for power. On January 12, 1919, the Bavarian Landtag election saw the socialists obtain 35.5% of the vote, but split between two parties, while the Catholic Bayerische Volkspartei (Bavarian’s People’s Party or BVP) emerged as the strongest single party with 35% of the vote. This electoral result initially defused the revolutionary situation, but it also reflected the early postwar disarray of the Center Party, the institutional home for mainstream German political Catholicism.

In the beginning stage of postwar revolutionary turmoil, the Center Party’s structure had almost entirely dissolved into its component local parts with no significant national presence or leadership. At the same time, separatist movements were emboldened in former Center Party strongholds, such as, Silesia, Bavaria, and the Rhineland. The separatist movements remained

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book is described there as a contribution to a Catholic devotion to classicism and classic ideals. I have been unable to confirm Dahlheimer’s reference, however, since it is not listed in Allan de Benoist’s comprehensive Schmitt bibliography: *Carl Schmitt: internationale Bibliographie der Primär- und Sekundärliteratur* (Graz: Ares, 2010). Therefore, I refrain from making use of it here as a sole exception to the general neglect.

minority parties in their respective regions, but were still significant factors in interwar German Catholic politics, given their influence on the fairly lukewarm attachment to the Republic amongst Catholics. The premier such party was the afore-mentioned BVP, which proved to be a difficult political partner for the Center, nationally, and a consistent drain on their support in Bavaria.

What saved the Center nationally during the November Revolution of 1918-19 was the new Prussian Cultural Minister, a Socialist named Adolph Hoffmann (1858-1930), took the opportunity to announce not only social and economic, but religious, revolution in Prussia. Hoffmann wanted to “stop all subsidies to the church, confiscate church property and buildings, to convert church holidays into nature festivals, to abolish theological faculties, and to deprive the clergy of their status as officials and of their eligibility for public office.” The threat of a renewed Prussian *Kulturkampf*, emanating from a “Red Berlin,” galvanized Catholics and reenergized the Center as a national party of opposition. The removal of Hoffmann from office and rescinding of his anti-clerical November decrees helped to appease Catholics and dampen the separatist fervor just in time for the Weimar National Assembly (February 6, 1919 to June 6, 1920) tasked with constructing a new constitution.

However, when Eisner’s machinations resulted in his assassination, fifteen days after the National Assembly convened (February 21), the Communists retaliated with violence, declared the

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600 Among the Catholic politicians involved with or highly sympathetic to separatism after the First World War were three very important Rhenish politicians: priest-politician Ludwig Kaas, who was elected to the Weimar National Assembly and then Reichstag for the Center and eventually became the last Party chairman from 1928-33; Wilhelm Marx (1863-1946) who was twice-Chancellor (1923-5 and 1926-8); and Konrad Adenauer, who was mayor of Cologne from 1917-33 and best known as Chancellor of West Germany from 1949-63. Adenauer was convinced after the First World War that the separatist’s goal of breaking Germany into four republics with the Catholic two being Rhineland-Westphalia and Bavaria-Austria was the only chance to avoid the Rhineland being turned into a satellite state of France. See: Evans, *German Center Party*, 225-6. It is worth noting the extent to which these three very prominent Center Party politicians were sympathetic to federalism or even separatism given their common Rhenish origins to Carl Schmitt; while he was always completely unsympathetic to the defense of regional political freedom or interests.

601 The Center never could form an effective alliance with the BVP as it always “exercised great influence over the Center and almost formed a voiceless branch of the national party, while the Center never succeeded . . . in influencing the BVP in any significant manner whatever” (Evans, *German Center Party*, 334).

602 Evans, *German Center Party*, 223.
Bavarian Soviet Republic, and Munich turned into a “laboratory of the revolution.” The paramilitary Freikorps had already put down the “Spartacist” workers’ revolution in Berlin in January by declaring martial law and then assassinating Rosa Luxemburg (1871-1919) and Karl Liebknecht (1871-1919). They entered Munich on May 2, and killed six hundred people to put down the revolution. Schmitt even experienced “at first hand the tension and insecurity generated by the political polarization of the city when his office was broken into by a band of revolutionaries, and an officer at a nearby table was shot.” Such a traumatic episode likely hardened Schmitt’s belief in the primary importance of a strong State to guarantee social order.

The original draft for the constitution by Hugo Preuss (1860-1925) also valued the central and sovereign State, for it: “had proposed a highly unitary state, virtually destroying the federal structure of imperial Germany.” Although the Center and BVP were dedicated to states’ rights, Bavaria would end up losing its original reserved rights from when it had joined the Reich in 1871. The best the Catholic parties could do was insert article 18 which allowed for the theoretical possibility of separation but was, practically speaking, null. Yet, the Center was surprisingly effective in defending more institutional Catholic interests, especially in education, and shaped the constitution as, likely, the best it could have hoped for when their main partners in its creation were the left-liberal Deutsche Demokratische Partei (German Democratic Party or DDP) and the socialist Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany or SPD).

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603 Mehring, Aufstieg und Fall, 106.
604 Balakrishnan, Enemy, 20.
605 Evans, German Center Party, 231; see also 217-19. Schmitt delivered a lecture on Preuss on January 30, 1930 at the Graduate School in Berlin (Handelshochschule). The lecture was first published in Die Neue Rundschau, volume XXXI, number 12 (March 1930), 289-303 and then expanded into his book: Hugo Preuß: Sein Staatsbegriff und seine Stellung in der deutschen Staatslehre (Tübingen: J. C. B. Mohr-Paul Siebeck, 1930). Schmitt specifically praises Preuss for his centralizing efforts.

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The Center was also weakened by the fact that the Versailles Treaty had reduced the Catholic population of Germany by almost twenty percent through ceding territory to France and Poland. Therefore, at the onset of Weimar, the Center found that the basis of much of its prewar political platform—which had given it a firm grip on eighty percent of the Catholic vote—had eroded or disappeared. On federalism, it had far less capacity in the newly centralized state and also moved towards centralization on numerous social and economic issues. Protection of ethnic Catholic minorities was lost as an issue given the Alsatians and Poles were gone. Anti-Prussian militarism meant little in a Germany demilitarized by foreigners. There was no longer a strong Kulturkampf; at least once Hoffmann was removed from office. Indeed, the war greatly weakened German Protestantism, and the Center had largely succeeded in defending Catholic interests within the new Constitution.

The Party had always been socially diverse and more populist and democratic in its constituency than any other German party. It represented a broad range of distinct social and economic classes with an equally wide range of political sentiments and interests. The Center’s most determined foe, Bismarck, had fairly accurately opined: “There are not two souls in the Center but seven ideological tendencies which portray all the colors of the political rainbow from the most extreme right to the radical left.” And so, unsurprisingly, the Center lost some supporters to both the Nationalist parties of the right as well as to the socialist left. Yet, the

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<sup>606</sup> However, the centralization of the constitution left most Catholics dissatisfied and was one cause of tepid support for the Republic. See: Evans, German Center Party, 231-40.

<sup>607</sup> Ibid., 262-3.

<sup>608</sup> Quoted in: Zeender, German Center Party: 1890-1906, 3.

<sup>609</sup> A group of notable academics, such as Martin Spahn and his brother-in-law Karl Görres (dates unavailable and a descendant of the famed Joseph Görres) bolted the Center to form a Catholic Committee within the Deutschnationale Volkspartei (German National People’s Party or DNVP) believing that the Center after the war had moved too far to the left. They nursed a particular antipathy for Matthias Erzberger (1875-1921), the Center politician who had the unfortunate task of signing the Armistice of Compiègne and was later assassinated by nationalists. Spahn’s defection is illustrative of the distinction between conservative purveyors of “political Catholicism” versus nominal Catholics who simply were right-wing. Spahn was a monarchist and determined anti-Semitic nationalist, but even at the time of his controversial academic appointment discussed above he was already known for having no real Catholic faith, for being
Center deserves to be considered the institutional home for mainstream political Catholicism in Weimar as it still claimed over sixty percent of the Catholic vote. It was also the most pivotal Weimar party given that over half of the Republic’s short-lived governments (eight Chancellorships in fourteen years) were Center-led coalitions, and they participated in each one, except the last three of Papen, Schleicher, and Hitler. Additionally, the Center’s Heinrich Brauns (1868-1939) held the critical office of Minister of Labor through twelve cabinets from 1920-28. Rather than enjoy the newly found influence of the Center and political Catholicism’s mainstream presence during the Weimar era, Schmitt obsessed over the fragility of the Republic and speculated on the necessity of a political dictatorship to ensure the survival of the German State.

Schmitt’s Postwar Focus on Dictatorship

As the Weimar Era dawned, Schmitt faced Germany’s political future with a deep sense of pessimism and dread. Rather than an end to the “state of decay” that he had recognized in the outbreak of the First World War, the cessation of hostilities only deepened Germany’s existence in a “state of exception.” For Schmitt had to take into account the new postwar reality of his nation’s existence under the jurisdiction of “alien decision” in the guise of the Versailles Treaty and the Geneva-based League of Nations. The National Assembly ratified the Weimar Constitution a theological “liberal” and secular-minded Catholic opposed to ultramontanism. Spahn worked to push Catholics towards a firmer allegiance to the Protestant monarchy and even took to publishing articles to that effect in the premier Catholic magazine Hochland. Evans points out that his monarchist sentiment was offended by “the second sentence in the constitution: ‘the supreme power of the state is derived from the people’ . . . . This appeared to base sovereignty on human, rather than divine, sources” (Evans, German Center Party, 230-1). The considered opinion of the Center, and political Catholicism more generally, is very well expressed by Party leader Adolf Gröber (1854-1919): “According to our convictions all authority is from God, the republican as well as the monarchical, and the obligation to obey of those who are under the authority is exactly the same, whether the authority is a monarchy or a republic.” To further justify the stance Gröber cited Pope Leo XIII's encyclical of February 16, 1892, Au Milieu des Solicitudes (On the Church and State in France), in which he called for Catholics to support the French Third Republic (ibid., 231). In the Thirties Spahn tried to convince the Church to accept Nazism and joined the Nazi Party in 1933 after the DNVP dissolved.

Brauns was a Catholic priest and theologian who based his social policies explicitly on the encyclicals of Leo XIII.

Mehring, Aufstieg und Fall, 124-5.
on July 31, 1919, and its enforcement took effect on August 14, three days after being signed into law by the Republic’s first president, Friedrich Ebert (1871-1925). Yet, from his perspective as a constitutional lawyer, Schmitt held significant reservations about the efficacy of the constitution to bring an end to this state of exception. As if to ratify his pessimism, civil unrest did, indeed, quickly flare up again when the right-wing Kapp Putsch temporarily forced the government from Berlin in March 1920, and triggered a left-wing revolt in the Ruhr.

These difficult early months for Germany’s fledgling Republic were decisive in forming Schmitt’s political and legal thought and radicalizing themes and tendencies already displayed in his Wilhelmine writings. 612 As early as 1912, he had recorded in his diary “the time is ripe for dictatorship” given the decadence of the German people: in their pursuit of entertainment simply to “kill time”; their tolerance of laziness; their desire for money without purpose; and of their demand for the “equality of nations, instead of the equality of rights.” 613 In 1914’s The Value of the State, Schmitt described the political “state of decay as an apocalyptic time of immediacy.” 614 Then, in 1915, he wrote with ironic intent that Germany should keep the military “state of siege” law for a few years after the war ends. 615 What had originally been ironic became deadly serious in the aftermath of the war.

A significant byproduct of Schmitt’s exposure to issues of martial law at the Deputy General Command was his, “abiding interest in dictatorship and in the Ausnahmezustand (the

612 Schmitt’s student Waldemar Gurian agrees that the postwar situation was formative for Schmitt as it made him place consideration for decisive authority to create social order above all other considerations. See: Müller, [alias Gurian], “1934/35: Entscheidung und Ordnung,” 570. In fact, Schmitt commentators by and large recognize this fact, however, the persistence of also treating Schmitt as an early conservative Catholic intellectual serves to muddy the issue or act as a screen for just how radically open Schmitt’s political thought is to whatever simply effective means of establishing order are available to the State.
613 Entry of Saturday December 28, 1912 in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 64. See also: Linder, Der Bahnhof von Finnentrop, 278.
614 Mehring, Aufstieg und Fall, 124.
615 Ibid., 88.
state of exception). In 1915 and 1916, Schmitt began to work out an argument that exceptions to constitutional law and restraint of the state could be made in a concrete emergency in order to protect or safeguard the constitution itself, without actually abrogating the constitution or necessarily establishing dictatorship. For example, in “Dictatorship and the State of Siege: A Constitutional Study” (“Diktatur und Belagerungszustand: Eine staatsrechtliche Studie”), Schmitt begins with the “state of exception designated as a state of siege,” existing during wartime or dictatorship. He then engages in a historical and comparative study of French and English experiences in order to work out the distinction between a state of siege and dictatorship. Schmitt shows a particular interest in the issue of separated powers versus the combined executive, legislative, and judicial within various forms of dictatorship.

In his habilitation lecture, “The Effects of Martial Law in the Ordinary Criminal Process” (“Die Einwirkungen des Kriegszustandes auf das ordentliche strafprozessuale Verfahren”), Schmitt studies examples of the kind of legal guarantees, such as regards search and seizure or judicial independence, which are suspended or reduced under martial law. He believes that the State authority has a personal responsibility to suspend constitutional provisions “only in the public interest,” while noting that the “public interest” itself expands during a time of war. Schmitt also points out that in some cases “the repeal of a constitutional provision by the specialization of the allowable exception is precisely bound and limited.” He also published an additional two short

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616 Bendersky, Theorist for the Reich, 19.
618 Ibid., 3.
620 Ibid., 421.
621 Ibid., 423.
articles on martial law and the state of siege at this time.\textsuperscript{622} Whether Cicero’s adage, in a time of war the law falls silent (\textit{inter arma enim silent leges}), is true, Schmitt proved it is not the case that lawyers are equally mute.

In a lecture course in the fall of 1919, on political thought since the Reformation, Schmitt’s notes suggest his sympathies lie with early modern absolutism and not political Catholicism.\textsuperscript{623} In a lecture on Jean Bodin, Schmitt began with how the “pessimistic assessment of human nature” is justification for the “absolutist idea,” and notes that this was already present in Machiavelli.\textsuperscript{624} His treatment of the Church and Jesuit thinkers within modern political thought stresses, in the former, the pope as an “absolute monarch” analogous to the absolute king, and, with the Jesuits, their militarist language as soldiers for the pope.\textsuperscript{625} While detailing the characteristics and powers of the sovereign, which can exist as one, a few (aristocracy), or the many in democracy, Schmitt stresses, that in whatever form, the State itself will be a unity of power. The State’s laws are not subjected to any higher power and even its own laws do not bind the sovereign.\textsuperscript{626} Schmitt then turns to Bossuet and Hobbes to further the claim all state power is absorbed by the sovereign, and “he is a sort of god.”\textsuperscript{627} Even though Bossuet still sees this power as derived from God, and that the sovereign must obey Him, the rub is in the notion: “the omnipotence of the king is as little arbitrariness and despotism as the omnipotence of God,”\textsuperscript{628} which easily slides into the equation of rule (power) with reason.

\textsuperscript{623}As detailed above in Chapter 1.
\textsuperscript{625}Ibid., 479.
\textsuperscript{626}Ibid., 481.
\textsuperscript{627}Ibid., 485.
\textsuperscript{628}Ibid. Schmitt’s approach here leads to the Euthyphro dilemma as answered by Protestantism and not as dealt with by Thomas and Catholicism just as will be seen in \textit{Political Romanticism} and was discussed above.
The last sentence of Political Romanticism points in the direction Schmitt’s thought would soon take. “Everything that is romantic is at the disposal of other energies that are unromantic, and the sublime elevation above definition and decision is transformed into a subservient attendance upon alien power and alien decision.”629 Given his equation of the “romantic” with the bourgeois and liberal, we can substitute the one for the other in this sentence and understand Schmitt to be concerned over the restoration of a strong and decisive—a sovereign—German state. Since submitting Political Romanticism for publication, Schmitt was witness to the revolutionary tumult outlined above. So he returned to the early modern origins of the State during a period of time in which Germany’s unity, sovereignty, and political stability were in doubt. From out of these experiences, and while teaching a course examining the new constitution, Schmitt completed his next book in the summer of 1920; a book which argued the value, and sometimes the necessity, of political dictatorship.

Dictatorship

Dictatorship: From the Origins of the Modern Idea of Sovereignty to the Proletarian Class Struggle630 appeared in print in 1921. Throughout the book, Schmitt discusses two kinds of dictatorship. The first he calls “commissarial” and is a conservative form limited to being a defender or restorer of the regime, and its constitutional order, as it had existed prior to a major internal or external disturbance. The contrasting second form of dictatorship is called “sovereign.” It is when the dictator is a revolutionary force wholly unfettered by prior constitutional or institutional political restraint, therefore, free to refashion the political order and regime.

629 Schmitt, Political Romanticism, 162.
630 Schmitt-Dorotić, Diktatur.
Schmitt begins his examination of dictatorship with the Roman office by that name, which was integrated into the normal functioning of the ancient Republic. In a time of serious danger from riot or war, the Senate could request the Consul to appoint a dictator, which would have no more than a fixed six month term of complete control of the government. The clear intention was that the Dictator was accounted for and restrained by the Roman constitution (unwritten though it was), and is, therefore, the paradigmatic case for commissarial dictatorship. The office of Dictator did prove its value when Fabius Maximus (ca. 280-203 BC) was twice appointed to lead the defense of Rome against Hannibal (247-ca. 181 BC) in 221 and 217 BC. Eventually, the commissarial dictatorship gave way to a sovereign form instituted in the Caesars who revolutionized Rome away from its republican order.

From ancient dictatorship, Schmitt jumps to dictatorship as discussed in modern political thought. He begins with Machiavelli’s treatment of it as a constitutional means of defending the Venetian Republic. Schmitt then introduces several ideas essential to his political thought. First, he notes the well-known shift in Machiavelli, from talking of the good instincts of the people in the Discourses on Livy, to treating man as naturally evil in The Prince. Schmitt points out that the natural wickedness of man is axiomatic for any argument for political absolutism, as found in Martin Luther, Hobbes, Bossuet, Maistre, and Friedrich Julius Stahl (1802-61).

Next, Schmitt discusses the “political arcanum” or “reasons of state” (imperial arcana or arcana dominationis) he claims to have found in Gaius Tacitus (ca. 56-117): “Every science has its arcana: theology; jurisprudence; trade; painting; military leadership; medicine. All use some tricks,

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631 Contrariwise, the capacity for abuse of the stop-gap measure of dictatorship was demonstrated by the general Lucius Cornelius Sulla (138-78 BC) when he returned from campaigning in the east in 83 BC and decided to march his troops into Rome and had himself appointed dictator, a case of the arsonist being appointed fire chief.
632 Schmitt-Dorotić, Diktatur, 7-8.
633 Ibid., 9.
634 Ibid., 13-15.
even deceit and betrayal to achieve their goal.” Schmitt maintains that every State must have its arcana and largely operate as a secretive power. In order to placate the people, the State gives the “simulacra” or “decorative . . . semblance of freedom,” for example, in various monarchical or aristocratic governments, by means of limited participation in politics by the people, and freedom of speech. The lesson to be drawn for Schmitt is that the State cannot be kept safe unless the ruling party is kept safe.

Lastly, Schmitt claims to have learned from an early modern academic German jurist on public law, Arnoldus Clapmarius (1574-1604): “Who controls the state of emergency [Ausnahmezustand] therefore dominate[s] the State.” Therefore, the means by which one determines who, or what, is sovereign within a political community is to find who makes the “decision” of when an emergency condition exists and when it has ended. Schmitt brings in Hobbes to further elucidate this critical point on political sovereignty: “The law is not a norm of justice, but command a mandatum of him who has the highest violence.” Ultimately, manifestations of the State, such as the law, are reducible to the sovereign. All aspects of political community are likewise a result of sovereign mandate, or decision, such as: “Someone is innocent when the state judge has acquitted him”; there is no private right of conscience; and “all private property comes only from the state.”

Hobbes claimed in De Cive that the sovereign must have “decision,” otherwise, the war of all against all will erupt, given the people disagree amongst themselves and are driven by contrary views and motives. Hence, “the law is by nature a command” and “the government’s interest is

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635 Ibid., 14.
636 Ibid.
637 Ibid., 15.
638 Ibid., 18.
639 Ibid., 22.
640 Ibid.
only in that a command is issued.” Schmitt notes that despite his legal positivism, Hobbes still attributes rationalism to sovereignty by accepting the modern assumption that power is founded on the “more or less tacit ... constitution of absolute power by the people.” Schmitt adds, however, that this assumption of a rational foundation will later be “shaken” by Maistre. He then pointedly notes that Hobbes’s sovereign is far more “reminiscent of the system of Caesarism and a sovereign dictatorship, the basis of which is an act of absolute delegation.” Whether or not Schmitt agrees with this Hobbesian version of legal positivism is at the heart of the question of whether he can be understood as a Catholic intellectual and proponent of some form of political Catholicism.

Schmitt immediately gives the reader an answer to this central question by dismissing, as an irrelevant consideration, the claim that sovereign decisions are made for the end of the common good. The only issue of moment is the question of who, in the last instance, has the power to decide and to choose means. Thus, Schmitt addresses the single most important concept within Catholic political thought in order to blithely set it aside. Compare Schmitt’s disinterest in natural ends to Leo XIII, who claimed it is: “to the common good for which social authority is constituted.” The state of emergency is pivotal for Schmitt because he sees it as placing the bedrock principle of absolute sovereign decision in clearest relief. The emergency frees the sovereign from any prior promises made, such as not raising taxes, or abiding by the rule of law; that is, the power of sovereign decision is existentially open to situations as they concretely arise. As Schmitt had just noted, however, this sovereignty is redolent of Caesarism.

641 Ibid., 23.
642 Ibid.
643 Ibid.
644 Ibid.
645 Ibid., 24.
647 Schmitt-Dorotić, Diktatur, 24.
The jurist next examines the manner in which dictatorship is believed to be manifested in the Catholic Church’s doctrine of the *plenitudo potestatis* (plenity of power) of the pope over spiritual matters. Protestants like John Wycliffe (ca. 1320-84) and Jan Hus (1369-1415), and a heterodox Catholic like Marsilius of Padua (ca. 1270-ca. 1342)—lay theologian and jurist for Ludwig IV (r. as Holy Roman Emperor 1328-47)—believed that the Pope’s use of legates, or commissioners to extend his jurisdiction over local councils was the act of a tyrannical dictatorship. Schmitt accepts this line of thought, for, he believes Pope Innocent III (r. 1198-1216) had transformed the papacy into a modern sovereignty and, therefore, likens the critics of the ultramontane Church to later advocates of constitutional and parliamentary republican restraints over the sovereignty of monarchs.\(^{649}\)

In Part Three, Schmitt turns his attention to the manner in which sovereign dictatorship developed within the political thought of the eighteenth century. In large measure, he ties its rise to the ever increasing centralization of the State.\(^{650}\) Centralization was partly due to the manner in which the concept of the “general will” destroyed private will; indeed, general will is “always right, it cannot be wrong, it is reason itself,” akin to natural law.\(^{651}\) Schmitt astutely recognizes this increased centralization could serve the absolutist purposes of monarchy or republic alike. Just as he had in *Political Romanticism*, Schmitt likens the eighteenth century vision of the State as equivalent to the

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\(^{648}\) Marsilius was thus a dedicated servant to a Reich like Eusebius of Caesarea (ca. 260-ca. 340) before him and Schmitt after him. Later, Schmitt adds in Nicholas of Cusa, a German Cardinal and philosopher, as another significant opponent of papal *plenitudo potestatis* (ibid., 127). However, it is a debatable reading of Nicholas to restrict him to the opinion of the superiority of general councils to the pope as he expressed in his juristic text on the Council of Basel (1431-45). When his text was interpreted against the pontiff he made a point of correcting and refining his earlier argument to avoid any heterodox implications. See: John Hagen, “Nicholas of Cusa,” *The Catholic Encyclopedia, Vol. 11* (New York: Robert Appleton Company, 1911), accessed 12 August 2014, <http://www.newadvent.org/cathen/11060b.htm>.

\(^{649}\) Schmitt-Dorotic, *Diktatur*, 43-5. Interestingly, the same complaint is common amongst “progressive” Catholics in contemporary western countries.

\(^{650}\) Ibid., 99. This discussion on the tyrannical nature of modern centralization long predated Schmitt and can be found in such nineteenth century authors as Tocqueville, Donoso, John Dalberg-Acton (1834-1902) and Benjamin Constant (1767-1830) all argue this claim.

\(^{651}\) Ibid., 120.
“deistic metaphysics of the universe” in which the state runs as a perfectly lawful “machine.”

This absolute and “rational” machine of the State is implicitly dictatorial, in the manner in which Machiavelli or Hobbes treated the term, as synonymous with sovereignty in general. However, Schmitt still keeps the distinction between the commissarial and sovereign forms of dictatorship. He recognizes that, in *The Social Contract*, Rousseau describes dictatorship on a commissarial basis hemmed in by a preexisting constitution which the dictator serves. It is only later that the French revolutionaries used the absolute State to surpass the commissarial and establish sovereign dictatorship. However, the development of modern sovereign dictatorship began even earlier than Jacobinism with France’s island neighbors to the north.

In Part Four of *Dictatorship*, Schmitt finds the first example of the modern sovereign dictator as arising out of the English Civil War (1642-51), in the person of Oliver Cromwell (1599-1658) and his “Protectorate” (1653-9). What occurred in the Protestant Revolution in England is understood, by Schmitt, as the onset of modern popular sovereignty, which designates “the people” as the *pouvoir constituant* (constituent power). This leads him to discuss theoreticians of constituent power such as the Abbé Emmanuel Joseph Sieyès (1748-1836) and the later German jurist Georg Jellinek (1851-1911). The introduction of the concept of constituent power reshaped dictatorship. Schmitt argues that commissarial dictatorship is now understood as one in which the dictator acts unconditionally as a “commissioner” of the constituent power, but the sovereign dictator acts unconditionally as *itself* the “commission” of the constituent power.

At this point Schmitt introduces—albeit largely in passing or in footnotes—several themes that will be central to his next book, *Political Theology*. First, he draws from Donoso Cortés the

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652 Ibid., 102.
653 Ibid., 130.
654 Ibid., 116.
655 Ibid., 130-6.
656 Ibid., 140-52.
657 Ibid., 46.
analogy of a dictator’s suspensions of the law as akin to God’s suspensions of natural law in a
miracle.\footnote{Ibid., 138-9. In the footnote Schmitt describes the Spaniard’s “Speech On Dictatorship” of January 4, 1849 as
“great” (ibid., 139n1).} Then, in a fascinating footnote that runs across three pages of the book, Schmitt
examines the way in which philosophical anthropology plays a role in how various modern
philosophers have approached the concept of dictatorship. From the standpoint of Enlightenment
philosophers that believe in the perfectibility of humanity, Schmitt remarks that dictatorship is
systematically justified by the task of “conscious human activity” to “cause positive advance.”\footnote{Ibid., 146-8n2.}
Although he does not refer to Rousseau in this note the discussion reminds one of the General
Will “forcing” one “to be free.”\footnote{Rousseau, Social Contract, 53.} Schmitt mentions a response to this form of dictatorship as
found in Bonald’s abhorrence of Enlightenment rationalism, and quotes German neo-Kantian
philosopher Emil Lask’s (1875-1915) description of this modern state as an “education factory.”\footnote{Schmitt-
Dorotić, Diktatur, 146-8n2.}

Schmitt next covers the views on dictatorship of the “great Catholic philosophers”: Bonald,
Görres, and Donoso. He believes that they had recognized in modern rationalism and the
absolute and centralized State, a government that was essentially dictatorship and which could only
be overcome in its turn by an opposed dictatorship. Hearkening back to Political Romanticism,
Schmitt claims the Catholic counter-revolutionaries believed that a dictatorship born from an
organic historical development is what would overcome the rationalist mechanistic dictatorship,
which the socialists believed was coming to fruition in the proletariat. The jurist then turns to the
French anarchist, Georges Sorel (1847-1922), who shared with the Catholics a sense of the
“irrational” nature of history in his own attack on Enlightenment mechanism, albeit from an
opposite political pole. To Schmitt, the significant difference between the irrationalism of Sorel
and that of the Catholics, is the former’s belief that hierarchy is inherently dictatorial, and
therefore: “the organization of the Catholic Church with its separation of the theological clergy from the laity” is a form of dictatorship. Finally, Schmitt ends this note by mentioning that Hans Kelsen (1881-1973) had written “by far the best” critique of Marxism in his 1920 book *Socialism and the State: A Study of the Political Theory of Marxism*. What Schmitt takes away from Kelsen is that the anthropological optimism in human nature is “suddenly” made “to serve democracy.”

Part Five of *Dictatorship* gives a detailed account of the manner in which the commissarial and then the sovereign forms of dictatorship developed over the course of the French Revolution. This leads to a final section on dictatorship, as it exists in a “state of siege,” which largely incorporates the arguments made in Schmitt’s earlier writings on the topic. Of note in the section is Schmitt’s review of military dictatorship in modern contexts, with the general intent to differentiate it from sovereign dictatorship. He again focuses primarily on the French Revolution, but he also mentions Abraham Lincoln (1809-65) as a military dictator. Overall, Schmitt clearly favors commissarial dictatorship as acceptable and describes sovereign dictatorship as: “the pretension of sovereignty as a principle of unlimited state power.”

Schmitt ends the book with a short discussion of dictatorship within the context of constitutionalism. He again refers to Donoso’s “Speech on Dictatorship,” in which the Spaniard describes Article 14 of the French Restoration Charter of 1814 as allowing for dictatorship. This topic allows Schmitt to publish his first examination and interpretation of Article 48 of the new German constitution of 1919, an article that famously grants the Reich President the power to declare an emergency situation and suspend constitutional rights. Schmitt interprets Article 48 as contradictory due to the presence of both commissarial and sovereign forms of dictatorship within

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662 Ibid.
664 Ibid., 173-4.
665 Ibid., 194.
666 Ibid., 195-6n2.

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its parameters. The intent of the article seems to be, for Schmitt, to allow limited commissarial dictatorial rule in true emergency situations. However the article is also vague in crucial aspects so that no strictly defined limits to dictatorial intervention are provided.\textsuperscript{667}

Finally, Schmitt ends his study on dictatorship with a very interesting summary of the history of the modern State. He believes “the historical value of absolute monarchy” is “that [it] destroyed the feudal and class powers and thereby created sovereignty in the modern sense of a unitary State.”\textsuperscript{668} In other words, Schmitt recognizes the triumph of modern absolutism as residing in its destruction of social pluralism, by reduction of political community to the relationship between a unitary sovereign State and the individual. All intermediary corporate bodies were privatized and excluded from the political community and rule. This development of a dyad between State and individual allowed for the rise of the bourgeois (liberal) rule of law in republicanism, as Schmitt finds exemplified in the work of Nicolas de Condorcet (1743-94). This form of controlling social factions and groups replaced the traditional “armed despotism” to the “legal despotism” of a Social Contract. Such a change in methods of control could occur because “the individual, isolated by the general equality,” requires “very little power to force him to obey” by means of the “unified whole”—the State—that hovers above him. Hence, “so-called political siege rules, such as an enforcement of civil and criminal law procedure” which even allowed the State the stability to “provide guarantees of civil liberty.”\textsuperscript{669}

Schmitt concludes, however, on an ominous note, which points beyond commissarial dictatorship, for already in the nineteenth century the rise of a Proletariat engaged in the social revolutions of 1832 and 1848 suggests that “a very new political condition” and “new constitutional

\textsuperscript{667} Ibid., 202-4. The vagaries include whether the President is granted legislative powers in the emergency situation; also what exactly is entailed by the enumerated rights that can be suspended as they are so abstract.

\textsuperscript{668} Ibid., 204.

\textsuperscript{669} Ibid.
terms” had been created; specifically, the “state of siege.” Schmitt’s implication being the “social” is now straining against the modern unitary sovereign State’s monopoly of what qualifies as “rule” or “the political.” And so, the concept of “dictatorship” remains paramount, both from the rhetoric of a “dictatorship of the proletariat” in Marx and Engels, or as having been used since 1830 to describe the military actions and rule of Marie-Joseph La Fayette (1757-1834), Louis-Eugène Cavagnac (1802-57) and Napoleon III (r. 1852-70). Dictatorship since the revolutions of the early nineteenth century has even been spoken of in such varied forms as: “dictatorship of the government, the road, the press, the capital, the bureaucracy.” Such changes or developments in late modernity “in the political context of the experiences of the World War,” and viewed “from a general theory of the State . . . presupposes the notion of a sovereign dictatorship.”

Weimar’s Catholic Revival

Schmitt began the Weimar era with a wholly secular focus on defending the sovereignty of the modern absolute State, while actual politically Catholic currents moved in a number of directions. This divergence is on display in the first review of a book of Schmitt’s appearing in the Catholic press, by the lawyer and Mayor of Regensburg, Otto Hipp (1885-1952). In the January 1923 issue of Hochland, Germany’s widest circulating Catholic monthly, Hipp praises Schmitt’s On Dictatorship for having mentioned the likes of Augustine and Aquinas, as well as its witty treatment of Cromwell and Article 48. Overall, Hipp is really only interested in the rise of Communism, and so the bulk of the review focuses on Schmitt’s discussion of the “Dictatorship of

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670 Ibid.
671 Ibid., 205.
672 Ibid.
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the Proletariat” since this was “one of the main problems of our political life.”\textsuperscript{674} Beyond this single review, Schmitt’s book was ignored in Catholic outlets.

The Center remained the institutional home for mainstream political Catholicism, but the Republic provided the context for the clearest demonstration of the distinctive prudential channels in which German political Catholicism could run.\textsuperscript{675} Since the late nineteenth century, German Catholics had organized themselves, ever more, into various social and economic associations: women’s organizations, youth movements, trade unions and worker’s associations, groups for Catholic families, for farmers, former soldiers, soccer clubs, pigeon-racing, and so on.\textsuperscript{676} These organizations came into their own in the Weimar years, given the Republic’s defense of civil liberties, but also due to papal encouragement.

When Cardinal Ambrogio Ratti (1857-1939) was elevated to the papacy as Pius XI (r. 1922-39), he immediately dedicated his pontificate to the social reign of Christ the King (\textit{Regnum Christi}) in the encyclical \textit{Ubi Arcano Dei Consilio} (On the Peace of Christ in the Kingdom of Christ), promulgated on December 23, 1922. \textit{Ubi Arcano} expanded upon the ecclesiology as well as the Christology of the Church, particularly as it had been formulated from Leo XIII on, by placing emphasis on the traditional ordering of the social and political realms under the rule of Christ’s example; that is, under the guiding principles of natural and divine positive law. The Church as mystical bride of Christ and the popes as Christ’s Vicar maintained the claim (or charism) of moral authority and tutor to secular leaders and the people alike. In the increasingly democratic polities of Europe, Pius expanded this dynamic to include the direct encouragement of

\textsuperscript{674} Ibid., 436.
\textsuperscript{675} Therefore, Lönne is justified in his assertion that “only with some reservations . . . can [we] equate the Centre Party with political Catholicism in the Weimar Republic” (Lönne, “Germany,” 161).
\textsuperscript{676} Conway, \textit{Catholic Politics in Europe}, 17-18.
lay Catholic action, given the shared receipt of the chrism of baptism between lay and cleric alike.\textsuperscript{677} *Ubi Arcano* announced to Catholics the Church expected them to engage in social and political action to assert the Catholic faith’s “ascendancy over the values and structures of State and society.” Pius showed particular favor for smaller Catholic social movements and groups which sought to “bring about a recatholicization of modern life.”\textsuperscript{678}

Catholic workers’ associations prominently evidence Catholic Action in Weimar Germany. Amongst Catholic intellectuals, it primarily took the form of the older Center-oriented “think tanks,” such as the *Volkverein* or the Association of Catholic Academics (Katholischen Akademikerverbandes). The idea of Catholic Action particularly grew in strength amongst young educated Catholics who often voiced impatience with Center politics:

> Instead, they called for radical reforms or even for a ‘Catholic revolution’ which would sweep away the established order in the name of the Catholic political, social and economic principles articulated since the late nineteenth century by the Popes in their encyclical letters.\textsuperscript{679}

These motivated young Catholics sought “the active implementation of social and political beliefs derived from their religious faith”\textsuperscript{680} and were a byproduct of the two most important European spiritual renewal movements after the war: the Liturgical Renewal Movement and the Catholic Youth Movement.

The movement for renewal of Catholic liturgy was motivated essentially by a “classicist” spirit of recovering aspects of medieval worship which had fallen idle after the Protestant Reformation—one such example is the use of Gregorian chant. Pius X had especially encouraged


\textsuperscript{679} Conway, *Catholic Politics in Europe*, 7-8.

\textsuperscript{680} Ibid., 5.
such research and adaptation into the Roman liturgical rite. Of the two movements, the Liturgical was the most cosmopolitan and ultramontane; it created strong international ties, particularly between Catholics of Germany, France and Belgium. In Germany, the first major event to encourage the movement was a conference on liturgy, in 1914, at the Maria Laach Benedictine Monastery called for by its Abbot, Idlefons (Peter) Herwegen (1874-1946). However, both the Liturgical Renewal and the Catholic Youth Movements of Weimar Germany would be most decisively encouraged and led by the efforts of dogmatic theologian Romano Guardini (1885-1968). Given his name, it is unsurprising that he was born in Verona Italy, but his parents moved to Germany while he was an infant and he lived there the rest of his life. Ordained a priest of the Diocese of Mainz in 1910, Guardini there became friends with Abbot Herwegen. He established himself as a leader of liturgical renewal with the publication of *The Spirit of the Liturgy* (*Vom Geist der Liturgie*) in 1918, a foundational text of all subsequent liturgical reform straight through to the Second Vatican Council (1962-5) and beyond.\(^{681}\)

As for the Catholic Youth Movement, Guardini began his involvement in 1916 with the youth organization, Quickborn. The name refers to the “Fountain of Youth,” and it had been founded in 1909 as a teetotaler movement. By 1920, Guardini was the recognized spiritual leader

of the greatly expanded movement, and became Quickborn’s official “pastoral leader” from 1923-33. In the 1920’s Guardini guided Quickborn through an internal “struggle for supremacy between a religious-Socialist and internationalist wing, led by Nicolaus Ehlen [actually Nikolaus, 1886-1965], and a nationalist right wing.” The result was the organization reflected Guardini’s moderate conservative political Catholicism and religious classicism.

Quickborn and the Catholic Youth Movement in general remained far less nationalist than did their Protestant counterparts of the Wandervogel. In fact, the Catholic youth groups considered their Protestant counterparts to be religiously indifferent and neo-pagan, the latter due to their excessive nationalism.

Throughout Guardini’s tenure with Quickborn he maintained a residence at the Burg Rothenfels, a castle near Würzburg which the movement had purchased as the base for its operations. Additionally, he assumed the editorship of the movement’s official journal *Comrades of the Shield (Die Schildgenossen)* in 1924, “which then quickly evolved into a national Catholic periodical devoted to theology and culture.”

Neither the Catholic liturgical or youth movements were especially political, despite internal factions, but proponents of both remained generally supportive of the Center.

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683 I would stress religious “classicism” as opposed to “scholasticism.” Guardini generally muted neo-scholasticism and was somewhat progressive in theology, in fact, he incorporated existentialism into his theological thought, as discussed in: Peter Sajda, “Romano Guardini: Between Actualistic Personalism, Qualitative Dialectic and Kinetic Logic,” in *Kierkegaard’s Influence on Theology, Tome III: Catholic and Jewish Theology*, ed. Jon Stewart (Burlington, VT: Ashgate, 2012), 45-74.
686 For a particularly contrarian interpretation of these non-political movements of Catholic spiritual renewal in German Catholicism during Weimar, see: Lönne, “Germany.” Lönne believes that the spiritual renewal within Catholicism was detrimental to the chances for the Center to move in the leftist direction he believes it should have, since spiritual revival encouraged a downplaying of the significance of political and social issues. Lönne thinks Quickborn and *Die Schildgenossen* exemplified this conservative quietism. He contends that Guardini and Quickborn “exercised considerable influence over Catholic elites. In political terms Quickborn weakened the democratic tendency in Catholicism and instead the journal favored an authoritarian and elitist view of the State.” It did so by treating social issues with “contempt” and seeking “to create a new form of state governed by the common good. . . . An ecclesiastical community and a society impregnated with Christian values stood at the forefront of their concerns”
Guardini completed his *Habilitationsschrift* at the University of Bonn in 1922, and was a lecturer for its Catholic Theological Faculty. He became acquainted with the thirty-four year old Schmitt when the latter began to teach there in the spring of 1922. In addition to Guardini, Schmitt soon came to know a number of prominent Catholic intellectuals in Bonn. He became particular friends with professor of Church History and priest-theologian, Wilhelm Neuß (1880-1965), along with priest-theologian, Karl Eschweiler, and the lay theologian, Erik Peterson.

Schmitt also had students in Bonn that were well-connected to Weimar’s Catholic intelligentsia, its social movements, and the Center Party. Of chief importance among these were Russian-Jewish convert to Catholicism, Waldemar Gurian (1902-54), Werner Becker (1904-81), and Paul Adams (1894-1961).

Gurian was involved in the Catholic Youth Movement through which he came to know Becker, who served for a time as Guardini’s secretary. He brought to Becker’s attention Schmitt’s book *Political Form* in 1923, and the “result of reading it was a visit to” its author. Becker had already studied the law in Freiburg and Berlin, and now joined Schmitt’s Bonn seminar, where he was described as “one of the most talented” of the jurist’s students. Becker was one of only three Schmitt students in Bonn to be graduated *summa cum laude*, in 1925, earning his doctorate with an *Arbeit* on Hobbes theory of State. In the mid to late 1920s, both Becker and Gurian worked for the *Kölnerische Volkszeitung* (*Cologne People’s Daily*), that venerable Catholic daily which dated back to the 1860s, and rose to prominence during the *Kulturkampf*. Becker also became an editor

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(“Germany,” 165-7). In other words, the movement was orthodox Catholicism seeking to work out in Germany the Plan call to action.

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688 Ibid.

689 The others were Ernst Forsthoff and Werner Weber (1904-76), both of whom joined the Nazi Party and promoted Schmitt’s jurisprudence. See: Becker, *Briefe an Carl Schmitt*, 120-1.

690 Though he worked on Hobbes under Schmitt Becker was clearly motivated by his earnest Catholic faith for he chose his subject matter in *Die politische Systematik der Staatslehre des Thomas Hobbes* “precisely because Hobbes offers up his newly made order as a complete system to counter the medieval Christian system” (Mehring, *Aufstieg und Fall*, 149).
in 1927 of a Catholic journal, *Abendland*. Adams was likewise associated with *Abendland* and would become an editor for *Germania*, the leading Berlin newspaper of the Center Party. Credit in large measure should go to these three students for the positive reputation Schmitt held amongst Weimar Catholics—to the extent that such a reputation existed—as they served for a time as enthusiastic publicists of his writings and views. It would be a serious error, however, to assume on the basis of his Bonn acquaintance with politically Catholic-minded intellectuals active in Weimar’s Catholic journalism, that Schmitt should be counted as a fellow traveler. At best, Schmitt was a half-hearted poseur, and at worse, a wolf in sheep’s clothing within the intellectual life of Weimar’s Catholic milieu.

**Schmitt in Greifswald and Bonn (1921-23)**

From 1916-22, Schmitt’s personal biography is largely in the dark as there are few resources in the *Nachlass* and he did not keep diaries for this stretch of time; perhaps rejecting the habit as romantic as he had critiqued it in “The Buribunks.”

1919 is the year in which Schmitt’s marriage is believed to have begun to fail irrevocably. In 1920, it seems Dorotić faced several legal proceedings for accusations of robbery, violent theft, and forgery, and Schmitt secured a defense lawyer for her. The dissolution of his marriage contributes to the dearth of personal materials from the time, as Schmitt made an effort to efface his records of any mention of Cari. He would soon begin to only refer to her, derisively, as “the Lady” (*die Dame*). However, they cohabitated until Schmitt was awarded his first full professorship at the University of Greifswald for the winter semester of 1921-22. Dorotić remained in the Munich apartment until early 1923.

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691 Ibid., 105.
692 Ibid. Koenen claims that the marriage was already a failure in 1917 (*Koenen, Der Fall Carl Schmitt*, 86).
693 Mehring, *Aufstieg und Fall*, 119.
694 Ibid., 330.
The thirty-three-year-old Schmitt left Munich, and his wife, for Greifswald in the summer of 1921. He spent only one semester there before taking a position at the University of Bonn, where he began lecturing in May 1922. A common view of the standard narrative is that in the years after he wrote his critique of romanticism, Schmitt had been struggling to overcome such an inclination in his own life. Related to this presumption is the belief that Schmitt also experienced a religious—Catholic—revival due to writing his two most “Catholic” books, *Political Theology* and *Political Form*, in 1922. But, the evidence of his behavior and personal views in these crucial years suggests otherwise.

Presumably through the novelist Friedrich Kiener (dates unavailable), Schmitt met the twenty-six-year-old Irish-Australian graduate student, Kathleen Murray (1895-unavailable), in August 1921, and they immediately began an intense affair. In September they took a day trip down Schmitt’s beloved Moselle River and were already discussing marriage plans. At the end of October, Schmitt separates from his wife. Yet, he still signs a letter as late as November 5, 1921 with his informally adopted hyphenated surname “Schmitt-Dorotić” that he had been using since 1915. Schmitt begins to investigate grounds for divorce, and as a result of his research finally begins to doubt the veracity of his wife’s claims to be a descendent of royalty. He even “approached the Croatian Consulate but could not learn anything definite there.” In May of 1922, he romantically speaks of committing bigamy, but overall, “there is a clear association

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696 Mehring informs us that once Schmitt moved to Bonn, friends of his from Munich, such as Haecker, Blei, and Weiß: “are under the impression that Schmitt tries to overcome his Kierkegaardian aestheticism and renewed a commitment to the religious” (ibid., 143).
697 Unless otherwise noted, the source for all factual details of Schmitt’s affair with Murray and details of this time are from: ibid., 129-39.
698 Ibid., 131.
699 Koenen, *Der Fall Carl Schmitt*, 85n4.
between the divorce process and wedding planning.\textsuperscript{700} The next month: “In his distress, the constitutional lawyer . . . appealed . . . to his friend Moritz Julius Bonn with the request that he check with his Croatian relatives for the family Dorotić from Stabica or Agram. Schmitt’s ‘philanthropic pastor’ knew only too well what that request for help meant.\textsuperscript{701} Schmitt was deeply disturbed that Dorotić was not of royal lineage and recorded in a diary entry for July 3, 1922:

“There are countless Dorotić in Zagreb, the name is as common as Müller here. What failure.”\textsuperscript{702}

Murray was working on her \textit{Arbeit} under the philologist, Ernst Robert Curtius (1886-1956),\textsuperscript{703} when she met Schmitt. Schmitt translated her English writing of the text into German and she asked him to freely change it as he saw fit to help her get Curtius’s approval. He went on to assist her analysis of Hippolyte Taine (1828-93) and English Romanticism, to such a significant extent, that there is some question as to whether the final result is truly hers. Additionally, he promoted her to academic acquaintances and convinced his own publisher, Duncker & Humblot, to issue her \textit{Arbeit} in November 1924, and they even discussed co-authoring a novel.

However, his great assistance of Murray fed his insecurity and doubts of her dedication to him. Schmitt frequently interpreted the relationship as an unequal one, in which he had the bulk of responsibilities. He considered himself secondary to his utility for her, in assisting her academic career. Such doubts make an appearance in the draft of a novel Schmitt wrote in early 1922, titled “A Loyal Gypsy” (\textit{Der treue Zigeuner}):

\begin{quote}
The plot was of a woman looking to attain absolution for her sins through a pilgrimage. Her husband, the faithful gypsy, must support her. On the journey several men fall to her charms. The husband and wife die. Posthumously the world argues for the ‘canonization’ of the enchanting woman.\textsuperscript{704}
\end{quote}

\begin{itemize}
\item Mehring, \textit{Aufstieg und Fall}, 151.
\item Koenen, \textit{Der Fall Carl Schmitt}, 85.
\item Mehring, \textit{Aufstieg und Fall}, 131.
\item Curtius was a perceptive contemporary critic of Schmitt’s version of “classicism” (an early modern type) in \textit{Political Romanticism} and \textit{Dictatorship} in 1921-22 by remarking that: “the political is no supreme value and its absolutization I find grandiose, but antipathetic.” Quoted from Balakrishnan, \textit{Enemy}, 26.
\item Mehring, \textit{Aufstieg und Fall}, 137. In addition to a “loyal Gypsy” Schmitt also sees himself in diary entries at this time as a “Don Quixote, Othello, and Bluebeard” (ibid., 139). The range of Schmitt’s self-stylizations, including two wife-murderers, accords with his Kierkegaardian presentation of the romantic personality.
\end{itemize}
Schmitt’s vanity, melancholy, and tendency to misogyny are all on display in this treatment for a romantic novel. His musings over Murray often turned grandiose by romantically speaking of himself as oscillating between a “shadow of God”—that looks down on him—and his worldliness in a dependency on women.\(^{705}\)

After being graduated, Murray had no legal means to stay in Germany, and returned to Sydney in June of 1922. Thus, their time together amounted to a little less than a year. Schmitt records always thinking of her that summer and he sent her weekly love letters declaring he will divorce his wife and marry her. Yet, he also soon engages in a “disappointing” affair with a doctor, Carol (Lolo) Sauer (dates unavailable),\(^ {706}\) and on January 23, 1923, he met his second wife, the “good girl Duška,” Dušanka Todorović (1903-50). Schmitt hired the nineteen-year-old Serbian student to translate documents related to his divorce proceedings and promptly began to romance her. Even as late as May 1923, however, Schmitt continued to pine for Murray and considered marrying her. The day after his initial seduction of Todorović, at the end of July 1923, the two travelled together to Yugoslavia, perhaps in part, to acquire copies of birth certificates relating to his wife.\(^ {707}\) Only after consummating his affair with Todorović does he come to choose her. In August, he rebuffed an Australian priest residing in Germany who Murray had asked to appeal to Schmitt on her behalf. Mehring shows that Schmitt’s doubts of Murray were ill founded as she evidently spent the rest of her life waiting and pining for him to return to her.\(^ {708}\)

Other than the evidence of Schmitt’s concupiscence in this period, another important source for insight into his character and thought are the letters written to him by the editor and author, Franz Blei. He had been editor of the literary and pornographic magazines *Amethyst* and

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\(^{705}\) Ibid., 138-9.

\(^{706}\) Ibid., 139.


\(^{708}\) Mehring, *Aufstieg und Fall*, 139.
The Opals in 1905-06, and then of Hyperion from 1908-09, the latter being the first magazine to publish modernist author, Franz Kafka (1883-1924). Schmitt and Blei became good friends in Munich, and after the three essays contributed to Summa, the jurist went on to write (at least) one of the chapters of Blei’s 1920 satirical work, The Great Bestiary of Modern Literature. Much like Schmitt, the Viennese Blei had abandoned Catholicism in 1888 at the age of seventeen. However, unlike the jurist, Blei was generally left-wing in politics; he even knew Vladimir Lenin (1870-1924) personally. Despite a different politics, the two did share a characteristic bohemianism and intellectual Gnosticism. The former commonality is seen in their love for literary and artistic modernism as well as a shared licentiousness. The latter similitude is evidenced in Blei’s 1918 criticism of Schmitt’s “Visibility” essay, from a vantage point which stressed the Gnostic-revolutionary view of Christianity and its suggested dualism between God and the world.

Blei’s letters to Schmitt are “very personal” and primarily discuss Catholicism, women, drinking, and literature. In more than one letter, Blei treats Catholic orthodoxy with sarcasm or dismissive irony, and emphatically makes it clear that he is, “in no way a Christian writer and never even seemed to have the ambition to be,” despite having worked for Catholic journals like Summa. In a letter of December 7, 1921—four months after Schmitt had begun his affair with Murray—Blei describes himself as by nature a sensualist and certainly “no Christian or Stoic” and concludes:

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51 Schmitt, Die Militärzeit 1915 bis 1919, 12.
52 Blei was well-known as a “seasoned erotic” that carried on numerous affairs and constantly kept young girls around (Mehring, Aufstieg und Fall, 95).
53 Ibid.
54 Ibid.
55 Letter of June 29, 1922 in: Blei, Briefe an Carl Schmitt 1917-1933, 45-6. See also the letter of December 1, 1921, ibid., 29-30.
I have no relationship to what is called redemption and consider the statement that Christ had to die [for us] on the cross, a vulgar posterior swindle to dodge around the baseness of execution. . . . So I am a godless cleric. Like you, dear friend.\textsuperscript{711}

Unfortunately, the letters written by Schmitt to Blei are lost, but some evidence can be culled from the available materials to suggest that Schmitt would indeed agree with being characterized as a “godless clerical.” Most importantly, in 1970’s \textit{Political Theology Two}, Schmitt claims his book, \textit{Political Form}, grew from the essay “Visibility” as well as out of conversations with Haecker, Weiβ, and Blei.\textsuperscript{716} Mehring’s unprecedented archival research suggests Blei is, by far, the most important for Schmitt of these contemporary interlocutors over Catholicism and the Church.\textsuperscript{717} One commentator even sees \textit{Political Form} as: “entirely a continuation and deepening of Blei’s ‘Katholischer Meditation’ (1908).”\textsuperscript{719} Given how deeply, and often, they discussed Catholicism and a shared Gnosticism, it is reasonable to think Blei would have a privileged insight into his friend’s religious beliefs.

Further anecdotal evidence of Schmitt’s secularity can be found in his diaries for 1922-24.\textsuperscript{719} During this period, he reread \textit{The Red and the Black}, in a new edition of Stendhal’s works Blei had published in 1921. Schmitt identified himself with the novel’s protagonist Julien Sorel—the “intellectually gifted, poor and proud soldier of fortune”\textsuperscript{720}—interested only in social advancement and with no compunction in regards to religious hypocrisy or adultery. Soon after having left the

\textsuperscript{711} Letter of December 7, 1921 in: Ibid., 31-3.
\textsuperscript{716} Schmitt, \textit{Political Theology Two}, 142n5.
\textsuperscript{717} Mehring, \textit{Aufstieg und Fall}, 541. In a letter soon after the one in which Blei calls Schmitt a “godless clerical,” he references what seems to have been an early version of \textit{Political Form}. Blei suggests that at “next year’s [1922] ‘Catholic Day’ in Munich . . . [Schmitt] should deliver a great speech on ‘The Church and State.’” Blei plans to “talk about the Church and literature” and if Schmitt were also to participate he believes it would “be a better day than usual, not a stupid Center gathering of priests.” See letter of December 18, 1921 in: Blei, \textit{Briefe an Carl Schmitt 1917-1933}, 36-7.
\textsuperscript{719} Quote of W. D. Hartwich in: Manemann, \textit{Carl Schmitt und die Politische Theologie}, 103n118.
\textsuperscript{720} I am relying on Mehring for the relevant material from the \textit{Nachlass} in these years as I have been unable to gain access to a copy of: Carl Schmitt, \textit{Der Schatten Gottes: Introspektionen, Tagebücher und Briefe 1921 bis 1924}, edited by Gerd Giesler, Ernst Hüsmert, and Wolfgang H. Spindler (Berlin: Duncker & Humblot, 2014). Given the differences in my (and Linder’s) treatment of Schmitt’s letters to his sister, I suspect that my thesis can be strengthened once I have further access to Schmitt’s \textit{Nachlass}.
\textsuperscript{726} Mehring, \textit{Aufstieg und Fall}, 144.
Protestant atmosphere of Greifswald for the more Catholic Bonn, as well as having written *Political Form*, Schmitt records: “I am really not in this Central milieu”; and “[h]e even speaks of atheism.” Blei’s biographer concluded: “Blei and Schmitt felt reminiscent about their Catholic origin where it is less about beliefs and religious convictions then about the promise radiating out from Catholicism of established hierarchies of value and a binding orientation in life.”

Schmitt was an avid reader—dating at least to the summer of 1922 when he was writing *Political Form*—of Charles Maurras, as well as the paper of the same name as his movement, *Action française*. In a 1924 letter to Ludwig Feuchtwanger (1885-1947), his editor at Duncker & Humblot, Schmitt explained his interest in *Action française*. He claims the movement’s paper “is the most interesting newspaper that exists today,” and describes Maurras as a “great writer.” Schmitt even offers to send Feuchtwanger a book Maurras penned if he has an interest in reading him. It is unclear whether the Jewish editor took Schmitt up on his offer, but neither could have failed to be ignorant of *Action française’s* vocal anti-Semitism. Nor is it very likely that Schmitt

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721 The source is a diary note from June 1922 quoted in: Ibid., 145.
723 See: Mehring, *Aufstieg und Fall*, 143-5.
725 Maurras founded his movement in 1899, in the midst of the “Dreyfus Affair”; a political scandal that shook fin de siècle France. The scandal began with the conviction for treason in 1894 of artillery Captain Alfred Dreyfus (1859-1935); a decision based on fraudulent documents and testimony. The fact that Dreyfus was Jewish clearly played a large role in his conviction and life sentence. Quickly the nation was divided between those who believed the Army’s case and those who thought Dreyfus innocent. This divide also reflected the deep social rift in France between Catholic monarchists and secular republicans; the former largely siding with the Army and the latter with Dreyfus. Action Française quickly established itself as a vocal opponent of the “Dreyfusards”; and even after his conviction was finally overturned in 1906 Maurras’s political views remained indelibly shaped by the controversy. He developed an extreme nationalist ideology that pushed beyond monarchism and in which he: “distinguished between the legal nation (pays légal) and the authentic nation (pays réel). . . . the authentic nation must be recovered from the Protestants, revolutionaries, freemasons, and Jews who controlled the legal nation” (Russell Hittinger, “Desperately Seeking Culprits,” in *The Pius War: Responses to the Critics of Pius XII*, ed. Joseph Bottum et. al. [Lanham, MD: Lexington Books, 2004], 50). The classic work on the Action française is: Ernst Nolte, *Three Faces of Fascism: Action Française, Italian Fascism, National Socialism*, trans. Leila Vennewitz (New York: Holt, Rinehart and Winston, 1966). However, later authors largely agree that Nolte is mistaken in treating Maurras’s movement as fascist. See especially the works of Robert Soucy: *French Fascism: The First Wave, 1924-1933* (New Haven: Yale University Press, 1995); and *French Fascism: The Second Wave, 1933-1939* (New Haven: Yale University Press, 1995).
was unaware of the Church’s consistent and recurrent criticisms of the French political right, including strong condemnations of Maurras and his movement.

Over the course of the “Dreyfus Affair,” Pope Leo XIII wrote several letters to France’s episcopacy and Catholic population, in which he expressed his concern over the anti-Semitism and radical actions of the country’s political right. He called on Catholics to support the republican government as the rightful authority and abjure monarchism, “expressed his support for Captain Dreyfus,” and even “gave a famous interview to the French secular newspaper Le Figaro defending the Jews” in 1892. Leo’s approach to the French right was continued by his successors. Pope St. Pius X “accused [Action française] of ‘hatred,’ and in 1914 seven of Maurras’s publications were put on the Index.” The Holy See’s “thirty-year effort to stifle” Action française culminated with a blanket condemnation of the movement in 1927 and the mass excommunication of its entire body of supporters.

The Indexing of a number of Maurras’s books, in 1914, clearly had no impact on Schmitt in the early 1920s. In fact, Schmitt’s mention of atheism, at the time, is made particularly poignant by the fact that Maurras is well known for a quote: “Je suis catholique, mais je suis athéiste” (I am Catholic, but I am an atheist). The Frenchman is also remembered for the motto “Politique d’abord” (“politics first”) and we shall soon see that both of these pithy quotes could be used to illustrate the mindset of a “godless clerical” which Schmitt displays in Political Form—that essay which the standard narrative considers his most Catholic. The jurist’s secular appropriation of

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729 Ibid.
730 After this condemnation, and a heated private meeting with Pius X, the French Jesuit Cardinal Louis Billot (1846-1931) became the first Cardinal to resign the office since 1823—and there have been none since—due to his support for the movement.
superficial aspects of the Catholic Church considered ecclesiastically owes more to “the political model of Action française than the model of the Center.” Schmitt was likewise unswayed by the papal condemnation of Maurras’s movement in 1927, despite a public reserve: “Schmitt did speak amongst his close circle of friends, and only there, disparagingly of the Church’s condemnation of Action française and thus expressed his sympathy for Charles Maurras.”

In addition to “intensively” reading Maurras in the summer of 1922, Schmitt also read a book by (now Blessed) John Henry Newman, which his wife sent him as a birthday present in July of 1922, despite his having begun divorce proceedings against her. The great British Cardinal took German Catholicism by storm in the nineteen-twenties and thirties. Through a flurry of translations, “a whole generation of German readers found in Newman the modern counterpart to Augustine, providing a convincing subjective and personal expression of the Divine Ordo [divine order] delineated in Aquinas.” Even restricted to close proximity to Schmitt the impact of Newman was tremendous. It was reading Newman that led to the conversion to Catholicism of Theodor Haecker, Schmitt’s close friend in Munich, who was first a translator of Kierkegaard.

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331 Dahlheimer, Schmitt und der deutsche Katholizismus, 162. Dahlheimer covers the topic of Schmitt and Maurras over the pages 156-62. I disagree with Dahlheimer’s claim that a fundamental difference between Maurras and Schmitt is that the line about atheism cannot be applied to the German as it involves a doubtful assumption of “intentional non-religious motives fed by cynical exploitation of the Catholic Church” (ibid., 162). Cynicism does not actually need to be assumed of Schmitt, it is enough to merely recognize his complete practical indifference to the faith and consistent interest in the Church and religion only in so far as it could be made a prop of the State. Another excellent treatment of Schmitt and Maurras is: Manemann, Carl Schmitt und die Politische Theologie, 124-32

332 Dahlheimer, Schmitt und der deutsche Katholizismus, 163.

333 Mehring, Aufstieg und Fall, 143.

334 It is uncertain what book of Newman’s she sent. Given Schmitt’s friendship with Haecker it was most likely one of his two translations of books by Newman; either Grammar of Assent published in 1921 as Philosophie des Glaubens or The Development of Christian Doctrine published in 1922 as Die Entwicklung der christlichen Lehre und der Begriff der Entwicklung. In addition, however, Apologia pro vita sua was translated by an employee of Hochland, Father Matthias Laros (dates unavailable), and published as the first volume of a German edition of the complete works of Newman in 1922. Finally, Erich Przywara also published a compilation of Newman’s writings in 1922.


336 As an important side-note, Haecker’s conversion was exploited after the Second World War by Schmitt as part of his efforts to rehabilitate his image and channel the interpretation of his biography into having been more mainstream and Catholic. A postwar protégé of Schmitt’s known for his role in the New Right, Armin Mohler (1920-2003), asked Schmitt in a letter of July 13, 1949 whether it was true Schmitt had caused Haecker’s conversion in conjunction with
and then of the Cardinal. Prominent theologians Erich Przywara (an admirer of Schmitt’s Weimar work) and Romano Guardini (colleague and acquaintance of the jurist) were also early translators and popularizers of Newman in Germany. The editor of Hochland, Carl Muth, was another Newman aficionado and friend of Schmitt’s in the late nineteen-teens and twenties. To this list we must also add his student, Werner Becker. After completing his legal studies, Guardini convinced Becker to begin studying philosophy and theology in 1926. Reading Newman assisted Becker in his discernment of a priestly vocation. He studied theology in Bonn, Paris, Tübingen, Köln, and Berlin before his 1932 ordination as a priest in Aachen. In 1938, Becker joined the Oratory of St. Phillip Neri in Leipzig, which had only recently been founded in 1930. The Oratory was a community of priests and lay people who lived and worked under the auspices first established by Newman.  

Moving forward in time, momentarily, to the era of the Third Reich, the impact of the British theologian on German Catholic intellectuals was so profound that: “[t]hroughout the thirties and forties Newman’s translators and friends supplied the spiritual and religious depth necessary to sustain an inward resistance to the claims of Nazism.” A connection between being

Newman’s writings as had been suggested to him. Schmitt did not give him an answer (Schmitt and Mohler, Carl Schmitt—Brievenwechsel, 63). However, Schmitt records in a diary entry five weeks later: “I really am a shepherd of Being. That Ernst Jünger can take in Leon Bloy today, for example, is an effect of my Pastoring. That Theodor Haecker converted to Catholicism did not happen without me as a guardian. I am a shepherd of Being. I also carry the shepherd’s fate” (entry of 20 August, 1949, in: Schmitt, Glossarium, 264). The Heideggeran-sounding arrogance of this diary entry spurred Schmitt to publicly claim in a 1971 interview that Haecker had been “a typical Protestant sectarian” who “would not have soon converted to Catholicism, if we had not talked about it for years (1915-1920)” (Dahlheimer, Schmitt und der deutsche Katholizismus, 341). Dahlheimer rightly notes that ultimately the influence of Newman was decisive in Haecker’s conversion; however, in his effort to stick to the standard narrative he believes that Schmitt’s concept of the Roman Catholic “order” had an influence on Haecker.

Becker’s devotion to Newman was life long. He continued to work on Newman after the Second World War and although he had been alienated from Schmitt since 1933 he decided to renew contact with his teacher at the end of the war after encountering him by chance in the street. Numerous letters from Becker to Schmitt discuss the great British theologian. In Becker, Briefe an Carl Schmitt, see: Tommissen’s “Introduction” at 17; letter of 26 February, 1944, 64-5; Pentecost, 1948, 66-7; letter of 19 December, 1957, 69-70; letter of 4 November, 1961, 71-3; and letter of 10 October, 1978, 100-04.

Fenlon, “From the White Star to the White Rose,” 53. This claim was true for quite a list of well-known proponents of Newman, including: philosopher and lay theologian Dietrich von Hildebrand (1889-1977); theologian Otto Karrer (1888-1976), who wrote for Hochland and cooperated with Schmitt student Waldemar Gurian in anti-Nazi efforts in

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an enthusiast of Newman and an opponent of Nazism exists for every single one of these early friends or acquaintances of Schmitt.\textsuperscript{739} Theodor Haecker provides, perhaps, the most poignant example. When he was silenced and forbidden to write by the Nazis in 1938, Haecker was still allowed to translate, and continued to use Newman as a means of resistance by proxy, particularly, the theologian’s writings on conscience. Haecker belonged to a group of intellectuals opposed to Nazism that met at the home of Muth during the Second World War. Haecker read excerpts of the stridently anti-Nazi wartime journal he kept—published after the war as \emph{Journal in the Night}—as well as from Newman at group meetings.\textsuperscript{740} The circle included the famous siblings Hans and Sophie Scholl (1918-43 and 1921-43, respectively). The Scholls’ exposure to Newman by means of Haecker and Muth was a significant factor in their being moved to active resistance to the Nazi regime and then suffering martyrdom by beheading (via \emph{Fallbeil}).\textsuperscript{741} Even Blei—the Gnostic and

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\begin{itemize}
\item Switzerland during the war; and student of Edmund Husserl (1829-1938), Edith Stein (1891-1942). Stein was a Catholic convert from Judaism in 1922 who was encouraged by Pryzwara to translate Newman’s \textit{Idea of a University} as well as many of his letters. She became a Discalced Carmelite nun in 1933, taking the name Teresa Benedicta of the Cross, but later was murdered at Auschwitz for being racially Jewish. She was beatified May 1, 1987 and canonized a saint on October 11, 1998.
\item Guardini was never a Nazi supporter. Instead he published numerous critiques of the regime with the result that he frequently lived and taught under police surveillance, \textit{Die Schildgenossen} was shut down in 1939, and he narrowly avoided imprisonment in 1941. For the full story of Guardini’s activities during the Third Reich see: Robert A. Krieger, \textit{Catholic Theologians in Nazi Germany} (New York: Continuum International Publishing Group, 2004), 107-30; and Hanna-Barbara Gerl, \textit{Romano Guardini (1885-1968): Leben und Werk} (Mainz: Matthias-Grünewald-Verlag, 1985). Guardini’s most direct and strongest critique of Nazism was an article from 1935 titled “Der Heiland” (“The Savior”), which accused “Hitler of promoting idolatry, of putting himself where only Jesus Christ should stand in people’s lives” (Krieger, \textit{Catholic Theologians in Nazi Germany}, 107). In Munich, the home of the NSDAP, Pryzwara “preached against Nazism until 1935” (ibid., 94) and the Jesuit journal he edited, \textit{Stimmen der Zeit}, was shut down by the Gestapo in 1937. See also: Thomas F. O’Meara, O.P., \textit{Eich Przywara, S. J.: His Theology and His World} (Notre Dame: University of Notre Dame Press, 2002), 8-12. Muth became a well-known opponent of Nazism through his editorship of \textit{Hochland}. The journal became a consistent critic of Nazism in the thirties, albeit often surreptitiously, which allowed it to avoid being completely suppressed until 1941. Afterwards Muth went on to be associated with the White Rose resistance movement, even renting a room in his home for a time to Sophie Scholl. See: Konrad Ackermann, \textit{Der Widerstand der Monatschrift Hochland gegen den Nationalsozialismus} (München: Kösel-Verlag, 1965). As for Becker, he broke from Schmitt in 1934 over the professor’s defense of the Röhm Putsch and his anti-Semitism and by 1937 was dismissed from his teaching duties and even forced out of a parish in 1938 due to his anti-Nazi views. See: Becker, \textit{Briehe an Carl Schmitt}, 15-17, 114-15. Coincidentally, Becker was schoolboy friends with the well-known student of Heidegger, philosopher Hans Jonas (1903-93), and so they had parallel experiences of a beloved mentor and teacher becoming a Nazi supporter.
\item Haecker’s hometown of Esslingen am Neckar began in 1995 to award a biannual prize in his honor to recognize those who work to further peace and democracy.
\item Reading Newman, as well as the influence of Haecker, Muth, and the sermons of Bishop Clemens von Galen (1878-1946)—the “Lion of Münster”—actually led the Scholl siblings to desire conversion to Catholicism while in prison.
\end{itemize}
godless clerical—found Newman absorbing, and would break off his friendship with Schmitt when the latter joined forces with the Nazis in 1933.742

Returning to the early Twenties, Schmitt proved completely immune to the positive influence that resonated from Newman amongst such a wide swath of German Catholic thinkers in Weimar. In Political Theology, we find Schmitt’s only published reference to Newman at this time. Tellingly, it happens to be one in which he suggests quite a forced interpretation of the Cardinal as a reactionary Catholic proponent of political dictatorship.743 In his Nachlass, the sole contemporarily recorded comment by Schmitt, upon first reading Newman in 1922, relates he suspected the celebrated Catholic theologian of being “a Jew.”744 This exceedingly odd reaction to Newman is not the only example of Schmitt having declared a Catholic thinker to be “a Jew.” In a diary entry from 1915, about having discussed “the Jews” with his (actually) Jewish friend George Eisler, he remarks in a parenthetical that: “Scheler is also a Jew”—referring to the Catholic philosopher Max Scheler (1874-1928).745 Historian Jerry Z. Muller has suggested, given Schmitt was a racial anti-Semite, he could have been commenting on the similarity of the Englishman’s surname to the German “Neumann,” and considered it a Jewish name.746 This plausible supposition is bolstered by the fact that Newman’s name was at times misspelled, such as with

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742 Schmitt was abandoned by most of his early friends due to his Nazism, even Franz Blei, his fellow “godless clerical.” When Blei received from Schmitt a copy of his 1933 book State, Movement, People, he wrote the jurist to say he still felt personal amity for him but that a “ugly shadow had fallen” between them. Schmitt never wrote him back. See: Lindner, Der Bahnhof von Finnentrop, 12, 324; and Franz Blei, “Der Fall Carl Schmitt, Von einem, der ihn kannte,” Der Christliche Ständestaat (December 25, 1936), 1217-20. For an interesting but speculative treatment of Blei’s 1932 novel Talleyrand oder der Zynismus as a critique of Schmitt (still his friend at that time), see: Helmut Lethen, Cool Conduct: The Culture of Distance in Weimar Germany (Berkeley: University of California Press, 2002), 111-15.


744 Mehring, Aufstieg und Fall, 143-4. He does make a reference to Newman in Political Theology that seeks to imply he was a proponent of dictatorship. See: Schmitt, Political Theology, 52-3.


746 In private communication.
Przywara’s 1923 book *Religionsbegründung: Max Scheler, J. H. Neuman*. Alternately, I suspect that Schmitt may have been applying his interpretation of Gnosticism, such as in Marcion’s preaching a dualism of a Christian God of Love and the Jewish God of Law. In either case, Schmitt’s immunity from the religious inspiration commonly felt by German Catholics as a response to reading Newman seems to be further demonstrated in a letter of 1924, in which he writes: “[a]fter the bad experience of the October issue of *Hochland* I am [concerned] about the society in which I will appear in the November issue,” adding in likely explanation of his disappointment, “I do not know if you have noticed that in the October issue men like ‘Newman and Haecker’ were discussed.”

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14 Letter of November 1, 1924, in: Schmitt and Feuchtwanger, *Briefwechsel 1918-1935*, 91. The original is as follows: “Nach der schlimmen Erfahrung des Oktoberheftes *Hochland* bin ich in einiger Unruhe darüber, in welcher Gesellschaft ich im Novemberheft auftreten werde. Ich weiß nicht, ob Sie bemerkt haben, daß im Oktoberheft von Männern wie “Newman und Haecker” gesprochen wurde.” The article to which Schmitt refers was “On the Idea of Development” (“Um den Entwicklungsgedanken”) by Joseph Wittig (1879-1949), in which he discussed Haecker’s translation of Newman’s *Development of Christian Doctrine*. Wittig was a Catholic priest and professor who had made it clear by 1922 that he was a strong critic of Church Dogma. In 1925 he would publish a rationalist treatment of the “historical” Jesus that was placed on the Index and he ended up being excommunicated in 1926, which lasted until he finally reconciled with the Church in 1946. It is logically possible that Schmitt is just moving from a general statement about the weakness of the November issue to an unrelated comment that in it Haecker and Newman are discussed. However, the reference to “men like” Newman and Haecker seems more likely to correspond to a “Gesellschaft” than does the unnamed Wittig alone. Furthermore, Blei expresses annoyance with Haecker and his commitment to Newman in a letter to Schmitt of May 7, 1922, see: Blei, *Briehe an Karl Schmitt 1917-1933*, 42-3.
Chapter 5.

Schmitt’s “Catholic” Works: Political Theology and Political Form

“The most drastic way to reject a proposition is not to dismiss it brusquely as disproven and merely brush it aside, but on the contrary to take it over and work it into an essential and grounded connection with one’s own argument – i.e., to take it over...”

—Martin Heidegger.

Transition from On Dictatorship to Political Theology

Since the appearance in print of On Dictatorship in 1921: the Allies had assigned to Germany a war reparations debt of 132 billion Marks; a third of Upper Silesia had been ceded to Poland, resulting in clashes between Polish insurgents and the German Freikorps; and the Republic’s first Finance Minister, Matthias Erzberger (1875-1921), was assassinated by right-wing terrorists for having signed the armistice. Schmitt’s thought moved from dictatorship to the issue of political sovereignty and the apparent loss of it by the contemporary German State. Inspired by his studies with Weber, he now delved into the connections between theological views and theories of State in the two books which have most inspired the standard narrative claims of Schmitt’s Catholicity or status as a political theologian. As we shall find in this chapter, however, the reputation for Catholicity of these two texts is wholly undeserved. Even though they happen to be the jurist’s most theologically interested books, they are closer to being works of political Protestantism than political Catholicism.

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749 For example, Löôte, in his review of Schmitt’s relationship to Catholicism during Weimar, begins by summarizing Political Romanticism, Political Theology, and Political Form. He glosses each in a manner that suggests their Catholicity in order to set up his standard narrative conclusions in the remainder of his essay; and this despite the fact that the evidence he tallies overwhelmingly counsels an opposite conclusion from the one he draws. See: Löôte, “Carl Schmitt und der Katholizismus,” 11-35.
Schmitt constructed the essays that make up 1922’s *Political Theology: Four Chapters on the Concept of Sovereignty* (Politische Theologie: Vier Kapitel zur Lehre von der Souveränität) in two periods of writing. The first three chapters were put to paper while in Greifswald (summer 1921 to spring 1922) and intended for a Max Weber tribute. They were subsequently published in 1923 in the second volume under the title “Sociology of the Concept of Sovereignty and Political Theology.” Schmitt wrote the final chapter once he moved to Bonn in the spring of 1922 and it first appeared in a special issue on “Catholic Legal Philosophy” of a secular academic journal. All four essays were then collected and issued in the fall of 1922. Schmitt noted in the foreword to this first edition of *Political Theology* that he had written it together with *Political Form* in March of that year. Mehring informs us that at this time, however, Schmitt was working with Kathleen in Marburg on her dissertation; so he believes the date of March 1922 only refers to a time of compositional decision. Thus, it is once Schmitt moves to Bonn to begin lecturing in May, that he wrote the last chapter of *Political Theology* and also *Political Form*.

*Political Theology*

The first sentence of *Political Theology* is quite famous indeed: “Sovereign is he who decides on the exceptional case.” This principle has the double meaning of deciding whether an exceptional case exists, as well as what is to be done. As in *Dictatorship* and even his earliest

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733 Mehring, *Aufstieg und Fall*, 134.
734 Schmitt, *Political Theology*, 5. Catholic philosopher Josef Pieper was familiar with Schmitt’s work when he studied law in Berlin in 1926-7 and later refers to this sentence as typical of Schmitt: “phrases such as that were not easily forgotten . . . But to attack his polished theses one needed considerable courage in facing banality” (Pieper, *No One Could Have Known*, 175).
books—such as *Law and Judgment* and *The Value of the State*—Schmitt is convinced by the early modern arguments of Bodin regarding the absolute and unified nature of State sovereignty; it trumps any other considerations. He notes that from the onset Bodin recognized the connection between sovereignty and “the exception” for in states of exception, “it is clear that the state remains, whereas law recedes.”[755] Although Bodin tried to hold to a traditional (pre-modern) view, in which “commitments are binding because they rest on natural law,” Schmitt believes the French jurist understood “in emergencies the tie to general natural principles ceases.”[756] To Schmitt: “The existence of the state is undoubted proof of its superiority over the validity of the legal norm. The decision frees itself from all normative ties and becomes in the true sense absolute.”[757] This view is classically modern political positivism or statism; norms exist because a sovereign makes them a reality:

> The exception appears in its absolute form when a situation in which legal prescriptions can be valid must first be brought about. Every general norm demands a normal, everyday frame of life to which it can be factually applied and which is subjected to its regulations. The norm requires a homogenous medium. . . . For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists.[758]

Here, again, we find displayed Schmitt’s rejection of the natural law (“general natural principles”).[759] Also on display, at least by implication, is his rejection of social pluralism as he believes the rule of law is an accomplishment of the State built upon a “homogenous medium,” because “[t]here exists

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[755] Ibid., 12.
[756] Ibid., 8.
[757] Ibid., 12.
[758] Ibid., 13.
[759] Although to be precise, he frequently elides the natural law with positive law as “legal norms” or simply “norms.” Such elision only further evidences his fundamental positivism. As for natural law theory, Schmitt seems to have an unsophisticated understanding of it, at least in its ongoing Catholic, especially neo-Thomistic, forms. However, whether or not he has a clear grasp of natural law theory it is enough for him to simply believe that it is irrelevant in political modernity. For example, he claims that Samuel von Pufendorf (1632–94) and seventeenth century natural law theory in general linked sovereignty to “the decision on the exception” and in such a case natural law considerations simply fade away to insignificance just as he believes they did for Bodin. See: Ibid., 9.
no norm that is applicable to chaos.”

Social peace and stability, homogeneity, is primarily an
achievement of the State over a recalcitrant or chaotic material substrate (the people).

The rejections of natural law and social pluralism are both quite uncharacteristic for a
German Catholic given the country’s national development along Protestant and Prussian lines. In
fact Schmitt goes further, as he was consistently dismissive of even the most fundamental principle
of Catholic thought; a principle one finds embedded in all strains of German political Catholicism.

For shortly before the above passages, he rejected the common good:

Everyone agrees that whenever antagonisms appear within a state, every party wants the general good—therein
resides after all the bellum omnium contra omnes. But sovereignty (and thus the state itself) resides in
deciding this controversy, that is, in determining definitively what constitutes public order and security, in
determining when they are disturbed and so on. Schmitt’s reduction of the *bonum commune* to “public order and security” reflects
a fundamental agreement with Hobbes and also exhibits complete disregard for the Catholic understanding of the
concept. This is particularly noticeable when one recalls, for Hobbes, the war of all against all is
pre-social and existed in a primeval (theoretical) state of nature. Schmitt’s version of realism, his
“philosophy of concrete life,” has no use for general principles of order beyond those imposed
by unified political sovereignty post-social or above society.

To Schmitt, the most pressing problem Germany faced in the first years of Weimar was a
fundamental lack of clarity as regards political sovereignty. Clarity can best be gained by
meditation upon the “exception” within the political order:

A Protestant theologian who demonstrated the vital intensity possible in theological reflection in the
nineteenth century stated: “The exception explains the general and itself. And if one wants to study the
general correctly, one only needs to look around for a true exception. It reveals everything more clearly than
does the general. Endless talk about the general becomes boring; there are exceptions. If they cannot be
explained, then the general also cannot be explained. The difficulty is usually not noticed because the general
is not thought about with passion but with a comfortable superficiality. The exception, on the other hand,
thinks the general with intense passion.”

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350 Ibid., 13.
351 Ibid., 9.
352 Ibid., 15.
353 Ibid. For a discussion of Kierkegaard’s influence on Schmitt see: Bartholomew Ryan, “Carl Schmitt: Zones of
Exception and Appropriation,” in *Kierkegaard Research: Sources, Reception and Resources, Volume 14*.
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The extended quote from a “Protestant theologian” originates in Kierkegaard’s work of 1843, *Repetition: A Venture in Experimental Psychology*. The Danish philosopher is thus Schmitt’s source for the existentialist insight that “[t]he exception is more interesting than the rule. The rule proves nothing; the exception proves everything.”\(^{764}\) The political exception reveals the sovereign. Since liberal constitutions typically frustrate the ability for a decision to be made in states of exception, often by means of a system of “checks and balances,”\(^{765}\) they generally fail to make clear where sovereignty lies. The Weimar Constitution suffered from this exact flaw in that Article 48—meant to deal with states of emergency—“attempts to repress the question of sovereignty by a division” in which the President declares the exception, but the Reichstag can “at any time demand its suspension.”\(^{766}\)

Schmitt’s second chapter, “The Problem of Sovereignty as the Problem of Legal Form and of the Decision,” builds upon this discussion of sovereignty and the exception by turning to a more academic review and discussion of contemporary German juristic thought. He examines several recent works on the “theory of the state,” or sovereignty, with primary focus placed on the Austrian, Hans Kelsen (1881-1973) and, secondarily, the German, Hugo Krabbe (1857-1936).


\(^{765}\) Ibid., 7. Schmitt claims, for example, that Locke failed to account for the importance of the exceptional situation that could necessitate extra-legal action by the sovereign (ibid., 13-14). However, that is not the case as Locke has a chapter in *The Second Treatise of Government*, “Of Prerogative,” which clearly makes room for exceptional actions beyond the law. Locke’s views on the exception and dictatorial decision of the sovereign are discussed in: Leonard C. Feldman, “Schmitt, Locke, and the Limits of Liberalism,” *Konturen*, 1 (2008). Accessed online as of 25 September 2011 at: http://konturen.uoregon.edu/vo1_Feldman.html.

\(^{766}\) Ibid., 11.
Schmitt treats these two as leading examples of liberal jurisprudential attempts to eliminate sovereignty understood in a “decisionist” vein. By 1922 Kelsen was a leading European jurist, “a highly influential member of the Austrian Constitutional Court” and prominent student of the neo-Kantian Rudolf Stammler (1856-1938). In 1920, he published a significant work titled The Problem of Sovereignty and the Theory of International Law (Das Problem der Souveränität und die Theorie des Völkerrechts): “in which he set out the foundations for what he would later call a ‘pure theory of law,’ a theory of law from which all subjective elements would be eliminated. Kelsen sought, in other words, a theory of law that would be universally valid for all times and all situations.” In Schmitt’s reading, Kelsen believes that “[t]he state is nothing else than the legal order itself” and thus he “negates” sovereignty:

The result of [Kelsen’s] deduction is that ‘the concept of sovereignty must be radically repressed.’ This is in fact the old liberal negation of the state vis-à-vis law and the disregard of the independent problem of the realization of law.

Schmitt’s point is that law and order must first be established prior to the institution of the rule of law, and he believes such an establishment occurs only by means of sovereign decision. Thus, sovereignty preexists the norm-governed (normal) and lawfully ordered state. Krabbe says much the same as Kelsen, and Schmitt recognizes they are engaged in the Kantian project of attempting to transform authority and rule of law into “autonomy.”

Schmitt next introduces the concept “form” and, putting to the side the aesthetic sense of the term, he turns to Weber who proposed three possible types of form for legal and political

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362 Tracy B. Strong, “Foreword” to Schmitt, Political Theology, xvii.
363 Ibid.
364 Schmitt, Political Theology, 18-19.
365 Ibid., 20-1.
366 Ibid., 22.
367 Schmitt here references the Romanist, Latin translator, and historian Herman Hefele (1885-1936), for his use of the term “form” in an aesthetic sense (ibid., 27). The reference is interesting since Hefele formed a reputation in Weimar both for defending Catholicism as aesthetically classical and not romantic and also as an admirer of Maurras, much like Schmitt. See: Dahlheimer, Schmitt und der deutsche Katholizismus, 96-8, and 160n597. Hefele later reviewed two of Schmitt’s books for the Catholic journal Abendland.
state theory. The first usage is a “neo-Kantian” understanding of form as a “transcendental ‘condition’ of juristic cognition.” The second sense is “regularity, an evenness, derived from repeated practice and professional reasoning.” The final usage of form is: “the ‘rationalistic,’ that is, technical refinement . . . oriented toward calculability and governed by the ideal of frictionless functioning.” Schmitt does not see fit to consider the first usage and believes the last two are the senses applicable to a modern legal bureaucracy; they amount, in practice, to no more than a consideration of utility. He is dissatisfied with all of these versions of “form” as none amounts to properly “political” form. The key failing is these versions seek objectivity in norms and avoid subjectivity or “personality” as a remnant of authoritarian absolutist claims to rule. Schmitt, on the other hand, does not fear this genealogy; rather, he argues that: “the conception of personality and its connection with formal authority arose from a specific juristic interest, namely an especially clear awareness of what the essence of the legal decision entails.” Thus, the concept of a “personal” and “absolute” authority derives from a specific understanding of “legal decision,” which we must now attend to.

Schmitt points out—reminiscent of On Guilt and Law and Judgment—how each individual legal (judicial) decision is an exercise in a personal authority making a decision in a specific concrete circumstance with regard to the application of laws (norms). This superficially seems to agree with a pre-modern, and hence “Catholic,” understanding of prudence (phronēsis, practical intellect or, when specific to judges, aequitas, equity) by means of which the first principles (norms) are applied to a specific context. Crucially, however, Schmitt’s “decision” cannot be equivalent to “choice” as understood by both Aristotle (Nicomachean Ethics: Book III, chapter 3) and Catholic

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773 Ibid., 28.
774 Ibid.
775 Ibid., 28-9.
776 Ibid., 29.
777 Ibid., 30.
philosophical anthropology because he severs it from rational deliberation: “The decision becomes instantly independent of argumentative substantiation and receives an autonomous value.” So how does Schmitt arrive at his view? He abandons pre-modernity for political modernity.

Schmitt reduces all decision to what pre-modern thought would recognize as simply a special case (an exception) that helpfully illustrates the natural necessity for Authority. For example, the existence of automobiles clearly demands a decision be made, for the sake of the common good, about which side of the road they are to be driven upon. It is equally clear that such a decision is political (takes coordination of all by an authority) and arbitrary in the sense that neither option—the right or left side of the road—has decisive natural and rational grounds upon which to base the Authority’s “choice”; they are equally good options adequate to the political end. Aristotle would recognize such a decision between two equal goods as voluntary, deliberated choice, yet, by being in a limited sense arbitrary, is atypical for ethical (political) decision-making. The final choice is simply a matter of will but does illustrate the natural necessity (and good) of Authority. When ethical decisions (and the political is a species of the ethical) are voluntarist, personal (subjective), arbitrary, and a mere assertion of will and Authority, yet still objectively just, then they must be decisions about which of two or more authentically equal good means will be instantiated.

To approach from a different direction, the pre-modern mind could best illustrate the nature of “prudential objectivity” by rare, and thus, “exceptional” (but again in a sense different from Schmitt’s) issues of justice, such as those involving weighing property rights against loss of life. Think, for example, of Jean Valjean in Victor Hugo’s (1802-85) Les Miserables taking another’s bread to feed his starving nieces and nephews. Aquinas would characterize this act as neither a

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778 Ibid., 31.
violation of property rights nor theft. Likewise, the typical “decisions” of ethical actors—be they private individuals, judges, statesmen or sovereigns—are examples of such deliberate and objective “choices” arrived at by prudence. Schmitt, however, treats all decisions of Authority as if they are simply matters of will, like in the exceptional case of driving lanes, rather than examples of a deliberative process directed by prudence resulting in choice. In the first chapter he had already claimed every sovereign decision was an exercise in personal autonomy; these decisions are autonomous simpliciter, as they occur in concreto without regard even to principles of natural or divine law. Now, he claims that legal decision is analogous to sovereign; to restate the quote above: “the essence of the legal decision entails” an “autonomous” decision “independent of argumentative substantiation.”

Schmitt’s acceptance of a voluntarist and nominalist modern viewpoint is further shown by his immediate turn to a discussion of the importance of “personality” in the making of a decision. He continues his line of argument by reducing “juristic scientific thought” to two basic types. The first is the “decisionist” exemplified in Hobbes, who “discovered the classic formulation of the antithesis: autoritas, non veritas facit legem [authority, not truth, decides the law].” Schmitt does not actually specify here what “the other type” of juristic thought is, but it must presumably be the “normative” kind he had found in Kelsen and Krabbe; a type which would characterize both pre-modern and Catholic natural law jurisprudence as well. He then ends the chapter by making clear his favoring of Hobbes’s approach. Rather than simply rejecting the claims of modern

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781 Schmitt, Political Theology, 33.
782 This presumption is strengthened by a 1934, and thus Nazi period, work of Schmitt’s: Über die drei Arten des rechtswissenschaftlichen Denkens (Hamburg: Hanseatische Verlagsanstalt, 1934). This book was created from two conference papers: “Unterscheidung der juristischen Denkarten,” presented 21 February, 1934 at the Kaiser-Wilhelm-Gesellschaft zur Förderung der Wissenschaften (Kaiser Wilhelm Society for the Advancement of Science); and “Einordnung der juristischen Denkarten in die rechtsgeschichtliche Gesamtentwicklung” presented in Berlin on 10 March, 1934 at the Tagung des Reichsgruppenrats der Referendare (Jungjuristen) im Bund Nationalsozialistischer Deutscher Juristen (BNSDJ) (Council of the Empire Group Trainees in the Federation of Nazi German Jurists). It has been published in English as: On the Three Types of Juristic Thought, ed. and trans. Joseph W. Bendersky (Westport, CT: Praeger Publishers, 2004).
liberalism as it sought to handicap or fragment political sovereignty and deny personality, Schmitt notes that Hobbes “rejected all attempts to substitute an abstractly valid order for a concrete sovereignty of the state.”783 This includes:

... [t]he demand that state power be subordinate to spiritual power because the latter is of a higher order. To this reasoning [Hobbes] replied that if one ‘power’ (potestas) were to be subordinate to another, the meaning would be nothing more than that the one who possesses power is subordinate to the other who possesses power: ‘He which hath the one Power is subject to him that hath the other.’ To speak of superior and inferior and attempt to remain simultaneously abstract is to him incomprehensible (‘we cannot understand’). ‘For sujection, Command, Right and Power are accidents not of Powers but of Persons.’ He illustrated this with one of those comparisons that in the unmistakable soberness of his healthy common sense, he knew how to apply so strikingly: Power or order can be subordinate to another just as the art of the saddler is subordinate to that of the rider; but the important thing is that despite this abstract ladder of orders, no one thinks of subordinating the individual saddler to every single rider and obligating him to obey.784

By siding with Hobbes against Bellarmine Schmitt is completely removed from political Catholicism, however heterodox. To Schmitt, the decisionist and political existentialist: “What matters for the reality of legal life is who decides.”785

The last two chapters of Political Theology are the ones that most contribute to the impression of Schmitt as a Catholic or religious thinker. The third chapter contains the titular essay in which Schmitt presents his understanding of how theological concepts become transferred into political theory. He famously posits:

All significant concepts of the modern theory of the state are secularized theological concepts not only because of their historical development . . . but also because of their systematic structure, the recognition of which is necessary for a sociological consideration of these concepts.786

In seeing political theology behind all “significant concepts of the modern theory of the state,” Schmitt applies an intellectual-historical “sociology of concepts” in which he maintains the analogous origins of thought in both fields, namely, politics and theology.787 Schmitt had already

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783 Schmitt, Political Theology, 33.
784 Ibid., 33-4.
785 Ibid., 34.
786 Ibid., 36.
787 In large part, Schmitt is directly inspired by Weber as his student and in his acceptance of the disenchantment (Entzauberung) thesis. Political Scientist Tracy B. Strong thus writes that when Schmitt claimed: “The central concepts of modern state theory are all secularized theological concepts” he means “to point to the fact that what has been lost since the sixteenth (theological) century has amounted to a hollowing-out of political concepts. They thus no longer have, as it were, the force and strength that they had earlier, and they are unable to resist the dynamics of technology.
made this claim in *Political Romanticism* as well as discussed the example of “the omnipotent God becomes the omnipotent lawgiver.” He revisits this case here along with adding a second example first mentioned in *Dictatorship*, “the exception in jurisprudence is analogous to the miracle in theology.” Of these two secularizations from theology to politics, the first is by far the more philosophically foundational and profound for political modernity. However, both are under attack; and contemporary (late-modern) liberal jurists even accuse theoreticians of political absolutism to be illegitimately engaged in theology.

Schmitt’s primary target is again Kelsen, who argued for a wholly normative neo-Kantian understanding of positive law as operating akin to law in natural science where there is no arbitrariness at all. Schmitt critiques Kelsen for transferring to human affairs (politics and law) metaphysical concepts from modern rationalist materialism:

> At the foundation of [Kelsen’s] identification of state and legal order rests a metaphysics that identifies the lawfulness of nature and normative lawfulness. This pattern of thinking is characteristic of the natural sciences. It is based on the rejection of all ‘arbitrariness,’ and attempts to banish from the realm of the human mind every exception.

Kelsen comes to his views by thinking that he can appropriate into legal theory, and the theory of the state, “Hume’s and Kant’s critique of the concept of substance.” Schmitt’s response to Kelsen is:

> . . . [H]e fails thereby to see that the concept of substance in Scholastic thought is entirely different from that in mathematical and natural-scientific thinking. The distinction between the substance and the practice of

The consequence of Schmitt’s notion of secularization is to try to restore to the concepts of sovereignty and political authority in a secular age the qualities that they had earlier” (“Foreword” to ibid., xxv). In the text Schmitt references only Gottfried Leibniz (1646-1716) as an earlier primary source. The philosopher had been struck by how “astonishing” the correspondence is between theology and jurisprudence (ibid., 37). Drawing connections between theology and political theory has not been an intellectual project solely of the political right, such as with Schmitt. Even a neo-liberal philosopher like Jürgen Habermas “asserts that modern notions of equality and fairness are secular distillations of time-honored Judeo-Christian precepts” (Richard Wolin, “Jürgen Habermas and Post-Secular Societies,” *The Chronicle of Higher Education* (September 23, 2005)), B17.

386 See above at Chapter Three.
388 Ibid., 39-42. In so far as Schmitt is unfazed by theological reflections he can be misconstrued as himself a proponent of theological beliefs or anti-modern. In actuality, he is far more the “godless cleric” and akin to Nietzsche in recognition of the fundamental impact that myth has on human social and political order.
389 Ibid., 41.
390 Ibid.
law, which is of fundamental significance in the history of the concept of sovereignty, cannot be grasped with concepts rooted in the natural sciences and yet is an essential element of legal argumentation.\footnote{Ibid., 41-2.}

Schmitt counters that behind \textit{all} modern theories of jurisprudence (including Kelsen’s) is a unified sovereign power—the State—which intervenes continuously in the lawful order, just as God intervenes through miracles. “The ‘omnipotence’ of the modern lawgiver, of which one reads in every textbook on public law, is not only linguistically derived from theology.”\footnote{Ibid., 38.} In its various “parts”—“lawgiver, executive power, police, pardoner, welfare institution”—the State maintains itself always as an omnipotent unity.\footnote{Ibid.} Schmitt’s argument deserves to be unpacked a bit farther.

When Schmitt claims that Scholastic thought held an entirely different “concept of substance” from modern natural science, he is both correct and incorrect, due to a lack of precision. Schmitt refers the reader back to places in \textit{Dictatorship} where he discussed the appropriation of the concept of the “plenitude of power” (\textit{plenitudo potestatis}) from the pope to the monarch. However, this is not the “concept of substance in Scholastic thought,” it is the political appropriation of a specific understanding of \textit{divine} substance, common to the late-medieval critics of Aristotelian-Thomistic Scholasticism, and their early modern Protestant and secular counterparts, like Marsilius of Padua. Thus, a more specific origin for this proto-modern transference than the pope’s (misconstrued) “plenitude of power” would be the fideistic and voluntarist conception of divine omnipotence, first seen in William of Ockham (1288-1347).

For Ockham, the pre-modern concept of “substantial form” suggested that God’s acts corresponded to a prior intellectual concept or form. This ontology implies a restriction on divine freedom and activity. God’s acts would be constrained by “forms” rather than left radically free, voluntary, and autonomous. In a similar vein, Ockham was an ethical voluntarist in maintaining that right and wrong were wholly a product of divine will and not a matter for reason to discern in
accord with natural law; a view with a clear analogue in Schmitt’s legal positivism.\footnote{As discussed above at Chapter Three.} It is but a short step from this early modern theological nominalism and voluntarism to the secular appropriation in Hobbesian absolutism and Bodin’s concept of sovereignty. Thus, it comes as no surprise that Ockham and Marsilius were allies in defense of secular political absolutism against the claims of authority and indirect power of the Pope. And so, once again, we find a remark of Schmitt’s one may casually take to be “Catholic” actually obscures its entirely non-Catholic origin and secular-minded gist. Rather than defending the Scholastic understanding of substance against late-modern scientific rationalism and materialism, Schmitt is defending an early modern—or possibly late medieval but anti-Scholastic—appropriation to the State of a heterodox understanding of divine substance.\footnote{As Slade writes: “While modern philosophy is discontinuous with premodern philosophy, it is continuous with medieval theology” (Francis Slade, “Was Ist Aufklärung? Notes on Maritain, Rorty, and Bloom With Thanks But No Apologies to Immanuel Kant,” in The Common Things: Essays on Thomism and Education, ed. Daniel McInerny [Washington DC; CUA Press, 1999], 64). Specifically, it is continuous with the the late medieval nominalist divorce of faith from reason; as rationalism is the flipside of the coin of fideism. For, as Slade continues, “... Aufklärung is ‘religion within the limits of reason alone,’ i.e., it is the denial that it is possible that the human mind could be addressed by divine revelation. Reason, as modernity construes it, must be closed to that possibility. Modern philosophy constitutes itself by rejecting the possibility of the truth of revelation. The rejection of this possibility is constitutive of what it means by reason. ‘Anti-theological ire’ is not accidental to what modern philosophy is, it is its essence. To assure that the possibility of the truth of revelation is excluded from reason, reason must be self-constituted. Reason can be self-constituted and close off the possibility of revelation by constituting itself as rule. And it constitutes itself as rule by denying the immanent teleology of the mind towards truth. Those ancient philosophers whom [Straussian philosopher Allan] Bloom most admires, as well as medieval Christian philosophy, are in essential agreement concerning the immanent teleology of the mind and, therefore, about the highest act of mind which completes and perfects man’s nature, *theoria*, contemplation” (ibid., 64-5).} The early modern absolute sovereign is a “Mortall God”\footnote{Hobbes, *Leviathan*, 120. Schmitt’s political *condiciones sine quibus non* are found right here in *Leviathan* at: Part Two, Chapter Seventeen.} with a wholly unrestrained will.

Schmitt next turns to the second example of a politico-theological concept by pointing out modern rationalism and deism denied miracles in theology, and likewise, “rejected the exception in every form”\footnote{Schmitt, *Political Theology*, 37.} in political theory. In theology, the miracle is an intervention directly by God in the natural lawful order that He created; likewise, the exception is “the sovereign’s direct
intervention in a valid legal order he establishes and secures. For Schmitt such a rejection of the exception is tantamount to the complete denial of State sovereignty and authority.

The rest of the chapter describes the intellectual history of late modernity in terms of how these theological “shadows” were manifested in changing theories of State, as Europe transitioned from “[c]onceptions of transcendence” to those of an “immanence-pantheism or a positivist indifference toward any metaphysics.” The first pivotal figure in this metaphysical sea change is Rousseau. Much as he had done in Political Romanticism, Schmitt treats the Genevan’s philosophy as prototypical of eighteenth century theory of State in the manner of its appropriation of theological concepts:

‘Imitate the immutable decrees of the divinity.’ This was the ideal of the legal life of the state that was immediately evident to the rationalism of the eighteenth century. This utterance is found in Rousseau’s essay Political Economy. The politicization of theological concepts, especially with respect to the concept of sovereignty, is so striking that it has not escaped any true expert on his writings. Said Emile Boutmy [French political scientist, 1835-1906], ‘Rousseau applies to the sovereign the idea that the philosophes hold of God: He may do anything that he wills but he may not will evil.’

Rousseau’s theory of state thus reintroduces a sense of “natural” restraint of the divine that is more in line with the Cartesian occasionalist response to the “Euthyphro Dilemma,” as discussed above.

Since Rousseau, however, modern scientific rationalism has dismissed all forms of metaphysics even that of the Deists, and this metaphysical stance has itself entered State theory, as now:

The general validity of a legal prescription has become identified with the lawfulness of nature, which applies without exception. The sovereign, who in the deistic view of the world, even if conceived as residing outside

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800 Ibid., 36-7.
801 Ibid., 50. Schmitt uses the terms “theology” and metaphysics interchangeably and ignores the distinctions between metaphysics as a whole versus just that part of it called “natural theology.” He also fails to make clear a distinction between natural and “revealed” theology, let alone further subdivisions of the latter, such as: “systematic or dogmatic”; “sacramental”; and “moral” theology. I think his looseness or vagueness on this account actually helps contribute to the mistaken impression that he is a Catholic or Christian religious thinker.
802 Ibid., 46.
803 See above in Chapter Three.
the world, had remained the engineer of the great machine, has been radically pushed aside. The machine now runs by itself."

This development led to a democratic foundation for the State in which the “decisionistic and personalistic element in the concept of sovereignty was thus lost.” Instead, the “people” become the secular god. For Schmitt this is a dangerous political development since before: “In the struggle of opposing interests and coalitions, absolute monarchy made the decision and thereby created the unity of the state.” He is skeptical about whether such State unity can be achieved on the basis of popular sovereignty. In part, his doubts spring from the concomitant denial of miracles, which a belief in the lawfulness of nature suggests. To Schmitt, the political repercussion of such a denial is the rejection of the “exception,” of failure to recognize when a state of exception exists, and the decisiveness to deal with such a threat to order and security.

The development of state theory in the nineteenth century continues to move in an increasingly profane direction, first to Hegel’s immanence-pantheism, and then to open atheism in: Auguste Comte (1798-1857), Pierre-Joseph Proudhon (1809-65), and Mikhail Bakunin (1814-76). In the aftermath of this nineteenth-century slide to secularism Schmitt finds:

Conceptions of transcendence will no longer be credible to most educated people, who will settle for either a more or less clear immanence-pantheism or a positivist indifference toward any metaphysics.

For political theory this means the loss of belief in the legitimacy of absolute State sovereignty and a clear trend towards anarchism. Schmitt dates the beginning of this accelerated decay of the sovereign State to the 1848 revolutions, and this allows him to end the chapter by introducing dictatorship as the only response likely to arrest the slide. He claims as the source of this insight

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805 Ibid.
806 Schmitt believes the fiction of the people as god was most entrenched in American democracy as described by Tocqueville, who held (in Schmitt’s words) that “in democratic thought the people hover above the entire political life of the state, just as God does above the world, as the cause and the end of all things, as the point from which everything emanates and to which everything returns” (ibid., 49). Possibly the most famous reference to the godlike people in American politics was in Lincoln’s “Gettysburg Address” and its reference to “government of the people, by the people, for the people.”
807 Ibid., 48-9.
808 Ibid., 50.
the Spanish diplomat and counter-revolutionary political theorist Donoso Cortés, who becomes the primary object of investigation in the final chapter.

Schmitt ends *Political Theology* with a chapter “On the Counterrevolutionary Philosophy of the State” as found in the nineteenth century Catholic political theorists Maistre, Bonald and Donoso. He had already claimed these three were the source of the “most interesting political application of [political-theological] analogies”\(^{809}\) and he now examines them as the antithesis to materialist revolutionary thought. Recalling a point he made in *Political Romanticism*, “German romantics possess an odd trait: everlasting conversation,”\(^{810}\) Schmitt praises the counterrevolutionaries for recognizing “their times needed a decision.”\(^{811}\) In fact, he thinks that Catholic thought in the nineteenth century generally countenanced dictatorship by having postulated an absolute choice, ala Newman, “between catholicity and atheism” as a “great alternative that no longer allowed of synthesis” and “sounded more like dictatorship than everlasting conversation.”\(^{812}\) The most important aspect of this chapter for refuting the standard narrative is, despite a focused discussion on these Catholic thinkers, Schmitt misconstrues or misrepresents the ideas of all three of them in telling ways.

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\(^{809}\) Ibid., 37.

\(^{810}\) Ibid., 53. See above at Chapter Three.

\(^{811}\) Ibid.

\(^{812}\) Ibid., 53-4. As he frequently is prone to do, Schmitt provides no reference to what he has read by Newman that he believes justifies such a claim. Therefore, for our purpose it is enough to notice how readily Schmitt transfers (secularizes) a religious choice or dichotomy into a question of political regimes. As to Newman’s politics, they were generally Tory and informed by his orthodox (ultramontane) Catholic beliefs. The closest he comes to anything like countenance of political dictatorship is in his 1854 editorial letter “Who’s to Blame?” discussing the Crimean War, in which he was opposed to British involvement. In part, he expresses the opinion that only in a time of war does dictatorship possibly serve a justifiable purpose and part of his opposition to involvement in the Crimean conflict is his interest in protecting British constitutional government which is thus ill-equipped to operate in war-time. See: John Henry Newman, “Who’s to Blame?” in *Discussions and Arguments on Various Subjects* (Notre Dame: Notre Dame Press, 2004), 306-62; Ian Ker, *John Henry Newman: A Biography* (Oxford: Oxford University Press, 1988), 412-16; and Stephen Kelly, *A Conservative at Heart? The Political and Social Thought of John Henry Newman* (Dublin: The Columbia Press, 2012), Chapter 5.
He begins with Bonald as the “founder of traditionalism” within the Restoration. To his credit, Schmitt recognizes that in Catholic theology “traditionalism” was a heresy that had already been refuted as early as the Reformation by an obscure theologian and French bishop named Pierre Duchâtel (1480-1552) as well as in its Restoration form in 1858 by the Abbé Joseph Lupus (1810-88). The heresy is a version of fideism in which the human mind is believed utterly incapable of any rational knowledge of metaphysical, religious and even ethical truths. Yet, Schmitt actually attempts to defend Bonald’s traditionalism. His first argumentative move is to create a strawman of “extreme traditionalism” which: “In the final analysis . . . actually meant an irrational rejection of every intellectually conscious decision.” The appeal of a strawman argument is it now allowed Schmitt to correctly assert that Bonald is not an “extreme traditionalist.”

He then presents what he takes to be the Frenchmen’s view: “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.” Such a view may, or may not, be rightfully called “extreme traditionalism”; however, it is a perfect match for the theological heresy.

Schmitt next contrasts Bonald to various German romantics and idealists and praises him for avoiding their historical and anthropological optimism. Instead, Bonald “depicts the course of humanity in history” in a “horrifying picture” of “a herd of blind men led by a blind man!”

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813 Ibid., 54. In Political Romanticism Schmitt had already noted that both Bonald and even a political liberal like Lamennais were restoration era theological traditionalists. See: Schmitt, Political Romanticism, 116.

814 Schmitt, Political Theology, 54, emphasis added.

815 Ibid., emphasis added.

816 Traditionalism denied that reason can achieve knowledge of any fundamental metaphysical and moral truths. The orthodox response to such fideism is expressed well by Professor of Dogmatic Theology, Rev. George Sauvage: “[E]ven admitting with de Bonald that the primitive elements of thought and language were originally given directly by God to man, we are not forced to conclude logically with him that our first act is an act of faith. Our first act should rather be an act of reason, acknowledging, by natural reflection, the credibility of the truths revealed by God.” See: George Sauvage, “Traditionalism,” in The Catholic Encyclopedia, volume 15 (New York: Robert Appleton Company, 1912), accessed online as of August 6, 2014 at http://www.newadvent.org/cathen/15013a.htm.

817 Schmitt, Political Theology, 54.
his pessimism Bonald wrote: “I find myself constantly between two abysses, I walk always between being and nothingness.” Schmitt cites this rather Kierkegaardian quote, with approval, as one of the traditionalists’ “moral disjunctions [that] represent contrasts between good and evil, God and the devil; between them an either/or exists in the sense of a life/death struggle that does not recognize a synthesis and a ‘higher third.’” Therefore, once again, we find that instead of shying away from Catholic heresy (or heretics) Schmitt ploughs ahead, and what meets with his approval in Bonald is a radical rejection of human reason (an irrationalism or fideism), which logically leads to a radically pessimistic philosophical anthropology and ethical, or political, existentialism.

Schmitt now turns to Maistre on the specific claim that “[t]he two words infallibility and sovereignty were ‘perfectly synonymous.’” His reference is to the first chapter of Maistre’s 1819 classic On the Pope (Du Pape), and Schmitt interprets the Savoyard as maintaining that “every sovereignty acted as if it were infallible, every government was absolute” and thus “the relevance of the state rested on the fact that it provided a decision” akin to that of the infallible decision of a pope, beyond which there is no appeal. Schmitt continues with the claim: “In practice, not to be subject to error and not to be accused of error were for [Maistre] the same.” Therefore, the political lessons to be learned from Maistre are that the temporal sovereign is absolute and practically speaking infallible, and that “authority as such is good once it exists” because it has the power of making the “decision.” Lastly, Maistre provides the anthropological antithesis to “[a]ll

818 Ibid., 55. One interesting interpretation of Schmitt that recognizes he is not a metaphysician or theologian as regards political theory is: Michael Marder, Groundless Existence: The Political Ontology of Carl Schmitt (New York: Continuum, 2010). Marder sees Schmitt as accepting the post-metaphysical state of western thought and as instead focusing on a political ontology that treats the political as a specific mode of being concretely and without ultimate foundations.

819 Schmitt, Political Theology, 55. The emphases are Schmitt’s.

820 Ibid.

821 Ibid., 56.

822 Ibid.
the anarchist theories . . . [which] revolve around the one axiom: “The people are good, but the magistrate is corruptible.”

Although Maistre had originally been a critic of absolute monarchy, after the French Revolution, he became a political legitimist. As his political views shifted to a defense of divine right absolute monarchy, Schmitt is correct that the Savoyard now accepted the State’s practical infallibility. However, Maistre does not think a king is actually infallible; only the pope has that virtue, and he has it in only a very specific manner on matters of faith and morality. Maistre’s point is the people’s obedience to the king must be complete, as if he is infallible, since his sovereign authority is absolute. Like Schmitt, Maistre is emphasizing civil obedience and prioritizing social order. Yet, Schmitt’s presentation of Maistre is misleading and the first clue is the very title of the book.

Maistre’s counter-revolutionary authoritarianism was not as open-ended a form of statism as Schmitt here implies. In On the Pope, Maistre makes it clear that the Church and its “absolute sovereign,” is a crucial and necessary part of legitimating the power of the monarch. Maistre goes to great lengths to defend the temporal power of the pope, while, simultaneously, differentiating it from “pretensions to temporal omnipotence,” as the Church’s critics feared, as well as from impeding upon or undermining the constant obedience of the people to their absolute temporal sovereign. However, as “delegates of the Divinity,” popes still have the just power to reprimand kings, even to the point of anathematizing them by means of excommunication; an action that

823 Ibid., 55.
824 Compare to Döllinger’s caricature of papal infallibility as discussed above at Chapter Three or to the Decrees of the First Vatican Council which can be accessed online at: http://www.papalencyclicals.net/Councils/ecum20.htm.
825 The pope had been likened to a monarch since at least Bellarmine, however, under the classical pre-modern view of kingship; Maistre’s likening the pope to a modern absolute sovereign was something radical and new. For more see: Jean-Yves Pranchère, “Maistre’s Philosophy of Authority,” in Joseph de Maistre’s Life, Thought, and Influence: Selected Studies, ed. Richard Lebrun (Kingston, ON: McGill-Queen’s University Press, 2001), 146-7.
827 Maistre, Pope, 128.
would signal the king could now be deposed with justice. Furthermore, Maistre vehemently attacked the “ecclesiology of national churches, and he accused kings and princes of a ‘great rebellion’” as they had begun to separate themselves from the authority of the Holy See. Many even encouraged Protestants in their struggle against the Church which had led their nations, “inevitably . . . towards servitude or rebellion. The just equilibrium which distinguishes European monarchy can only be the effect of the superior cause [the spiritual authority of the pope] I am pointing out.” Schmitt is, therefore, only partly justified in giving a foreshortened version of Maistre’s thought; insofar as it may have been an impossible task the Savoyard set for himself to maintain both the modern conception of absolute State sovereignty and an orthodox view of the pope’s temporal power.

Schmitt’s exaggerates, as well, Maistre’s dim view of human nature. Maistre premised the necessity and goodness of political authority on humanity’s mixed—not depraved—nature of “being at once moral and corrupt, of right understanding and perverse will” as well as on his belief that “man is at least always just in his intentions as often as he is not personally interested.” Both claims are incompatible with an absolute anthropological pessimism. Additionally, Maistre may believe that sovereignty is univocal, whether in the monarch or the pope, but he does not accept wholesale the adaptation of theological concepts into secular political theories. For example, he directly attacks Protestantism for having developed a political doctrine of popular sovereignty by

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828 Hittinger, “Two Modernisms, Two Thomisms,” 851.
829 Maistre, Pope, 278.
830 Ibid., 115.
831 Ibid.
832 Maistre’s views on original sin and human depravity are more properly characterized as “dualist” since he describes man as forever oscillating between his higher spiritual nature that hungers for the good and yet in self-contemplation recognizes his baseness and degraded state. Such a view does tread rather close to Manicheesim. On the topic see especially: Carolina Armenteros, The French Idea of History: Joseph de Maistre and His Heirs, 1794-1854 (Ithaca: Cornell University Press, 2011), 186-94.
first reversing the relationship between the Pope and the Church, then understanding “Church” to mean “people,” and finally secularizing this ecclesiology to the people and the State.\footnote{Maistre, Pope, 119.}

Having dealt with Bonald and Maistre in a slim three pages, Schmitt spends the remaining ten pages of Political Theology on Donoso. He begins by claiming that from Maistre’s legitimist philosophy to Donoso a change occurred that led the Spaniard to promote the political necessity of dictatorship. The change was:

That radical heightening [of the political decision which] manifested itself in the increasing significance of the axiomatic theses on the nature of man. Every political idea in one way or another takes a position on the ‘nature’ of man and presupposes that he is either ‘by nature good’ or ‘by nature evil.’\footnote{Ibid., 56.}

Enlightenment rationalists had treated mankind as ignorant and so allowed for the State as educator, so a certain form of elitist political despotism was made allowance for. But with the radical anthropological optimism of socialists and anarchists in the 1849 Revolutions and afterward, an equally radical form of dictatorship became necessary in response. Schmitt claims:

Donoso Cortés, in contrast, opposed Proudhon, whose antitheological anarchism would have to be derived consistently from the axiom of the good man, whereas the starting point for the Catholic Spaniard was the dogma of Original Sin. But Donoso Cortés radicalized this polemically into a doctrine of the absolute sinfulness and depravity of human nature.\footnote{Ibid., 57.}

Crucially, Schmitt has created a false dichotomy or opposition between absolute optimism (Proudhon) and absolute pessimism (Donoso). Against this opposition Schmitt then acknowledges that the orthodox Catholic view on original sin and human nature was best explained at the mid-sixteenth century Council of Trent (1545-63), called to combat Protestant heresies. The Council “asserts not absolute worthlessness but only distortion, opacity, or injury and leaves open the possibility of the natural good.”\footnote{Ibid.} The jurist thus maintains that an Abbé of Orleans, Jean Pierre Laurent Gaduel (1811-88), was correct to criticize his contemporary Donoso for “his exaggeration
of the natural evil and unworthiness of man.”

Donoso does have a very pessimistic view of human nature in his later writings, yet, Schmitt is actually able to find a way to exaggerate and distort the Spaniard’s pessimism and portray him as a theological and philosophical misanthrope closer to the views of John Calvin (1509-64) than to the Trent Fathers.

Schmitt goes to great, in fact inordinate, lengths to make the reader accept that Donoso believed in the utter depravity of human nature, beginning with the claim: “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.”

He then reaches a crescendo of exaggeration by referring to Donoso as a “spiritual descendant of the Grand Inquisitors,” and claiming further:

[Donoso’s] contempt for man knew no limits: Man’s blind reason, his weak will, and the ridiculous vitality of his carnal longings appeared to him so pitiable that all words in every human language do not suffice to express the complete lowness of this creature. Had God not become man, the reptile that my foot tramples would have been less contemptuous than a human being: ‘El reptile que piso con mis pies, sería a mis ojos menos despreciable que el hombre.’ The stupidity of the masses was just as apparent to him as was the silly vanity of their leaders. His awareness of sin was universal; he was even more horrified than a puritan. No Russian anarchist in asserting that ‘man is good’ expressed a greater degree of elementary conviction than the Spanish Catholic who said: Since God has not said it to him, whence does he know that he is good? ‘de donde sabe que es noble si Dios se lo ha dicho?’ The despair of this man, as can be gathered from his letters to his friend Count Raczyński [Polish conservative politician, 1786-1845], often bordered on insanity; according to his philosophy of history, the victory of evil is self-evident and natural, and only a miracle by God can avert it.

Schmitt accomplishes this mischaracterization by presenting Donoso’s views in a peculiarly foreshortened manner—rather than in their full theological context—and uncharitably reading them in a selective fashion.

The above passage is a very rare one in which Schmitt provides some textual evidence of an interpretation he gives of Donoso, but the two quotes used are highly selective ones. Additionally, the full context of the lines “the reptile I tread on would be less despicable in my eyes than man” and “how does he know he is noble, if God has not told him?” suggest a
different interpretation than Schmitt’s. They are found in a chapter of the Spaniard’s *Essays* dealing with “The Incarnation of the Son of God, and the redemption of the human race.”

The language Donoso uses may be exaggerated in its negativity but the entire passage is framed in such a way as to accomplish two ends: first, to reflect his faith by giving glory and praise to the unmerited love and mercy of God towards man as revealed in the Incarnation and redemptive death of Christ, and second, to polemically paint an optimist anthropology that denies revelation as itself nothing more than an unjustifiable faith given the contrary evidence of natural reason and human history.

On the first point Donoso echoes the traditional humble sentiment expressed in the *Exsultet* hymn of the Easter Proclamation of the Roman Rite of the Catholic Mass, which sings “O happy fault that merited such and so great a Redeemer” (*O felix culpa quae talem et tantum meruit habere redemptorem*). The hymn and its liturgical usage dates at least as far back as Saint Augustine and was explicated theologically by Aquinas to demonstrate how all evil is ultimately resolved into good by God’s Providence. On the second point, Donoso maintains balance through his theological framework as shown in the following lines:

> The glorious mystery of the incarnation of the Son of God, is the only title of nobility the human race possesses. Far from wondering at the contempt modern Rationalists display for man, if there be anything I cannot explain nor conceive, it is the guarded prudence and the timid conduct they manifest in this matter.

And he repeatedly makes use of an “if/then” grammatical structure to give polemical force to the criticism he levies against a secular or atheist anthropological optimism, which claims to be based solely on natural reason.

> If God had not taken human nature, and, taking, raised it to Himself, and raising it has not impressed on it a ray of His divine nobility, [then] we must confess that to express human vileness words cannot be found . . . I can say for myself, that if my God had not taken flesh in the womb of a woman, nor died on the cross for the whole human race, [then] the reptile I tread on would be less despicable in my eyes than man.

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\[840\] Donoso published only one extended treatise, *Ensayo Sobre el Catolicismo el Liberalismo Y el Socialismo* (1851).


Donoso next readily admits that this doctrine of human dignity “weighs heaviest on my reason,” since whenever he looks at the behavior of people within history he is “filled with sickening horror” at human pride, ambition, and violence. He then concludes with the second line quoted by Schmitt clearly directed towards the optimism of liberalism and socialism:

> To believe in the nobility of those stupid crowds, it was necessary for God to reveal it to me. No one can deny that revelation, and believe in his own nobility. How does he know he is noble, if God has not told him? There is one thing exceeds my reason, and confounds me—that there should be any one who thinks it requires less faith to believe in the incomprehensible mystery of human dignity, than in the adorable mystery of a God-Made Man . . . This proves that man always lives subject to faith; and when he thinks he abandons faith for his own reason, he only abandons faith in the divinely mysterious, for faith in the mysteriously absurd.

The arguments made in *Essays* repeatedly attempt to display the foundational premises of liberalism or socialism as ultimately just assertions of a particular *faith*; the better for Donoso to then oppose them with a politics based on Catholic theology. He is clearly engaged in this argumentative technique in the passages from which Schmitt recoils with shocked embarrassment.

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843 Ibid., 317-18. Although Donoso does not mention David Hume’s *Dialogues Concerning Natural Religion* (posthumously published in 1779) his expectation of what a rationalist and religious skeptic would think of humankind’s moral dispositions as evidenced in history can be found there. Book X takes aim at belief in a good God by spelling out in gruesome detail the evils of the world both natural and moral. Hume uses striking and colorful language detailing man’s torment of his fellow kind which equals in pessimism anything written by Donoso.

844 Ibid., 318.

845 One aspect of Catholic theology that allows Donoso to set up the optimism of his opponents as actually a matter of *faith*, and of a less reasonable faith than the Catholic is that the Christian virtue of *hope* is not contradicted or denied by pessimism as regards man and the natural and temporal order of history. The contrary of hope is *despair* while the contrary of optimism is merely pessimism. Since the object of hope is God the optimism it engenders is supernatural (hope is an *infused* virtue) and related to the eternal destiny of humanity after death. Thus, it can coexist harmoniously with even a stark pessimism regarding man’s temporal fate or natural capacity unalloyed by grace.

846 Schmitt finds additional colorful ways to make the same claim of Donoso’s radical misanthropy in his essay of 1929 (which happens to coincide with the first published version of *The Concept of the Political*): “Donoso’s pessimism is sincere and frightful, and in the last years of his life appears to have been close to madness. The old Goya scarcely painted more hideous and gruesome scenes. For Donoso, man is a disgusting and laughable creature, completely destroyed by his own sins and prone to error. Indeed, if God had not redeemed man, the latter would have been more despicable than the reptile that one crushes underfoot. For Donoso, world history is a ship that reels forward, piloted by a crew of drunken sailors, who dance and howl until God decides to sink the ship so that silence can rule the sea once again. All of this is too horrible to make a 19th century author such as Donoso agreeable and popular. Moreover, it is presented as dogma and as system, rather than as an occasional romantic-pessimistic impression.” See: Schmitt, “Unknown Donoso,” 82.
Although human dignity may be hard for Donoso’s reason to accept, he consistently exhibits his respect for this anthropological principle, based upon his Catholic faith. Orthodox Catholic philosophical or theological anthropology does not start with whether man’s nature is in itself good or evil, our created nature is simply good as *imago Dei*. The debate starts from the doctrine of the Fall and original sin over to what extent these have compromised man’s originally good nature by means of this “inherited” (second) nature. Donoso treats the issue in just this manner and recognizes “Man . . . is good in his essence and bad by accident.”

We will just take two more representative quotes from *Essays* displaying Donoso’s orthodoxy:

*Man was redeemed, which . . . signifies, at least, that by redemption he acquired the power of breaking those chains, and of converting ignorance, error, pain, and death into means of his sanctification by the good use of his liberty, ennobled and restored.*

*[Man] . . . so elevated is his dignity, so noble his nature, so sublime his origin, and so glorious his end, that God Himself thinks with his thoughts, sees with his eyes, walks with his feet, and operates with his hands.*

Given that Schmitt also rejects anthropological optimism, his attacks on Donoso for exaggeration is passing strange, especially when he sides with Gaduel in questioning Donoso’s orthodoxy.

Gaduel was acting under the orders of the Bishop of Orleans, Felix Antoine Philibert Dupanloup (1802-1878). Both were theological liberals and Dupanloup was later vocally opposed to the dogma of infallibility when it was discussed at the First Vatican Council (1870); although he did accept it once decreed. Dupanloup ordered Gaduel to publicly attack and condemn Donoso’s *Essays*, and so the Abbé launched extended and vituperative attacks on Donoso in a series of articles in January and February 1853. The furor spawned in French Catholic circles over the publication of *Essays* reflected the internecine fight between reactionary and ultramontane monarchists such as Donoso’s publisher—and editor of the journal *L’Univers*—

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848 Ibid., 40.
849 Ibid., 68.
850 Dupanloup was best known for introducing the cause for canonization at Rome of Joan of Arc (1412-31).
Louis Veuillot (1813-83), and liberals, like Gaduel and Dupanloup’s friend Montalembert. Donoso was caught in the middle, for although friends with Veuillot he always maintained a closer relationship with the liberal Montalembert for they “differed mainly over Donoso’s conviction that liberalism could not be separated from revolution and democracy.” To Montalembert, Donoso even confided in a letter of 3 January, 1853, there are some Catholics such as Veuillot who fancy themselves “more royalist than the king, more papal than the pope, and more zealous in the service of God than God himself. These are the *enfants terribles* of the Church and . . . of the State.” However, Gaduel’s attacks amounted to a public accusation of heresy to which Donoso felt compelled to respond by seeking the judgment of the Vatican regarding his book’s merits.

Since Schmitt was aware of Gaduel’s criticisms of Donoso, it is highly unlikely he was unfamiliar with the fact the “Donoso Cortés affair” did reach Rome and was brought to the attention of Pope Pius IX. Asked to decide whether or not Donoso was guilty of heretical views, in particular with regards to his purported misanthropy and radical pessimism, Pius assigned the

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651 The dynamics of the mid-nineteenth century political divide in French Catholicism is explained by Francis Hittinger. The Catholic reactionaries (Maistre, Bonald, Donoso) “argued that the new ideas, new constitutional foundings were inherently unable to master the dynamics of revolution and anarchy. . . . Liberals like Lamennais, Montalembert, and Lacordaire argued that the revolutions could be tamed by moderate, liberal constitutions, such as the Belgian Constitution of 1831—the first European constitution to renounce civil control of the Church. But both camps agreed on one cardinal point: That the common law of modern Christendom was itself the cause of the troubles. Neither side wished to conserve the ancient regime just as such. They did not need to read Tocqueville to understand that the so-called ancient regime was not medieval, but something quite modern.” See: Hittinger, “Two Modernisms, Two Thomisms,” 851.


653 Ibid., 291.

654 Donoso was also accused of Manichean dualism by Gaduel and continues to be to this day by commentators such as Versluis in *The New Inquisitions*, 28-9. This accusation is on even thinner ground than that of belief in absolute depravity. Donoso spent a good deal of space in *Essays* directly critiquing and rejecting Manicheanism over pages 118-23 and 130-1. Donoso claims that “a man unillumined by the light of faith necessarily falls into one of these two Manicheisms: into the ancient, which consists in affirming that there is one principle of good and another of evil; that those two principles are incarnate in two gods, between whom there is perpetual war: or into that of Proudhon, which consists in affirming that God is the evil and man the good, that the human, and the divine, are two rival powers, and that the only duty of man is to conquer God, the enemy of man” (Donoso, *Essays*, 118-19). Against these ancient and modern dualisms he stresses the orthodox Catholic view that “evil exists, but it does not exist essentially. The evil considered thus, is synonymous with disorder; for it is nothing else, if well examined, but the disordered manner in which the things are, that have not ceased to be essentially good, and which, through some secret and mysterious cause, have ceased to be well ordered” (ibid., 131-2). Hence we see another way in which Donoso’s theology
official Vatican journal *Civiltà Cattolica* to review the book in its pages. The resultant review was laudatory, and praised Donoso for, like Maistre, “sowing fertile seeds among the laity.”855 Although the Essays did contain “exaggerations in theology and an innate disposition to affirm and dogmatize recklessly” and showed that Donoso was not so well-versed in Scholasticism as could be hoped, he obviously knew the Church Fathers as “his [reportedly] controversial idea of human liberty was that of Saint Thomas Aquinas and of Saint John Damascene (John of Damascus, 676-749).”856 Furthermore, the review directly chastised Gaduel for submitting “the nontechnical terminology of a layman to a Scholastic inquisition.”857 In 1860, Pius even allowed the republication of the *Essays* in Rome.

Schmitt was on firmer footing in taking from Donoso his critique of parliamentary liberalism. The Spaniard believed that liberalism had become incapacitated by the deliberative process from defending itself against the enemies of society and government order. Since Donoso in the *Essays* foresaw a “bloody decisive battle . . . between Catholicism and atheist socialism” tough measures would be called for, possibly even dictatorship. However:

> According to Donoso Cortés, it was characteristic of bourgeois liberalism not to decide in this battle but instead to begin a discussion. He straightforwardly defined the bourgeoisie as a ‘discussing class,’ *una clasa discutidora.* . . . A class that shifts all political activity onto the plane of conversation in the press and in parliament is no match for social conflict.”858

Schmitt finds in Donoso a brilliant image to illustrate how liberal emphasis on discussion can lead to a failure to act decisively:

> Liberalism, with its contradictions and compromises, existed for Donoso Cortés only in that short interim period in which it was possible to answer the question ‘Christ or Barabbas?’ with a proposal to adjourn or demonstrates the limits to his pessimism, for it is simply on the natural human order as he recognizes that God as center and circumference is always united to creation either in grace, mercy, or justice. The result following from Providence’s control is “true order never ceases to exist, and that true disorder exists not at all” (ibid., 161). Rather, as we saw above at Chapter Two, Schmitt is the one who embraced Gnostic Manicheeism.

855 Graham, *Donoso Cortés*, 300.
856 Ibid., 300-01.
857 Ibid., 301.
859 Ibid.
appoint a commission of investigation. Such a position was not accidental but was based on liberal metaphysics."

An existential moment of decision requires a belief in transcendent order of some kind, but liberal metaphysics accords with agnosticism. Donoso recognized this deficit in the inconsistencies in France’s “July Monarchy” of Louis Philippe I (r.1830-48). Phillipe’s Orleans monarchy replaced that of the overthrown Restorationist Bourbon, Charles X (r. 1824-30), and did so under the auspices of a liberal constitution. Donoso likened this monarchy to deism as “[i]ts liberal constitutionalism attempted to paralyze the king through parliament but permitted him to remain on the throne.” Donoso recognized this deficit in the inconsistencies in France’s “July Monarchy” of Louis Philippe I (r.1830-48). Phillipe’s Orleans monarchy replaced that of the overthrown Restorationist Bourbon, Charles X (r. 1824-30), and did so under the auspices of a liberal constitution. Donoso likened this monarchy to deism as “[i]ts liberal constitutionalism attempted to paralyze the king through parliament but permitted him to remain on the throne.”

Deism’s political analogue in constitutional monarchy may simply be unavailing in maintaining or reestablishing order given the July Monarchy ended in the face of radical social decay or rebellion.

Schmitt continues his exposition on Donoso with a fair description of the Spaniard’s opinion on the ambivalent course set by nineteenth century constitutional liberalism:

Although the liberal bourgeoisie wanted a god, its god could not become active; it wanted a monarch, but he had to be powerless; it demanded freedom and equality but limited voting rights to the propertied classes in order to ensure the influence of education and property on legislation, as if education and property entitled that class to repress the poor and uneducated; it abolished the aristocracy of blood and family but permitted the impudent rule of the moneyed aristocracy, the most ignorant and the most ordinary form of an aristocracy; it wanted neither the sovereignty of the king nor that of the people. What did it actually want?

Schmitt then gives an accurate treatment of Donoso’s answer to this question:

Just as liberalism discusses and negotiates every political detail, so it also wants to dissolve metaphysical truth in a discussion. 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.

At this point, if Schmitt had only left off, then he would have provided a reasonable look at Donoso’s critique of the parliamentary liberals of his day. Instead, Schmitt remarks: “Dictatorship

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860 Ibid., 62.
861 Ibid., 59.
862 Ibid., 59-60. Also to his credit Schmitt recognizes that when Donoso discusses the metaphysical presuppositions behind various views on the best form of political rule he is not himself “theologizing”; instead he is displaying “his radical intellectuality” for: “[Donoso] did not ‘theologize’ in the least; there were no ambiguous, mystical combinations and analogies, no Orphic oracle. The letters about actual political questions revealed a sober attitude, often frightening and without any sort of illusion or any touch of the quixotic” (ibid., 62).
863 Ibid., 63.
is the opposite of discussion" and launches into a defense of the contemporary necessity of an open-ended conception of political dictatorship.

Schmitt begins by strongly complaining about the loss of “decision” in contemporary political thought:

Today nothing is more modern than the onslaught against the political. . . . There must no longer be political problems, only organizational-technical and economic-sociological tasks. . . . The core of the political idea, the exacting moral decision, is evaded in both. It is useful to recall that Schmitt is often portrayed as at heart a “moralist” and such a characterization feeds into the standard narrative. However, there is no content to a phrase such as “exacting moral decision” nor is this decision one to be made or commented upon by the political theorist. It is wholly the domain and perquisite of Sovereignty. Social and political life exists, for Schmitt, after such foundational decisions are made by the sovereign Power. There is also no given metaphysical structure or natural order available to the Sovereign by which he can make his decision; nor to reflective persons by which it can be critiqued. Schmitt, as a political “realist,” but anti-materialist, only goes so far as to maintain that some type of metaphysical assumption can be discerned behind all varieties of political form, and he favors those which best allow the State to exhibit the strength necessary to impose social order.

Schmitt uses Donoso as a “mask” through mischaracterizing his own radical views as originating in the Spaniard:

The true significance of those counterrevolutionary philosophers of the state lies precisely in the consistency with which they decide. They heightened the moment of the decision to such an extent that the notion of legitimacy, their starting point, was finally dissolved. As soon as Donoso Cortés realized that the period of monarchy had come to an end because there no longer were kings and no one would have the courage to be king in any way other than by the will of the people, he brought his decisionism to its logical conclusion. He demanded a political dictatorship.

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864 Ibid.
865 Ibid., 65.
866 See, for example: McCormick, “Roman Catholicism to Mechanized Oppression.”
867 As Mehring styles it in: Aufstieg und Fall, 223-6.
868 Schmitt, Political Theology, 63-6. So as to make sure there is no room for doubt Schmitt goes further: “Donoso Cortés was convinced that the moment of the last battle had arrived; in the face of radical evil the only solution is
The jurist then ends *Political Theology* by going a step beyond *On Dictatorship*, where he concluded by suggesting sovereign dictatorship must be a presupposition of late modern politics. Now, he settles on the *necessity* of such an open-ended—revolutionary—dictatorship. In Donoso and Maistre, Schmitt claims to:

> ... see a reduction of the state to the moment of the decision, to a pure decision not based on reason and discussion and not justifying itself, that is, to an absolute decision created out of nothingness. But this decisionism is essentially dictatorship, not legitimacy.\(^\text{869}\)

It would take us too far afield to demonstrate how inaccurate Schmitt’s characterization of Donoso is from the Spaniard’s actual beliefs and actions. Suffice it to say, for present purposes, that when Schmitt notes “legitimacy” was “dissolved” and “there no longer were kings” he is confusedly referring to the failing of the legitimacy of the early modern conception of the absolutist monarchy founded upon divine right; constitutional monarchy (as Donoso’s political party had long supported) was under attack but certainly not yet past defense. The end of monarchy in Europe occurred with the revolutions at the end of the First World War, and in Spain this was only a temporary set-back given the later restoration of the Bourbon House with Juan Carlos I (r. 1975-2014).\(^\text{870}\)

The conclusions to be drawn from looking at Schmitt’s abuse of Maistre and Donoso’s traditional political theology and philosophical anthropology are twofold. First, it undermines a too constrictive interpretation of Schmitt as political theologian. He ignores so much of the orthodox theological speculations within which Donoso presents his views and even attacks the Spaniard for straying into theology; both points support the claim that Schmitt is primarily writing and thinking in a secular juridical mode. Secondly, his willingness to take sides with Gaduel

\(^{869}\) Ibid.

against Donoso, even though he cannot fail to know that the controversy within the Church over
Donoso’s views was decided in the Spaniard’s favor, make it unlikely that Schmitt intended to
engage in “political Catholicism.” In his Wilhelmine diaries, Schmitt had already shown a decided
preference for liberal and Gallican theologians, as well as Gnostic, so perhaps he sides with
Gaduel as a means of hiding his own complete lack of interest in orthodox theology. Ultimately,
Schmitt’s distortion of nineteenth century Catholic reactionary and conservative political thought
serves to set-up his own philosophical anthropology as he would continue to develop and apply it
to politics in his Weimar writings.

Reaction to Political Theology and Introduction to Political Form

Similar to the first edition of Political Romanticism, Political Theology failed to be
reviewed by any Catholic publications. This fact is passing strange given that the secondary
literature on Schmitt views the book as positive proof of his grounding in religious thought
generally, or even Catholic thought in particular—given its treatment of the nineteenth century

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671 See above at Chapter Two.
672 Most readers of Schmitt fail to return zu den Texten selbst (to modify Husserl’s imperative) of Donoso or Maistre
and assume that the jurist is depicting his claimed mentors honestly. This assumption has long been a prop to the
standard narrative treatment of Schmitt as a Catholic thinker. Günter Maschke (born 1943), a left wing activist who
was involved in the Sozialistischen Deutschen Studentenbund (SDS) and other radical Sixties groups, became in later
years a significant figure in Germany’s New Right. He associates his swing in political views with the study of Schmitt.
In an essay on Schmitt’s decisionism he correctly remarks on the difference between Hobbes and Donoso. “Hobbes
normative decision is born out of nothing and finds its justification in the effectiveness of enforcing the peace, while the
decision for Donoso is subject to the truth of Roman Catholicism” (Günter Maschke, “Die Zweideutigkeit der
‘Entscheidung’: Thomas Hobbes und Juan Donoso Cortés im Werk Carl Schmitts,” in Complexio Oppositorum:
Verwaltungswissenschaften Speyer, ed. Helmut Quaritsch [Berlin: Duncker & Humblot, 1988], 198). Maschke
describes Donoso’s view adequately, but he then argues that instead of the Hobbes of the twentieth century (as George
Schwab described him in Challenge of the Exception, 25) Schmitt should be remembered as the Donoso of the
twentieth century. Maschke, through friendship with Schmitt, thus became a vehicle for one strain of Schmitt’s
attempts to rehabilitate his image late in life by a revisionist interpretation of the jurist as a Catholic and religious
thinker in Donoso’s vein, always at heart a theologian. Wolfgang Palaver explains how both Schwab and Maschke’s
accounts are unsatisfying as Schmitt is not simply an epigone of either Hobbes or Donoso. However, his alternative
theory itself misconstrues Donoso’s political theology as well as accepts Heinrich Meier’s contention that Schmitt was a
political theologian. Commendably, however, he does not make Meier’s mistake of associating Schmitt’s theological
views with Christianity. See his “A Girardian Reading of Schmitt,” Telos, 93 (Fall 1992), 43-68.
Catholic counter-revolutionaries. Interestingly, *Political Theology* was admiringly reviewed in a Protestant outlet by Emanuel Hirsch (1888-1972), a professor of Protestant theology at Göttingen University from 1921-45. Hirsch was one of the few contemporary theologians deeply inspired by Schmitt’s revival of the concept of political theology. He soon adopted the jurist’s views on dictatorship and “his ‘Kierkegaardian’ and metajuristic emphasis on personal decision of conscience in politics, and his theory of secularization” in order to formulate a National Socialist political theology. Schmitt never offered a specific political theology for the Nazi regime to implement; rather, he expected such a project of social engineering and political myth-making to be carried out by the State itself. He did befriend Hirsch in the Thirties, however, when the theologian joined the Nazi Party and used his writings to help forge in a Schmittian vein, “a people united in worldview and order of life”; a task proper to a “political theologian” in the Nazi Reich.

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674 Heinrich Meier makes an excellent point built on a fundamental error when he claims the: “Case of Carl Schmitt” is “detoxified . . . as long as Schmitt’s political theology is left out of account” (Heinrich Meier, *Carl Schmitt and Leo Strauss: The Hidden Dialogue*, trans. J. Harvey Lomax [Chicago: The University of Chicago Press, 1995], xvii). Meier continues by stating that Schmitt having become a Nazi was not mere opportunism but a result of being a political theologian. The supporting evidence is that “political theologians Emanuel Hirsch and Friedrich Gogarten [1887-1967], Schmitt’s theological friends Karl Eschweiler and Hans Barion, and Protestants like Paul Althaus [1888-1966] and Gerhard Kittel [1888-1948] made the same decision in 1933” (ibid.). The fundamental error that Meier makes throughout his work on Schmitt is treating the jurist as himself engaged at any time in the formulation of a political theology. The fact that others were inspired by Schmitt to develop a Nazi political theology is, however, evidence of the radicality of his thought even if not proof of its own theological character. Meier should ponder more fully why the list of theologians working in support of the Nazi regime included only two Catholics in Eschweiler and Barion. Gogarten was a Lutheran, who developed a deeply liberal dualistic (dialectical) theology that claimed an absolute divide between God and man. When Schmitt published a second edition of *Political Theology* in 1934 he “noted with satisfaction that Protestant theologians like Friedrich Gogarten, with whom in 1931 he had contemplated co-editing a journal to be called *Der Staat*, now recognized that a concept of secularization was essential to understand the course of the past several centuries: ‘To be sure, Protestant theology presents a different, supposedly unpolitical doctrine, conceiving of God as the ‘wholly other.’ We have come to recognize that the pol...

675 Stroup, “Political Theology and Secularization in Germany,” 339. Hirsch only escaped de-Nazification by proactively seeking an early retirement from Göttingen. Compare this record of Hirsch’s Schmittian Nazi activities with whom Schmitt was closely acquainted.

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In 1932 the pro-Nazi Catholic theologian “brown priest,” Karl Eschweiler, also wrote a much belated review of Political Theology for a secular radical nationalist journal Der Ring, and then published the review in a Protestant journal as well. Weimar’s Catholic intellectual community would only begin to take notice of Schmitt with the publication of his next book, Roman Catholicism and Political Form.

In his preface to the original edition of Political Theology, Schmitt claims that he had written those four essays in conjunction with that of Political Form. He actually only wrote the last chapter of Political Theology in Bonn, in the Spring of 1922, at the same time as Political Form. Most commentators who do read these two works in tandem do so by emphasizing “Theology” of the first title and “Roman Catholicism” in the latter as the key to their conjunction; however, this is a fundamental mistake. Francis Slade correctly pinpoints the true source of affinity in the subtitle of the first title and “Roman Catholicism” in the latter as the key to their conjunction; however, this is a fundamental mistake.  

with the jurist’s self-serving remark after the war that with the publication of his “writing about Roman Catholicism”—meaning Political Form—the Protestant theologian Hirsch “moaned loudly” due to recognizing in it “the beginning of a new age of the Catholic Counter-Reformation.” See: Schmitt, Carl Schmitt Im Gespräch, 56.

Karl Eschweiler, “Review of Political Theology,” Der Ring, 3.24 (10 June 1932), 401-6; and then in Religiöse Besinnung: Vierteljahrschrift im Dienste christlicher Vertiefung und ökumenischer Verständigung, 1.2 (1932), 72-88.

Christian Linder says that Schmitt, ever a fast writer, produced the 65 page Political Form in just two days, see: Linder, Der Bahnhof von Finnentrop, 260.

Commentators have overwhelmingly focused their attention upon Political Theology and only recently has there been an increase of attempts to integrate Political Form into interpretations of Schmitt’s thought, given the “theological turn” many commentators have taken. Political Form is by far the easiest of Schmitt’s books to misinterpret as substantively orthodox and Catholic and therefore the least interesting text to many for that very reason. For example, Bendersky acknowledges that in Political Theology Schmitt stresses concrete particular situations and drops the abstract and universal out of political consideration (Theorist for the Reich, 35). But instead of reading it in tandem with Political Form and indicative of a rejection of traditional Catholic thought he instead believes that the latter book “was nothing less than a reaffirmation of his allegiance to the Church” (ibid., 48) and that “as late as 1923, [Schmitt] had still considered the Catholic Church as a universal moral force representing humanity” (ibid., 85-6). John P. McCormick believes that “Political Theology does not reflect the explicit Catholic philosophical standpoint that Roman Catholicism does” (“Political theory and Political Theology,” 849n6); and that “Roman Catholicism and Political Form from 1923 presents the young Schmitt’s clerico-conservative vision of Europe” (ibid., 831). Both Kam Shapiro and David Bates use Political Form as a key prop to their interpretation of Schmitt as primarily interested in an “institutional” line of fundamentally Catholic and conservative political thought, hence down playing his involvement with Nazism. See: Kam Shapiro, “Politics is a Mushroom: Worldly Sources of Rule and Exception in Carl Schmitt and Walter Benjamin,” Diacritics, 37.2-3, (Summer-Fall), 121-34; Intensification of Politics; and David Bates, “Political Theology and the Nazi State: Carl Schmitt’s Concept of the Institution,” Modern Intellectual History, 3.3 (2006), 415-42. Ellen Kennedy favors the critique of positivist liberal jurist Richard Thoma (1874-1957) that the Schmitt of 1923 preferred “an alliance between a nationalistic dictator and the Catholic Church” and that it was his
The connection between these two works does not lie in the conjunction of Political Theology and Roman Catholicism for, while the Church may be a paradigm for the political idea understood as the idea of representation, it is not a paradigm for rule in the *civitas terrana*. Nor is it Catholicism that stands behind Schmitt’s political theory. The connection is the conjunction between Sovereignty and Political Form.

Schmitt as a political theorist is not a Catholic thinker. 

Philosopher Hans Blumenberg claimed, “political theology is a metaphorical theology” and this certainly characterizes Schmitt’s version. His interest in both books are those of a secular jurist who happened to appreciate the impact of theology on modern political thought (as explored in *Political Theology*), and recognized the utility of institutional aspects of Roman Catholicism as political metaphor (as in *Political Form*) for his particular brand of neo-Machiavellian and Hobbesian theory of state.

*Political Form*

Once more, Schmitt begins with an attention grabbing sentence: “There is an anti-Roman temper that has nourished the struggle against popery, Jesuitism and clericalism with a host of religious and political forces, that has impelled European history for centuries.” The temper which Schmitt speaks of treats “Rome [as] the Antichrist or the Babylonian whore of the apocalypse” which, in turn, serves as an “image” with “mythical power . . . deeper and stronger religious foundation that made him “fatally susceptible finally to ‘the myth of the state.’” See: Kennedy, *Constitutional Failure*, 76-7; and her introduction to her translation of Schmitt’s *The Crisis of Parliamentary Democracy* (Cambridge, MA: The MIT Press, 1985), xiii-l.  

880 Slade, Francis, “Catholicism as a Paradigm,” 120. Manfred Dahlheimer correctly notes that the title sounds like it has a scholastic element by use of the term “form.” See: Schmitt und der deutsche Katholizismus, 83. However, he fails to recognize that Schmitt had no interest in classical or scholastic metaphysics regarding formal causation. He is actually guilty of what Catholic philosopher Jacques Maritain claimed in *Man and the State* (1951) as the error at the heart of “the political ‘madness’ of the twentieth century”; namely, “the ideology of ‘substantialism,’ the doctrine that the state is a moral person in the proper (substantial) sense of the term.” Descriptive quote on Maritain is from: Hittinger, “Coherence of the Four Basic Principles,” 111n67. The mistake of making the State a substantial person is traceable to early modern philosophy and famously depicted in the frontispiece to *Leviathan*. Maritain’s view coincides with the criticisms of Schmitt levied by his most notable Weimar opponent, Hans Kelsen. Kelsen subscribed to a legal positivism which maintained that the State exists only according to law and must in all ways be entirely subjected and expressed only in legal norms. He described Schmitt as a “dualist” who hypostasizes the State—and this could be likened to late medieval notions of substantial form—as transcendent and superior to law. On Kelsen’s critique of Schmittian “dualism,” see: Baume, “On Political Theology.”


than any economic calculation; its after-effects long endure.” The unsuspecting reader is thus faced with what looks like an opening statement suggesting Schmitt will defend Catholicism, and this would have especially been the case for contemporary Catholic intellectuals given the prominence of German Protestant critiques of the Church in the first two decades of the twentieth century, especially those of Rudolph Sohm, Adolf von Harnack, and Friedrich Heiler (1892-1967).

We already met the dogmatic German jurist, Rudolph Sohm, above when discussing Schmitt’s essay “Visibility.” Sohm studied Roman, German, and canon law and “achieved equal fame in all three.” He was also known as a prominent Protestant historian of the Church. His fame in matters ecclesial was best secured from his 1892 work *Canon Law (Kirchenrecht)*. The second volume appeared posthumously in 1923, just after Schmitt had written *Political Form*. *Canon Law* sparked quite polemical exchanges between theologians for several decades after its appearance; debates further fueled by his 1909 work: *The Nature and Origin of Catholicism (Wesen und Ursprung des Katholizismus)*. In these books Sohm maintained a thesis of an original “invisible Church of Christ” which was bureaucratized by the legalistic nature of the Catholic Church. He believed that the Church had absorbed, to its everlasting detriment, the emphasis on legality of the Roman Empire and that the Church’s law was incompatible with the authentic nature of a Church based on what he called the Holy Spirit’s gift of “charisma.” For Sohm, the legalistic “Roman” Church was really a “prison Church.”

In addition to Sohm, two other Protestant thinkers had an invigorating cultural influence in inter-war Germany as critics of the Catholic Church. One was the Lutheran theologian, Adolf von

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883 Ibid.
Harnack, from whom Schmitt read avidly, as detailed above. In the early twentieth century, Harnack wrote multiple volumes on the history of the Christian Church and dogma. He was particularly critical of the intermixing of Greek philosophy with Christian dogmatic theology as continually evidenced in Catholicism’s rational theology. Harnack treated the Catholic Church as a secularization and degeneration from the original Christian religious impulse (true to his Gnosticism) and he even describes it as an opportunistic “complex of opposites.” In *Political Form* we will soon find that Schmitt reverses Harnack’s connotation, and details admiringly the manner in which he believes the Church successfully maintains opposites in a positive tension.

Lastly, we must keep in mind the Lutheran High Church theologian, Friedrich Heiler, who began life as a Catholic but credited the Swedish theologian, Nathan Söderblom (1866-1931) with motivating his conversion to liberal evangelicalism. In 1919, his book *Prayer* appeared, and was in its fifth edition by the time *Political Form* was published in 1923. When Schmitt stresses the Church as a juristic and visible institution, he is in part responding to Heiler’s writings, especially *Prayer*, in which the theologian appropriates the mystical aspects of Catholicism as its only valuable aspect.

With a background context of these three Protestant theologians’ attacks on the Catholic Church it is not surprising that many commentators, such as Dahlheimer, understand *Political Form* to be an apologetic response to prominent anti-Catholic polemics. However, it is a complete misconstrual of the essay if it is read as anything more than accidentally interested in defending the Church from Protestant attack. To put it most simply, Schmitt admired stability and the embodiment of power, wherever it could be found, even in the Catholic Church considered institutionally. Therefore, Dahlheimer makes an astute and critical observation when he

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887 For a fuller discussion of these prominent Protestant thinkers to whom Schmitt is in part responding with *Political Form*, see: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 82-162; and Mehring, *Aufstieg und Fall*, 143-8.
888 Dahlheimer, *Schmitt und der deutsche Katholizismus*, 111.
problematizes the apologetic stance of Political Form by recognizing “Schmitt’s method and perspective was . . . not theological, but political-legal.”

The very opening sentence, which can lead one to think Schmitt has an apologetic aim, actually demonstrates his secular-mindedness; indeed his like-mindedness with the afore-mentioned Protestant critics. This similitude is demonstrated firstly by virtue of Schmitt’s chosen terminology and then by his illustration of the “anti-Roman temper.”

Schmitt carefully chooses to use the phrase “anti-Roman” instead of “anti-Catholic,” and is consistent in his usage of the attribute “Roman” throughout Political Form. Schmitt is undoubtedly aware that it was Protestants who began to call the Catholic Church “Roman” in order to distinguish it from national churches such as the English “Catholic” Church or the German Lutheran (also known as Evangelical Catholicism); it is a manner of speech common, as well, to Gallicanism. As was shown in Chapter Two above, Schmitt’s Wilhelmine diaries were replete with this exact same non-Catholic usage of the adjective “Roman,” for he was Gallican rather than ultramontane. The difference between the phrases “anti-Roman” and “anti-Catholic is therefore

889 Ibid., 115.
890 In a letter from Berlin of June 10, 1923, Franz Blei thanks Schmitt for the book Hegner sent to him which would be Political Form. After complimenting the book, Blei says he read it in conjunction with Sohm as Schmitt’s opponent but then corrects himself to say that opponent is too strong a word as they are not so very opposed in fact. See: Blei, Briefe an Carl Schmitt 1917-1933, 55. Given that Blei was the most important interlocutor of Schmitt’s at the time he wrote the essay, the comment of his friend carries weight. Dahlheimer investigates Blei’s own writings to show how his published views correspond well with Schmitt’s in Political Form. In “Die Krise der Kirche,” Summa 4 (1918), 171-83, Blei had stressed the publicness of religion and identified the Church with the Kingdom of God and the attempt to bring that Kingdom into existence merged with the State in order to banish the world of its prince, Satan (Dahlheimer, Schmitt und der deutsche Katholizismus, 109). Blei further goes on to defend the “dictator-pope” Boniface VIII (r. 1294-1303) best remembered for having feuded with Dante Alighieri (1265-1321) and thus being relegated to the eighth circle of hell in the poet’s Inferno. Boniface was everything Schmitt most admired in early churchmen, for he was a brilliant lawyer and canonist and deeply interested in politics. However, he also constantly imposed himself in foreign affairs and temporal political concerns and stressed the pope’s temporal power well beyond the prudential bounds set by most other pontiffs. See: Dahlheimer, Schmitt und der deutsche Katholizismus, 108-9.
891 For example, see the entry for Thursday October 2, 1913, in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 103, see note 449 above; also, the entry of Thursday January 22, 1914, in: ibid., 144-5, discussed above at note 321. This manner of speech on Schmitt’s part is lifelong. When he became acquainted with the National Bolshevik politician Ernst Nickisch (1889-1967) in 1930 Schmitt introduced himself with the remark: “I am Roman by origin, tradition, and right.” See: Bendersky, Theorist for the Reich, 2; and Mehring, Aufstieg und Fall, 254.
quite significant; the former suggests a secular and political point is being made rather than a social or religious one.

Beyond the contextual clue that Schmitt’s loaded choice of words provides, lays the strictly textual and overt manner in which he illustrates the “anti-Roman temper.” Schmitt believes that the premier example of this “anti-Roman” sentiment being put to a political use was found, neither in France’s dominant contemporary secularism nor Germany’s nineteenth century *Kulturkampf*, but seventeenth century England when it was subject to Puritan Oliver Cromwell’s “demonic rage.” Despite the harsh sounding phrase Schmitt treats the Roundhead with tacit approval; for he complains that: “Since the eighteenth century, the [political use of anti-Romanism] has become ever more rationalistic or humanitarian, utilitarian and shallow.” The sole exception to increasing political rationalism since Cromwell, he finds in Dostoyevsky’s “portrayal of the Grand Inquisitor,” which allows: “the anti-Roman dread [to] appear once again as a secular force.” Late modern bourgeois liberalism thus seeks to deny the importance of myth and irrationality in driving politics. Rather, it favors “economic calculation” and technique (technical expertise and rationality); as a result, instead of a “demonic rage” against the Catholic Church:

> For the whole of the parliamentary and democratic nineteenth century, one most often heard the charge that Catholic politics is nothing more than a limitless opportunism. Its elasticity is really astounding; it unites with opposing movements and groups.

This charge of being opportunistic is indeed accurate, even if politically uninspiring in its rationalism.

It is true, as Schmitt recounts in detail, that Catholics have been found to preach “the alliance of throne and altar” in monarchies, while simultaneously standing, “wholly on the side of a

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893 Ibid.
894 Ibid.
895 Ibid., 5.
firm democracy” in “the peasant democracies of the Swiss cantons or in North America.”⁸³⁶ One can find all political alignments or groupings at times allied with ideologically diverse Catholics, from royalists to republicans; some Catholics even being “tactically aligned” with socialists or having “parlayed with Bolsheviks.”⁸³⁷ Schmitt illustrates this apparent opportunism with an unattributed and cynical quote: “One appropriates all freedoms of one’s opponent in the name of the opponent’s principles and denies them to him in the name of one’s own Catholic principles.”⁸³⁸ He continues by simply noting how often “bourgeois, socialist, and anarchistic pacifists” point out such “contradictory figures and associations” amongst “partly monarchist, partly communist” “neo-Catholic literati,” or other Catholic “sociological” types.⁸³⁹

The initial defense that Schmitt offers for the charge of political opportunism is to suggest it is not unusual “[i]n the tactics of political struggle” for any party or group that has a firmly established worldview to be able to “form coalitions with the most disparate groupings.”⁹⁰⁰ Therefore, not only Catholicism but Socialism and Nationalism also have the capacity to form widely varied political groupings. What makes such coalitions possible is that:

> From the standpoint of a world-view, all political forms and possibilities become nothing more than tools for the realization of an idea. Some of what appears inconsistent is only the consequence and manifestation of a political universalism.⁹

As a result, behind a variety of Catholic political alliances lies only one consistent principle or idea, “the power of Catholicism,” a phrase Schmitt does not here define.⁹⁰² However, he does find

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⁸³⁶ Ibid., 4.  
⁸³⁷ Ibid.  
⁸³⁸ Ibid., 4-5. This quote is from the nineteenth century French journalist, ultramontane Catholic, and reactionary polemicist Louis Veuillot (discussed above). That Schmitt favored Veuillot may be indicated by his quoting him without attribution. It is also indicated in a letter from Schmitt’s friend Hugo Ball informing the jurist that he had found a plaque inscribed to “Veuillot,” who he calls Schmitt’s “friend” in a church in Rome. See the letter of January 27, 1925 in: Hugo Ball, Briefe 1904-1927, Volume Two, ed. Gerhard Schaub et. al. (Göttingen: Wallstein Verlag, 2003), 109.  
⁸³⁹ Schmitt, Political Form, 5.  
⁹⁰⁰ Ibid.  
⁹⁰¹ Ibid.  
⁹⁰² Ibid., 4.
agreement amongst a wide range of thinkers about the source of Catholicism’s political
universalism, namely:

    The Roman Catholic Church as an historical complex and administrative apparatus has perpetuated the
universalism of the Roman Empire. French nationalists like Charles Maurras, German racial theorists like
H[ouston] Stewart Chamberlain [1855-1927], German professors of liberal provenance like Max Weber, a
Pan-Slavic poet and seer like Dostoyevsky—all base their interpretations on this continuity of the Catholic
Church and the Roman Empire.903

Schmitt accepts this “consensus” view and therefore two comments are in order. First, Schmitt is
reducing the Catholic religion and the Church’s political views to an extension or even an epigone
of the Roman Empire. Thus, he continues with the claim:

    To every worldly empire belongs a certain relativism with respect to the motley of possible views, ruthless
disregard of local peculiarities as well as opportunistic tolerance for things of no central importance. . . .
Every imperialism that is more than jingoism embraces antitheses.904

Secondly, he adopts this view on the “political universalism” of Catholicism from a manifestly odd
assortment of thinkers (nationalist, racialist, liberal, and Russian Orthodox) if he is meant to be
read as a type of “Catholic” intellectual. Finally, he approaches the Church primarily as an
imperial force for a particular—but still unspecified—kind of universalism.

    Since the Church is an imperial presence, Schmitt looks first at localist and nationalist
reactions to it. He writes, sympathetically, that nationalist movements exhibit a “justifiable
reaction” against ultramontanism in a “feeling of anxiety with respect to the universal administrative
apparatus” of the Church.905 “Many a national patriot must feel ignored and cheated in the strongly
centralized Roman system.”906 But on the other hand, many Catholic ethnic groups (such as the
Irish and Polish) “have Catholicism to thank for a large part of their national strength of

903 Ibid., 5. As noted above in Chapter 4, during the time-frame in 1922 when Schmitt wrote Political Form—the book
which most made his reputation then and since as a Catholic intellectual and proponent of political Catholicism—the
jurist was intensively reading Maurras.
904 Ibid., 5-6.
905 Ibid., 6.
906 Ibid.
resistance.”

Catholicism sparked nationalist resistance even in the cases of “Cardinal Mercier [1851-1926] of Mechlin as well as Bishop Korum [1840-1921] of Trier,” where these two bishops; “impressively represented national honor and self-confidence . . . in the face of an opponent who in no way appeared as an enemy of the Church but rather sought an alliance with it.” We find here two more indications of Schmitt’s lack of Catholicity. First, the jurist clearly acts on an unspoken premise that nationalism is good. Secondly, for both bishops mentioned the opponent in question was imperial Germany; thus Schmitt is quietly making a rather perverse counterfactual claim that Wilhelmine Germany not only did not appear opposed to Catholicism, but also actually desired an alliance with the Church.

Schmitt now returns to the anti-Roman temper and remarks, despite the fact that any “imperialism . . . embraces antitheses,” anti-Romanism “would have become infinitely deeper if one had grasped completely the extent to which the Catholic Church is a complex of opposites, a

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907 Ibid. See above at Chapter 2 how ultramontanism saved the local Catholic churches by protecting the faithful from the socially oppressive forces of nationalism.
908 Ibid.
909 Ibid.
910 Desiré Cardinal Joseph Mercier was one of the most important figures in the late nineteenth and early twentieth century Thomistic revival. He became the first chair in Thomism at the Catholic University of Louvain and then founded the Higher Institute of Philosophy there in 1899 specifically to heed Leo XIII’s call and advance the study of the Angelic Doctor. Mercier became internationally famous for his impassioned defense of Belgium against the invasion and occupation by Germany during the First World War. In the first months of war, when imperial Germany committed a great number of atrocities on the Belgian civilian population, Mercier watched as thirteen of the priests of his diocese were killed. He protested in a pastoral letter of January 1915, Patriotism and Endurance, which resulted in his subsequent house arrest for the duration of the war along with the arrest of many priests who read it from the pulpit. In a similar fashion Michael Felix Korum was the Bishop of Trier from 1881-1921, a timeframe that includes the Kulturkampf. Trier was a diocese deeply persecuted by the Prussian government with almost two hundred parishes made bereft of a priest and the bishopric left vacant for five years after the death of Bishop Matthias Eberhard (1815-76). Eberhard had himself been imprisoned for ten months during the struggle. It strains credulity for Schmitt to suggest that imperial Germany did not appear as an enemy of Catholicism and actually sought an alliance with it during the Kulturkampf. So it is possible that Schmitt has in mind some manner in which Korum acted during the First World War unknown to me. However, this reduces his claim to Germany during the First World War seeking to be an ally of the Church, which is still highly debatable and would certainly be an extremely rare opinion for a German Catholic to have held. For one thing the imperial German government under William II had never established an official diplomatic relationship to the Holy See, and its propaganda against the Catholic powers during the war as well as disbelief in Pope Benedict XV’s (r. 1914-22) claims of neutrality are well known.
complexio oppositorum.” The Church as an institution (ecclesiology) embraces political opposites such as in having:

... [A]n autocratic monarchy whose head is elected by the aristocracy of Cardinals but in which there is nevertheless so much democracy that, as Dupanloup put it, even the least shepherd of Abruzzi, regardless of his birth and station, has the possibility to become this autocratic sovereign.

Opposites are also embraced in the breadth of political views amongst individual Catholics, such as “a rigorous philosopher of authoritarian dictatorship” like Donoso as well as “a ‘good Samaritan’ of the poor with syndicalist connections, like the Irish rebel Padraic Pearse [1879-1916]” both

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81 Schmitt, Political Form, 7. Both Dahlheimer (Carl Schmitt und der deutsche Katholizismus, 89) and Mehring (Aufstieg und Fall, 147) believe that Harnack is the source of Schmitt’s discussion in Political Form of the Catholic Church as a complexio oppositorum. Harnack had recognized the Church’s capacity to always retain the old even as it renews and reinvents itself over time through its purported capacity for assimilation and syncretism. Francis Slade believes the theological root of Schmitt’s argument is most dependent on German Catholic theologian Erich Przywara’s account of Catholicism as the union of all opposites in a fruitful tension where none are given more weight than any other. Schmitt’s concept of a complexio oppositorum, “resembles the ‘rhythm of the counter-tension of opposites’ characteristic of Erich Przywara’s account of Catholicism” (“Catholicism as a Paradigm,” 115n8). Slade continues, “An examination of almost any of Przywara’s books will suggest the extent to which Schmitt’s presentation of Catholicism is indebted to Przywara for its theological-religious content” (ibid., 116). Slade illustrates by looking at Polarity, which is an English translation of Religionsphilosophie der Katholischen Theologie (München: Oldenbourg, 1926) [116n9] as well as listing other Przywara texts expressive of similar views: Religionsbegründung (Freiburg im B.: Herder, 1923); Gottheit und Welt (München: Theatiner Verlag, 1923); Ringen der Gegenwart. Gesammelte Aufsätze 1922-1927 (Augsburg: Dr. Benno Filser-Verlag, G. M. B. H., 1929), 2 volumes; Analogia Entis (München: Verlag Kosel, 1932); and Augustinus. Die Gestalt als Gefüge (Leipzig: Jacob Hegner, 1934). The problem with Slade’s claim is temporal as all of these Przywara texts were published after Schmitt wrote Political Form (conceived in March 1922, and turned over to Jakob Hegner for publishing in November 1922). Based on the chronology, it could just as well be claimed that Przywara was influenced by Schmitt and both by Harnack. Slade does well to note the intriguing fact that “Schmitt contributed an article, ‘Nomos, Name, Name,’ to the Festschrift entitled Der Beständige Aufbruch published in honor of Erich Przywara in 1959” (ibid); however, I have not located any clear evidence of personal contact or familiarity with Przywara early enough to prove his theology is Schmitt’s source. A further hypothetical source for the concept of the Church as complexio oppositorum could be the fifteenth-century German cardinal and philosopher-theologian Nicholas of Cusa. Kam Shapiro believes that Schmitt’s complex of opposites follows Nicholas’s description of God, where “a coincidence of opposites does not involve their rational or logical mediation, but a kind of catachretic unity whereby diverse individuals and qualities are copresent in God” (“Politics is a Mushroom,” 125). I suspect that Harnack is the immediate source for Schmitt’s description of the Church as a complex of opposites but, taken in general terms, this idea is often present in one or another manner throughout the long history of Catholic ecclesiology and theology. For example, discussions of the Trinity can involve a similar kind of distinction (of persons of God) combined with an harmonious consubstantiality (unity of being) which even Donoso developed in his Essays as analogically present in all of created being. See especially: Donoso, Essays, at 31 and 47-8; and Frederick D. Wilhelmsen, “Foreword” to R.A. Herrera, Donoso Cortés: Cassandra of the Age, (Grand Rapids, Mi: William B. Eerdmans, 1995), xi.

82 Schmitt, Political Form, 7. On Dupanloup, see above at note 819. Schmitt’s source on the manner in which the Church and its pope reflect a combination of political forms could just as well be Donoso since he writes: “What monarchy is this in which the king elects the electors, who then elect the king, all being elected and electors? Who does not see here a deep and hidden mystery—unity perpetually begetting variety, and variety perpetually constituting its unity? Who does not see here represented the universal confluence of all things? And who does not remark that this strange monarchy is the representation of Him who, being true God and true man, is divinity and humanity, unity and variety, united in one?” See: Donoso, Essays, 47-8.
being “staunch Catholics.”\footnote{Ibid.} Beyond ecclesiology, Catholic theology further exhibits the complexio oppositorum, such as in: “the Marcionite either-or . . . answered with an as-well-as\footnote{Ibid., 7-8.}; a stance on human nature favoring neither side of the “antithesis of man ‘by nature evil’ and ‘by nature good’”\footnote{Ibid., 8.}; and a “limitless ambiguity [which] combines with the most precise dogmatism and a will to decision as it culminates in the doctrine of papal infallibility.”\footnote{Ibid.} Schmitt revealingly claims this last aspect demonstrative of flexibility and authority in the Church is “ultimately” the “most important,”\footnote{Ibid.} and we shall recall this statement, in due course, below.

At this point, Schmitt finally returns to the issue of defining the “political idea of Catholicism,”\footnote{Ibid., 6.} which separates it from other imperialisms:

\[\ldots \text{[T]}\text{he essence of the Roman-Catholic complexio oppositorum lies in a specific, formal superiority over the matter of human life such as no other imperium has ever known.} \ldots \text{This formal character of Roman Catholicism is based on a strict realization of the principle of representation, the particularity of which is most evident in its antithesis to the economic-technical thinking dominant today.}\]\

So what does he mean by “representation”? Schmitt works towards an answer to this central question in the elliptical fashion typical of this essay. He first revisits some of the intellectual history he had covered in Political Romanticism in order to establish that Catholicism’s complexio oppositorum is not a Romantic or Hegelian form of synthesis. Even Görres makes an appearance, but not as a hero of German political Catholicism who inspired the founding of the Center Party; rather, as an object of criticism for having postulated a synthesis between Catholicism and Protestantism in a “higher third.”\footnote{Ibid., 8.} Such a syncretic approach to religion is common to the contemporary age, which struggles over resolving a fundamental “dichotomy between a
rationalistic-mechanistic world of human labor and a romantic-virginal state of nature.”

Schmitt then recalls the distinction he made in “Visibility,” of Protestant inwardness and economic worldliness as cause of this modern dualism in which Catholicism shares neither interest nor concern. Rather than choose between mechanism and nature, Catholicism considers it a false dichotomy: “human labor and organic development, nature and reason, are one.”

Behind the Church’s rejection of this modern dualism is its different understanding of reason, which some moderns took to mean an embrace of irrationalism. “[A]n original and prolific . . . thinker,” revolutionary Syndicalist, Georges Sorel:

... sought the crisis of Catholic thought in the new alliance of the Church with irrationalism. In his view, the argumentation of Catholic apologetics until the eighteenth century was to demonstrate faith based on reason, but in the nineteenth century the Church benefited from irrationalistic currents. In fact, every conceivable type of opposition to the Enlightenment and rationalism reinvigorated Catholicism.

The Romantics are partly to blame, says Schmitt, and he reiterates here an argument of Political Romanticism that corrects “Rousseauism and Romanticism” for simply taking pleasure in Catholicism “as they would in a magnificent ruin or an authenticated antique.” Thus, Schmitt corrects Sorel by recognizing the Syndicalist belonged to the “fraternity” of “American financiers and Russian Bolsheviks” who “find themselves in a common struggle for economic thinking, that is, the struggle against politicians and jurists.” Far from embracing irrationality, the Church has “suppressed superstition” and was “always on the side of common sense” against fanaticism. However, its understanding of reason is not the same as modern scientific materialism and

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921 Ibid., 10.
922 See above at Chapter Three, also: Slade, “Catholicism as a Paradigm,” 114; and Ulmen, “Introduction,” to Schmitt, Political Form, xii.
923 Schmitt, Political Form, 11. One tangential Weberian aspect of Schmitt’s depiction of “the Huguenot or the Puritan” is that they are far more rootless and driven to dominate over nature while he claims the Catholic is more naturally inclined to “love the soil” (ibid., 10). Given Schmitt’s later political commitments this is a provocative line of thought since he is suggesting that German Catholics have deeper völkisch tendencies.
924 Ibid., 12.
925 Ibid.
926 Ibid., 13.
927 Ibid., 13-14.
rationalism, the “methodology” of which “dominates contemporary thinking.” Instead, Schmitt calls it “Roman”; as “[e]ven Max Weber has ascertained that Roman rationalism lives on in the Roman Church.”

Catholicism avoids the dualism of “rationalism” and “irrationalism” understood along modern scientific lines of thought, rather:

The rationalism of the Roman Church morally encompasses the psychological and sociological nature of man and, unlike industry and technology, is not concerned with the domination and exploitation of matter. The Church has its own rationality.

Schmitt agrees with Weber in calling Catholic rationality “Roman,” defined as: “a particular mode of thinking whose method of proof is a specific juridical logic and whose focus of interest is the normative guidance of human social life.”

The Church’s success against fanaticism is due to the fact “its rationalism resides in institutions and is essentially juridical; its greatest achievement is having made the priesthood into an office—a very distinctive type of office.” An institutional priesthood shaped by canon law is best personified in the office and person of the pope—“truly the most astounding complexio oppositorum”—for the papacy is personal, yet “independent of charisma.”

The pope exists both as “an unbroken chain linked with the personal mandate and concrete person of Christ” and fills a representative role or function as Vicar of Christ. It is this capacity to make representation personal that has been lost in late modernity, and is a capacity for distinctions in which lies, “the rational creativity and humanity of Catholicism.”

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928 Ibid., 12.
929 Ibid., 14.
930 Ibid., 13.
931 Ibid., 12.
932 Ibid., 14.
933 Ibid. This is a clear reference to Weber’s category of the charismatic leader who commands respect by being regarded as exceptional, heroic, supernatural, and thus one who ordains the norms that the followers must obey. Schmitt has in mind neither the actual Catholic notions of the chrism of baptism shared by all Catholics nor the particular munus regale of the priesthood. On the concept of munus regale as “the function, mission, gift, or vocation of ruling” see: Russell Hittinger, “Social Roles and Ruling Virtues in Catholic Social Doctrine,” Annales theologici, 16 (2002), 385-108; here at 388.
934 Schmitt, Political Form, 14.
935 Ibid.
Late modern thought is fundamentally constrained to an “absolute economic materiality,” and a “totally rationalized production” which amorally serves: “one or another demand, always with the same earnestness and precision, be it for a silk blouse or poison gas or anything whatsoever.” Schmitt brings up Sorel and the vital importance of motivating beliefs or myths again in a passage that is easily, but mistakenly, read as exhibiting Schmitt’s Catholicity:

Today, one can say it is perhaps more among Catholics that the image of the Antichrist is still alive. If Sorel sees evidence of a vital force in the capacity for such ‘myths,’ he is unjust in asserting that Catholics no longer believe in their eschatology and that no one of them still awaits the Last Judgment.

Schmitt refutes Sorel’s claim by naming Catholics with a keen sense of the eschatological, including: Donoso, Louis Veuillot (1813-83), Léon Bloy (1846-1917), and Robert Hugh Benson (1871-1914). Furthermore, while Protestants see the Church as the Antichrist, Catholics look at modern economy and technology the same way:

Genuine Catholic anxiety derives from the knowledge that here the concept of the rational is warped fantastically, in a manner alien to Catholic sensibility, because a mechanism of production serving the satisfaction of arbitrary material needs is called ‘rational’ without bringing into question what is most important—the rationality of the purpose of this supremely rational mechanism.

What Schmitt is cognizant of here, at least implicitly, is that modern thought rejected “purpose” in nature which pre-modern thought understood as “ends,” telein.

From here, we can more directly move past Schmitt’s meanderings to come sooner to his point. For economic rationality even attempts to reduce politics to a question of productive technique. Yet the political is essentially immaterial, for:

No political system can survive even a generation with only naked techniques of holding power. To the political belongs the idea, because there is no politics without authority and no authority without an ethos of belief.

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936 Ibid., 14-15.
937 Ibid., 15.
938 As discussed above at Chapter One. It is because of the loss of ends from nature that to the modern mind: “The Church is perceived as a strange phenomenon, but no less so than other ‘irrational’ things” (ibid., 15). For example, one only has to visit the Church’s teaching on contraception or in vitro fertilization to recognize both the importance of telos and the perplexity of the modern mind in response.
939 Ibid., 16. In a rare moment Schmitt does criticize Machiavelli here on the notion of making politics a technique: “The absolute prince and his ‘mercantilism’ were the forerunners of the modern type of economic thinking and of a political state of affairs situated somewhere in the indifference point between dictatorship and anarchy” (ibid.).
940 Ibid., 17.
The economic view of politics is common to socialism, capitalism, and even contemporary parliamentary liberalism. All three flatten Sovereignty by making economic calculation decisive for the State. Schmitt maintains that all such attempts to avoid the “political” are either disingenuous or lack self-comprehension. Whether capitalists or socialists gain political power and pursue their economic goals: “… [W]hat they do will be politics nevertheless, and that means the promotion of a specific type of validity and authority.”\textsuperscript{941} Here we have Schmitt’s central point in \textit{Political Form}.

Keeping in mind the arguments made in \textit{Political Theology}, Schmitt maintains that politics is \textit{always} a matter of existential decision, of sovereign determinations of what is “valid,” and of who has “authority.” His point here also foreshadows \textit{The Concept of the Political}'s famous distinction between friend and foe, since the modern warring economic partisans represent the fight of the “social” against the “political.” They are engaged in the war of all against all, and seek power in order to universalize their particularist material purposes and views. These late modern forces of de-politicization fail to recognize that: “the political is considered immaterial, because it must be concerned with other than economic values.”\textsuperscript{942} By way of contrast, the Church does not shy away from promoting a “specific type of validity and authority”; therefore, “Catholicism is eminently political.”\textsuperscript{943}

Since “[n]o great social antithesis can be solved by economics”\textsuperscript{944} Schmitt develops his own version of a political “third way” beyond the modern mechanism and materialism of both

\textsuperscript{941} Ibid.
\textsuperscript{942} Ibid., 16.
\textsuperscript{943} Ibid.
\textsuperscript{944} Ibid., 17.
communism and liberalism. And he looks at the Church, not as a faithful son or communicant but as a familiar outsider, to illustrate his “Roman” third way:

The political power of Catholicism rests neither on economic nor on military means but rather on the absolute realization of authority. The Church also is a ‘juridical person’ . . . the Church is a concrete personal representation of a concrete personality. All knowledgeable witnesses have conceded that the Church is the consummate agency of the juridical spirit and the true heir of Roman jurisprudence. Therein—in its capacity to assume juridical form—lies one of its sociological secrets. But it has the power to assume this or any other form only because it has the power of representation. It represents the *civitas humana.*

The juridical form of the Church and its concept of a personal and representative authority—“[t]he pope is disposed to be sovereign of the Pontifical State”—are the crucial features for Schmitt of the politically needful in Germany. He seeks State Sovereignty with the “capacity to assume juridical form,” which is accomplished by means of the power of representation, the power to embody another reality—even a myth. “The Catholic Church is the sole surviving contemporary example of the medieval capacity to create representative figures—the pope, the emperor, the monk, the knight, the merchant.” What the Church represents—“God become man in historical reality” or the “human city” (*civitas humana*)—is not actually important, Schmitt’s point is that it has proven itself *capable* of representation.

A discussion of “juridical” persons is precisely the point at which Schmitt would introduce Catholic social thought as regards subsidiarity and mediating “corporate” or social bodies if in fact he was a politically Catholic theorist. The fact that he does not do so is telling. Instead, Schmitt...
stays at the most abstract level of political consideration where only the highest representative and authoritative figures exist. For, although political modernity had maintained into the eighteenth century “some classical figures, like the ‘légitimeur’”—who was Rousseau’s representative of the General Will—there have only been occasional attempts since then at “embarrassingly telling imitation[s]” of the Church; such as in the positivism of Comte and its noble and admirable—but failed—promotion of a “religion of humanity.”

Insightfully, Schmitt recognizes that this change in late modern thought corresponds to the arrival of nationalism, for, when the French third estate or bourgeoisie declared itself to be the “nation”: “[I]t abolishe[d] the very idea of estates, which requires a plurality of estates to constitute a social order. Bourgeois society was thus no longer capable of representation.”

Thus Europe generally, but Germany most pressingly, finds itself in a situation in which the liberal, individualist, late modern bourgeoisie has lost the capacity for belief in, and acceptance of, representative authority. Simply in rejecting authority the bourgeoisie already rejects representation, as the latter idea “is so completely governed by conceptions of personal authority that the representative as well as the person represented must maintain a personal dignity.”

Schmitt’s interest hence lies in political analogues to the Church and its pope as a means of recovering early modern representative authority. And all is not lost, for the jurist believes representation can still be recaptured by the State, in fact: “God or ‘the people’ in democratic ideology or abstract ideas like freedom and equality can all conceivably constitute a representation.”

The needful thing is to maintain personalism in sovereignty and avoid mechanization for “[o]nce the state becomes a leviathan, it disappears from the world of

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"Ibid.

"Ibid.

"Ibid., 20.

"Ibid., 21.

"Ibid.
representations.” Far better would be to learn from “the political idea of Catholicism and its capacity to embody the great trinity of form: the aesthetic form of art; the juridical form of law; finally, the glorious achievement of a world-historical form of power.” The Church has endured by its capacity to instill belief in its mythic claims. A capacity built on its “great trinity of form”: aesthetic, juridical, and as world-historical power.

In political modernity a “plurality of estates,” that is, a multiplicity of juristic “persons” or corporate groups, are no longer necessary (or at least admitted) for construction of a social order. Instead of pre-modern social pluralism, political rule itself creates and enforces a unified, univocal, and homogenous society; the citizen is determined into existence by the Sovereign. As early as 1914, in Value of the State, Schmitt had accepted political modernity’s contention that “[t]he State is . . . the only subject of legal ethics, the only one who has rights in an eminent sense.” That is, the State—the Sovereign—is the sole juridical person. So we now find ourselves in possession of the basic idea that Schmitt expresses in Political Form, that the Catholic Church is a ready source from which to draw political inspiration in the fight to reestablish the unified and sovereign State, because its essential form is as an authentic embodiment of the principle of “representation.” Indeed, the Church was a model for Comte’s attempt and the same could be said for aspects of the political visions and strategies of a liberal like John Stuart Mill (1806-73), or even socialists like Karl Marx (1818-83) and Friedrich Engels (1820-95). Schmitt next goes into greater detail about ways in which the Church manifests its capacity for representation.

First, Schmitt recalls a complaint of Political Theology that he derived from reading Donoso, namely, the liberal bourgeoisie’s incapacity for effective discourse and decision. The Church, in contrast, is capable of:

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955 Ibid. Like the criticism of Machiavelli mentioned above at note 938, this similar criticism of Hobbes is a major one he expands on in Leviathan in the State Theory of Thomas Hobbes.
956 Ibid.
957 Schmitt, Der Wert des Staates, 86.
rhetoric in the sense of what one might call representative discourse, rather than discussion and debate. It moves in antitheses. But these are not contradictions; they are the various and sundry elements molded into a complexio and thus give life to discourse.

Secondly, he revisits the Church’s capacity for accommodating a variety of political and social forms, since, even though it can never ally itself “with industrial capitalism,” the Church:

will continue to accommodate itself to every social and political order, even one dominated by capitalist entrepreneurs or trade unions and proletarian councils. But accommodations will be possible only if and when economically based power becomes political . . . [For] [t]he new [sovereign] order cannot confine itself to management of the process of production and consumption, because it must be constituted formally; every order is a legal order; every state, a constitutional state. Once this step is taken, the Church can align itself with this new order, as it has with every order.

The needful in politics cannot be avoided, there must be sovereign decision constituting the political order, determining the “normal” situation—as he referred to it in Political Theology—and a resulting juridical order. “Should economic thinking succeed in realizing its utopian goal and in bringing about an absolutely unpolitical condition of human society, the Church would remain the only agency of political thinking and form.” Such a result would be tragic, in part, because it is not, at all, desired by the Church. But also, possibly the worst aspect of the decline of the State in modernity, is that liberal parliamentarism developed out of a republicanism that had originally claimed to be “representational” government; yet, it had allowed sovereignty to be subverted by economic thought.

Schmitt, Political Form, 23.

Ibid., 24-5, emphasis added. This passage continues: “By no means is it obliged to align itself only with states in which the landed nobility or peasantry is the ruling class” (ibid., 25). I think it is possible that here Schmitt has in mind fascist and socialist states.

Ibid., 25.

Schmitt recognizes that “The Church requires a political form . . . According to its own theory and hypothetical structure, the Church . . . presupposes coexistence with the political state, a societas perfecta; not with a consortium of conflicting interests. It wishes to live with the state in a special community in which two representations confront each other as partners” (ibid.). Note that Schmitt contrasts here a “perfect society” to a “consortium of conflicting interests” and believes it is the State’s job to pacify such conflict and enforce homogeneity on society. One can again see how far removed Schmitt is from a Catholic view of politics and that he instead embraces Hobbesian modernism. He never considers the State to be governed by the common good nor does he recognize that the social (and cultural) are meant to be respected and protected, rather than created by the State.

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In contemporary parliamentarism, Schmitt believes “representation” has been hollowed out and lost its’ early modern content (recall Rousseau’s Legislator). Originally, modern parliamentarism maintained representation by holding:

\[\ldots\text{that the members of parliament are representatives of the whole people and thus have an independent authority vis-à-vis the voters.}\ldots\text{This means that the personification of the people and the unity of parliament as their representative at least implies the idea of a }\textit{complexio oppositorum,}\text{that is, the unity of the plurality of interests and parties.}\text{It is conceived in representative rather than economic terms. The proletarian system of soviets therefore seeks to eliminate this remnant of an age devoid of economic thinking and emphasizes that parliamentary delegates are only emissaries and agents, deputies of the producers }\ldots\text{administrative servants of the process of production.}\]

In its earlier modern form a parliament could contend with the king over who truly represented “the nation” without entirely undermining the unitary sovereignty of the State because both parties claimed—analogously to the claims of the Church—to represent “from above” and maintain personal authority.\[^{963}\] However, both nineteenth century liberalism, and then, socialism and anarchism progressively subverted this early modern understanding of representation.

In the springtide of socialism, young Bolsheviks turned the struggle against the idea, even against every idea. So long as even the ghost of an idea exists, so also does the notion that something preceded the given reality of material things—that there is something transcendent—and this always means an authority from above. \ldots\text{An intelligent person with political instincts who fights against politicians immediately recognizes in any appeal to the idea the claim to representation and authority—a presumption that goes beyond proletarian formlessness and the compact mass of in'carnate’ reality in which men have no need of government and ‘things govern themselves.’}\[^{964}\]

The new mechanical government will simply be a matter of rule by:

\[\ldots\text{public opinion, the opinion of private individuals. Public opinion, in turn, should be governed by a privately owned free press. Nothing in this system is representative; everything is a private matter.}\]

Now recalling his critique of Protestant inwardness in “Visibility,” Schmitt critiques the rise of a cult of privacy.

\[^{962}\text{Ibid., 26-7. This is in fact an aspect of liberalism which the Church specifically rejected but, overall despite this similarity, Schmitt’s anti-liberalism is not a Catholic critique. See: Simon, “Doctrinal Issue,” 87-114.}\]

\[^{963}\text{Schmitt, }\textit{Political Form,}\text{25-6.}\]

\[^{964}\text{Ibid., 27.}\]

\[^{965}\text{Ibid., 28.}\]
Schmitt believes that in both liberalism and socialism “privacy” has become the modern replacement of religion for: “If religion is a private matter, it also follows that privacy is revered. 
Private property is thus revered precisely because it is a private matter.”\textsuperscript{966} And:

. . . The great betrayal laid to the Catholic Church is that it does not conceive Christ as a private person, does not conceive Christianity as a private matter, something wholly and inwardly spiritual, but rather has given it form as a visible institution. . . . Like every worldwide imperialism that has reached its goal, the Church seeks to bring peace to the world. To the enemies of all forms, this raises the specter of the devil triumphant.”

Schmitt’s radical attack here on the notion of “privacy” (in property and in the person), at first blush, can seem to be simply a defense of the Church from being relegated to private, “invisible,” status. However, Schmitt is thinking along lines foreign to Catholic social thought. He signals his divergence by agreeing with “a high-minded Protestant like Rudolf Sohm” who “could define the Catholic Church as something essentially juridical.”\textsuperscript{968} Schmitt ignores the Church’s deep commitment and protective stance towards private property, the privacy of the family, and person, such as found in \textit{Rerum Novarum} (1891). The Church recognizes the family as pre-political, as the fundamental corporate entity of social order, and as maintaining an intrinsic dignity, personal authority, and even a \textit{private} existence. It is not specifically “privacy” but \textit{individualism}, which the Church attacks as a liberal or anarchistic error in understanding the relationship between parts and wholes.

By throwing the baby out with the bath water, Schmitt swings to an organicist or monist opposite extreme of State-directed publicness from the anarchist’s individualism. Rather than expressing the Catholic view, Schmitt propounds a form of State pacification derived from “worldwide imperialism” treating political representation as one in which the “part” cannot claim to be a “whole.” Only the sovereign, and to a lesser extent, jurists like Schmitt, reserve the right to such private and public dignity; the latter because he describes jurists as “theologians of the existing

\textsuperscript{966} Ibid., 28-9.
\textsuperscript{967} Ibid., 31-2.
\textsuperscript{968} Ibid., 29.
order,” and thus natural enemies of all revolutionaries. Then in a passage that foreshadows his later accommodation with Nazism, Schmitt likens jurists to the Catholic Church:

Owing to its formal superiority, jurisprudence can easily assume a posture similar to Catholicism with respect to alternating political forms in that it can positively align itself with various and sundry power complexes, provided there is a sufficient minimum of form ‘to establish order.’ . . . Once the new situation permits recognition of an authority, it provides the groundwork for a jurisprudence—the concrete foundation for a substantive form.

Sovereignty establishes itself in a concrete existence which then becomes the ground from which jurisprudence, the rule of law in a normal social situation, can develop.

Schmitt does, however, recognize one way in which a mistake can be made when drawing lessons for politics from the example of the Church. Specifically, he does not actually favor a “worldwide imperialism” or international Sovereign, unlike Socialists and Communists. Schmitt admits, if there were to be an international tribunal of justice, for example, then:

Its authority would . . . be based on the direct representation of this idea [of a justice independent of individual States], not on the delegated authority of individual states. . . . Consequently it must present itself as an original and thus also a universal court of justice.

The Church is a special case of universality and “imperialism”:

Catholicism goes further because it represents something other and more than secular jurisprudence—not only the idea of justice but also the person of Christ—that substantiates its claim to a unique power and authority.

Only at the level of an individual nation can an analogous form of representation to that of the Church be instantiated in a Sovereign capable of representing the “people” or “nation.” The State can accomplish this by putting into practice the verbs and gerunds found in the following sentence about the Church: “The Church commands recognition as the Bride of Christ; it represents Christ reigning, ruling and conquering.”

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969 Ibid.
970 Ibid., 29-30.
971 Ibid., 30.
972 Ibid.
973 Ibid., 31.
The final pages of *Political Form* cover a variety of minor topics and issues tangential to the major themes and essential interest of the essay, and, in some cases, are also a repetition of an earlier digression. The topics worth mentioning in this study include: philosophical anthropology, political esotericism, and a vision of the future battle lines in European politics.

Schmitt reflected on the first topic, at the beginning of the essay, when noting as an example of the Church’s “complex of opposites,” it took a stance on human nature favoring neither side of the “antithesis of man ‘by nature evil’ and ‘by nature good.’” He then claimed this anthropological question “is in no sense answered by a simple yes or no in the Tridentine Creed.” Yet, 1100 years before the Council of Trent this issue was resolved in the Councils of Ephesus and Chalcedon’s refutation of the heresies of Eutychianism and Monophysitism. And Catholicism’s understanding of the essential goodness of human nature is in fact referenced in the Tridentine Creed by its adoption of the Nicene as its starting point, for it bears the line: “Et incarnatus est de Spiritu Sancto ex Maria Virgine, et homo factus est” (“And became incarnate by the Holy Spirit of the Virgin Mary: and was made man”). Human nature must be considered in fact good, for otherwise, God would not have taken it upon Himself in the Incarnation. Perhaps Schmitt meant to refer only to the post-lapsarian state of *fallen* human nature—not human nature simply—as explained in the *decrees* of the Council of Trent rather than the Creed it promulgated. For in Session V’s First Decree, “Concerning Original Sin,” the Church does explain how Adam’s transgression resulted in his heirs being *imbued* with “concupiscence” or an inclination to sin.

After all, Schmitt does correctly contrast the Catholic view on “this decisive question for political theory” as one which sees “human nature as only wounded, weakened, and troubled” to the

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974 Ibid., 7-8.
975 Ibid., 8.
“Protestant doctrine of the total depravity of natural man.” Rather than side with the Church, Schmitt expresses a far more Protestant pessimism, towards the end of *Political Form*, when he references Dostoyevsky’s Grand Inquisitor, a literary figure he consistently admires, as one who “knows that man is by nature evil and vile, a cowardly rebel who needs a master.”

The second topic appears in the final pages of the essay when Schmitt notes in a Nietzschean vein:

The jurist here decries the triumph of a politics which is non-representational, it is “nothing but human” or “merely” human in its simple concern for material needs and wants. To achieve greatness in politics, to have representation, requires rule from above in a hierarchical and authoritarian fashion. Schmitt accepts that to achieve such in the contemporary democratic and liberal era requires the leadership of an esoteric, or Gnostic, elite. Since arcane powers from the past—a list that includes Catholicism as well as its great modern adversary Freemasonry—are “inconsequential” mere “phantoms” now, a new power must arise to again achieve a great politics.

Schmitt hazards here no guesses as to what the great politics of the future might specifically look like, nor does he predict who might reintroduce representation and political form. Instead, he hearkens backwards into Europe’s mid-nineteenth century past. There he finds a key insight into the future in Bakunin’s political atheism and the Church’s response. The Russian anarchist had characterized the theism of the Italian Freemason and nationalist, Giuseppe Mazzini (1805-72), as “like every theistic belief, only evidence of servitude and the true source of all evil—all state

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Ibid.  
Ibid., 32.  
Ibid., 34.  
Ibid., 35.
and political authority. It was metaphysical centralism.” In a turn towards irrationalism, Bakunin even attacked Marx and Engels by virtue of their having been intellectuals: “The anarchist can only utter the word ‘cervelle’ [brains] with sibilant fury. Behind this word he rightly suspected the claim to authority, discipline, and hierarchy. To him, every type of cerebralism is hostile to life.”

Faced with the anarchist and atheist threat, the Church acted decisively, even against its own prior inclinations:

I know there may be more Christianity in the Russian hatred of West European culture than in liberalism and German Marxism. I know that great Catholic thinkers deem liberalism a more malevolent enemy than avowed socialist atheism. I know this formlessness may contain the potential for a new form that might also give shape to the economic-technical age. . . . There is, nevertheless, a type of decision the Church cannot avoid—a type of decision that must be taken in the present day, in the concrete situation, in every single generation. With respect to such decisions, the Church opts for one side or the other, even though it does not declare itself for any of the contending parties. Thus it stood on the side of the Counterrevolution in the first half of the nineteenth century. On this basis, I maintain: In that remote skirmish with Bakunin, the Catholic Church and the Catholic concept of humanity stood on the side of the Idea and West European civilization, closer to Mazzini than to the atheistic socialism of the Russian anarchist.

Schmitt dreads an anarchistic destruction of sovereign authority above all things and so ends

Political Form with this fascinating plea for an openness, on the part of the Church—or at least Catholics—to unite with and support counter-revolutionary forces capable of reestablishing State sovereignty against anarchism. His reference to Mazzini, the hero of Italian unification, is possibly intended to indicate that Catholics should support even a nationalist and fascist political force, given Benito Mussolini’s (1883-1945) March on Rome of October 22 to 29, 1922 occurred before Hegner received Schmitt’s final draft for publication in November.
Chapter 6.

Schmitt’s “Struggle for an Authentically Catholic Intensification”

“A clever tactician gives up nothing as long as it is not completely useless.”

—Carl Schmitt, Diary entry for May 23, 1949

1923: A Year of Crisis for Germany, and Schmitt’s Response

Political Form has always been the main influence on Schmitt’s reputation amongst Catholics. One of the earliest proofs of this fact is a letter of June 1, 1923, in which a former colleague of Schmitt’s in Munich, Konrad Beyerle (1872-1933), invited the jurist to speak to the General Assembly of the Görres Society in Münster. Beyerle was a member of the Reichstag for the BVP, from 1920-24, and would serve as the Vice-President of the Görres Society in 1924. This prominent political Catholic extended the invitation after having read Schmitt’s “witty” Political Form, and it likely led to the jurist’s contributing two articles to the State Encyclopedia the Society produced in 1926.

The essay is also central to the standard narrative. The mistake is in failing to recognize that even if one believes Schmitt draws an adequate picture of how the Church understands itself (he does so at parts), this entire treatment is placed in brackets in service of what he is really interested in; namely, a secular statist appropriation of the “juridical form” of the Church and its preeminent example of sovereign authority in the representative power of an infallible, personal, and decisive Pope. He is interested in a return to early modern State absolutism and consistently rejects any interference in this secular power from the Church or political Catholicism.

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983 Diary entry of May 23, 1949 in: Schmitt, Glossarium, 243.
984 Koenen, Der Fall Carl Schmitt, 38.
986 Hollerich takes a middling stance within the standard narrative when he states: “Schmitt’s instrumentalization of Christianity was the most extreme example of an apologetic strategy quite common among Weimar era Catholics who stressed what the church could do for German society” (“Carl Schmitt,” 119).
After *Political Form*, Schmitt’s attention turned to the previous century’s development of liberal parliamentarism. When this next extended essay, *The Intellectual-Historical Situation of Present-Day Parliamentarism* (hereafter as *Parliamentarism*), is read as the third in a series with *Political Theology* and *Political Form*, then, one can see that Mehring has an excellent point when he categorizes Schmitt’s research interests, in 1922-23, as dominated by a fascination with the intellectual and political life of the nineteenth century. However, the historical context within which Schmitt wrote *Parliamentarism* is even more pertinent than it was for the prior two.

Contextually (or concretely as Schmitt might say), the year 1923 was one of sharp crisis for the young Republic. In January, France and Belgium sent troops in to occupy the Ruhr, in order to guarantee reparation payments were made. The occupation set off a fierce local resistance—including a general strike—which would culminate in several failed putsch attempts for Rhenish separation in October 1923, in cities such as: Düsseldorf, Bonn, Trier, Koblenz, and more. The French actually encouraged some of these revolts. It was also a year in which extreme nationalist groups were emboldened and militantly active, most famously with the Hitler-led “Beer Hall” Putsch in Munich of November 8-9. The hyperinflation that began at the end of 1922, continued unabated in 1923, and reached its peak in November, at over 4 trillion Marks to the US dollar.

Schmitt had already studied dictatorship for years, but the events of this tumultuous year certainly did nothing to diminish his strong interest in this controversial form of political rule. The German People’s Party (Deutsche Volkspartei, DVP) appointed Gustav Stresemann (1878-1929) Chancellor in August. Stresemann—a nationalist liberal—“proclaimed a saving

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987 Mehring, *Aufstieg und Fall*, 123.
989 Among others, Muller takes note of the impact that getting to experience the occupation of the Rhineland in 1923 as a professor at Bonn had on his interest in the issue of national sovereignty and state power. See: Muller, “Radical Conservative Critique,” 192.
‘dictatorship’ in conjunction with President Ebert’s declaration of a state of emergency, based on Article 48 of the Constitution in September. Ebert’s declaration would last until February 1924, although Stresemann would be replaced as Chancellor at the end of November 1923.

Schmitt’s former military commander Christian Roth, who had become the Bavarian Minister of Justice after the war, was, by this time, on the extreme German right and a source of information for Schmitt as Roth would end up getting involved in Hitler’s November putsch. For Schmitt’s part, his diary records on November 12, 1923, his view that “Hitler is a hysteric.” Even if he was not convinced by Germany’s most extreme brand of nationalist agitation at this time, he did spend 1923 developing his own nationalist sentiments, and was particularly absorbed by Italian fascism. In April 1923, he read Mussolini’s speeches in preparation for writing *Parliamentarism.* The vital difference between the two extreme nationalist movements, for Schmitt, is possibly his desire to see nationalism remain within the framework of the State and to specifically serve “as an antidote against a failure of parliamentarism.” While Schmitt was admiring fascism, the Church subtly critiqued the radical nationalist politics of the time with the timely beatification by Pope Pius XI on May 13 of the great Italian Jesuit and Cardinal, Robert Bellarmine. As we already witnessed the year before in *Political Theology,* Schmitt was adamantly opposed to Bellarmine’s ultramontane presentation of the indirect power of the papacy over the secular and political order.

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991 Schmitt’s interest in the use of Article 48 for presidential dictatorship was certainly promoted by the actions of the Republic’s first president, SPD leader Friedrich Ebert. He had no compunction about invoking the powers contained in Article 48 in the aftermath of Erzberger and Rathenau’s assassinations (1921 and 1922) or to deal with uprisings, such as: Thuringia and Gotha in 1920; and Saxony and Munich in 1923.
992 Mehring, *Aufstieg und Fall*, 155.
993 Ibid., 163.
994 Ibid., 163. Mehring ponders over but does not resolve the question of whether Schmitt at this time is infatuated with Mussolini specifically or only just attached to nationalism in service of the State (ibid., 160). He does helpfully point out that to Schmitt a deep contemporary problem was that with the abdication of the “old elites” in the First World War, Authority in Germany was in a state of concrete flux. He hoped for extra-parliamentary forces which could go beyond parochial party struggles and that this did not include the Catholic Church as it was tied to political Catholicism and the Center Party of which he was “increasingly skeptical” (ibid., 161).
995 Bellarmine was beatified in 1923, canonized in 1930 and then named a Doctor of the Church in 1931.
of nations; so his beatification provides a nice contrast to the modernist state theory Schmitt put on exhibit in *Parliamentarism*. He completed a draft of the essay in April and had finished the book by the end of May. *Parliamentarism* was in print by the end of October, 1923.

*Parliamentarism*

In the original introduction to *Parliamentarism*, Schmitt makes his interest in what is transpiring in Italy immediately apparent, by noting how contemporary parliamentarism is attacked by all political sides, before sharing a quote:

> One finds the simplest summary of the current situation in a speech that Senator Mosca [Gaetano Mosca, 1858-1941] made in the Italian Senate on November 26, 1922, concerning the domestic and foreign policy of Mussolini’s government. . . . He says the most dangerous threat to parliament is ‘syndicalism’ which derives ‘from the economic organization of modern society.’

As Schmitt had already, repeatedly, demonstrated in his Weimar work, especially *Political Form*—written just prior to *Parliamentarism*—he quite agreed with Mosca’s condemnation of the reduction of politics to economics. Despite being known primarily as a theorist of political liberal elitism, Mosca’s thought was frequently cited in order to defend fascism. Then in a subtle reveal of his antipathy to political Catholicism, Schmitt ties in this hated syndicalism with Germany’s tradition of “corporatist ideas,” which of course includes traditional Catholic social thought.

The first chapter deals with Schmitt’s distinction between liberalism and democracy. He suggests that the reign in France of Napoleon III (r. 1852-70) demonstrates democracy is simply organizational and can be used even by “conservative and reactionary” governments just as much

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996 Carl Schmitt, “Die geistesgeschichtliche Lage des heutigen Parlamentarismus,” in *Bonnier Festgabe für Ernst Zitelmann zum fünfzigjährigen Doktorjubiläum*, ed. Paul Krüger et. al. (München/Lepizig: Duncker & Humblot, 1923), 413-73; and then as a stand-alone publication by the same firm also in 1923.
998 Ibid., 19.
The contemporary significance of democracy, according to Schmitt, is all jurisprudence of public law must have a concept of legitimacy and that issue is now dominated by democracy or popular sovereignty. Caesarism is even quite consistent with democracy. Schmitt thinks this division between liberalism and democracy is even present in contradictions within the Weimar Constitution that either favor the Reichstag (and hence liberalism) or, at times, favor the Reich President (and hence democracy).

Since a discussion of democracy entails legitimation of authority, or State sovereignty, Schmitt says he must start with political theology. And so, in Chapter Two on “The Principles of Parliamentarism” he adduces the fundamental supposition of contemporary Parliamentarism (its ratio) is deliberative discussion as the basis of establishing truth. Schmitt argues this, in fact, is a metaphysical stance: “It is essential that liberalism be understood as a consistent, comprehensive metaphysical system. . . . [Truth is] “a mere function of the eternal competition of opinions.”

Schmitt relies most in this chapter on the views of French political theorists François Guizot (1787-1874), who also argued that parliament is essentially based on a principle of discussion, and Maurice Hauriou (1856-1929) who covered the liberal principles of nineteenth century parliamentarism, such as the separation of powers in a division of executive and legislative.

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999 Ibid., 24.
1000 Ibid., 30.
1001 Ibid., 34.
1002 For a summary review of these issues and how they made Schmitt’s position controversial, see: Kennedy, “Introduction: Carl Schmitt’s Parlamentarismus in Its Historical Context,” xx, xxii-xxiii.
1003 Schmitt, Parliamentarism, 32. For an example of how the standard narrative can mislead commentators see Kam Shapiro’s presentation of Parliamentarism as indicative of Schmitt’s religiosity simply based on the presence of certain phrases. “In The Crisis of Parliamentary Democracy (1923) Schmitt retains his theological terms: ‘A scientific study of democracy must begin with a particular aspect that I have called political theology.’ In the modern age, the democratic ‘will of the people’ replaces the will of God as that power which establishes and transcends a legal order. Like the king, the people represent a transcendent source of decision opposed by liberal metaphysics” (Shapiro, Intensification of Politics, 24). On the contrary, the mere presence of “theological terms” does not make a book “Catholic.”
1004 Schmitt, Parliamentarism, 35.
1005 See: Ibid., 34-5 on Guizot and then at 40-1 on Hauriou with the Monarchomachians as a connecting intellectual influence at 37. In his writings during the Third Reich Schmitt emphasizes the necessity of stable institutions in the political unity and rule of the State and is most deeply influenced on the topic by Hauriou. Commentators such as Shapiro and Bates stress this “institutionalism” as a means of styling Schmitt a Catholic conservative rather than a Nazi.
More fascinating, for our purposes, than his claims regarding the metaphysical assumption behind late modern parliamentary liberalism in this chapter, is that Schmitt merges scholastic and classical political thought with the “enemy,” by claiming that contemporary liberalism seeks to “replace the concrete person of the king with an impersonal authority and a universal reason, which according to Aristotelian-scholastic tradition constitutes the essence of law.” He then follows this claim up with a repetition, from his earlier books, about the nature of sovereignty:

The usual definition of sovereignty today rests on Bodin’s recognition that it will always be necessary to make exceptions to the general rule in concrete circumstances, and that the sovereign is whoever decides what constitutes an exception.

Given this presentation, the deeper issue distinguishing constitutional from absolutist political thought regards the law. “The crucial distinction always remains whether the law is a general rational principle or a measure, a concrete decree, an order.” And, to Schmitt, Hobbes claim is the convincing one, “Law is not Counsel, but Command.” Schmitt’s conviction is based on the concrete difference between the legislative and executive acts of sovereignty, which are best brought out by periods of social crisis, certainly like Germany in 1923: “Different opinions are useful and necessary in the legislative; but not in the executive, where especially in times of war and disturbance action must be energetic; to this belongs a unity of decision.” Liberalism, as he argued in Political Theology, naively believes it can do without “decision.”

This leads to the discussion, in the next chapter, of the reemergence of the concept of dictatorship within Marxist thought. Schmitt astutely points out that Hegel and Marx, with their

\begin{itemize}
  \item Schmitt, Parliamentarism, 42.
  \item Ibid., 43.
  \item Ibid.
  \item Ibid.
  \item Ibid., 45.
\end{itemize}
dialectical thought, are not really prophesying the future, but, rather, trying to read the past: “If an epoch can be grasped in human consciousness, then that furnishes proof for a historical dialectic that this epoch is historically finished.”  He illustrates, by concluding, a Marxist is basically only stating “of the proletariat that it will be the absolute negation of the bourgeoisie.” This description also perfectly fits Schmitt and his historicist approach as he consistently uses his intellectual-historical studies of these early Weimar years to conclude one or another human political or social possibility has been dispensed with. For example, his constant claim that Donoso had the insight to recognize monarchical legitimacy was “no more.” Or, for a few more examples: his claim that metaphysical and transcendental understandings (not just the belief in God) are a thing of the past; mass democracy has to be used for political justification; and the “era of the State” is on the cusp of passing away. The result of all of these changes in the late modern mind boils down, in Marxism, to a simple conclusion which Bolshevism and Lenin recognize:

The new rationalism destroys itself dialectically, and before it stands a terrible negation. The kind of force to which it must resort cannot any longer be Fichte’s naïve schoolmasterly ‘educational dictatorship.’ The bourgeois is not to be educated but eliminated.

This turn to dictatorship in Marxist rationalism is a development Schmitt has respect for, although to be fair, he is even at this time not at all a militarist or comfortable with the violence that could be entailed.

In the final chapter of *Parliamentarism*, Schmitt continues to evaluate the contemporary situation in its turn towards political irrationalism. He describes the change from a nineteenth century liberal or Marxist rationalism as a: “new evaluation of rational thought, a new belief in instinct and intuition that lays to rest every belief in discussion and would also reject the possibility

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1011 Ibid., 61.
1012 Ibid.
1013 Ibid., 64.
that mankind could be made ready for discussion through an educational dictatorship.”

This radical development is personified in the anarchism of Proudhon and Bakunin, for whom any and all “unity is slavery,” and theistic belief is “metaphysical centralism.” From these early anarchists Schmitt moves to a later one, Sorel, and just as he had in Political Form, he treats the Frenchman with great admiration. He finds at the center of Sorel’s thought—partly by the influence of philosopher Henri Bergson (1859-1941):

> . . . a theory of myth that poses the starkest contradiction of absolute rationalism and its dictatorship, but at the same time because it is a theory of direct, active decision, it is an even more powerful contradiction to the relative rationalism of the whole complex that is grouped around conceptions such as ‘balancing,’ ‘public discussion,’ and ‘parliamentarism.’

The “idea” in Political Form is now the myth in Parliamentarism, and forces that can concoct and transmit a myth as a unifying source of political decision which will ultimately shape politics and history.

Only in myth can the criterion be found for deciding whether one nation or a social group has a historical mission and has reached its historical moment. Out of the depths of a genuine life instinct, not out of reason or pragmatism, springs the great enthusiasm, the great moral decision and the great myth. In direct intuition the enthusiastic mass creates a mythical image that pushes its energy forward and gives it the strength for martyrdom as well as the courage to use force. Only in this way can a people or a class become the engine of world history. Wherever this is lacking, no social and political power can remain standing, and no mechanical apparatus can build a dam if a new storm of historical life has broken loose. Accordingly, it is all a matter of seeing correctly where this capacity for myth and this vital strength are really alive today.

Schmitt does not believe this capacity for creating myth is alive either in the liberal bourgeoisie or the Proletariat favored by Sorel.

However, Schmitt does give the socialists and anarchists credit for understanding how to, at least, make themselves present and ready to fight for the future of politics. From a (deeply flawed) reading of Donoso he relates that liberalism fails in this regard simply because: “Discussing, bargaining, parliamentary proceedings, appear a betrayal of myth and the enormous enthusiasm on

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1014 Ibid., 66.
1015 Ibid., 67.
1016 Ibid., 68.
which everything depends.”¹⁰¹⁸ Like the Spaniard, Schmitt was focused on the coming “great battle” with atheistic socialism and anarchism, “which only the metaphysical cowardice of discursive liberalism could deny was coming.”¹⁰¹⁹ But, from Schmitt’s radical perspective, he denies Donoso’s belief that the atheist anarchist Proudhon is truly his political enemy. Rather, the jurist presents the two nineteenth century political theorists as equivalent reversals of each other, more akin to a balanced Manichean dyad, opponents but not definitive enemies, especially as “both demanded a decision.”¹⁰²⁰ In fact, Schmitt goes further by likening Donoso to Sorel:

Instead of relative oppositions accessible to parliamentary means, absolute antitheses now appear. “The day of radical rejection and the day of sovereign declarations is coming.” No parliamentary discussion can delay it; the people, driven forward by its instincts, will smash the pulpits of the sophists—all of these are opinions of Donoso-Cortés, which might have come word for word from Sorel, except that the anarchist stood on the side of the people’s instinct. For Donoso-Cortés radical socialism was something enormous, greater than liberal moderation, because it went back to ultimate problems and gave a decisive answer to radical questions—because it had a theology.¹⁰²¹

The mention of Sorel brings Schmitt back closer to the present situation as he speaks to what is missing in the Weimar Republic by praising the anarchist thusly: “The warlike and heroic conceptions that are bound up with battle and struggle were taken seriously again by Sorel as the true impulse of an intensive life.”¹⁰²²

Schmitt’s language, in this 1923 text, has markedly increased in nationalist ferocity as well as existentialist focus. For, he continues by agreeing with Sorel’s finding that “professional politics and participation in parliamentary business . . . wear down great enthusiasm into chatter and intrigue and kill the genuine instincts and intuitions that produce a moral decision.”¹⁰²³ And further: “Bellicose, revolutionary excitement and the expectation of monstrous catastrophes belong

¹⁰¹⁸ Schmitt, _Parliamentarism_, 69.
¹⁰¹⁹ Ibid.
¹⁰²⁰ Ibid., 70.
¹⁰²¹ Ibid., 69-70.
¹⁰²² Ibid., 70.
¹⁰²³ Ibid., 71.
to the intensity of life and move history.”[^1024] This historical surge comes from the masses and not intellectuals, a “heroic spirit was born of the irrational life energy of an anonymous mass” and, “[e]very rationalist interpretation falsifies the immediacy of life.”[^1025] Although Sorel may have himself strictly opposed dictatorship, staying true to his anarchistic principles, it is, at least, the case “[t]he great psychological and historical meaning of the social theory of myth cannot be denied.”[^1026]

The bourgeoisie is one such myth, which proves the case, much as “Rome” had in *Political Form*.

In the final pages of *Parliamentarism*, Schmitt turns his attention to the question of from whence the next great political myth will emanate? He believes that the answer lies in nationalism, one of the possible “ideas” which could give form to the political he had mentioned in his last book. Schmitt recognizes nationalism as the next great myth possible first in what Sorel says of Lenin, who was basically allowing:

> Russia again could be Russian, Moscow again the capital, and the Europeanized upper classes who held their own land in contempt could be exterminated. Proletarian use of force had made Russia Muscovite again. In the mouth of an international Marxist that is remarkable praise, for it shows that the energy of nationalism is greater than the myth of class conflict.^[1027]

From here, he actually returns to earlier examples of the unifying power of nationalism, in: the wars against Napoleon of the Spanish and Germans; Irish rebellion against England in 1916, led by Patrick Pearse and James Connolly (1868-1916); and Italian Fascism.[^1028] Schmitt considers this last, and most current, example as also the best or superior form, for: “wherever it comes to an open confrontation of the two myths [Bolshevism and nationalism], such as in Italy, the national myth has until today always been victorious.”[^1029] Schmitt’s fascination with fascism strikes a particularly ominous note when he recognizes how racism can actually strengthen the psychological impact of nationalist sentiment:

[^1024]: Ibid.
[^1025]: Ibid.
[^1026]: Ibid., 73-4.
[^1027]: Ibid., 74-5.
[^1028]: Ibid., 75.
[^1029]: Ibid.
Italian fascism depicted its communist enemy with a horrific face, the Mongolian face of Bolshevism; this has made a stronger impact and has evoked more powerful emotions than the socialist image of the bourgeois. Until now the democracy of mankind and parliamentarism has only once been contemptuously pushed aside through the conscious appeal to myth, and that was an example of the irrational power of the national myth. In his famous speech of October 1922 in Naples before the March on Rome, Mussolini said, ‘We have created a myth, this myth is a belief, a noble enthusiasm; it does not need to be reality, it is a striving and a hope, belief and courage. Our myth is the nation, the great nation which we want to make into a concrete reality for ourselves.’ In the same speech he called socialism an inferior mythology. Just as in the sixteenth century, an Italian has once again given expression to the principle of political realism.  

From Schmitt, it is high praise indeed to be likened to his hero Machiavelli. He is impressed with fascism as it established itself the polar opposite, or contradiction, of anarchism, in being able to rekindle enthusiasm in authority and stoke “the new feeling for order, discipline, and hierarchy.”

Almost as an afterthought, Schmitt notes the rather tepid danger he sees in the development of political myths:

Of course the abstract danger this kind of irrationalism [in anarchism or fascism] poses is great. The last remnants of solidarity and a feeling of belonging together will be destroyed in the plurality of an unforeseeable number of myths. For political theology that is polytheism, just as every myth is polytheistic.

This warning is tepid, for it is nothing more than his constant complaint against social pluralism. Schmitt, here, only claims as possible the same kind of divisions amongst political movements selling a myth as he already sees as concomitant with the party politics of contemporary parliamentarism with their multitude of sectarian interests. For Schmitt, there is no possible scenario in which the State, the Sovereign authority, can handle social pluralism because he rejects the Catholic principle of subsidiarity. The key for him, then, will be the capacity of a movement to forge a myth that unites as broad a swath of Germany as possible, in order to reestablish the

1030 Ibid., 75-6.
1031 Ibid., 76.
1032 Ibid.
1033 Compare to Donoso’s critique of parliamentarism as described by Alberto Spektorowski: “Parliamentarism divides sovereignty and destroys the intermediate bodies of society. In other words parliamentarism denies the overriding law of unity with diversity. This centralization of power, notes Donoso, implies the dissolution of intermediate bodies, all the buffers protecting society. Furthermore, this centralization of power is the result of philosophical civilization, which imposed abstract values and rules on society. In other words, while the parliament represents the individual and the central state at once, traditional intermediate bodies of society represent unity under diversity” (Alberto Spektorowski, “Maître, Donoso Cortés, and the Legacy of Catholic Authoritarianism,” Journal of the History of Ideas, 63.2 [April 2002], 294). Donoso is a politically Catholic theorist as his defense of social pluralism and subsidiarity suggests. He attacked the unified absolute sovereign State in any form, not simply when it was found in a parliament.
firmly unitary and sovereign—decisive—State that can impose its will and homogenize the masses. To end, a crucial distinction must be made in the manner in which “myth” exists as an aspect of Donoso’s thought versus its place in the thought of political extremists such as Sorel, Mussolini, or Schmitt. For the Catholic Spaniard, the power of myth, in his case the power of Catholic religion, is cultural, that is, it is wholly in the realm of the pre-political and social. For the latter group of proto- or outright fascists, myth is political myth. They are Nietzschean in their common over-emphasis on the role of myth in politics.1035

Schmitt in Bonn (1924-25)

In his personal affairs, Schmitt’s secular divorce case proceeded apace. On March 27, 1923, he had gone back to the Munich apartment only to find that Cari had sold all their possessions and left, so it was no surprise that she offered no defense of his action against her. Therefore, on January 18, 1924, the Bonn Regional Court declared their marriage “null and void” on the grounds of fraud perpetrated by Dorotić. The judgment took legal effect two months later on March 2. Although, in a year, he would marry his then lover “Duška” Todorović, Schmitt was already carrying on affairs at her expense. For example, with Todorović’s girlfriend (a Miss

1034 To illustrate we can compare Schmitt’s critique of liberalism to the actual complaint of Donoso. The German jurist believes that liberals reduce politics to the social and as he puts it later, all that remains for politics is “the dynamic of perpetual competition and perpetual discussion” (Schmitt, Concept of the Political, 72). In contrast, Donoso wrote “The fundamental error of Liberalism consists in giving importance to nothing but questions of government, which, compared with social and religious order, have no importance whatever” (Donoso, Essays, 178). John P. McCormick is quite correct to point out that in Parliamentarism, well before Concept of the Political, we already find Schmitt developing a radical rejection of liberalism; however, I strongly disagree with placing blame on Donoso for radicalizing Schmitt’s thought. See: McCormick, “Roman Catholicism to Mechanized Oppression,” 396.

1035 A number of scholars have recognized that the “conservative revolutionary” recognizes the failure of traditional values and institutions and so is engaged in a radical project of the creation of new values or institutions. See for example: Müller, “Carl Schmitt’s Method,” 61-85; Jerry Z. Muller, ed., Conservatism: An Anthology of Social and Political Thought from David Hume to the Present (Princeton: Princeton University Press, 1997); and Jeffrey Herf, Reactionary Modernism: Technology, Culture, and Politics in Weimar and the Third Reich (Cambridge: Cambridge University Press, 1984).

1036 Mehring, Aufstieg und Fall, 155.

1037 Ibid., 164.
Tadie) and a dancer named Sonninhaus “who reminds him of Cari.” Already, early in 1924, Duška began to exhibit the “dangerous tubercular disease” which would cause her to frequent sanitariums the remainder of her life. On March 18, Schmitt records in his diary that she coughed blood. Within a couple of weeks, he visits Berlin, and through Franz Blei is introduced to the city’s nightlife. As a result he spends “ten days in a passionate affair with a ‘Countess’ called Hella Ehrik.” Todorović was placed in a sanitarium in August and remains there through the end of the year; thus missing Schmitt’s first interview in pursuit of an ecclesiastical annulment of his marriage. His case considers two issues: her misidentification, and whether her purported aristocratic origins were a *sine qua non* condition of marriage. An official of the Archdiocese in Cologne conducted the examination on November 4, 1924. Schmitt describes it as “very detailed, very decent.”

The standard narrative treats Schmitt as a supporter of the Center. Yet, Schmitt never joined a political party in Weimar much less the Center. He would only join one party in his lifetime, the Nazi Party. Rather, in the new Republic, Schmitt fit in best with the general attitudes of the mandarin social milieu of German academic life. As Bendersky notes:

> Many professors were repulsed by the petty, often irresponsible partisanship of parties representing special socioeconomic, ideological, and religious interests. From the narrow viewpoint of such academicians, this party bickering was enough to condemn democracy itself; it threatened the unity of the nation and undermined the authority of the established order to which they were totally committed. It also confirmed their belief that a strong state must stand above parties and represent the interests of the nation as a whole.

*Parliamentarism* reflects these mandarin views. The trial of Hitler and other Nazi leaders for their failed putsch began on February 26, 1924 and lasted until April 1. Schmitt followed the case with

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1038 Ibid.
1039 Ibid., 163.
1040 Ibid., 165.
1041 Ibid., 164.
1042 Ibid., 184.
1043 Bendersky, *Theorist for the Reich*, 14-15. Yet, Bendersky claims that in the early Twenties while at the University of Bonn “if he displayed any political partisanship at this stage in his life it was for the Catholic cause” (ibid., 48). His source for this claim though is a postwar interview of Schmitt’s and therefore not reliable on its own.
keen interest, not for Hitler’s sake, but because of the involvement in the coup of nationalist hero, General Erich Ludendorff (1865-1937), and Bavarian nationalist politician, Gustav Ritter von Kahr (1862-1934). At the time, Schmitt had a Nazi-supporting student with whom he routinely discussed such current events. In early March, Schmitt refused the overtures of Bonn’s Center-supporting students, of the Windthorst League and the Young Academics, who had listed him as a proposed Reichstag candidate to the Berlin Center Party Board. The next month, Schmitt reads a paper at a meeting of the German Teachers of State Law (Deutschen Staatsrechtslehrer) in Jena, which could further indicate why he had no interest in office. In “Die Diktatur des Reichspräsident nach Artikel 48 der Reichsverfassung” [“The Dictatorship of the President pursuant to Article 48 of the Constitution”] he argues for the president to act as a commissarial dictator to resolve Germany’s frequent social crises.

Although Schmitt declined to get involved in practical Catholic politics, he did sporadically publish editorials and other pieces commenting on political issues in Catholic outlets. The first such piece appeared on October 26, 1924, in the Kölnische Volkszeitung. “Nochmalige Reichstagsauflösung: Ein staatsrechtlicher Hinweis” [Repeated Dissolutions of the Reichstag: a Note on Constitutional Law] dealt with interpretative issues in how the Reichstag can be dissolved. Schmitt notes that this maneuver is a frequent necessity, given the extent to which contemporary party politics has undermined or hamstrung the government’s ability to act. In March of 1925, Schmitt’s editorial “Reichspräsident und Weimarer Verfassung” [“The President

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1041 Mehring, Aufstieg und Fall, 164.
1042 See Koenen, Der Fall Carl Schmitt, 39; also, Balakrishnan, Enemy, 54-5.
1043 See note 3 above for publication details.
and the Weimar Constitution""] was likewise published in Cologne’s Catholic daily. Here, Schmitt claims, the first holder of the office of President, Friedrich Ebert, had given it a special character:

On a provisional basis, a special new type of a republican president was born. The president as a kind of neutral support authority between the various bodies and factors known to the Weimar Constitution, national government, parliament, the Reichsrat, the state government."

As noted above, Ebert did indeed make liberal use of Article 48 to rule by emergency decree.1049 When Lönne examines the editorials authored by Schmitt, which found a home in the Kölnische Volkszeitung, he concludes that they were “without exception” discussions of certain constitutional questions, from his particular polemical viewpoint, which displayed “ruthless contempt for the weakness of parliamentary democracy.” Thus, far from suggesting that Schmitt was motivated by political Catholicism, the confrontational and polemical tone he took towards parliamentarism, in a Center Party publication, is better evidence of the secularity of his mind.1052

Finally, Schmitt did accept an invitation from the Rhenish Center Party in Cologne, to deliver a speech on the occasion of the millennial anniversary celebration of the Rhineland, which was held on April 14, 1925. The organizers published his speech as the fourth in a series of

1050 Lönne comments on: “Nochmalige Reichstagsauflösung”; “Reichspräsident und Weimarer Verfassung,” one page editorial; and “Das Ausführungsgezet zu Art. 48 der Reichsverfassung (sog. Diktaturgesetz),” 67,805 (October 30, 1926), two pages. The latter two editorials have been published in: Schmitt, Staat, Grossraum, Nomos, 24-32; 38-43.
1052 When Lönne looks at specific aspects of Schmitt’s thought he repeatedly finds that he must sever the discussion from Catholicism in order to accurately describe the jurist’s views. For example, Lönne recognizes that as Schmitt develops his picture of an orderly society it might seem at first Catholic, yet, the image is actually of the total state “based solely on the authoritarian and dictatorial ‘authority of command’ of state power” (ibid., 32). Or again, “Schmitt’s domestic and foreign policy situational analysis and his explicit or implicit conclusions stand in sharp contrast to the Center’s supported policy of a pragmatic search for a solution towards internal and external balance” (ibid., 34). Lönne acknowledges that Schmitt’s anti-parliamentarianism could hardly have been farther from the views of the Catholic Center; nor did Schmitt accept the Center’s tolerance of social pluralism and seeking to work with the SPD. Rather, he believed the Center could not perceive who its true enemies were and that refuge from Weimar’s pluralism must be sought in a stronger state. The significance of the gulf between Schmitt and the Center is that, as Lönne writes: “The Center largely determined the political action of Catholics in the Weimar Republic” (ibid., 35). However, Lönne claims that since Schmitt clearly thought of himself as a Catholic “no one has the right to say otherwise” (ibid.) and since the Center did not fully exhaust the political views of German Catholics, he treats Schmitt as propounding one version of political Catholicism.
pamphlets on the “Rhenish Problem,” and it was the second (and last) Weimar era book of Schmitt’s released by a Catholic publisher.

_The Rhineland as Object of InternationalPolitics_

The Rhineland was, indeed, a problem in the early years of the Weimar Republic. Rhenish Catholics, in particular, were disaffected from the regime and national Center Party, as they were subject to events such as: French invasion of the Ruhr in January 1923; several failed putsch attempts for Rhenish separation in October 1923 in Düsseldorf, Bonn, Trier, Koblenz, and more cities, even encouraged, in some places, by the French; and the rise of the Nazis in the region. “Rhinelanders believed that the Reich government was failing to take responsibility for them” in these years and, in his speech, Schmitt tapped into that angst and the separatist fervor simmering in the region. Given the standard narrative regards Schmitt as, at earliest, beginning a process of becoming secular-minded from about six to eight months after this speech, _The Rhineland as Object of International Politics_ provides an unique opportunity to assess his Catholicity since it was a polemical speech to a largely Catholic audience.

_Rhineland_ focuses upon the novel manner in which Germany found itself subject to foreign intervention under the terms of the Versailles Treaty and the auspices of the League of Nations. A routine approach of Schmitt’s Weimar writings was to distinguish decadent contemporary European political affairs from those of the nineteenth century under a stronger system of nation-states. To that effect, Schmitt draws a distinction in his speech between current methods of imperialism versus the older form. Rather than direct annexation or control, imperialist states now

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1055 Ibid., 287.
use hidden and dishonest means, including: protectorates, mandates, leases, and intervention agreements. These methods are exemplified, for Schmitt, by the manner in which the United States exercises control over certain nations in its hemisphere or, even better, England’s domination of Egypt. The latter had been nominally free since 1922, when the British protectorate was officially dissolved, yet, “old words and mental habits are carried forward” and used to “hide the political reality.”

Egypt may be called a “free and sovereign state,” but England maintains control just as firmly as before—if not, in fact, more securely by reason of deception—given the four rights the British reserved for themselves: defense of the Suez Canal; protection of foreign interests; protection of Egypt against foreign attack; and administration of the Sudan. All of which rights served as justifications (or pretenses) for intervention and suspension of Egyptian sovereign autonomy.

Although Schmitt refrains from suggesting the nineteenth-century form of imperialism be considered ideal, he praises its “advantage of openness and visibility” because it allowed maintenance of what he understands as the *condicio sine qua non* of “the political”; namely, the older imperialist power annexed the conquered people, and thus took over, rather than divided or abrogated, “political responsibility and representation.” The current imperialism is thus inherently anarchical, or destabilizing, as it denies the subjected nation benefit from any actual (that is, responsible and representative) Sovereign power, even if only foreign; there is no State to create and maintain social order. Since the western powers’ interventions into the Rhineland followed

1057 Ibid., 28. Schmitt pays particular attention to the phrase “foreign interests” the lability of which makes it highly suited to cover imperialist interference, as the British proved to his satisfaction in Egypt in both 1924 and 1925. “The result of this method is that words like freedom, independence, self-determination, Sovereignty will lose their old sense” (ibid., 30). The appeal of Schmitt to some on the contemporary political Left is likely due, in no small part, to the exact critical method here on display which is an early example of linguistic political postmodernism. Schmitt’s frequent claims to read the hidden motive of power grabbing behind political phrases such as “foreign interests” here, common good, or “values” in his postwar book *Die Tyrannei der Werte: Überlegungen eines Juristen zur Wert-Philosophie*, ed. Sepp Schelz (Stuttgart: W. Kohlhammer, 1960).
the contemporary means, the unintended consequence of making the Rhineland into an “object of international politics” could be the complete destruction of the German State, social revolution, and anarchy.

Rhenish Catholics were certainly capable of being appealed to in secular terms on conservative, nationalist, and regionalist grounds as Schmitt does in this speech. However, given its context and audience it is remarkably lacking in appeal on intellectually or politically Catholic grounds. The speech contains only three elements that can be proposed as possibly Catholic, however, they are all stalking horses for his particular brand of political Hobbesianism.

The first such element is Schmitt’s appeal to, what he believes, is the now defunct distinction between Christian and non-Christian peoples in European political thought.

The old traditional idea that, more than you know, has dominated nineteenth-century international practice, namely the division of humanity into Christian and non-Christian peoples, of equality between Christianity and civilization, and thus the basis of respect for the Nations of Europe, all this is omitted. The implication of this change being that Germany is now being treated in a manner previously reserved for uncivilized and infidel peoples. It is not clear whether Schmitt actually believed in such a division of humanity and nations, but what is clear is his use of the distinction as an

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109 He mentions as examples: the use of rule by “international committees” (ibid., 26); “an occupation of land and people of limitless duration” (ibid., 27); “limitless” reparations that result in “a perpetual subjugation of Germany” (ibid., 32); and the “so-called right of investigation, which can be exercised by a majority vote of the League of Nations Council,” that gives the Allied Powers an “unlimited right of reprisal” in both military occupation or seizure of German industry (ibid.).

110 The occupation of the Ruhr by French and Belgian troops in response to non-payment of reparations began in the fall of 1923 and continued as a crisis situation until the Dawes Plan of structured payments was finally agreed upon in April 1924. However, the last of the troops did not withdraw until July and August 1925, several months after Schmitt delivered his speech. His view that the crisis over the Rhineland presented the very real “possibility of a division of Germany, but also the deep immorality of a condition which occurs when government authority dissolves and a nation is driven into political despair” (ibid., 26) was neither completely groundless nor an unpopular view.

111 One technique used by Schmitt protégé Böckenförde to apologize for his mentor is the false dilemma. In order to prove “there is nothing provocative or interesting about Schmitt as a nationalist” he correctly notes that most German Catholics in the Twenties were nationalists. However, while his “opposition to the Treaty of Versailles, his critiques of the League of Nations and of the Rhineland as an object of international politics are well-known . . . That does not mean . . . he considered the nation and belonging to it something determining the very essence of human existence, i.e., something determining the course of history and providing political events and human existence their meaning.” This argument sets the claim that “everyone was a nationalist” against one that no one makes about Schmitt; namely, that he is a crude determinist in his nationalism. See: Böckenförde, “Carl Schmitt Revisited,” 84.

112 Schmitt, Die Rheinlande, 31-2.
argument for Germany’s right to national self-determination. The second stalking horse, and most prominent pseudo-Catholic element in the speech, is Schmitt’s multiple references to what he calls “the Christian concept of authority.” He contends contemporary debased political rhetoric obfuscates the new methods of foreign domination. The result is the most serious of “moral dangers” since “no human coexistence is possible without an open and clear authority.” In fact, Schmitt informs his audience a basic Christian duty becomes impossible:

Christian theologians require, as a truly moral duty, that we must respect authority both externally (reverentia externa) and inwardly (reverentia interna). Being subject to the authorities is a general Christian duty because ‘all authority is from God’ (1 Romans, 13). There is thus the great moral danger that in this modern development the Christian concept of authority is eliminated.

Schmitt, here, presents the “Christian concept of authority” only as an obligation to obey on the part of the individual. That is, he is actually not describing, let alone defining, what “authority” consists in beyond that it should be “open and clear.” Just what he has in mind by authority only becomes plain in his treatment of tyranny.

Schmitt believes that contemporary liberal political theory is ignorant of “the numerous theological and legal discussions of the Middle Age and the sixteenth and seventeenth centuries,” hence:

They talk about the limits of obedience, which is owed to the authorities, of the abuse of official violence, of the right to resist authority. . . . They speak of ‘tyrants.’ The tyrant abuses his power, but he exposes himself also as an at-large political factor; a risk of the political. He requires obedience and loyalty, right or wrong, but at least in full openness. He claimed sovereignty and represented it. The public, which is located in this representation, is assumed as a matter of course. It really belongs to the concept of authority. Modern

1063 Ibid., 26.
1064 Ibid., 33.
1065 Ibid.
1066 Further along in the speech Schmitt gives an additional clue towards what he understands by authority when he decries rule by an: “International Commission [which] is no possible subject of rights and obligations as they result from the Christian concept of authority. . . . Every European nation, from a national consciousness, is outraged at the thought of being ruled and dominated by foreigners. This outrage is the expression of a deep moral sense that State and nation is based on the natural communities where humans live together. The moral outrage is yet deeper and greater when the idea is not that just a stranger, but a quorum of various foreigners rule” (Ibid., 35-6). Although he intimates here that the political authority, according to the Christian concept, is a subject of “rights and obligations” he again fails to provide details. Instead he shifts quickly into asserting what Woodrow Wilson would have referred to as the right of self-determination of distinct peoples. This principle is certainly classical and does not contradict any traditional Christian political concept—based as it is on natural law—but it hardly reflects a distinctly “Catholic” expression on Schmitt’s part as opposed to a simply conservative and nationalist principle.
methods only go to conceal the real Power and make the public representation of the State an empty façade. 

. . . The key feature of today is that the real rulers remain hidden . . .”

As the added emphasis shows, Schmitt is not rejecting modern political theory in favor of Catholic traditionalism; rather, he is promoting a particular strand of early modern absolutist thought which he absorbed most clearly from Hobbes. At the dawn of political modernity Hobbes asserted that “the name of Tyranny, signifieth nothing more, nor lesse, than the name of Sovereignty”\(^\text{1068}\) and the representation of sovereignty, the State, is simply to be obeyed since political authority itself calls into existence—or as Schmitt writes here “locates”—the public; the State constitutes the citizen. Therefore, there is no tyranny, there either is a sovereign representative of the people or there is no State at all.

Amazingly, Schmitt does make mention of the common good in this speech, and his reference to the fundamental concept of Catholic social thought, which he routinely rejected, is the final stalking horse. Shortly after appealing to Woodrow Wilson’s belief, that making a people subject to competing foreign states is “particularly immoral,” as proof against rule of Germany by international commission, Schmitt concludes:

> What belongs to a real state authority, *and what is possible even with a single tyrant*, namely that the purpose of his reign is to determine the overall welfare of the people, the *bonum commune*, becomes impossible as the result of such an intergovernmental entity.\(^\text{1069}\)

The fact that Schmitt believes the political determination of the common good is possible under tyranny is testimonial to his rejection of classical and scholastic, hence traditionally Catholic political principles. Tyranny has been understood from Augustine to Aquinas, from Bellarmine to Pope Leo XIII as the exact *opposite* of political rule for the common good. Rather, tyranny is rule for the personal good of the tyrant(s) (regime). For example, in *Rerum Novarum* Leo XII claims:

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\(^{1067}\) Ibid., 34.
The State as rightly apprehended [is] . . . any government conformable in its institutions to right reason and natural law, and to those dictates of the divine wisdom which we have expounded in the encyclical On the Christian Constitution of the State.

Only if we accede to the dictates of Humpty Dumpty, for whom a word “means just what [he] choose[s] it to mean,”\textsuperscript{1070} can we accept that Schmitt’s understanding of tyranny equates to government conforming to Leo’s “right reason,” “natural law,” and principles derived from “divine wisdom.” Of course, Schmitt ignores this properly Catholic understanding of political rule. The only issue he acknowledges as pertinent is whether sovereignty, as he understands it, exists; for his sovereign is beyond ethical appraisal—beyond good or evil. The only exception Schmitt acknowledges, by which a sovereign can possibly be judged by the people, is in terms of the Hobbesian principle \textit{protego ergo obligo} (“protection, therefore obedience”). If the state fails to keep the people secure then, at least theoretically, a sovereign has ceased to exist.

Catholic political theorists, such as Aquinas, have often suggested patient suffering or prudent obedience to tyranny\textsuperscript{1071} as opposed to the risks—known and unknown—of rebellion.

\textsuperscript{1070} Lewis Carroll, excerpt of Chapter VI, “Humpty Dumpty,” from \textit{Through the Looking-Glass, and What Alice Found There} (1871), accessed online as of July 10, 2013 from the Project Gutenberg EBook at: http://www.gutenberg.org/files/12/12-h/12-h.htm#link2HCH0006. The entire conversation between Humpty and Alice reads as a prescient critique of the postmodernist will to linguistic power, \textit{a libido dominandi} equally evident among modern political “realists” like Schmitt (or a Communist apparatchik like Leon Trotsky [1879-1940] for that matter): “. . . There’s glory for you!’ . . . ‘I don’t know what you mean by “glory,”’ Alice said. Humpty Dumpty smiled contemptuously. ‘Of course you don’t—till I tell you. I meant “there’s a nice knock-down argument for you!”’ ‘But “glory” doesn’t mean “a nice knock-down argument,”’ Alice objected. ‘When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean—neither more nor less.’ ‘The question is,’ said Alice, ‘whether you CAN make words mean so many different things.’ ‘The question is,’ said Humpty Dumpty, ‘which is to be master—that’s all.’”

\textsuperscript{1071} See \textit{De regimine principium}, Chapter VII, in: \textit{Aquinas: Political Writings}, ed. and trans. R. W. Dyson (Cambridge: Cambridge University Press, 2002), 17-21. Aquinas relates the anecdote of an old woman of Syracuse who prayed for the well-being of the tyrant Dionysius because she had lived to regret praying for the death of the earlier tyrant since an even worse one, the self-same Dionysius, had succeeded him. I must thank P. Bracy Bersnak for directing me to this text of Aquinas. Yet, there is nothing even peculiarly Christian in advising caution in overthrowing rulers. Aesop’s fable on “The Fox and the Hedgehog” teaches the same moral: “A Fox swimming across a rapid river was carried by the force of the current into a very deep ravine, where he lay for a long time very much bruised, sick, and unable to move. A swarm of hungry blood-sucking flies settled upon him. A Hedgehog, passing by, saw his anguish and inquired if he should drive away the flies that were tormenting him. ‘By no means,’ replied the Fox; ‘pray do not molest them.’ ‘How is this?’ said the Hedgehog; ‘do you not want to be rid of them?’ ‘No,’ returned the Fox, ‘for these flies which you see are full of blood, and sting me but little, and if you rid me of these which are already satiated, others more hungry will come in their place, and will drink up all the blood I have left.’” Quoted from: \textit{Aesop’s Fables}, trans. George Fyler Townsend for Project Gutenberg, accessed online as of 8/1/13 at http://www.gutenberg.org/files/21/21-h/21-h.htm#link2H_4_0182.
Schmitt distorts this common teaching into a straitened rendition of the Christian idea of authority. It is thus worth recalling that the Christian cult of martyrs proves there always exists absolute limits to obedience given to tyranny. Possibly even more revealing than his twisted presentation of the most fundamental Catholic political principle is his indictment of the traditional German form of subsidiary and localized political authority, namely, federalism. For, Schmitt adds to rule by foreign domination other systems of governance such as federalism and “mixed commissions” as likewise destructive of civic obedience and political authority. Behind his speech lies Schmitt’s political modernism. He refrains from defining the political regime by its proper natural end, and any conceivable means by which political rule might be decentralized or depersonalized is anathema. To Schmitt, the supreme danger of the contemporary methods of foreign domination, which has made the Rhineland into an object of international interest, is that they obfuscate State power and when there is no clear identification of the State then civil obedience, and hence, civil society is jeopardized.

Schmitt in Bonn, 1925-26: Catholic Intensification and Excommunication

In his postwar diaries, Schmitt adapted a line from a poem of Konrad Weiß to claim: “This is the secret keyword to my entire mental and authorial life: the struggle for an authentically Catholic intensification.” Indeed, to openly attack federalism to an audience full of Catholics of regionalist and even separatist sensibilities, such as would attend this Rhenish Center Party function, fits an agenda of “intensification,” as do Schmitt’s editorials in the Kölnische Volkszeitung. Mehring would seem to partially agree as he claims, “Schmitt commits himself in

Schmitt, Glossarium, 165. Schmitt adds in parentheticals that this intensification is directed against “the neutralizers, aesthetic utopians; against abortionists, cremators and pacifists.” The phrase was used as the point of departure for the lectures given at a symposium in the Spring of 1993, held at the Katholische Akademie Rabanus Maurus (Weisbaden-Naurod) and is used as the title for the resulting book.
However, Schmitt’s postwar claim can only be used accurately if one understands this project as a desire to “authentically intensify” Catholic politics, rather than a claim of his being “authentically Catholic” in thought as the standard narrative would have one believe. As Peter Hohendahl notices, this “Catholic intensification” is certainly “a decisive step beyond traditional Catholicism.” I claim it is actually a leap beyond Catholicism, Christianity—or even just religion—of any stripe. Schmitt was an Erastian—not in theology where he was Gnostic at best—but in his belief in the subservience of the Church to the State. As will be made quite clear in the next chapter, Schmitt’s presence and involvement in the Catholic intellectual life of Weimar was always far more circumspect, half-hearted, or motivated by strictly mundane motives than one would come to believe based on the standard narrative. He was not a sincere believing Catholic nor did he attempt to develop his reputation as a Catholic intellectual, or seek to profit from the happenstance esteem that Political Form had bought for him in that milieu, in a whole-hearted or robust manner. In fact, the behind the scenes story of Schmitt’s relationship to Political Form’s publisher and its eventual reissue, by the German Episcopate’s publishing arm, provide evidence for my claim regarding his lack of _bona fides_ as a Catholic intellectual.

Jakob Hegner founded Hellerau Printing in 1912 and then the Hellerauer Verlag Jakob Hegner in 1918, both of which eventually failed in 1930. He has been described as more of a

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1074 Mehring, _Aufstieg und Fall_, 126. A bit further on Mehring says that given Schmitt’s scholastic considerations it seem more likely that he has a “Christian reservation toward the Church” which is in effect saying that he was a Protestant. This characterization is an improvement although it is still lacking in accuracy. The problem is that Mehring identifies Schmitt’s discussion of the metaphysical foundations of decisionism and personalism as well as his studies on Donoso as proof of religiosity and so sticks to a variation of the standard narrative (ibid., 145-6).

1075 Hohendahl, “Political Theology,” 12.

1076 The conference on “Catholicism, Theology and Church in the Work of Carl Schmitt” held by the Catholic Academy of Rabanus Maurus in May of 1993 included two papers that largely recognize this basic claim about Schmitt’s thought in relation to Christian theology and Catholicism. Richard Faber and Dietrich Braun recognize that Schmitt is “closer to a late Roman [Marcus] Varro-ish-Constantinian ideals than to the contemporary neo-scholasticism and Church social doctrine” (Wacker, “Foreword,” 8). Schmitt is essentially following upon Protestant and neo-Gnostic theologian Adolf von Harnack in his _History of Dogma_ by making use of the “historization of theological statements” (ibid.). See: Dietrich Braun, “Carl Schmitt und Friedrich Gogarten: Erwägungen zur ‘eigentlich katholischen Verschärfung’ und ihrer protestantischen Entsprechung im Übergang von der Weimarer Republik zum Dritten Reich,” in _Die eigentlich katholische Verschärfung_, 203-27; and Faber, “Carl Schmitt, der Römer,” 257-78.
“lover of beautiful books” than skilled in the book trade, yet, he became the most significant name in Catholic publishing in Germany’s interwar years. Hegner introduced to a German audience France’s interwar “Catholic Renewal” (Renouveau Catholique) in religious-themed literature. He did so by distributing the works of novelist Georges Bernanos (1888-1948), poet and dramatist Paul Claudel (1868-1955)—whom he translated himself—as well as the earlier philosopher and essayist Ernest Hello (1828-85). Hegner was also the primary publisher of several of Weimar’s most important German Catholic theologians, such as Guardini and Przywara. In the Thirties, after his own firm went bankrupt, he joined the large Leipzig publishing house of Oscar Brandstetter Verlag and continued his efforts by establishing as house writers the young Catholic philosopher Josef Pieper, as well as Theodor Haecker.

Franz Blei introduced Schmitt to the publisher and, as the young legal scholar impressed Hegner, he reprinted Schmitt’s habilitation thesis, The Value of the State, in 1917. Also, three of the jurist’s essays appeared in the journal Blei edited for Hegner, Summa, in 1917-18. Despite this early show of support, Hegner would only have the opportunity to publish one of Schmitt’s Weimar texts. Political Form was slated to be published by a recently begun academic (and secular) yearbook of intellectual history, Die Dioskuren, to which Schmitt had first submitted it, when Hegner apparently requested a chance to publish it. Schmitt pulled it from the yearbook.

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108 Hegner followed a unique spiritual path to becoming a prominent publisher of Catholic authors in Germany. He came from a Jewish family and home and first converted to Christianity in 1919, but as a Protestant. His final conversion to Catholicism did not occur until 1934, long after his reputation had been established.
109 Pieper recounts the beginning of his long and fruitful association with Hegner, after his manuscript On the Meaning of Courage had been repeatedly rejected, in the following words: “Almost flippantly, or rather, as an act of desperation, I finally sent the manuscript to Jakob Hegner in Leipzig, the publisher of Paul Claudel, Romano Guardini, Theodor Haecker, and Georges Bernanos, renowned for his wonderful printing. Lo and behold—three or four days later I had found ‘my’ publisher! Hegner replied almost by return post. ‘The real delight, however, was that he asked whether there were not seven such virtues; naturally I would have to write similarly about the others’” (Pieper, No One Could Have Known, 99). Pieper’s fond reflections of Hegner in his autobiography are a great source of insight into the publisher’s character and personality; see especially 107-14.
108 As covered above at Chapter Three.
and sent it to Hegner in November of 1922. From reception of the essay, Hegner clearly believed that there existed a gentleman’s agreement between himself and Schmitt that *Political Form* was the first of a series of treatises, which the jurist would pen, and he would publish. Thenceforward, Hegner’s letters to Schmitt document an increasing frustration that he had not shown any inclination to meet this expectation. The publisher even suggested projects that Schmitt could have easily handled if he desired to produce the expected tracts. These ideas included revisiting the subject of romanticism in politics, as well as expanding upon the 1917 essay “Visibility” by addressing the “Invisibility of the Church.” Provocatively, Schmitt did in fact soon write an essay fitting the bill of the first suggestion; however, not for Hegner, but rather, as an article published in *Hochland*.

*Political Form* generated enough interest to allow Duncker & Humblot to issue a second edition of *Political Romanticism* in 1925. In anticipation of the event, Schmitt consented to have the preface for the new edition printed in *Hochland*, the leading German culturally Catholic magazine, in November of 1924. “Romantik” appeared after Schmitt had rebuffed earlier requests for submissions on the part of *Hochland*'s editor, Karl Muth, and was clearly motivated by a desire

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1081 Mehring, *Aufstieg und Fall*, 148. Interestingly, the first volume of *Die Dioskuren* (published in Munich by Meyer & Jessen in 1922) includes an advertisement at the back for volume two which announces the article by Schmitt “Die politische Idee des Katholizismus.” This original title is a more accurate portrayal of the essay’s content than the one it was eventually published under. It is also worth noting that *Die Dioskuren* names the author as “Carl Schmitt-Darotic” indicating that even at this very late date Schmitt had still continued to add his wife’s name as a hyphen to his own, although the editor failed to spell it correctly.

1082 As these letters are unpublished I must rely on the presentation of them as found in: Mehring, *Aufstieg und Fall*, 149-50.

1083 Letter of April 9, 1924 as discussed in: Mehring, *Aufstieg und Fall*, 149.

1084 Letter of August 18, 1924 as discussed in: Mehring, *Aufstieg und Fall*, 150. Schmitt possibly saw no need to revisit “Visibility” as he had already built upon it in *Political Form* and the original essay had even addressed Sohm’s thesis of the “invisibility of the Church.”

to promote the new edition. This essay makes clear how Schmitt was able to gain a reputation at this time as a preeminent classicist defender of the Church against the charge of romanticism.  

For example, Schmitt looks at several defective approaches to defining romanticism; one of which runs through a series of antinomies, such as, “romanticism or classicism, romanticism or rationalism.”  

This antinomy produces grievous errors:

The Catholic Church is not rationalism either, and especially not the rationalism of the eighteenth century. And so it happens that this miraculous structure of Christian order and discipline, dogmatic clarity, and rigorous morality is also declared to be romantic, and the image of Catholicism is also installed in the romantic pantheon along with every conceivable genius, sect, and movement.

Another example of his appeal to the Catholic mind is found after he explains his definition of romanticism as “subjectified occasionalism,” where the entire world becomes but an occasion for the activity and productivity of the romantic:

It is only in an individualistically disintegrated society that the aesthetically productive subject could shift the intellectual center into itself, only in a bourgeois world that isolates the individual in the domain of the intellectual, makes the individual its own point of reference, and imposes upon it the entire burden that otherwise was hierarchically distributed among different functions in a social order. In this society, it is left to the private individual to be his own priest. But not only that. Because of the central significance and consistency of the religious, it is also left to him to be his own poet, his own philosopher, his own king, and his own master builder in the cathedral of his personality. The ultimate roots of romanticism and the romantic phenomenon lie in the private priesthood.

Schmitt acknowledges the traditional Catholic view that romanticism results from the closely linked earlier errors of “reformation, [and] revolution . . .”. However, “Romantik” is not the work of a Catholic thinker at all for Schmitt’s clear interests lie in a very different and secular political direction from that of an apologist for the Church.

Schmitt concerns himself with the manner in which romanticism manifests itself in modern political theory. He identifies the politics of “subjective occasionalism,” romanticism, with the

1086 Dahlheimer lists the following intellectuals as the main Catholic classicists of the early Twenties: Romano Guardini, Herman Hefele, Hermann Platz (1880-1945), Abbot Ildefons Herwegen, Wilhelm Neuß, Carl Schmitt, Karl Muth, and Franz Blei (Dahlheimer, Schmitt und der deutsche Katholizismus, 97-8).
1087 Schmitt, Political Romanticism, 5-6.
1088 Ibid., 6.
1089 Ibid., 17.
1090 Ibid., 20.
1091 Ibid., 8-9.
modern liberal bourgeoisie. His criticisms of romanticism develop his political views as found in
*Political Theology*, *Political Form*, and *Parliamentarism*; for, the romantics have “not brought forth
a grand style,” and the bourgeois era is “no longer capable of representation.” This defect results
from the individualizing, or subjectivizing, of the metaphysical occasionalism which grounds
romantic thought. The original occasionalists, such as Malebranche, treat God as the “final,
absolute authority, and the entire world and everything in it are nothing more than an occasion for
his sole agency.” With the romantics, this structure is maintained, but something else replaces
God at the center and as the sole agency; be it “the state, perhaps, or the people, or even the
individual subject.” Schmitt is being descriptive and he explains that this process of replacing the
occasionalist God with some other singular form of total authority is exactly what he means by
“secularization.” Given that this is the political situation in which contemporary bourgeois
liberalism finds itself, Schmitt, ever the political realist, looks for a revival of political “form” or
“representation” within the context of secularized modernity. The original occasionalist thinkers,
“recovered law and order in God, the objective absolute,” and even now “in the same way, a
certain objectivity and cohesion always remain possible whenever another objective authority, like
the state, takes the place of God in such an occasionalist attitude.” A recovery of the early
modern absolute state as the sole political agent in its role of replacement for the occasionalist (not
Catholic) conception of divine authority (as politically modern secularization) is the primary
objective of Schmitt’s Weimar writings.

Returning to Hegner, the publisher intended to cultivate Schmitt as a Catholic author and
hoped he would take on the role of an apologist for the Church, given his recently cemented

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1092 Ibid., 12-13.
1093 Ibid., 15.
1094 Ibid., 17.
1095 Ibid.
1096 Ibid., 17-18.
1097 Ibid., 18. Emphasis added.
reputation for defending it against the charge of romanticism. Schmitt could have become a house writer for Hegner’s press in the manner that Pieper and Haecker so successfully became in the Thirties; for it was widely recognized that “whatever [Hegner] published was not something to be ignored,” but rather commanded the immediate attention of Germany’s Catholic intellectuals.

Instead, Schmitt continually rebuffed the interest Hegner took in him and the publisher’s entreaties went unrewarded. Worst of all, while Hegner was repeatedly writing to Schmitt to honor their agreement and send him more works the jurist was preparing to have *Political Form* reissued by another publisher.

Although Schmitt claimed dissatisfaction with sales of *Political Form* as cause to withdraw the essay from Hegner and have it reissued in Theatiner-Verlag’s *Catholic Thought* series, Mehring astutely speculates that Schmitt may have had a more personal motive. It is possible he hoped the book’s publication in a series that included numerous prominent Catholic theologians, and brought with it the imprimatur of the German Catholic Bishop’s Conference, would positively influence the outcome of his ongoing annulment proceedings. On Easter, April 12, 1925—two days before he delivered his *Rhineland* speech—Schmitt became engaged to Todorović. He was still awaiting a reply from the Cologne Archbishop’s office about his request for a decree of annulment when he received a letter of May 23, 1925, from the publisher of the Catholic Thought series, Fr. Franz Xaver Münch (1883-1940), notifying him that the book could go into production immediately if he so wished. Schmitt quickly replied in the affirmative. Münch also happened to be a founding member, and then Secretary, of the Association of Catholic Academics (Katholischen Akademikerverband) and in this same letter he invited the jurist to deliver a lecture

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1098 Pieper, *No One Could Have Known*, 105. On the respect given by Catholic intellectuals to anything Hegner deemed worthy of publishing and its significance for the reception of *Political Form*, see: Koenen, *Der Fall Carl Schmitt*, 36n75; and Mehring, *Aufstieg und Fall*, 149-50.
1099 Mehring, *Aufstieg und Fall*, 149.
1100 Ibid., 150.
1101 Koenen, Andreas, *Der Fall Carl Schmitt*, 36n75.
at the Association’s meeting. Schmitt agreed to honor the request and so travelled to Münster, in late September 1925, to deliver a lecture “on the Church as advocate of peace, probably also with regards to his [annulment] process.”

Schmitt received the proofs for the reissue of Political Form in early July 1925 and Hegner’s last appeal was made a month later, in a letter of August 10, in which he now suggested that Schmitt could develop ideas contained in the excerpt from The Rhineland as Object of International Politics that had appeared in Die Schildgenossen. After this final attempt, Hegner resigned himself to Schmitt’s disinterest and what Mehring describes as an “old friendship” came to an end. Hegner was not alone in being rebuffed or ignored in overtures made to Schmitt inviting him to take a more prominent place in Catholic publishing and intellectual life.

At the behest of the Catholic philosopher Alois Dempf (1891-1982), the novelist, cultural philosopher and intellectual historian, Hermann Platz (1880-1945), began the journal Abendland: Deutsche Monatsschrifte für europäische Kultur, Politik und Wirtschaft in 1925 to

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102 Ibid., 38, 38n82.
103 Mehring, Aufstieg und Fall, 194. This lecture paper is unavailable and was never published but the apparent topic is so completely unlike anything Schmitt ever wrote, let alone published, that it adds credence to the speculation that much of Schmitt’s involvement at this time with Catholic academic groups or intellectuals was geared towards currying favor he hoped could help him in his ecclesiastical case for annulment.
105 Mehring, Aufstieg und Fall, 130.
promote a Catholic cultural orientation. The title of the journal means “the West,” (or the more archaic “occident”), and intends to suggest the similitude and unity in the western countries of Europe over and against the alien and communist “East.” The Abendland circle sought to overcome European political disunity arising from competition between secular nationalism and Communist internationalism by building a culturally unified (Christian) and democratic Europe.

By 1925, Platz was already well-known as a cosmopolitan and a supporter of the Center and parliamentary government. He had established an internationalist reputation as an active member of the Liturgical Movement as well as championing contemporary French Catholic thought, the “renouveau Catholique.” In his academic work, he also “formulated a Catholic critique of nationalism in dealing with French nationalism.”

In the political arena, Platz underscored his commitment to the Weimar Republic by giving a speech, in the Reichstag, on the anniversary date of the Constitution in 1925.

Both Dempf and Platz were colleagues of Schmitt at the University of Bonn, Platz having been there when Schmitt arrived in 1922 and Dempf from 1926. Other prominent Catholic intellectuals from the Abendland circle acquainted with Schmitt include: Karl Anton Prinz Rohan (1898-1975), theologian Karl Eschweiler, and his students Werner Becker and Paul Adams.

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1108 Mehring, Aufstieg und Fall, 144. Mehring points out that Platz stressed the “tepid response of French Catholicism to the State’s anti-clerical policies in comparison to the German Catholic resistance to Bismarck’s Kulturkampf” (ibid., 144). The book by Platz is Geistige Kämpfe im modernen Frankreich [Spiritual Battles in Modern France] (München: Josef Kösel & Friedrich Pustet, 1922).

1109 Dahlheimer, Schmitt und der deutsche Katholizismus, 100.

1110 In late 1925 Mehring lists Dempf as someone with whom Schmitt “occasionally” spent time with socially. See: Mehring, Aufstieg und Fall, 194.

1111 Rohan met Schmitt in September 1926 and became a publicist of his ideas as well as editor of five Schmitt articles in the right-wing journal Europäischen Revue. See: Mehring, Aufstieg und Fall, 197. He also was connected to one of Schmitt’s more famous essays “The Age of Neutralizations and Depoliticizations” (“Das Zeitalter der Neutralisierungen und Entpolitisierungen”). Rohan began an “International Association for Cultural Cooperation” “Internationalen Verbandes für kulturelle Zusammenarbeit” and after “intensive . . . urging” Schmitt “finally agreed” to give a lecture in Barcelona in October 1929, the result was the afore-mentioned essay (Koenen, Der Fall Carl Schmitt, 110-11). Koenen says the essay delighted Rohan and “encountered keen interest amongst conservative Catholic Germany” but mistakenly thinks it demonstrates Schmitt had “obviously” returned to being a proponent of the Abendland ideology of the “western front” (ibid.). Koenen is on firmer ground when he notes Schmitt’s connection through Rohan and his students, such as Ernst Huber, to Germany’s young conservative nationalist
Despite these connections, Schmitt neither shared their vision of politics nor sought to assist their efforts. As Dahlheimer observes, the concept “western” does not really have any place in his ultimately nationalist thought. Yet, the *Abendland* circle initially saw, in Schmitt, a fellow traveler, perhaps due to that final passage of *Political Form*, and vainly appealed to him as the leading “Catholic” figure in constitutional law to get involved with their fledgling journal.

In a letter to Rohan of July 8, 1925 Schmitt weakly opines that the era of the magazine is at an end and so it is useless for him to write for *Abendland*, although he thinks it is an excellent endeavor. Schmitt is more expansive on his refusal to write for the journal in a letter to the editor of *Hochland*, Carl Muth, of November 7, 1927. He confides in Muth that, although he does generally approve of the content, he believed that it was rather too romantic as well as liberal-minded in regards a hope in the efficacy of civil society and public debate. Given his “deep conviction of the uselessness of all discussing,” he will not write for the magazine. Additionally, Koenen links Schmitt’s refusal to be a part of the *Abendland* circle with his severe disappointment that *Political Form* was heavily criticized by a number of Catholic intellectuals, as we shall see in more detail in the next chapter.
Whether Schmitt sought to curry favor with the reissue of *Political Form* under the imprimatur of the German bishops, or not, he received a decision against his petition for annulment from the Cologne Archbishop’s office on June 18, 1925. The committee found Schmitt had made the case for viewing Cari as an impostor so far as her identity and heritage were concerned. However, he had not proven that her “aristocratic origins were a *condicio sine qua non* for marriage.”\(^{1119}\) He still had an appeals process available, first to the German Episcopal office in Münster, which is where the case now proceeded, and then to the Apostolic Tribunal of the Roman Rota, the highest or last court of appeal within the Church. For the last option he had asked and received the assistance of his old benefactor, and now Prussian Minister of Justice in Berlin, Hugo am Zehnhoff.\(^{1120}\)

Having already become engaged to Todorović he begins to receive advice, much as from Zehnhoff before his first marriage, against making another precipitous decision and marrying outside the Church. In late September, Schmitt is alone in Bonn, and his cousin Andre Steinlein (1891-1964) “strongly warns” him against committing bigamy.\(^{1121}\) His Bonn colleague, the priest and theologian Wilhelm Neuß, also tries to talk Schmitt out of the marriage.\(^{1122}\) By December 1925, Schmitt sees the annulment process as “pretty hopeless”\(^{1123}\) and over the Christmas holidays his cousin Andre again “urges caution.”\(^{1124}\) Then, in his diary entry for January 1, 1926, almost as if making a resolution, Schmitt records “I’m quite done with Christianity.”\(^{1125}\) This same month, he requests marriage documents at the registry office, and then informs his parents of the upcoming

\(^{1119}\) Mehring, *Aufstieg und Fall*, 194.

\(^{1120}\) Koenen, *Der Fall Carl Schmitt*, 86-7n10.

\(^{1121}\) Mehring, *Aufstieg und Fall*, 194.

\(^{1122}\) Ibid.

\(^{1123}\) Ibid.

\(^{1124}\) Ibid., 195.

\(^{1125}\) Ibid. Mehring here follows the standard narrative’s presentation of Schmitt by characterizing this period of time leading to his second marriage and excommunication as the period of transition in Schmitt away from the Church and also theological topics.
wedding on February 3, only five days beforehand. Three days later Schmitt receives a final warning against making a “break with the Church” from a local parish vicar, John Hinsenkamp (1870-1949) and records in his diary as a response: “It is a mercy, that I [am getting] away from priests.”

The civil marriage took place perfunctorily on February 8, 1926, with only Schmitt’s younger sister Anna Margarethe (Annchen) attending—as she was living in Bonn at the time—along with Erik Peterson and a Bonn University botanist named Karl Heinrich Vormfelde (1881-1944) as groomsmen. The group breakfasted afterward and then went their separate ways, as there was no wedding celebration. The same afternoon, Schmitt works on a lecture on demilitarization he then gives that evening, at a Catholic student fraternity, in Cologne. Schmitt describes the day simply as a “strange” one. He does, however, buy the collected works of Machiavelli as an appropriate wedding gift to himself.

It is unclear what really motivated Schmitt to marry Todorović or, simply, to remarry at all. Three days after the wedding on February 11, Schmitt has a “vile dream” in which Duška “suddenly, like Cari, wants ‘to learn dance and go on stage.’” He records his reaction as “fear of their Serbian faces, in front of their Slavic cunning.” It is also worth noting, in these first few months of his second marriage, Schmitt is still recording suicidal thoughts, such as, he is “pleased that he has a gun so he ‘can commit suicide one day.’” The day after the wedding Duška is again coughing up blood and so soon returns to a sanatorium in Croatia where they learn on March 11 that she “has a severe pulmonary hemorrhage.” She returns to Bonn in the summer, but

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1126 As quoted in: Ibid. See also: Koenen, Der Fall Carl Schmitt, 86.
1127 Ibid., 38n82.
1128 Ibid., 86n9.
1129 Mehring, Aufstieg und Fall, 195.
1130 Ibid.
1131 Ibid., 197.
1132 Ibid., 195.
remains hospitalized. During his daily visits to his wife he meets a Magda Lizzi (dates unavailable) on August 10, 1926, and on September 1, he “begins a fiery affair”\textsuperscript{1133} with her that lasts until he leaves Bonn in the Spring of 1928, after accepting the Hugo Preuss Chair of Law at the Berlin School of Business Administration. They meet daily and Schmitt minutely records his “ejaculations’ in semi-public places” such as “railway cars or [outside] in the open air” and wonders at his “perverted sexuality.”\textsuperscript{1134} This behavior, plus frequenting prostitutes, is a constant throughout the remainder of Schmitt’s marriage to Todorović (she died in 1950) and beyond. When Duška returns home from the hospital in November and they have sex he records: “Ejaculation but there was no deliverance. No deliverance without conquest.”\textsuperscript{1135} Schmitt quickly renews his affair with Magda.

On July 10, 1926, Schmitt receives the second negative response to his annulment proceedings. The Münster tribunal confirms the archdiocesan conclusion “Schmitt had not proven that he had only wanted to marry nobility. An ‘implicit’ condition is not enough.”\textsuperscript{1136} It turns out that “A statement from cousin André is Schmitt’s undoing” as he “confirmed that Schmitt had never declared he would only marry a noblewoman.”\textsuperscript{1137} Of course, this tribunal’s findings were actually irrelevant and they were made in ignorance of the fact that Schmitt had already short-circuited the process by means of a non-canonical second marriage, an act that incurred automatic excommunication. Needless to say Zehnhoff dropped his work on an appeal to the Roman Rota.

\textsuperscript{1133} Ibid., 197.  
\textsuperscript{1134} Ibid. Mehring informs us that Erik Peterson told Schmitt stories of Karl Barth’s private life and Schmitt hypocritically thinks he is “disgusting” (ibid., 195). Presumably Peterson told Schmitt how the famous Protestant theologian carried around a picture of his first love his whole life despite being married to another woman as arranged by his mother. Barth also began an affair at 39 with a 25 year old Charlotte von Kirschbaum (1899-1975) in February 1926 that lasted the rest of his life, and she even moved in as part of his family.  
\textsuperscript{1135} Ibid., 197.  
\textsuperscript{1136} Ibid., 196.  
\textsuperscript{1137} Ibid.
The standard narrative’s dating of Schmitt’s alienation from Catholicism to his second marriage appears arbitrary when one has a fuller sense of his personal beliefs and behaviors throughout the Wilhelmine and Weimar eras. Schmitt had lost his faith long before his nonchalant act of bigamy to incur excommunication. The very pedestrian manner in which he remarried combined with the lack of sexual or marital interest he displayed for Todorović likewise suggests a deep-seated indifference towards religious form or of any interest in fitting in with Germany’s Catholic intellectual milieu, rather than a sudden change. Another indication remarriage was not seen, by Schmitt, as quite the significant event one would expect is that he did not even notify his good friend Franz Blei of the nuptials. Instead, Blei would learn of the marriage in late December 1926, through, amusingly, a dancer and mutual friend named Else Margerete Luize von Carlberg (1883-1970).1138

Schmitt had sporadically received invitations from Catholic organizations to give addresses. The latest had been from a D. Stahl (full name and dates unavailable) from the Cologne Catholic Academics Association (Kölner Katholische Akademikervereinigung) for a meeting on January 13, 1926, which Schmitt would cancel on short notice.1139 And, although he had rejected the Center’s earlier invitation to stand for office, he did agree to produce a constitutional law opinion for the Center Party on “an election dispute in Saarlouis” in the summer of 1925.1140 However, the scandal of his non-canonical second marriage soon became well-known. The remarriage could not be overlooked and it “‘severely impaired’ Schmitt’s credibility as a Catholic constitutional lawyer,” his excommunication made him “infamous” amongst Catholic circles.1141 A Center Party attorney in Bonn, John Henry (1876-1958) discussed his utility for the party in a letter of May 21, 1927, to the

1139 Koenen, Der Fall Carl Schmitt, 38n82. Koenen believes that the handful of invitations to speak to Catholic groups proves Schmitt’s *bona fides*; however, the jurist consistently displays a lack of personal effort to be involved in such groups, to seek out chances to talk at such events and, as in this case, even cancelled scheduled lectures.
1140 Mehring, Aufstieg und Fall, 194.
1141 Koenen, Der Fall Carl Schmitt, 87.
Party Chairman in the Prussian Landtag, Dr. Joseph Hess (dates unavailable). Henry writes that an obstacle to asking opinions of Schmitt is his “professorial clumsiness” in connection with the “Dorotić scandal.”\textsuperscript{1142} Furthermore, since his “teaching license is for the entirety of public law, including [being] extended to Church law” his “stupidity” was problematic for him even at a Protestant dominated state school like the University of Bonn.\textsuperscript{1143} As a result, invitations and opportunities to partake in Center politics or speak to Catholic organizations became even less frequent.

\textsuperscript{1142} Ibid., 39n88.\textsuperscript{1143} See: Ibid., 87. Koenen also references a colleague of Schmitt’s Godehard Josef Ebers as indicating that for this reason Schmitt was quite ready to leave Bonn and relieved to move to Berlin in 1928 (ibid., 87n14).
Chapter 7.

Schmitt in Weimar’s Catholic Press Prior to Excommunication

“‘Sovereign is he who gives judgment in the exceptional case’—phrases such as that were not easily forgotten. . . . I immediately understood the fascination, for good and evil, that must have radiated from this academic teacher. But to attack his polished theses one needed considerable courage in facing banality.”

—Josef Pieper, upon first meeting Schmitt (1943).

General Review of the Bibliographic Evidence for the Standard Narrative

One of the evidentiary pillars of the standard narrative is bibliographical and consists in both the extent to which Schmitt is perceived to have published within the Weimar Catholic press and the manner in which he was received, admired, and proven influential within the general Catholic intellectual milieu. After all, if Lönne is correct to claim that Schmitt’s musings on contemporary times “possessed for Catholics a seductive fascination,” then it should be evidenced in his contemporary bibliography. For example, Bendersky’s *Theorist for the Reich* claimed:

Almost half the articles Schmitt wrote in the 1920’s were published by the Catholic press, mostly by Hochland and the Kölnische Volkszeitung. The staff at Germania, the major organ of the Center, also took note of the writings of this prominent exponent of political Catholicism. Paul Adams, a Berlin editor for the paper, followed Schmitt’s publications with the utmost interest well into 1932.

Similarly, Andreas Koenen’s biography of Schmitt claims that *Political Theology* and *Political Form* were both received by Catholics with “enthusiastic praise,” this despite the former text receiving no reviews by the Catholic press. Beyond positive reviews, Koenen moves further afield and cites Przywara, from 1933, as claiming that *Political Form* had made Schmitt known “as a

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"Pieper, *No One Could Have Known*, 175.
"Lönne, “Carl Schmitt und der Katholizismus,” 25. Lönne’s essay represents well the oddity of the standard narrative’s longevity. He insists on Schmitt’s Catholicity and his influence within the intellectual milieu and yet in his entire essay he only reviews two contemporary articles on Schmitt by Catholics that treat him favorably.
"Bendersky, *Theorist for the Reich*, 52. Guy Oakes makes similar evidentiary mistakes in promoting the standard narrative when he claims: “As a professor at Bonn (1922-1928), Schmitt was an active supporter of political Catholicism and the policies of Heinrich Brüning, the leader of the Catholic Center Party” (Oakes, “Translator’s Introduction,” in Schmitt, *Political Romanticism*, xxiii). Oakes evidence is simply that Schmitt published a number of items in the leading Catholic journal Hochland and the Kölnische Volkszeitung.
"Koenen, *Der Fall Carl Schmitt*, 36-37.
‘Catholic thinker’ of the first rank.” He also noticed that Schmitt’s colleague on the law faculty at Bonn, Godehard Josef Ebers (1880-1958), called him “the Catholic jurist and legal scholar” bar none. Both Przywara and Ebers carry the moral authority of having been authentic supporters of political Catholicism, the Center, and opponents of Nazism, and so they do make good witnesses for the standard narrative. However, if left as is, these statements prove misleading.

First of all, Schmitt’s presence in Weimar’s Catholic press had more to do with the publicist efforts of a select few admiring students than his own attempt or intentions to be a Catholic public intellectual. For example, as noted above at Chapter Four, Schmitt’s presence in the Kölnische Volkszeitung was primarily facilitated by two of his students, Becker and Gurian, who worked for the daily. The same goes for Germania as one of its editors, Paul Adams, was another Schmitt student, friend, and confidant. As we shall see below, the standard narrative is on firmer ground with Hochland, as Germany’s controversial but leading monthly Catholic magazine—with a circulation over ten thousand—actually did publish a significant number of articles by or on Schmitt. However, the jurist had a personal connection to this magazine as well given his friendship with the magazine’s founder and editor, Karl Muth. They had become acquainted in 1917 when Schmitt was tasked with monitoring the activities of pacifist groups, while assigned to the general staff in Munich.

Furthermore, Muth, made a point of allowing for a very ecumenical range of views and, especially in its’ early years, Hochland showed a particular tendency towards modernism. This

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1148 Ibid. Ebers was active with the Center, established a branch of the Görres Society in Cologne, and was Rector in 1932-33 until his Nazi opposition caused him to be removed from office as part of the Gleichschaltung. For more on Ebers, see: Alexander Hollerbach, “Über Godehard Josef Ebers (1880-1958): Zur Rolle katholischer Gelehrter in der neueren publizistischen Wissenschaftsgeschichte,” in Festschrift für Ulrich Scheuner zum 70. Geburtstag, ed. Horst Ehmke (Berlin: Duncker & Humblot, 1973), 143-62.
1149 Mehring, Aufstieg und Fall, 173.
The term “modernism” here refers to the somewhat enigmatic or diffuse heresy described and condemned by Pope St. Pius X in his encyclical of September 8, 1907, *Pascendi Dominici Gregis*. Pius issued *Pascendi* as a commentary on the list of condemned modernist ideas, *Lamentabili Sane* (Truly Lamentable), issued by the Roman Inquisition two months earlier. The heresy’s enigmatic aspect led Pius to define it as “the synthesis of all heresies” (§39) but can most specifically be tied to the trends in liberal theology of the nineteenth and early twentieth century, such as from the well-known “Tübingen School,” which tended towards denying that religion deals with “truth” and rather claims such is the provenance of modern sciences alone. The obvious result of this line of thought is the privatizing and subjectivizing of religion to a matter of mere personal belief and the sundering of reason and faith, truth and meaning (value). Modernism was less a reasoned and developed theological approach or body of doctrine than it was a certain progressive style or attitude which wanted to “adapt” doctrine to the “faith and to him who believes” (§12-13), that is, to the subjective “religious sense” (ibid.) of the individual in his specific temporal context of modern life. One unfortunate result of the heresy’s diffusiveness was that the fight against it in Catholic seminaries and theological faculties led to cases of overzealousness. Such cases of overreach temporarily cast suspicion on many Catholic thinkers engaged in studying modernity who would later be vindicated as orthodox, most notably the Jesuit Henri de Lubac (1896-1991) and a young Joseph Ratzinger who would later become Pope Benedict XVI.

The second major work that realized the error of...
this initial estimate is Koenen’s 1995 biography, *Der Fall Carl Schmitt*. In a note he acknowledges that Bendersky’s estimate “must be corrected”\(^{1153}\) based on his access to an unpublished study of the Tommissen bibliographical works by historian and theologian Anthony Liedhegener. This study pushed the percentage of Schmitt articles published in Catholic venues down to thirty percent, or one-third. Unfortunately, this estimate is also incorrect.

The Catholic Academy of Rabanus Maurus held a groundbreaking conference, in May of 1993, on the theme of “Catholicism, Theology and Church in the Work of Carl Schmitt.” Although Koenen was aware of the conference,\(^{1154}\) he apparently did not have access to the 1994 publication of papers delivered. For if he had, Koenen would have found within its pages an essay by historian Karl-Egon Lönne which further corrects Bendersky’s estimate, although, without stating a percentage.\(^{1155}\) In “Carl Schmitt und der Katholizismus der Weimarer Republik,” Lönne found that in both Schmitt’s longer pieces—published as monographs—or in his essays, articles, and shorter pieces—such as book reviews and editorials—the “vast majority appeared in legal, philosophical, and other technical journals.”\(^{1156}\) The summation provided by Lönne’s essay became influential in its turn\(^ {1157}\) but still relied only on the Tommissen bibliographies then available. It is only in the past decade that the extraordinary archival efforts of (yet) another postwar student of Schmitt’s, Alain de Benoist (born 1943)—French philosopher and founder of the “New Right” (*Nouvelle Droite*)—have allowed for more conclusive results. Benoist’s

\(^{1153}\) Koenen, *Der Fall Carl Schmitt*, 46n121.
\(^{1154}\) Ibid.
\(^{1155}\) Lönne, “Carl Schmitt und der Katholizismus,” 11-35.
\(^{1156}\) Ibid., 17.
\(^{1157}\) For example it has been relied on by Jürgen Manemann in *Carl Schmitt und die Politische Theologie*, 111-12. And by Angela Reinthal in her notes to: Blei, *Briefe an Carl Schmitt 1917-1933*, 121.
bibliographies demonstrate the incompleteness of all prior claims regarding Schmitt’s published presence in the Weimar era Catholic press.\footnote{Benoist’s first foray was \textit{Carl Schmitt: Bibliographie seiner Schriften und Korrespondenzen} (Berlin: Akademie Verlag, 2003), and then his majestic attempt at comprehensiveness is found in \textit{Carl Schmitt: internationale Bibliographie der Primär- und Sekundärliteratur} (Graz: Ares, 2010).}

If one follows the standard narrative’s assumption that at least until the latter half of Weimar Schmitt was a “Catholic intellectual,” and proponent of political Catholicism, then it stands to reason that he would have often written for Catholic venues. Yet, the bibliographic evidence now suggests otherwise. Thirteen of Schmitt’s fifteen Weimar-era books\footnote{It should be noted that many of Schmitt’s “books” are only extended essays so the term here denotes texts of variable length that were stand-alone publications, monographs; hence, De Benoist groups them as “books and individual publications.”} were published by secular, legal, or academic publishing houses with only the remaining two issued by Catholic firms.\footnote{The two books are \textit{Political Form} and the pamphlet issued by the Rhenish Center Party titled \textit{The Rhineland as Object of International Politics}.} As with his books, the great bulk of Schmitt’s articles, reviews, and editorials appeared in secular newspapers or in academic, legal, or scientific journals and edited volumes.

Such venues were home to a total of sixty-six Schmitt pieces\footnote{This number consists of fifty articles and sixteen smaller pieces: book reviews; letters to editors; editorials; or remarks.} while only twenty-two appeared in Catholic publications.\footnote{Lönne tallies seventeen total Weimar pieces published by Schmitt in Catholic venues (Lönne, “Carl Schmitt und der Katholizismus,” 17) based on the Tommissen bibliographies, while I found twenty-two based on Benoist. Lönne lists them as follows: seven in \textit{Hochland} (including the Festschrift article); six in \textit{Kölische Volkszeitung}, the venerable Catholic daily which dated back to the 1860’s and rose to prominence during the \textit{Kulturkampf}; two in \textit{Die Schildgenossen}; and two in \textit{Abendland}. The discrepancy of five consists in Benoist listing one more piece as appearing in the \textit{Kölische Volkszeitung}; two entries in the Görres Society’s \textit{Staatslexikon}, three articles in \textit{Germania}—the most important Berlin newspaper representing the Center Party and begun in 1871 to protest the \textit{Kulturkampf}; and one less article listed as in \textit{Abendland}. Since Lönne does not list all of the \textit{Kölische Volkszeitung} pieces by name and I do not have access to Tommissen’s bibliographies I cannot determine which one he missed. The discrepancy in the number of articles appearing in \textit{Abendland} is a result of Lönne arguably counting the same article twice. Schmitt’s article “Der bürgerliche Rechtsstaat,” first appeared in \textit{Die Schildgenossen}, volume VIII, number 2 (March-April 1928), 127-33, and was then reprinted with only minor changes in \textit{Abendland}; where Lönne counts the article in his totals for both journals Benoist treats them under one entry. I follow Benoist in doing so not only because the changes were minor but because Schmitt also had this same article partially reprinted in \textit{Germania} under the title “Über die Aufgaben der Demokratie,” and I likewise do not count that as one of the three appearing in the Berlin paper. All three appearances of the article were within a short three month space of time from March to May, 1928. Incidentally, Manemann follows Lönne’s total of articles except that he adds one of the entries from the \textit{Staatslexikon}, bringing the total he recognized to eighteen (Manemann, \textit{Carl Schmitt und die Politische Theologie}, 111-12).} Therefore, my review based on Benoist’s work shows rather than “almost
half” (as Bendersky suggested), or even about one-third (as Koenen suspected), of Schmitt’s works being published in the Catholic press, the truer ratio is less than one in four, precisely 23.3%. Schmitt’s favoring of legal and academic venues suggests his interest and ambition lay far more in the direction of professional advancement than participation and notoriety within the Catholic intellectual life of Weimar.

The attention that Schmitt’s books and thought received from Weimar publishing venues was also overwhelmingly secular and academic in nature. This is evidenced by the fact that of the one-hundred and seventy-three reviews of his books published, only twenty-seven appeared in Catholic venues; which works out as 15.6%. Such a lopsided distribution of attention strengthens the claim that Schmitt should be primarily treated as a constitutional law professor and jurist as opposed to a “political theologian” or “Catholic intellectual.” The distribution of the reviews in Catholic publications also suggests that the standard narrative overstates the attention paid to Schmitt. For one thing, the two books Schmitt had published by Catholic outlets, Political Form and Rhineland account for 28% of the total reviews in the Weimar Catholic press. If we add in those reviews for the second edition of Political Romanticism—which is second only to Political Form in contributing to Schmitt’s reputation amongst Catholics—then the share of the total reviews rises to 44% in just three texts. Furthermore, only one of the reviews of Political Form or Political Romanticism date to the first editions; thus 40.7% of the reviews in Catholic venues are of books published in the single year of 1925. Also, slightly less than half of these reviews appeared in print.

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1163 Twenty-four Catholic-published pieces from a total of one-hundred and three Schmitt publications in Weimar calculates out to a percentage of 23.3. The percentage falls to 22.3 if we do not include the authorized reprint of an excerpt from Rheinland, as that certainly could be considered duplication within the count.

1164 The reviews are distributed (secular to Catholic) as follows: Political Romanticism (1919/second edition 1925) seventeen to four (all Catholic reviews were of the second edition); On Dictatorship (1921/1928) twelve to one; Political Theology (1922) seven to zero; Political Form (1923/1925) five to six; Parliamentarism (1923/1926) ten to two; Rhineland (1925) one to two; The Key Question of the League of Nations (1926) five to four; Plebiscite and Referendum (1927) two to zero; Constitutional Theory (1928) twenty-three to three; Hugo Preuss (1930) six to zero; The League of Nations and the Political Problem of Peacekeeping (1930) three to zero; The Guardian of the Constitution (1931) thirteen to one; Liberties and Institutional Guarantees of the Constitution (1931) two to none; Concept of the Political (1927/1932/1933) thirty-two to four; and Legality and Legitimacy (1932) eight to zero.
in just a two year span of 1925-6. These facts support the claim that Weimar Catholic interest in Schmitt was more focused, constrained, and even fleeting than the standard narrative would suggest.

A further piece of intriguing counter-evidence to the standard narrative can be gleaned from reviewing the Schmitt bibliography. Of the twenty-four Schmitt publications in Catholic venues, a majority were written and published after his non-canonical second marriage in February 1926.1165 This fact undermines the use of his publishing in Catholic outlets as proof of his confessional bona fides given the concomitant claim that the jurist became alienated intellectually from the Church upon his excommunication.1166 This same bifurcation exists in works on Schmitt, both explicitly or as reflecting his influence, published in Weimar’s Catholic press. The total of such works is fifty-four, consisting in fifty-one reviews or articles plus three books.1167 Of these only 35% (nineteen of fifty-four) appear before February 1926. Related to the fact most of the works, by or on Schmitt, date to after the standard narrative considers him a specifically “Catholic” or generally theological thinker, is that the content of Schmitt’s writings in Catholic outlets generally fits best under the afore-mentioned rubric of attempting to “intensify” or radicalize the political thinking of Catholics. To take just one example here, Koenen treats Schmitt’s prompt submission of an editorial piece on the four-hundredth anniversary of Machiavelli’s death to the Catholic daily, Kölnische Volkszeitung in June 1927, as proof of his Catholicity rather than the exact opposite, which is more realistic.1168

1165 Nine publications date to before February 1926, thirteen to after, and two date to 1926 but I can not determine the exact month they were published; however, even if they are added to the “before” tally the result is thirteen to eleven.
1166 Mehring, for example, points to Schmitt’s disaffection from the Church as a cause for his avoidance of the Catholic press demonstrating that he too does not recognize the odd fact that most of his articles in that press appeared after his second marriage. See: Mehring, Aufstieg und Fall, 268.
1167 This total is based on Benoist plus six articles that somehow failed to be accounted for by the Frenchman’s later work yet are described by either Lönne or Dahlheimer. Therefore, we are left with an indication that work is still to be done in improving the bibliography of Schmitt’s secondary literature.
Finally, no Catholic publication did more to make Schmitt known to Weimar Catholics than *Hochland*. From 1922 to 1933, the magazine would print twelve reviews or articles on Schmitt, or that reflected his deep influence; as well as—from 1924 to 1929—six articles plus an essay in a *Festschrift* in honor of Muth, all written by the jurist himself. Of the articles on Schmitt published in Catholic venues 24% are found in *Hochland*. Likewise, of the pieces written by Schmitt for Weimar’s Catholic outlets, 32% graced the pages of Muth’s monthly.\textsuperscript{1169} If we again filter the data based on the date of his excommunication, then we find that 37% (seven of nineteen) of those pieces on Schmitt, in Catholic venues before February of 1926, are found in Muth’s magazine. *Hochland* had even run five pieces on Schmitt’s work before the jurist published a *single* substantial Weimar essay in a Catholic venue; which, incidentally, appeared in *Hochland*’s November 1924 issue.\textsuperscript{1170} It would seem that something must give way as the bibliographical evidence suggests Schmitt’s impact on Weimar Catholic intellectual life was far more narrowly focused in outlets as well as temporally contained than previously understood. In the remainder of this chapter, we will take a closer look at Schmitt’s presence in Catholic publishing, and his treatment in the self-same before his *latae sententiae* excommunication.

**Positive Reaction to Political Form and the Standard Narrative**

\textsuperscript{1169} This total is based on forty-four such pieces listed in: Benoist, *Carl Schmitt: internationale Bibliographie*. Plus seven pieces not listed by Benoist but described as fitting the bill in: Löne, “Carl Schmitt und der Katholizismus,” 11-36; as well as Dahlheimer, *Schmitt und der deutsche Katholizismus*, 96-7.

\textsuperscript{1170} Schmitt, “Romantik,” in *Hochland*, 22.1 (November 1924), 137-71. In Weimar’s Catholic press prior to “Romantik,” Schmitt had only a book review and an editorial in the *Kölnische Volkszeitung*—a paper for which his students Becker and Gurian worked. The review is “Die Auseinandersetzung zwischen dem Hause Wittelsbach und dem Freistaat Bayern,” [The Dispute between the House of Wittelsbach and the Free State of Bavaria] in issue 436, June 6, 1922. It was a review of Konrad Beyerle’s 1922 book *Die Rechtsansprüche des Hauses Wittelsbach* (*The Legal Claims of the House of Wittelsbach*) and while they are both unavailable to me, they presumably touch upon the ongoing negotiations over what form of compensation the Bavarian government owed to the Wittelsbach family for having confiscated all of the royal property after the state ceased to be a monarchy in 1918. See: Mehring, *Aufstieg und Fall*, 150. Schmitt’s editorial piece is “Nochmalige Reichstagsauflösung: Ein staatsrechtlicher Hinweis,” [Repeated Dissolutions of the Reichstag: a note on constitutional law] 836 (October 26, 1924). This piece is discussed above at Chapter Six.
Let us begin with the first Weimar publication of Schmitt’s to be issued by a Catholic press, *Political Form*. This book clearly deserves pride of place as evidence of Schmitt’s purported intellectual Catholicity for it was reviewed six times in the Catholic press, more than any of his other titles.\textsuperscript{1171} It was also a key component of a widely influential positive review essay on Schmitt’s thought by the founder of Dadaism, Hugo Ball (1886-1927), which appeared in *Hochland* in 1924. Schmitt himself promoted *Political Form* as proof of his Catholicity in a 1971 interview, by claiming the essay stood as: “still quite a testament to the unbroken Catholic impulse that I had been granted.”\textsuperscript{1172}

*Political Form* was published in what turned out to be a significant year for Catholic apologetics as it coincided with the Protestant theologian Friedrich Heiler’s *Catholicism: Its Idea and Appearance* (Der Katholizismus, seine Idee und seine Erscheinung). This book collected and systematically developed Heiler’s attacks on the Catholic Church as he ecumenically expanded the nature of the authentic Christian Church to include even moral non-Christians.\textsuperscript{1173} Karl Adam (1876-1966), a University of Tübingen professor of dogmatic theology, wrote the most important Catholic rebuttal to Heiler entitled *The Spirit of Catholicism* (Wesen des Katholizismus), which appeared the following year (1924) and quickly became a classic of twentieth century German Catholic theology.\textsuperscript{1174} The book has been in continuous print ever since its original publication.

\textsuperscript{1171} A review of *Political Form* appeared in six Catholic publications but one of them was a reprint and so I am not counting it as a distinct review. The second most reviewed Weimar works of Schmitt’s in the Catholic press were *Political Romanticism* and *Concept of the Political*, both with four total reviews.

\textsuperscript{1172} As quoted in: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 83.

\textsuperscript{1173} Ibid., 89. Also see the obituary by Annemarie Schimmel, “Friedrich Heiler (1892-1967),” *History of Religions*, 7.3 (February 1968), 269-72.

\textsuperscript{1174} Adam, unlike Schmitt, felt compelled to stand up to the Nazi regime. At the age of fifty-eight, “in 1934 his integrity compelled him to deliver an outspoken denunciation of the so-called German religion in an address on ‘The Eternal Christ’ which led him into difficulties with the Nazi government. He was threatened with physical harm, his house was riddled with bullets, his life was threatened and his right to lecture was denied him. So strong were the feelings that he aroused that he was forced to flee to the Bishop of Rottenburg for protection.” Excerpted from the Foreword by Dom Justin McCann, O. S. B., to his translation of Adam’s *The Spirit of Catholicism* (Garden City, NY: Image Books, 1954), v-vi.
Ad Am’s classic is a work of systematic theology directed at a lay audience (Catholic and non-Catholic alike), and, as such, was a profoundly successful work of apologetic ecclesiology. Spirit of Catholicism fit in perfectly with the teaching encyclicals of Pius XI who made ecclesiology a focus of interwar Catholic theology by stressing the Church’s nature as the Mystical Body of Christ, as well as the role of Christ as King. Therefore, the context in which Schmitt published his essay on the juristic structure of the Church was one in which many of his contemporaries were likely to read it as an exercise in Catholic apologetics. It thus also comes as no surprise that the standard narrative latches on to the positive reactions to the book.

For example, Bendersky claims: “The impact of this short book was widespread and impressive. The famous canonist Hans Barion [1899-1973], then a young seminarian in Cologne, claimed that a single reading of this work changed his entire outlook and set the tone for much of his future scholarship.” The biographer further believes that Political Form was “nothing less than a reaffirmation of [Schmitt’s] allegiance to the Church”; and with reference to the 1927 review by the Catholic Romanist, Latin translator, and historian, Herman Hefele (1885-1936), Bendersky concludes that: “With a single work Schmitt had acquired a reputation as a Catholic publicist.” Bendersky even cites a positive review by the non-Catholic Berlin political correspondent, Friedrich Sternthal (dates unavailable), of a “democratic journal which usually took a hostile attitude toward political Catholicism” as proof that Schmitt’s renown as a Catholic thinker spread beyond Catholic circles; for Sternthal wrote: “[Political Form] contains so many

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1175 Dahlheimer, Carl Schmitt und der deutsche Katholizismus, 94.
1176 Bendersky, Theorist for the Reich, 85-6. We already noted above at Chapter Four that reading Political Form led Werner Becker to finish his legal studies under Schmitt’s tutelage.
1177 Ibid., 48.
1178 Ibid., 50.
1179 Ibid., 85-6.
keen observations . . . [that] no one should say a word about the Roman Catholic Church who has not read this little book.

The argument against Bendersky’s evidence includes the fact that while Barion may have achieved fame for his work in canon law, he also achieved infamy in the Thirties as a Nazi ideologist and Party member “brown-priest” at Braunsberg’s State Academy—which will be further discussed below. In a similar fashion, Hefele was widely recognized within German Catholicism as an admirer of Maurras, like Schmitt, as well as for his work on aesthetics and romance (Romanistik) studies. So Schmitt’s entire focus in Political Form on aspects within the structure and functioning of the Church that he believes are specifically “Roman” could certainly have appealed to Hefele on non-Catholic grounds. But, as we will see below, Hefele actually does not seem to understand what Schmitt means by “form” in his review, or at least, is simply more interested in developing his own views than spreading Schmitt’s. Finally, Gary Ulmen does a better job than Bendersky in using Sternthal’s review by treating it as evidence of Schmitt’s political independence, his distance from the Center, rather than as proof of the Catholicity of Political Form. After all, since Der Neue Merkur was an enemy of the Center, a positive review of Schmitt’s book suggests far better that it did not accord with the Catholic Party’s political line.

More recently, Michael Hollerich continues the standard narrative through relying on Koenen, but he is at least able to recognize one of its problems:

[Political Theology and Political Form] appeared within a year of one another, and, despite the enthusiastic praise that greeted them, it became apparent that their arguments did not sit all that easily with one another.

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1180 Ibid. The original review is: Friedrich Sternthal, “Über eine Apologie der römischer Kirche,” Der Neue Merkur, 7 (1922-24), 768. Paul Edward Gottfried is an insightful and very accurate commentator on Schmitt’s political views, and he perceptively recognizes how much more Schmitt’s theological views trend to the Protestant. However, he does follow a number of points of the standard narrative, such as reading Political Form as “a defense of an organically structured, explicitly Catholic society,” and dating the jurist’s break with Catholicism as coming later in the twenties. See: Gottfried, Politics and Theory, 17. Gottfried here follows the interpretation of Political Form found in Kröger “Bemerkungen,” which follows the standard narrative.

1181 Dahlheimer, Schmitt und der deutsche Katholizismus, 160n597.

This was but the first of several indications that Schmitt, whose gift for brilliant and arresting dicta had made him a hot commodity among Catholic intellectuals and publicists, would prove to be an ambiguous voice.\textsuperscript{1183}

On the contrary, we have seen how \textit{Political Theology} and \textit{Political Form} are complementary in their radical Hobbesian modern statism, yet, Hollerich does well in recognizing the early ambiguity and radicality of Schmitt vis-à-vis Catholic thought. However, he does still stick to the standard narrative by treating Schmitt’s ambiguity as something that would only really come to the fore in the later Weimar years, as:

Eventually some of his erstwhile protégés and friends would come to suspect him of malign intent and would turn against him, most famously and damagingly, the Russian Jewish convert to Catholicism, Waldemar Gurian, who became Schmitt’s tormentor-in-chief from his exile in Switzerland.\textsuperscript{1183}

Thus, so the story goes, Catholics were enthusiastically receptive to Schmitt in the early Weimar years and would only slowly turn against him in the late Twenties and early Thirties, when he began to exhibit an attraction to Italian Fascism and vociferously promoted presidential dictatorship as a necessary remedy to the weakening of the State. On the contrary, the Catholic reception for \textit{Political Form} was far from uniformly positive, even prior to Schmitt’s excommunication.

\textbf{Analysis of \textit{Political Form}’s Early Positive Reviews}

The early reviews of Schmitt’s purportedly most “Catholic” text are as follows: Konrad Beyerle in the \textit{Allgemeine Rundschau} in May 1923 and reprinted in \textit{Hochland} in October;\textsuperscript{1185} Waldemar Gurian in the \textit{Kölnerische Volkszeitung} in January 1925;\textsuperscript{1186} Karl Neundörfer in \textit{Die}

\textsuperscript{1183} Hollerich, “Catholic Anti-Liberalism in Weimar,” 22.

\textsuperscript{1184} Ibid. Also see: Hollerich, “Carl Schmitt,” where he illustrates the standard narrative thus: “Catholics hailed [Schmitt] as a promising apologist, though some came to doubt his political and religious loyalties when the Weimar Republic slid into its final crisis and gave way to National Socialism” (ibid., 108).

\textsuperscript{1185} Konrad Beyerle, untitled review, \textit{Allgemeine Rundschau}, 20 (May 1923), 241-2; reprinted in \textit{Hochland}, (October 1923), 96-100. The \textit{Allgemeine Rundschau} was a Munich Catholic weekly on German politics, culture, and religion begun in 1904.

\textsuperscript{1186} Waldemar Gurian, under pseudonym of Peltastes, untitled review, \textit{Kölnerische Volkszeitung} (January 25, 1925).
Schildgenossen, July 1925,\(^{118}\) Hermann Port (dates unavailable) in Gelbe Hefte: Historische und politische Zeitschrift für das katholische Deutschland in 1925,\(^{119}\) and Emil Gerber (dates unavailable) in the Ausburger Postzeitung in August 1925 (reprinted in the next issue as well).\(^{119}\)

From this list, Gurian’s name jumps out as he was a student of Schmitt’s at the time that he anonymously wrote and published a positive review of Political Form in the Catholic newspaper for which he worked. Secondly, Neundörfer’s review is extremely critical of Schmitt’s book. The three remaining reviews can all be considered positive ones, although I do not have access to Gerber’s.\(^{119}\) However, Beyerle and Port’s “positive” reviews are fascinating reading as they make use of Schmitt’s book as a jumping off point, or what the jurist would have called an occasio, that is, they go beyond the text to develop their own authentically Catholic social and political views and so treat Schmitt as a participant in a dialogue he had no interest in joining.

Beyerle’s review has the virtue of being written by a very prominent figure in German political Catholicism. He was an historian, jurist, and politician active in both the Center and BVP. Beyerly helped construct the Weimar Constitution as a member of the Weimar National Assembly in 1919-20, was a member of the Constitutional Court from 1920, and held a seat in the


\(^{119}\) Hermann Port, “Römischer Katholizismus und politische Form: Eine Betrachtung über die religiösen Grundlagen der Politik und Wirtschaft,” Gelbe Hefte: Historische und politische Zeitschrift für das katholische Deutschland, 2.2 (1925), 451-6. When historian Max Buchner (1881-1941) started the journal in 1924 it intended it to carry on the tradition of the Historisch-politische Blätter für das katholische Deutschland that had ceased operations the year prior, but had been a leading proponent of Joseph von Görres’s political Catholicism. Hence the name, Gelbe Hefte (Yellow Notebooks/Pamphlets), referred to the nickname of its defunct predecessor.


\(^{119}\) Dahlheimer describes Gerber’s review as enthusiastic and it claims to take joy in Schmitt’s aesthetic sense in particular as well as seeing him as a post-First World War prophet. Dahlheimer further characterizes the review as “one of the most impressive evidences for the success but also the almost intoxicating effect [Political Form] had in the middle of the 20s.” See: Dahlheimer, Schmitt und der deutsche Katholizismus, 121-22. Gerber apparently also claims that Political Form gained the attention of many non-jurists and even non-Catholics (ibid., 121) and he treats Schmitt as a legal-political advocate of Catholicism (ibid., 96-7). Given that this exuberant review appeared in Germany’s oldest Catholic newspaper it makes sense that Schmitt paid the young Gerber the compliment of listing his 1926 Bonn University doctoral dissertation on German literature in the bibliography of the second edition of Parlamentarism (1926).
Reichstag from 1920-24. He also served as Vice-President of the Görres Society and sat on the Advisory Board of the Catholic Academics Association (Katholischen Akademikerverbands); in short, Beyerle was certainly a well-connected and demonstratively Catholic Weimar intellectual. However, he was also in part repaying a debt as Schmitt had authored a review of his 1922 book *Die Rechtsansprüche des Hauses Wittelsbach* (*The Legal Claims of the House of Wittelsbach*) for the *Kölnerische Volkszeitung*.

His review of *Political Form* begins in a straightforward and expository manner until he notes that the reason socialists and nationalists can support either democracy or dictatorship is their worldviews make them “religious in nature.” At this point, he begins to veer from Schmitt’s point when he notes that the Church thus serves its ordained end of saving souls, and, in political terms, supports that which assists the end and opposes that which hurts it. This is a simple, direct, and manifestly orthodox summation of Catholic political prudence, which one would look in vain to find a version of in Schmitt’s text. In fact, based on this straightforward view, Beyerle incisively dismisses what Schmitt cagily seeks to find in *Political Form,* for he concludes it is a mistake to try and define once and for all the “political idea of Catholicism” since the faith does not work like a political ideology. Any attempt will simply reduce it to the “idea” as seen in effect in a particular context of time and place.

Beyerle returns to a straightforward recitation of the arguments in *Political Form,* noting that representation means “belief in an authority from above,” of something transcendent (though Schmitt has belief in the State as such), and agreeing with Schmitt’s point that the Church seeks partnership not domination. He also insightfully recognizes that Schmitt’s book is addressed in

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1191 See note 1184 above.
1192 Beyerle, untitled review, 96.
1193 Ibid.
1194 Ibid.
1195 Ibid., 98.
large measure to the Protestant canon lawyer, Rudolf Sohm, as he insists on the juridical and rational, structured and public/visible nature of the Church.\textsuperscript{1196} But then, his conclusions again diverge from the jurist’s. First, he points out that at best this amorphous character described by Schmitt is what can be pointed to as the “political idea of Catholicism,” thus by implication, not Schmitt’s concepts of “representation” or “form.” Beyerle then applies this to Center politics by noting that it means neither a federal approach to politics or a centralized one are definitive for political Catholicism; rather, it all depends on the particular circumstances.\textsuperscript{1197} However, it always remains true that: “Catholic social teaching is, of course, inseparable from the morality of a political act.”\textsuperscript{1198} Nowhere does Schmitt ever acknowledge such a basic proposition of Catholic practical philosophy. Beyerle then ends his review by placing Schmitt’s book in dialogue with the work of Catholic socialist Ernst Michel (1889-1964), among others. By so doing, he clearly moves beyond Schmitt and ignores him to formulate his own conclusions. Specifically, Beyerle maintains that the work of the world the Church is engaged in is to maintain the sacred and religious life. In so doing it is not treating all political rulers as equals but instead, and by right, will “call the people and rulers to order if by their quarrels they act against the natural and divine law.”\textsuperscript{1199} Such a traditional Bellarminian belief in the indirect power of the Church is anathema to Schmitt.

Hermann Port was a Berlin journalist associated with the Abendland circle as well as a bridge amongst Catholic intellectuals to the late Weimar Young Conservatives movement inspired by the radical nationalist political views of historian Arthur Möller van den Bruck (1876-1925).\textsuperscript{1200} In 1925, he was able to provoke an extensive debate about the nature of the Center Party and its role in Weimar politics. He promoted the Center as a mediating force essentially neutral from the

\textsuperscript{1196} Ibid.
\textsuperscript{1197} Ibid., 99.
\textsuperscript{1198} Ibid.
\textsuperscript{1199} Ibid., 100.
\textsuperscript{1200} See: Koenen, Der Fall Carl Schmitt, 112n142
political extremes, which, as such, could “fill the vacuum left by the fallen monarchy and serve in ‘splendid isolation’ as the ‘regulator’ of German politics.”

In his review of *Political Form*, Port focuses on the contemporary problem of formulating a “Catholic program” amidst the alienation created by modern industrial capitalism. He poetically describes modern economy and the alienation it engenders in the mass of materialist consumers it creates. In this contemporary state of affairs, “modern man created a worldview that matches his image exactly”; namely, deism, and thus the State becomes the machine running things. They agree this modern view is taken to the extreme in Marxism, which gets rid of both God and the State by means of economic-political machine. So far, Port is not straying much from Schmitt’s text, and it is not too much of a forced “Catholicization” of Schmitt’s views when Port opposes the economic approach with the principle “anima forma corporis” or “soul forms the body.” Port wants the soul of a people to dominate the material or economic; hence, like Schmitt, “politics” or policy should come first and be directed by intellect, reason, ideas and not material considerations, all of which entails an authoritative leader of the people.

Port now asks what Catholic policy should be, and it is at this juncture that he jumps from Schmitt to his own, and recognizable as “politically Catholic,” direction. For, he immediately rules out all of the political extremes, including: National Socialists, fascists, liberal humanists, Masons, and so on. The central fact of the matter, for Port, is that the Church represents God and religion, the guidance of the Holy Ghost, and this representation is the key to its authority. As we saw above, Schmitt could not care less for what the Church actually claims to represent. But

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1202 Port, “Römischer Katholizmus und politische Form,” 451.
1203 Ibid., 452.
1204 Ibid.
1205 Ibid., 453-4.
1206 Ibid., 454.
1207 Ibid.
1208 Ibid., 454-5.
this insight means, claims Port, the contemporary political crisis is really a religious crisis of loss of faith in God. He concludes by saying that human politics can only succeed when man recognizes that “he is a servant of God” and, as if echoing Pius XI’s *Ubi Arcano Dei Consilio*, claims that victory in the world is the same as that of the Church, it is Christ’s victory. Overall, Port hardly addresses Schmitt’s book; instead he sticks to his review’s subtitle and presents a “reflection on the religious foundations of politics and economy.”

Beyond his review of *Political Form*, Port reflected Schmitt’s influence while taking him in a different, and politically Catholic, direction in his own essay: “The Two-Party System and the Center.” This article also appeared in 1925, and in it Port adopts Schmitt’s attacks on liberal parliamentarism in *The Intellectual Historical Situation of Contemporary Parliamentarism* (Hereafter *Parliamentarism*). He even strikes a slightly völkisch note with a call for the Center Party to forge “the great German national community [*Volksgemeinschaft*] in the German nation-State.” This task is made less ominous, however, by Port’s claim that the Center can achieve the social and political unification of the German people because it is authentically religious. That is, he “underscores the state saving function of Catholicism” not the state saving form or “political idea” of Catholicism, as Schmitt would have it. The distinction is crucial. Schmitt wants the State to adapt what he takes to be the structure of absolute authority as well as capacity to inspire the masses to create social cohesion and obeisance of the Church, very much as had the early modern political theorists of the absolute State. Port wants the Center to “Catholicize” the State by means of social authority, because the German Catholic Church is a “source of state rebirth.”

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1209 Ibid., 455-6.
1211 As quoted in: Ibid., 146.
1212 Ibid.
1213 As quoted in: Ibid., 147. Dahlheimer notes this difference in approach and also points out that Port is looking at politics organically (again edging him towards völkisch nationalists or Catholic reactionary romantics) while Schmitt, “at
A further example of a Schmitt inspired _occasio_ was written by his student, Werner Becker. Although he actively engaged in promoting his professor’s views in the Catholic press of Weimar, he also consistently presented them only in part and as adapted to serve his own politically Catholic agenda. For example, his article “Mass Democracy and the Modern State,” appearing in _Die Schildgenossen_ in 1925, “reads like a synthesis of Schmitt’s State-theoretical body of thought and Guardini’s core social and ethical beliefs.” Even though this essay deals with antiliberalism and antiparlamentarianism and promotes the authoritarian state, Becker demonstrates his resistance to Schmitt’s non-normative and decisionist unitary sovereign by demanding the State be “align[ed] with values and truth.” Similarly, Becker’s article of the same year in _Abendland_, “The Politics of the Young Generation in Europe,” suggested that contemporary youths shared Schmitt’s suspicion of parliamentarism and party’s driven by parochial interests and economic thought, but he “does not argue for a radical solution.” Becker sides with the existence of Parliament, political parties, and democracy, as opposed to his mentor’s expectation that dictatorship was needed.

### A Makeshift Intellectual Exchange: Guardini-Ball-Neundörfer

When one reads _Political Form_ in isolation from his other works, it becomes especially easy to fail to notice Schmitt’s own lack of Catholicity, radical modern turn of mind, and secular

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2. Dahlheimer, _Schmitt und der deutsche Katholizismus_, 512.
3. Ibid.
5. Dahlheimer, _Schmitt und der deutsche Katholizismus_, 512.
interest in the Church. It also is written in an elliptical style conducive to providing an *occasio* for the reader to project their own views upon it. However, after Beyerle’s positive review the second article published in a Catholic outlet dealing with *Political Form* in any capacity is one of the stronger pieces of counter-evidence to the standard narrative’s presentation of Schmitt, as it was penned by a towering figure in Weimar’s Catholic life and thought, Romano Guardini.

In April 1924, the dogmatic theologian Guardini published an essay containing his political reflections in the official journal of the Catholic Youth Movement, *Die Schildgenossen*, of which he was also the editor. The essay’s title is “Rescue of the Political,” or more figuratively, “Salvation of the Political.” The only direct reference to Schmitt is in a footnote placed immediately after the title, yet the entire essay is a philosophical-theological critique of *Political Form*. I believe the strong criticisms found within are pointers to how their paths could diverge so dramatically a decade later.

Guardini’s footnote points out that reading *Political Form* inspired these political reflections. He stresses, however, that he does not at all agree with everything in Schmitt’s book, for “[m]uch seems greatly exaggerated”; and furthermore: “The error is also committed of equating ‘Catholic’ with Romanistic.” Indeed, as we already saw above, Schmitt’s use of the attribute “Roman” for the Catholic Church is manifest throughout *Political Form*. At the outset he described a “temper” not of anti-*Catholicism* but of anti-*Romanism* and then continually emphasized what he believes is specifically “Roman” within the form and functioning of the

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122 See note 738 above on Guardini’s resistance to Nazism.

Church: its juristic, or canonical, ecclesiastical form as well as a Roman rationality that establishes “personal” and “representative” authority. Schmitt is undoubtedly aware that it was Protestants who began to call the Catholic Church “Roman” in order to distinguish it from national churches such as the English “Catholic” Church; it is a manner of speech common to Gallicanism. From out of this one explicit criticism of Schmitt’s essay the theologian unpacks a devastating critique of the jurist.

Guardini begins by admitting, nowadays, political matters are chaotic and “it is uncertain what to do in practice” but that there are some fundamental issues worth dwelling upon philosophically. First, he recognizes that to understand political action one must come to terms with the nature of the State. Agreeing with Schmitt’s criticism of purely reductive economic thinking, Guardini believes that the State is only in part managerial as regards the “welfare of the individual and community”; instead, what is more truly political about the state is that it is “sovereign.” He notes that while one can approach sovereignty by means of some limited jurisdiction or as based on “sociological significance . . . eventually it would have to go back to

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122 Although bishops at the First Vatican Council of 1869-70 had begun to ask for a codification of canon law it would ultimately have to wait until the pontificate of Pius X to begin. The reform and codification of Church law was an enormous task, only completed and promulgated in 1917 under the next pope, Benedict XV (r. 1914-22), and taking legal effect on May 19, 1918. Although Schmitt does not make it explicit I believe that he has this body of law both before and after its codification in mind as proof of the “juridical” aspect of the Church.

123 One commentator on Schmitt who also recognizes that he is consumed with the “Roman” is Richard Faber in “Carl Schmitt, der Römer,” 257-78. The essay is also reprinted as the first chapter of his Lateinischer Faschismus: über Carl Schmitt den Römer und Katholiken (Berlin: Philo, 2001). Although Faber recognizes that in 1933 Schmitt broke with “the majority of his Catholic friends” (ibid., 34) he still clings to a version of the standard narrative since he wants to justify Schmitt’s path to Nazism as a “Catholic” one. He correctly sees a connection between Roman Caesarianism, fascism, and statism but thinks this has a common Catholic source: “The ‘Roman’ in Catholicism was a very decisive gateway for statism and imperialism, fascism and yes . . . [for Schmitt] . . . National Socialism” (ibid., 29). And he approvingly quotes Theodor Adorno’s (1903-69) jibe that “. . . not for nothing is Catholicism only a Greek word for the Latin totality, which the Nazis realized” (ibid., 79). Faber takes this stance within the Kulturkampf despite having admitted that the connotation of “Roman” could be taken “quite independently of ‘Christian’ and even ‘Catholic’” (ibid., 16). Catholicism as a gateway drug to a slew of modern pathological ideologies is a common trope of the postwar German Kulturkampf which has been noted and criticized in: McCormick, “Political theory and Political Theology.”

124 Guardini, “Rettung des Politischen,” 204.

125 Ibid., 205.
God, otherwise the sovereign remains an empty dress, a fiction.\textsuperscript{1226} The emperor has no clothes unless clothed in recognition of God as source of his sovereign power.\textsuperscript{1227}

The Catholic theologian is well aware that this claim could be understood on the grounds of the early modern political theory of “divine right” monarchy. However, he is making neither a simple attribution of the source of State perquisite, nor the blasphemous claim that the sovereign (in the person of the king or the State itself) is a god on earth. Instead, Guardini places the sovereign within the genus “political,” and thus subject to the natural and moral law. For, he sees no alternative purely philosophical way to “justify” State authority other than from ‘the grace of God,’ that is, so that it \textit{represents} God’s earthly image of his absolute authority.\textsuperscript{1228} This is a pre-modern or traditional Catholic approach to politics as an expression of human nature with God as the author of that nature. Also note, that Schmitt’s word is used, “represents,” the concept of “representation.” Schmitt deliberately left open-ended what the State represents; he leaves it flexible enough to be one of many ideas or myths so long as the State succeeds in establishing absolute authority. The case is different with Guardini, as, here, the sovereign represents in a \textit{specific} earthly form the divine absolute authority.

To take another approach, Guardini states here that “justification” of the political sovereign comes from God; authority is legitimated or “justified” by “the grace of God.” An implication might be that the concept of justification as understood by Catholic theology is relevant to politics. This impression is quickly strengthened as Guardini bluntly states: “The State is not responsible in moral and religious things, but the Church is responsible in these.”\textsuperscript{1229} Additionally:

\begin{quote}
\textsuperscript{1226} Ibid., 205n4.
\textsuperscript{1227} Guardini’s view here might be drawn out more by looking at what philosopher Yves Simon treats as the “paradox of civil obedience”; that “the multitude of the governed do obey the few that govern . . . as if persons in government had the power and the right to \textit{bind the conscience} of the governed. But how can a man bind the conscience of another man?” Only God has that sovereign power to bind conscience. Quoted from: Simon, “Doctrinal Issue,” 90.
\textsuperscript{1228} Guardini, “Rettung des Politischen,” 206n5, emphasis added.
\textsuperscript{1229} Ibid., 206.
\end{quote}
Right [Recht] is also a natural manifestation of divine sovereignty. For this Right, the State sets its legitimate existence, the spiritual source of its sovereignty; that it is Authority. Every law [Recht] is, in the end, made ‘in the name of God.’

The legitimacy of the State, and of its authority, can therefore be recognized in part by its “works”; it is not sola fide, like justification in Protestant theology. Political authority, sovereignty, is one of the earthly images or representations of God’s absolute authority, but it is not itself that absolute authority. Guardini is adamant on this point for even:

If politics is conceived as a separate order, so it does not yet follow that it evades the Moral Law. . . . Of course the moral order applies to the political field; just as it applies to scientific researchers, artistic creators, or for technical or economic workers.

Just as with pre-modern Catholic thought, Guardini claims “sovereignty” is a “value,” an aspect of “character,” because “only God has sovereignty intrinsically.” The Good instantiated by both man and the State is a participation in the divine Good. There is also an implicit recognition here of the principle of subsidiarity in his positing of multiple “orders.”

Guardini now changes tack again on the nature of political sovereignty by asking what can be said about the people that make up the nation-state, about their political activity, and in what they are directed by the State? His answer is that political action for a person is to “make their God-given nature come true. To speak the God-given ‘Word’ in his being . . . [A] being in liberty. And a being in honor.” One recognizes here the Catholic social principle of the dignity of the human person.

The theologian next responds to the possible objection that the way he has been speaking overall is in the terms of those who both divinize the state and promote a nationalist populism. On the contrary, Guardini asserts that these political values must not be left to the “pagan spirit” of

\[\text{References:} \]

1230 Ibid.
1231 Ibid., 210.
1232 Ibid., 205n3.
1233 Ibid., 205.
1234 Ibid., 207.
1235 Ibid.
nationalists whose political attitude is “suffocatingly unintellectual, narrow, and brutal.” In fact, he believes that Catholics only have themselves to blame for allowing a pagan nationalism to become a “widely grown attitude” because “we must take these values from out of the hand of political paganism and classify their place in the whole of life correctly from a Christian-Catholic outlook.” It is quite possible that Guardini believed Schmitt treads close to such a politically pagan approach to sovereignty since reading *Political Form* occasioned his remarks. If so, such a criticism would be amply warranted, which I hope to now demonstrate by bringing Schmitt, Guardini, and political Catholicism closer together.

It is quite easy to miss the secularity of Schmitt’s line of thought in *Political Form*, especially if it is not read in conjunction with *Political Theology*, as he can seem to be simply defending the importance of “authority,” “transcendence,” and “ideas” in politics. Therefore, it is crucial to notice that Schmitt never suggests any idea which he actually wants to see instantiated (represented) by the State; he only lists a few possibilities. When read with the earlier text it becomes clear that the concept of representation in the later text coincides with “sovereignty” from *Political Theology*. Similarly, the idea of the State in the earlier text is now captured by the Church’s juridical form. To Schmitt “[w]hat matters for the reality of legal life is who decides” which dovetails nicely with his claim, in *Political Form*, the “will to decision as it culminates in the doctrine of papal infallibility” is the most important aspect of the Church as paradigm for secular rule.

Since Schmitt refers to Rousseau’s *Legislator* in *Political Form* as an example of the personal representation and unitary sovereignty that he wants to see the State reclaim for itself;

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126 Ibid., 208.
127 Ibid. He further chastises his co-religionists for taking apolitical stances since: “Before we talk of Catholic policy we do have to stand on the political field!” and calls for political policy “really from a Catholic spirit” (ibid., 208-9, emphasis in original).
128 Schmitt, *Political Theology*, 34.
recalling Catholic philosopher Yves Simon’s critique of the philosophe is useful for distinguishing Schmitt and Guardini’s political views. Simon tells us that Rousseau sought to protect the Enlightenment myth of autonomy, that one’s will can never morally be in submission to the will of another man, by replacing authority and obedience with “nature”:

In politics, the way out of relationships involving authority is the theory of the general will. Like a force of nature, the general will is impersonal and incorruptible; on the other hand, it is mysteriously identified with the will of each, so that by obeying the general will, man simply obeys himself. The essence of obedience is eliminated. Authority, as power of binding the conscience of man, has disappeared.³⁻²⁰

This form of government, however, is inherently totalitarian:

The transcendent character of the general will, its superhuman infallibility, the very peculiar way in which it combines privileges of natural necessity and those of human initiative arouse the suspicion that government, no longer protected by its traditional vindication, has been given a new and more effective guaranty of overwhelming power.³⁻²¹

Although it is a bit odd for Simon to quote Pierre-Joseph Proudhon (1809-65), the socialist theorist did have an insight into Rousseau equally relevant to Schmitt: “Tyranny, claiming divine right, had become odious; [Rousseau] re-organized it and makes it respectable, by making it proceed from the people, so he says.”³⁻²² The “People,” is one of those ideas Schmitt believes can be turned into a successful political myth to ground the absolute and unitary sovereignty of the State.³⁻²³ When Schmitt ascribes “personality” to sovereignty it is not analogous to human personhood,³⁻²⁴ nor is it analogous to the personhood of the Triune God—that most important example of a Catholic theological “complex of opposites” which Schmitt significantly ignores³⁻²⁵—rather, it is analogous to

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³⁻²¹ Ibid., 92-3. See also: Book Two, Chapter Five, “The Right of Life and Death” of Rousseau’s Social Contract which describes the Sovereign as above the law.
³⁻²² Ibid., 93.
³⁻²³ Perhaps even in a phrase such as “government of the people, by the people, for the people”?
³⁻²⁴ Schmitt had already established his fundamental political modernism in even his early legal writings by making this characteristic error in parts and wholes which eliminates the dignity of the person. For example: “[The State] is the only legal subject in the specific sense, the only one who is entitled and obliged immediately by right. The individual is only a function of the State” (Schmitt, “Selbstanzeige des Buches, Der Wert des Staates,” in: Schmitt, Tagebücher: Oktober 1912 bis Februar 1915, 346).
³⁻²⁵ This omission is especially glaring given that he read and wrote so much on the Spanish political theorist Juan Donoso Cortés (1809-53). Donoso made prominent use of the Trinity as a key to developing a Catholic political theology. Schmitt actually quotes contemporary German jurists who make use of references to the Trinity in insults directed at other theorists (Schmitt, Political Theology, 40); yet, he passes over in silence Donoso’s serious attempt at
the absolute and voluntarist Deity common to the thought of William of Ockham and early modern Protestant theologians, such as Luther and Calvin.\textsuperscript{1246}

In contrast, Guardini does not cross a bridge too far in his rejection of liberalism and anarchistic socialism. Guardini maintains the traditional Catholic view that the political is subject to the social as well as the principle of human dignity. And as one of the early popularizers of Newman in Germany, Guardini’s traditionalism on this latter point follows the English Cardinal’s well-known defense of conscience:

> The government is not the highest of values. The noblest part of my personal arsenal is not that which is related to the state. Every demand of conscience is above it; every real religious call of God in my soul. I can never affirm state and political will as soon as in so doing I would transgress the just, the holy, the Kingdom of God.\textsuperscript{1247}

And, he adds, that of course there are additional areas that are not the concern of the State such as the “inner sphere of the person . . . the family . . . and the Church.”\textsuperscript{1248} If the State goes further and transgresses on any of these areas then it becomes “pagan” and such overextension explains “the deep mistrust of religious people against the State” since it:

> . . . keeps trying to intrude in those areas, because it repeatedly tries to violate the person [vergewaltigen, ‘rape,’ a very strong word choice], to eliminate religious authority and make him subservient. The State tries again and again to convert the sovereignty which is only lent to it by God into divine sovereignty itself. The sovereignty of the State consists only in that it is representative of God in the natural and legal [orders]. However, it tries to justify itself as original, sole, and absolute. In the last analysis, the State is always seeking ‘to be God.’ Hegel even called it ‘the present God!’ And the State succeeds in enforcing this claim to the extent the individual forgets God. Since then he has nothing to oppose to the State.\textsuperscript{1249}

As the State succeeds in this project of secularization the “soul’s capacity to worship is robbed of its true object and focuses unnoticed on the State and justifies its claims.”\textsuperscript{1250} So there is no room for misconstruing his views, Guardini reiterates forcefully that what he has detailed in his essay has deriving certain aspects of political form from consideration of the same dogma, and in so doing shows his own resistance to engaging in similar speculations.

\textsuperscript{1246} As discussed above at Chapter Three when looking at the issue of “divine command theory” in the Euthyphro Problem as part of the analysis of \textit{Political Romanticism}.

\textsuperscript{1247} Guardini, “Rettung des Politischen,” 209.

\textsuperscript{1248} Ibid.

\textsuperscript{1249} Ibid., 209-10.

\textsuperscript{1250} Ibid., 210.
nothing to do with nationalism, nor a “racial state.”

He concludes by reflecting on the traditional Catholic rejection of both liberalism and collectivism. The former “renounces sovereignty” and is “apolitical”—much as Schmitt describes the economic-minded neutral state—but its polar opposite of an “authoritarian State” must also be rejected, since, for it, “the personality of the individual is politically insignificant.” In summation, Guardini’s political reflections and the principles undergirding them are coherently Catholic and even politically so, while Schmitt’s are not.

122 Ibid., 213.

123 Ibid.

124 I strongly disagree with the depiction of Schmitt’s relationship to Guardini as found in: Koenen, Der Fall Carl Schmitt, 40-2. Koenen attempts to tie the two together based on both being lecturers simultaneously at Bonn as well as the later publication of an excerpt of Schmitt’s Die Rheinländer that appears in Die Schildgenossen as: “Um das Schicksal des Politischen,” 5 (1924-25), 313-22. He believes that a (presumptively) shared Catholic confession, recollection of the Kulturkampf, and experience as a religious minority in the Reich made them more than simple colleagues. He even claims that since Guardini’s reflections in “Rescue of the Political” were suggested by reading Political Form, they stand as proof of the “affirmative reception” of Schmitt’s book (ibid., 40n94). As we have seen, this is a misreading of Guardini’s critical essay. Koenen even inexplicably treats the presence of Karl Neundörfer’s review of Political Form in Die Schildgenossen as a positive sign of the Guardini-Schmitt relationship despite it also being a strong critique. Likewise, the attention that Schmitt received overall from the official journal of Quickborn, Die Schildgenossen, under Guardini’s editorship is supposed to demonstrate his fit in Weimar’s Catholic intellectual milieu. He notes the journal’s publishing of Becker’s article on “Mass Democracy and the Modern State,” in 1925 but, as discussed above at note 1214, this essay is basically a melding of the politically Catholic views of Guardini with some themes in Schmitt and not representative of the jurist’s own views or political-theoretical concerns. Finally, Koenen cites a letter in the archives from Guardini to Schmitt in January 1926 from Potsdam, in which the theologian expresses regret in his failure to keep a planned meeting with the jurist that he would have been happy to make (ibid., 40n95). Such tenuous points of association between the two are enough for Koenen to assume a significant relationship. He even claims that the two thinkers represented the “Catholic position” in Berlin simply because of their mutual presence at the Friedrich Wilhelm University from 1928 (ibid., 100). Koenen does at least take note of the massive attack on schmitt Guardini also allowed to be published in Die Schildgenossen by Heinrich Getzny (1894-1970), “Katholizismus des Seins oder Katholizismus des Geltewollens,” in Die Schildgenossen, 7 (1927), 341-6, which will be discussed below. Of course, Guardini was by no means personally uncordial to Schmitt or should be considered an enemy of the jurist. Koenen does not notice this reference, but in Guardini’s “Second Letter: Artificiality of Existence” in the series Letters From Italy, he references: “Carl Schmitt in his brilliant book on romantic Catholicism [Guardini means Political Romanistism] (I read it on the journey here) has rightly seen that the longing for untouched nature is itself a product of culture originating in the over-artificiality of existence” (Romano Guardini, Letters from Lake Como: Explorations in Technology and the Human Race, trans. Geoffrey W. Bromiley [Grand Rapids, MI: William B. Eerdmans Publishing Company, 1994], 10. Originally in Die Schildgenossen, 4 (1924), 333, 335ff., 435ff.; and 5 (1925), 17ff., 153ff., 331ff.). Similarly misleading is Lönne, who suggests as evidence for the “obvious” influence of Catholicism on Schmitt’s thought his connections to the Catholic Youth Movement through his students Becker and Gurian, as well as “his publications in Schildgenossen” (Lönne, “Carl Schmitt und der Katholizismus,” 14). However, neither of the two articles that Die Schildgenossen published by Schmitt were instigated by his own efforts. The first was the afore-mentioned approved reprinting and the second was a talk his student Werner Becker transcribed, then had him review and approve for publication as “Der bürgerliche Rechtstaat,” Die Schildgenossen, 8.2 (March-April 1928), 127-33. Dahlheimer blames Lönne for spreading in this manner the false impression that Schmitt had a personal involvement in the Quickborn Catholic Youth Movement (Dahlheimer, Schmitt und der deutsche Katholizismus, 450n240).
A month after Guardini’s essay appeared in *Die Schildgenossen*, Karl Muth, the editor of *Hochland*, asked Schmitt to write an “open letter” reply to the leading (and politically conservative) theologian in order to clarify his views on the relationship between the Church and politics.

Schmitt’s journal relates, on May 24, he had begun to design a reply. In a letter written the next day to his friend and fellow Bonn jurist, Rudolf Smend (1882-1975), Schmitt mentions, “Guardini has been inspired by my *Roman Catholicism* to ‘rescue the political’ but he [charges me with] committing the ‘mistake of equat[ing] the Catholic and Roman.’” He then admits to treating the Roman and Catholic as close together in the political but evades Guardini’s point by adding as equivocation “but I did not commit the mistake of equating the Romanesque and Roman.”

However, the same day’s journal entry records Schmitt had spent the night restless and “depressed” over “this ridiculous letter to Guardini” and so he soon declined Muth’s invitation.

With Schmitt’s approval, the editor next asked Hugo Ball to pen the response. The founder of Dadaism had become an eccentric Catholic intellectual since returning to the faith in 1920. Ball’s extended review essay, “Carl Schmitt’s Political Theology,” covers this theme as expressed in each of the jurist’s books from *Political Romanticism* to *Political Form*. The article appeared in June of 1924 and quickly made a “significant contribution to the great reputation in German Catholicism of his revered politics teacher.”

Ball begins his essay with high praise for Schmitt, claiming that once his work is really studied he will be elevated to the first rank, and then paraphrasing the contemporary British Catholic journalist Gilbert Keith Chesterton’s (1874-1936) well-known quote, “it is quite right to

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1255 Mehring, *Aufstieg und Fall*, 173.
1256 Ibid.
1257 Ibid.
1258 Reading Nietzsche had initially led Ball to lose his Catholic faith and also search for a Dionysian and nihilistic means of overcoming traditional morality in his art. After his re-conversion in 1920 he retained his lifelong heterodoxy and polemical extremism.
study the theory of hydraulics while Rome is burning.”1260 Ball claims that Schmitt is doing just that in Weimar, as “our confused and cruel time by no means needs great practitioners for its reorganization, according to the demands of the world, but the great ideologue.”1261 According to Ball, an ideologue attempts to understand the fundamental beliefs of his era, and in so doing starts with politics but ends with theology before they know it, and this movement characterizes Schmitt’s work.1262 Ball Catholicizes Schmitt’s thought as he identifies its guiding impulse as a “Catholic, eschatological thought” that even leads the jurist to investigate and dwell first on dictatorship and more recently on representation.1263 However, this “theological form” of thought is not really present in Schmitt’s earliest books. “The first writings seem to have been outside the Church, or at least designed to be.”1264 While his Wilhelmine books transition from law to politics it is only with Political Theology and Political Form that Schmitt turns to the theological.

Ball continues by observing Schmitt’s method in his later books is sociological and intellectual-historical in seeking to describe leading legal and political concepts. While Schmitt is fairly conservative (“the structure is an organism not a machine”), he is also a Hegelian jurist par excellence who believes: “The legal profession . . . is the rational present form of the Idea.”1265 It is at this point that Ball first introduces Schmitt’s fascination with the nineteenth-century Catholic counter-revolutionaries and suggests that: “The theological state is controversial, but not yet

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1261 Ibid. Ball’s treatment of Schmitt as an ideologue with a practically “secret” system of thought appeals to Müller in “Carl Schmitt’s Method.”
1262 Ibid.
1263 Ibid., 101. We can already see Ball’s eccentric religious views on display as he believes that Schmitt seeks out the concrete situation from a conviction that the world of value is ultimately irrational; it takes an authority figure like a pope to impose logical and rational form on this irrational world of people and values (ibid.). Such a sentiment is anything but orthodox; it may fit Schmitt but it denies the reasonableness and knowability of the divinely created natural order.
1264 Ibid., 108.
1265 Ibid., 101.
destroyed; it is daily proving its still vital force.” By “theological” State Ball does not mean theocracy, rather, he means the early modern ideal of the absolute state modelled on the divine right theory of justification. This is made clear by his turn to the contemporary denial of transcendence by the radical metaphysics of a Proudhon and Bakunin. “The renunciation of authority was the final mark of the vaunted philosophy of our time,” so the result has been that “the old legality is shattered” and “we have to regain it in new ways.” While Ball’s depiction of Schmitt’s views is, so far, quite accurate he does not recognize their extremism. Schmitt sees Communist Russia as just this anarchic culmination of the disaster of Enlightenment rationalism for they do not understand the forces of nihilism, irrationality. Anarchists play with powers they cannot control, like the titular character in Johann Wolfgang von Goethe’s (1749-1832) poem “The Sorcerer’s Apprentice” (“Der Zauberlehrling”). Hence, Schmitt is a latter-day Nietzsche, horrified at “what we have done” with having “killed God” and seeking a means to rebuild the giant wicker idol, to refound the sovereign state with absolute authority over social chaos.

Ball now begins to examine Schmitt’s works and does a fine job of drawing out their major themes, however, all aimed towards his conclusion that Schmitt over time became a Catholic political theologian. For example, he reads *On Dictatorship* as an exceptional piece, which pushed Schmitt in dangerous directions before a return to the narrow path of Catholic political theology with the works after. He also draws out the significance for the jurist of philosophical anthropology and recognizes his agreement that “the doctrine of the depravity of man, in the apodictic form as Cortés represents can hardly be surpassed.” For Hochland’s readers, Ball emphasizes Schmitt’s critique of romanticism and defense of the Church against the self-same

126 Ibid.
127 Ibid.
128 As Mehring correctly points out, Ball is himself being proto-Maurassian in this essay as he clearly wishes for some version of an “integral Catholicism,” and has a deep streak of romantic yearning for social fit. See: Mehring, *Aufstieg und Fall*, 172.
charge; he recognizes that Catholic thought assumes the reality of a normative direction to social life and that the faith is not a form of irrationalism despite the prejudice of the scientific rationalist. However, he very astutely recognizes, while Schmitt correctly describes the Church in this manner, it does not truly fit the jurist’s own beliefs for he is a “rationalist in the state and irrationalist in theology.” In fact, the weakness in Ball’s essay is that he frequently discerns cleavages in Schmitt’s thought from Catholicism but, yet overall, portrays him in a light that would suggest the jurist’s fit within a Catholic intellectual milieu.

For example, Ball recognizes the statism of Schmitt’s thought, that the State must needs be recognized as the next instance of the Idea; “No law outside the state and no state outside the law.” Therefore, in his later writings (post 1919) Schmitt turns to the “question of the ultimate form of decisive authority,” and the legal interpretation of political theology. According to Ball this yields the claim that:

[The irrational can never come into direct relation to the state. This is the meaning of the Church as an institution and the commissarial dictator. The sovereign dictatorship is only justified within the Church.]

The problem here is in Ball’s last statement. While he recognizes that “[t]he concept of personality grows more significant with each new work of Schmitt’s” he also thinks that the highest ideological instances of dictatorship like Cromwell are attempting to establish a sovereign dictatorship outside the church. Ball’s implication is that to do so is bad, as indeed for a Catholic political theorist it is; however, this is not at all the case for Schmitt. Ball completely misses the jurist’s consistent admiration for Cromwell in his theory of sovereignty.

1270 Ibid., 108.
1271 Ibid.
1272 Ibid., 100.
1273 Ibid.
1274 Ibid., 110.
1275 Ibid., 111.
However, the Dadaist partially makes up for this oversight by incisively noting when he comes to *Political Form*: “And so in the representative forms of Roman Catholicism is contained that pathos of the decision which Schmitt called ‘sovereign dictatorship’ in earlier writings.” This is precisely right. To Ball it does not entail extremism on Schmitt’s part, however, because he makes the mistake of reading *Political Form* as treating the Church as simply an extra-political guardian of all that is of value in western civilization, as a “third way.” Schmitt’s actual point is that the State must adapt for itself the structure of authority (formal, decisive, representative, absolute, and infallible) found in the Church in order to govern contemporary unruly society. The final impression Ball’s essay left its readers with was that, as Lönne suggests, “the answer to the many social and political problems of the Weimar Republic was then to be expected . . . by the leadership and creative function of Church and State, as they had been worked out by Schmitt.”

Ball’s essay was quite the laudatory introduction of Schmitt to the broader Catholic intellectual milieu and is the original presentation of both aspects of the standard narrative; that is, he presents Schmitt both as a politically Catholic thinker and as primarily a political theologian. For his part, Schmitt loved Ball’s treatment of his thought and struck up a friendship with him as a result. Schmitt told the artist that his essay helped him to clarify his own understanding of his political thought in directions he was surprised to find he had not been previously aware. Years later he described the review as: “a great, brilliant essay, the like of which I have hardly seen a second of in my entire life”; in fact, he felt it read as “downright enthusiastic” from the sense that

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127 Ibid., 114.
Ball “had met a kind of brother in me.” In Political Theology II, he called the essay required reading if one wanted to understand what he had been trying to do in his early Weimar writings. Schmitt also praises Ball there for being “the only one who paid attention” to the necessity of reading Political Theology in league with his other early Weimar writings in order to really grasp what he was developing. However, Ball was not the only one to read Schmitt’s books in unison as our next protagonist did so as well.

Guardini’s reflections in “Rescue of the Political” do not, strictly speaking, amount to a review of Political Form, and so he soon published one penned by fellow priest—and close friend since childhood—Karl Neundörfer (1885-1926). Neundörfer, like Schmitt, was a jurist. He studied both theology and canon law and completed a doctorate in 1909 by means of a study on the separation of Church and State in France. He was also heavily involved in Quickborn and a notable figure in his own right within German Catholic social thought. Finally, he was aware of Ball’s Hochland piece on Schmitt when he penned his own treatment of Schmitt’s oeuvre in “Political Form and Religious Belief: A Book Review.”

Neundörfer begins with a quick review of modernity’s creeping change to a dominant secularism where religion is privatized and law considered “purely factual and worldly.” This development eventually led to a total separation of Church and State as well as a reaction by romantic thought, which argued an “interrelatedness of law and religion,” and thus pursued a merging of Church and State. This leads him to dwell a moment upon Adam Müller’s state

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1280 Schmitt, Political Theology II, 143n6.
1282 Ibid., 323.
1283 Ibid.
theory, and he credits him for discovering again the “problem of the interrelation of law and the State with faith and the Church and [having] tried a solution.”\textsuperscript{1284} However, Neundörfer then provides precise criticisms of Müller’s theoretical failings before introducing Schmitt’s works for consideration; beginning with the jurist’s critique of the romantic theory of state found in \textit{Political Romanticism}. He says that Schmitt pens his critique “with all the force of a scientifically trained mind and at the same time a politically turbulent will.”\textsuperscript{1285} Schmitt’s misguided will revealed itself in that book “in terms of the relationship between religion and law,” where Schmitt: “remains in the line embarked on by the romantic” given “his own inclination to a ‘political irrationalism, which is in its understanding of mystical or religious origins.”\textsuperscript{1286} It is this line of thought that Neundörfer wants to draw out and stress in Schmitt’s thought.

And so Neundörfer accomplishes this goal by moving text by text; he now points out that the “political vitality” and “will to decision” missing in romanticism is made “the subject of a thorough scientific investigation” in \textit{On Dictatorship}.\textsuperscript{1287} He lays stress in this text on Schmitt’s developing understanding of the metaphysical-religious base of various political forms. Neundörfer finds this same idea in \textit{Parliamentarism}, which he characterizes as in part a continuation of \textit{On Dictatorship}, given comments there about anarchism being a movement against the “centralism” of God.\textsuperscript{1288} Next, he moves on to \textit{Political Theology}, and hones in on Schmitt’s language about the exception, decision, and again the connection of the politics of an age to its metaphysical beliefs. Neundörfer ends with Schmitt’s claim to have found “Catholic social philosophy” exhibiting “a solid commitment to political decision” in the thought of Maistre,

\begin{footnotesize}
\textsuperscript{1284} Ibid., 324.  
\textsuperscript{1285} Ibid.  
\textsuperscript{1286} Ibid., 325.  
\textsuperscript{1287} Ibid.  
\textsuperscript{1288} Ibid.  
\end{footnotesize}
At this point the theologian pauses to interject critically that despite the presentation by Schmitt heretofore, democracy is just as viable as a political form to monarchy and aristocracy, and all three can either work or be abused. This comment leads him finally to *Political Form*.

Neundörfer begins his review of Schmitt’s most presumptively Catholic text by noting that the religion does not exist in any of these various political forms that may reflect origins in specific religious ideas and is instead a complex of opposites. Then what follows is a lengthy and minute account of the content of *Political Form*. Most notably, the theologian brilliantly recognizes the similarity in views between Schmitt and the sociologist Hellmuth Plessner (1892-1985), especially in the latter’s book *The Limits of Community (Grenzen der Gemeinschaft)*. Neundörfer even notices that both Schmitt and Plessner affirm in the Church Dostoyevsky’s myth of the Grand Inquisitor.

Neundörfer is now ready to reach his conclusions. He believes that both Schmitt and Plessner seem to suggest that the Church can correct the last several centuries of development in spiritualist churches and materialist State political thought but that in Plessner this means reducing the Church to a “cultural, rather than a religious value” and in Schmitt you find “a one-sided emphasis on the ‘Office’ against the ‘Charisma.’” The theologian’s response is to point out that the “essence of the Catholic Church [resides] in the religious” and no one aspect can be allowed to overshadow all others. He brings in Ernst Michel as well as actual references to the Code of

1289 Ibid., 326-7.
1290 Ibid., 327.
1291 Ibid., 327-8.
1294 Ibid., 331.
Canon Law to suggest that “earthly forms” are not simply deified by the Church. Neundörfer’s final verdict is politically left ala Michel as he suggests that the Church can again undergo a shift to an emphasis on the charismatic rather than institutional and so become even more amenable to the Proletariat. The theologian also anticipates what we shall soon find is a common complaint against Schmitt by Weimar’s Catholic thinkers; namely, that he favors (in the later words of Lönne) a “one-sided juridical understanding of the Church” which succumbs to an “overly broad parallelization of religious and secular forms.”

To conclude this section, it is worthwhile to ask ourselves why Schmitt found it impossible to defend his views on politics and Catholicism publicly against Guardini and instead spent a sleepless night wrestling with the prospect. One possible motive was an innate fear that Schmitt had of treading too far into theological grounds as a layman. In Political Theology he had already discussed the critique of Donoso’s views on original sin by the Abbé Gaudel. There he distinguished Donoso’s exaggerated polemics on human depravity as political appropriation from the theologian’s interest in defense of dogma. In 1929 he would expand on this clash by claiming that it proves “every professional theologian is his [the layman discussing doctrine and dogma] better and can put him in his place.” He then continues:

[Donoso], who had taken a stand against the ultimate and most extreme enemy—atheistic socialism—suddenly found himself in a thicket of unforeseeable controversies. Theology that he proposed as the only solid foundation for political theories contained more possible disputation than one could admit to. The role of a theological layman proved to be incompatible with the role of the theoretician of political dictatorship.

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1295 Ibid.
1296 Lönne discusses Neundörfer’s review in “Carl Schmitt und der Katholizismus,” 30-1. He claims the theologian was associated with the leftist “Frankfurter Circle” grouped around the Rhein-Mainische-Volkszeitung and its editor Walter Dirks (1901-91). In addition to Michel, this circle included Heinrich Sharp (dates unavailable) and philosopher-physicist Friedrich Dessauer (1881-1963).
1297 Neundörfer, “Politische Form und religiöser Glaube,” 331.
1299 Schmitt, Political Theology, 57.
1301 Ibid., 81-2.
As a depiction of Donoso, Schmitt’s claims here are wholly inaccurate; however, given his consistent use of Donoso as a mask for his own views, this passage should be read as a veiled statement of Schmitt’s own intellectual situation.\textsuperscript{1302}

Additionally, when reflecting back on his life in a 1971 interview, Schmitt claimed that his longest running and deepest motto came from “his first philosophical impulses” as he discovered them expressed by the Flemish Cartesian philosopher, Arnold Geulincx (1624-69); an occasionalist philosopher he became familiarized with when writing \textit{Political Romanticism}. The motto runs, “\textit{Ubi nihil vales, ibi nihil velis},” and translates as: “where you are worth nothing, there you should want nothing.”\textsuperscript{1303} Schmitt explains that this motto particularly came to fit his life after he suffered a “monstrous shock” due to the criticisms of \textit{Political Form} upon its publication. It seems he was specifically recalling criticisms penned by Catholic priests such as Guardini and Neundörfer since he explains that they revealed to him: “a layman has nothing to say in this celibate bureaucracy.”\textsuperscript{1304} Needless to say, this is hardly the reaction one expects from an intellectual purported to be a Catholic conservative. But this postwar recollection does fit with the evidence contemporary to these middle years of the Republic suggesting Schmitt had no intention of being a Catholic thinker.

\textsuperscript{1302} Schmitt repeats this complaint against Donoso in his postwar diaries. See the entry for December 27, 1947 in: Schmitt, \textit{Glossarium}, 71.
\textsuperscript{1303} Schmitt, \textit{Carl Schmitt Im Gespräch}, 56.
\textsuperscript{1304} Schmitt, “\textit{Solange das Imperium da ist},” 56. Bendersky treats this motto of Schmitt’s as indicative of his attitude toward the Church only later in life when he clearly is claiming it is a recollection dating to the early Twenties (\textit{Theorist for the Reich}, 86-7).
Chapter 8.

Schmitt in Weimar’s Catholic Press after Excommunication

“I doubt that one can get at the problems of [Carl Schmitt] by treating him as a Nazi. He probably was no more a Nazi than he ever was a Catholic or Democrat. He rather is an agnostic and unprincipled existentialist like Sartre . . .”

—Eric Voegelin (1953)

Schmitt’s Later Weimar Publications: Hochland

The articles and editorials Schmitt penned for Catholic publications after his excommunication, for the most part, fall into the categories we have already witnessed of either promoting his books or expressing a political radicalism likely aimed at “intensifying” Catholic or Center politics. Both motives for publishing can be found in his Hochland pieces. Indeed, Schmitt’s articles for Hochland leads many commentators to exaggerate his overall media presence in Catholic Weimar.1306

If Schmitt ever had any intentions of being a Catholic public intellectual then his friendship with Muth certainly should have paid the most dividends. Yet, despite developing their acquaintance and friendship since 1917, the first two recorded attempts by Muth to get Schmitt published in Germany’s leading Catholic magazine were rebuffed. Schmitt declined to produce a piece on the topic of Judaism and then refused the afore-mentioned opportunity to respond to Guardini. That refusal opened up the opportunity for Ball’s incredibly laudatory review of Schmitt’s books to be printed in 1924,1307 which in turn, may have made the jurist a bit more willing to branch out from academic venues. However, Schmitt rejected two more of Muth’s topical


1306 For example Angela Reinthal matter-of-factly names Schmitt as one of the most important contributors to the magazine. See her “Introduction” in: Blei, Briefe an Carl Schmitt 1917-1933, 10. Also see: Koenen, Der Fall Carl Schmitt, 37 and 37n80.

1307 Ball gets so carried away that he suggests Schmitt could be considered as a new Kant, that Political Romanticism and Political Theology stand in relation to each other in a manner similar to Kant’s two critiques (of pure and practical reason). See: Ball, “Carl Schmitts Politische Theologie,” 104.
suggestions around this same time, namely, pieces on ultramontanism and Donoso Cortés. The latter is noteworthy as Schmitt had become quite absorbed with the Spaniard, since at least two years prior, and he would later honor Muth’s request with articles in 1927 and 1929. The first article Schmitt finally consented to have published in Hochland’s November 1924 issue was the preface he had prepared for the upcoming second edition of Political Romanticism, as discussed above.

“Romanticism” was followed by two small pieces in 1925. The first of which, “The ‘Status Quo’ and Peace,” builds off of Rhineland. This essay covers much of the same ground as the book but in an even sharper polemical and nationalist tone. For our purposes it is only necessary to point out his countenance here of National Bolshevism:

For Germany, a union of nationalism and communism seems out of the question, although it has occasionally been called for. Still we must not ignore the possibility, especially since the parties that in Germany have so far claimed nationalism for themselves are faced with completely new problems that arise from the increasingly difficult economic and political situation, and have an influence under which traditional bonds between ideas can easily dissolve.  

This passage, and the essay generally, demonstrate openness to radical solutions for what Schmitt sees as Germany’s intolerable problem of a lack of sovereignty. The second Hochland piece of the year is an only faintly political reflection and travelogue on Serbia developed from his trip there in the summer of 1925 with, then lover and soon to be second wife, Duska Todorović.

In a similar self-serving fashion to the publication of “Romanticism,” Schmitt asked Muth to run his reply to the critical review of Parliamentaryism written by a fellow constitutional lawyer, the liberal jurist Richard Thoma (1874-1937). Muth agreed, and so “The Contrast between

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Parliamentarism and Modern Mass Democracy,” in June 1926, became the fourth Schmitt piece to appear in *Hochland.* Like “Romanticism” before it, “Contrast” took advantage of *Hochland’s* large circulation to promote interest in a forthcoming second edition of that year, this time for *Parliamentarism.*

“Contrast”

Thoma was a legal positivist and so he naturally hones in on Schmitt’s emphasis on irrationalism and political myth, and his manifest admiration for Mussolini’s fascism, as his diaries now make even clearer. However, Thoma went further to:

[H]azard to guess, but not assert, that behind these ultimately rather sinister observations there stands the unexpressed personal conviction of the author that an alliance between a nationalistic dictator and the Catholic Church could be the real solution and achieve a definitive restoration of order, discipline, and hierarchy.

Schmitt passes “over in silence” these “utterly fantastic political aims that Thoma imputes” to him and he does so honestly; for he was a determined and consistent opponent of the interference by the Church in the political order and does not treat the Center as an exception to his critique of parliamentarism. Rather, Schmitt’s self-defense follows upon *Parliamentarism,* and even deepens

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1313 For example, Schmitt’s entry for November 30, 1925 records his deep fear of the possibility of Mussolini’s assassination. “Huber remembers that Schmitt named the assassination of Mussolini as ‘the greatest conceivable disaster in the political arena.’” See: Mehring, *Aufstieg und Fall,* 194. And the entry of January 11, 1926 records his reaction to a lecture on fascism by Erwin von Beckerath (1889-1964), who would publish *Wesen und Werden des faschistischen Staates* in 1927, as: “Fascism is nothing new, but it interested me very much” (ibid., 193).

1314 Richard Thoma, “On the Ideology of Parliamentarism,” trans. Ellen Kennedy, in: Schmitt, *Parliamentarism,* 82. Thoma’s suspicion that Schmitt sought an alliance between a nationalist dictator and the Catholic Church is a premier example of the misapprehension of him as an authentically concerned Catholic thinker by his secular-minded political opponents and the imputation that this motivation is somehow submerged and obfuscated was picked up by, and greatly expanded in, the influential works of Heinrich Meier.

that book’s attack on the political foundation of the Weimar Republic in what Lönne describes as
a “cutting history of ideas critique.”

Schmitt reiterates his claim from 1923 that liberalism’s belief that political action can be determined in a secularized atmosphere through objective political debate yielding truth is a defunct ideal. Modern parliament does not allow for such authentic discussion but is only a venue of competing organized interests and there is no disinterested debate to achieve the best practical solutions. “Contrast” follows the theme of Schmitt attempting to intensify Catholic politics by not making an exception of the Center at all. Rather, that party is just one more self-seeking and liberal coalition of interests.

Lurking behind this contemporary form of parliamentarism is “modern mass democracy” which makes:

Many norms of contemporary parliamentary law, above all provisions concerning the independence of representatives and the openness of sessions . . . [to be no more than] . . . a superfluous decoration, useless and even embarrassing, as though someone had painted the radiator of a modern central heating system with red flames in order to give the appearance of a blazing fire.

Mass democracy demands action and decision by government, not debate or discussion. In fact, “Democracy requires . . . first homogeneity and second—if the need arises—elimination or eradication of heterogeneity.” Schmitt illustrates such tactics of “elimination” with Turkey’s “radical expulsion of the Greeks and its reckless Turkish nationalization of the country,” as well as, Australia’s highly restrictive immigration policies that: “only takes emigrants who conform to the notion of a ‘right type of settler.’” These examples highlight that the political strength of a democracy lies in its capacity to “refuse or keep at bay something foreign and unequal that

1317 Schmitt, “Contradiction between Parliamentarism and Democracy,” 4-5.
1318 Ibid., 6.
1319 Ibid., 9.
1320 Ibid.
threatens its homogeneity."\footnote{1321} And homogeneity since the nineteenth century is primarily a question of “membership in a particular nation, in national homogeneity."\footnote{1322}

Schmitt is not here thinking in terms of race\footnote{1323}—as the Nazis already were—but he is wedding a radical nationalism with early modern State absolutism as updated by the addition of Rousseau’s democratic theory; for: “The general will as Rousseau constructs it is in truth homogeneity. That is a really consequential democracy.”\footnote{1324} It is also what Schmitt finds defensible within Bolshevism and Fascism:

Bolshevism and Fascism by contrast are, like all dictatorships, certainly antiliberal but not necessarily antidemocratic. In the history of democracy there have been numerous dictatorships, Caesarsisms, and other more striking forms that have tried to create homogeneity and to shape the will of the people with methods uncommon in the liberal tradition of the past century.\footnote{1325}

Liberal notions such as “[e]qual rights make good sense where homogeneity exists,” but they are idle, or even dangerous, in the context of social pluralism.\footnote{1326}

Two of the remaining three pieces Schmitt contributed to Muth were on the traditionalist Spanish diplomat Donoso Cortés,\footnote{1327} of whom Muth correctly commented, in June 1934, Schmitt had failed to grasp his profound essence.\footnote{1328} The remaining article, “The League of Nations and Europe” was a lecture he delivered in the auditorium of the University of Bonn on October 29, 1927; first published by the university before being reprinted in Hochland and then partially in a

\footnotesize{\begin{itemize}
\item \footnote{1321} Ibid.
\item \footnote{1322} Ibid.
\item \footnote{1323} Lönne explains that: “The homogeneity could not be, in his opinion, generalities such as membership in humanity but must relate concretely to the nation or affect a similar kind of political affinity” and he connects this line of reasoning by Schmitt to antisemitism and the possibility of excluding Jews (Lönne, “Carl Schmitt und der Katholizismus,” 19-20).
\item \footnote{1324} Schmitt, “Contradiction between Parliamentarism and Democracy,” 14.
\item \footnote{1325} Ibid., 16.
\item \footnote{1326} Ibid., 10-11.
\item \footnote{1327} Carl Schmitt, “Donoso Cortés in Berlin (1849),” in Wiederbegegnung von Kirche und Kultur in Deutschland: Eine Gabe für Karl Muth, ed. Max Ettlinger et. al. (München: Kösel-Pustet, 1927), 338-73; and “Der unbekannte Donoso Cortés,” Hochland, 27.12 (September 1929), 491-6.
\item \footnote{1328} Dahlheimer, Schmitt und der deutsche Katholizismus, 439.
\end{itemize}}
right-wing journal. Just as with the earlier “Status Quo and Peace” we can hear echoes of Arthur Möller van den Bruck’s Prussian Nationalism, particularly from his 1919 *The Right of Young Nations* (*Das Recht der jungen Völker*) of the mythical third way between American capitalism and Russian Communism. It is in articles such as these that Schmitt is attacking the “cautious” policies of the Center Party and attempting “to bring the situation of Germany into radically sharp focus.” As for *Hochland*, Schmitt’s last article appeared in that magazine in 1929, and he went right on declining chances to write for Muth; such as the editor’s request for an article on disarmament and security at the end of 1931.

**Schmitt’s Later Weimar Publications: Kölnische Volkszeitung, Staatslexikon, and Die Schildgenossen**

Schmitt had four more editorials appear in the *Kölnische Volkszeitung* after his second marriage and they all fit the mold of political intensification. These include: “The Act


1330 Möller van den Bruck also wrote *The Prussian Style* (*Der Preußischer Stil*) on the essence of Prussia being “the will to the state” in 1916, and was a strong influence on the “young conservatives” movement which fought against the Versailles Treaty. For more on the similitude between Möller v.d. Bruck and Schmitt, see: Koenen, *Der Fall Carl Schmitt*, 173-188. Although Schmitt’s nationalist views agreed with Möller v. d. Bruck’s on these points he did consistently reject organicist conservatism. He actually also held Möller v. d. Bruck in disdain despite his having been a good friend of Däubler. Schmitt met Möller v.d. Bruck through the poet in December 1914 and recorded in his diary that he hated the historian as “a horribly stupid and narrow-minded person.” See the entries for Saturday December 19, 1914 and Tuesday December 22, 1914 in: Schmitt, *Tagebücher: Oktober 1912 bis Februar 1915*, 276, 278. Schmitt would later seek out Möller v.d. Bruck’s assistance in getting his book on Däubler published (entry of Saturday August 7, 1915 in: Ibid., 105) but never gives any indication that his immediate disdain for him had been modified. This especially seems to be the case given his lack of regard for a similar, and latterly prominent, nationalist in Othmar Spann. Schmitt proves his distaste for Spann in a letter of August 6, 1925 that he wrote to the editor of a book to which Schmitt had originally submitted an article. In scathing words he protests the proposed inclusion of Spann in the volume and withdraws his own article because he considers him a lowbrow intellectual and claims differences so great that he cannot stomach being included in a publication alongside the Austrian. Most amusingly, and perhaps honestly, Schmitt also lists as a criticism the fact that Spann “belongs to a circle which systematically ignores my work” that is, his vanity was hurt. Quote is from Bendersky’s treatment of the letter and episode in *Theorist for the Reich*, 60.


1332 Koenen, *Der Fall Carl Schmitt*, 37n79.
Implementing Article 48 of the Constitution (the so-called Dictatorship Act)” on October 30, 1926; the afore-mentioned piece on Machiavelli of June 21, 1927; “The Convening of the Adjourned Reichstag” on October 23, 1930; and “Efforts for an Imperial Reform” of November 5, 1930. This last piece is notable for it covered the debate from the day before at the annual meeting of the Langnam Club (Langnamverein) organized to protect the economic interests of the Rhineland and Westphalia. On November 4, 1930, Schmitt had been the keynote speaker at the Club’s meeting in which the members had engaged in a debate over the merits of the Brüning Chancellorship that displayed a deep division of opinion on the cabinet formed in March. Schmitt likely took the anti-Brüning side given his later diary remark that the Chancellor was “not the last word of German Catholicism.”

The two entries that Schmitt wrote for a 1926 political encyclopedia project, Staatslexikon, of the Görres-Gesellschaft, also qualify as furthering his secular-minded and radicalizing politics given they were on two of his favorite subjects, dictatorship and absolutism. A similar conclusion applies to Schmitt’s two articles in the official journal of the Catholic Youth Movement, Die Schildgenossen, contrary to Lönne’s claim that Schmitt’s Catholic roots are an obvious influence as “his publications in Schildgenossen shows.” As mentioned above, the first was simply an approved 1925 printing of an excerpt of the book Rhineland. The second article was printed in 1928 due to the efforts of Schmitt’s former student Werner Becker, who was by then a friend and student of Guardini’s close to the Quickborn youth movement. Schmitt had delivered a lecture on

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January 3, 1928 to a Catholic congress in Boppard/Mittelrhein which Becker transcribed.\textsuperscript{1341} He then presented the notes to Schmitt for review and gained his approval for publishing the lecture as “The Civil Constitutional State” in \textit{Die Schildgenossen}.\textsuperscript{1342}

“The Civil Constitutional State”

Schmitt begins “The Civil Constitutional State” by noting the continuity between the old Reich and the new Republic given both existed under a constitution; a constitutional monarchy became a constitutional republic. Yet, the Republic has a serious problem, namely, that the constitution is barely alive in the consciousness of the German people. The reasons for this are several, and Schmitt lists them: first, the continuing lack of true sovereignty for Germany under the Versailles and Dawes Plans; second, the fact that the bourgeois liberal constitution took the day not by its own merits (as would have been the case if it had been victorious in 1848) but rather by the monarchy simply removing itself after military defeat; and lastly, that after the war Germany had a stark and simple choice to make either for the West (of democratic republics) or the East (Soviet Russia).\textsuperscript{1343}

Schmitt continues by spelling out the liberal nature of the constitution, that it is meant to strictly curtail and define the scope of the State while leaving the freedom of individuals as expansive as possible. He then moves into his standard critique of liberalism since he penned \textit{Parlamentarism}, consisting in pointing out that the liberal approach to divided government and balanced powers is ultimately “non-political,” as it fails to achieve a “form” of government; terms which in Schmitt’s parlance mean that liberalism undermines the sovereign and unified power of

\textsuperscript{1341} Bendersky informs us that Schmitt “joined Heinrich Brüning at a conference of Catholic intellectuals and political leaders in Boppard” (Bendersky, \textit{Theorist for the Reich}, 53). See also: Mehring, \textit{Aufstieg und Fall}, 221.


the modern State. At this point, Schmitt moves in a much more radical direction, for what he treats as “bourgeois law,” or political liberalism, attempts to deny the people’s natural capacity for coming into a “political existence,” of achieving form or sovereignty. He adds another wrinkle, however, for in order to achieve a political existence the people must enjoy: “a certain sameness, homogeneity is required”; and how is such homogeneity to be achieved? “The institutions of a state have the function to make this similarity [of the people] possible and restore it afresh every day.” In other words, as Hobbes taught him, the State is ontologically prior to the society, the people are such due to the unifying action of the State and its institutions; Leviathan determines who is a citizen.

Next, Schmitt bemoans as strange that given Weimar’s democratic constitution “the assembled people . . . appear nowhere” due to the liberal safeguards of secret voting and lack of a means for public acclamation. His solution to a lack of a unified people necessary for a strong state starts from a realist (and traditional) perspective that “only one part [of the people] may be the political leaders.” That is, factions will vie for political rule and only one ruling class/group can be triumphant at any given time. But from this basis he takes a radical path, for Schmitt believes given the heterogeneity of the German people—“culturally, socially, by class, racially, and religiously”—that, “[a] solution must be sought outside the democratic political methods” by which means the needful integration of “the German people to political unity” can be achieved.

Schmitt leaves as an open question here how this political integration of the German people can or will be achieved. The proto-fascist direction of his views is seen in other contemporary and earlier

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1344 Ibid., 45-6.
1345 Ibid., 47. Maschke helpfully reminds us that Schmitt’s critique of Parliamentarism owes a great deal to a number of French intellectuals opposed to liberalism, such as: Maurice Barrès (1862-1923); Bloy; Maurras; Charles Péguy (1873-1914); and Sorel (ibid., 52n:3).
1346 Ibid.
1347 Ibid., 48.
1348 Ibid., 49.
1349 Ibid.
evidences, as detailed above as regards his attachment to Mussolini and Maurras, as well as his anticipation of nationalism as the key component. Additionally, at this time, he had also begun to promote the integrative effect of the political use of plebiscites and referenda.\textsuperscript{1350}

While it was only due to Becker’s efforts that this lecture of Schmitt’s was even typed up and became an article in \textit{Die Schildgenossen}, the jurist now took the opportunity to spread its message. “The Civil Constitutional State” was therefore reprinted twice more in quick succession in the Catholic press. It first appeared with minor changes in \textit{Abendland}\textsuperscript{1351} and then in part in the leading Center Party daily of Berlin, \textit{Germania}; both being venues at which he had students on the editorial staff.\textsuperscript{1352} These two journals were the last Catholic venues to publish any articles by Schmitt after his excommunication.

\textbf{Schmitt’s Later Weimar Publications: \textit{Abendland} and \textit{Germania}}

In his postwar diary after naming a project of authentic Catholic intensification as a key motivation of his life’s work, Schmitt added: “Here in this way of Catholic intensification all stayed away from me, even Hugo Ball. Only Konrad Weiß and Paul Adams remained with me as true friends.”\textsuperscript{1353} His discounting of Ball was due to the short life of their friendship.\textsuperscript{1354} On Weiß, we

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  \item The friendship was short-lived both because of the artist’s premature death in 1927 at the age of 41, as well as because Ball had come to suspect in early 1925 that he had erred in having “stamped the Bonn professor as a Catholic in Hochland.” See the letter to Hermann Hesse of February 9, 1925 in: Ball, \textit{Briefe 1904-1927}, 116. Ball came to doubt Schmitt’s Catholicity as a reaction to what he considered a very polemical and harsh review by Schmitt’s student Waldemar Gurian in the \textit{Kölische Volkzeitung}—Gurian was one of its editors—of Ball’s heavily reworked reissue of 1919’s \textit{Critique of the German Intelligentsia} in 1924 as \textit{The Results of the Reformation}. Ball found that both Muth and Schmitt’s publisher at Duncker & Humblot, Ludwig Feuchtwanger, were sympathetic to his complaint against Gurian; Muth wrote a letter to the editor of the newspaper in Ball’s defense and Feuchtwanger wrote to Schmitt to tell
\end{itemize}

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must take Schmitt’s word, as there is not much independent evidence available. However, the very phrase Schmitt makes a catchword of his work, “Catholic intensification,” was adapted from a work of the mystical poet’s on Theodor Hacker.1355 As for Adams, he did indeed remain a fellow-traveler of Schmitt’s. Having started out as a student of the jurist’s in Bonn, Adams went on to become the editor of Germania’s cultural supplement. Both before Schmitt moved to Berlin in 1928, but increasingly after, the protégé often joined his charismatic professor in roaming the red light district’s seedy bohemian bars.1356 And, to further clarify what Schmitt may have had in mind as proper intensification for Catholic politics, Adams became an enthusiastic member of the Nazi Party and heavily critiqued the Catholic episcopacy for its lack of support of the Nazi regime.1357

Adams was likely instrumental in several pieces by his mentor being published in Germania. These included “The State and the Right to War,” in 1928 which would become part five of the 1932 edition of The Concept of the Political.1358 In this piece, Schmitt is entirely dismissive of the entire Catholic tradition of just war theory, and attacks the Church as an entity

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1356 Schmitt describes himself in these drunken revels as a “sexual offender” seeking out “the electrifying ‘shock’ of the ‘long legs’ and ‘white meat’” of women and prostitutes for sexual escapades. See: Mehring, Aufstieg und Fall, 235-6.
1357 Mehring found that the year 1929 was exceptional in its womanizing, even for Schmitt, as he describes the jurist’s life that year as existing in an “erotic state of emergency” (ibid., 235-8), and notes his constant visits to the prostitutes in the Tiergarten, Kurfürstendamm, Unter den Linden and Potsdamer Platz of Berlin in the summer of 1929 (ibid., 231).
1358 As noted by Piet Tommissen in: Schmittiana I, 62.
which, by means of such indirect power and theorizing, attempts to impede the State’s complete control of the determination of the *jus belli*. For “[b]y virtue of this power over the physical life of men, the political community transcends all other associations or societies.” Only the State, the sovereign, can declare who its enemies are and an attempt to postulate justice as belonging to “the concept of war” will “usually serve a political purpose”; it indicates “a hidden political aspiration of some other party to wrest from the state its *jus belli* and to find norms of justice whose content and application in the concrete case is not decided upon by the state but by another party.”

The other two Schmitt articles in *Germania*—1929’s “Culture as a Social Problem,” and “Neutrality towards the Economy?”—were far less militant than “The State and the Right to War.” However, both remain examples of Schmitt’s increasing radicalism as they informed his belief that the social was invading and “secularizing” the political realm (totalizing *and* dissipating the state) in contemporary European politics.

Although Schmitt was in contact with Hermann Platz, the founder of *Abendland*, while they were both in Bonn, he displayed a general unwillingness to write for or be associated too closely with that journal. In January of 1928, Platz asked Schmitt for his help in contributing to and jointly publishing a collection of recent French work in intellectual history as a volume in a series titled “Studies on the History of the Western Spirit.” Despite Schmitt’s own Francophilia he declined to assist Platz. Two Schmitt articles did, however, find their way into *Abendland*’s pages, possibly because two of his students, Becker and Adams, were associated with the journal

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1359 Schmitt, *Concept of the Political*, 47.
1360 Ibid., 49.
1361 Carl Schmitt, “Kultur als soziales Problem,” *Germania*, New Cultural Supplement, 500.30 (October 26, 1929, morning edition), 2-3. This essay was a shortened version of a lecture he had given in Barcelona.
1363 This theme is best developed in Schmitt’s “The Age of Neutralizations and Depoliticizations” (“Das Zeitalter der Neutralisierungen und Entpolitisierungen”). For a commentary, see: John S. McCormick, “Introduction to Schmitt’s ‘The Age of Neutralizations and Depoliticizations (1929),’” *Telos*, 96 (Summer 1993), 119-30; followed by his translation of the essay (130-42).
(the former as one of its editors). The first article has already been mentioned; it was simply the reprint of “The Civil Constitutional State.” But, as if to reinforce his distance from the journal, after it ran Schmitt insisted the editors run a notice in the next issue making it quite clear that the piece which bore his name in April had simply been taken from a transcript made by Becker of a lecture he gave to a small group. He also mentioned the article’s presence in the journal in the same dismissive manner in a letter to fellow constitutional lawyer Rudolf Smend.  

The second article is an original piece that, much like the first, demonstrates Schmitt’s adversarial stance to political Catholicism.

“The Political Situation of the Demilitarized Rhineland”

The second piece that Schmitt published in *Abendland* follows the polemical pattern of the first. In “The Political Situation of the Demilitarized Rhineland,” Schmitt continues his attempts to radicalize Catholics by stressing the abnormality and unworkability of the political life of Germany under the Versailles Treaty. He focuses here on the problems of rule in the forcibly demilitarized regions of the country. That Schmitt’s polemics are directed at Catholics is immediately suggested by his reference to the Center Party leader, Father Ludwig Kaas, who he selectively quotes from throughout the essay. Schmitt insists that the primary question that must be addressed to the “political terms of the Versailles Treaty and the agreements following it” is the classical question of “*quis judicabit*?” “who judges or decides?” It is the basis of sovereignty for Schmitt that: “a normal, politically independent state decides about the existential questions of

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1365 Platz made the request in a letter of January 23, 1928 according to: Mehring, *Aufstieg und Fall*, 144. See also: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 98n303.  
1367 Ibid., 275.
concern to its political life, especially whether it is attacked and of its right to self-defense. 1368

Clearly, the demilitarized and subject state of the Rhineland specifically denies German sovereignty and undermines the nation-state in an abnormal and untenable manner. To Schmitt, the terrible and natural conclusion of such a course will be the turning, to Geneva or Paris, of the Germans of the Rhineland for protection of themselves and territory from “gunmen” that could prey on a demilitarized zone, given the people will naturally seek out the sovereign power which can offer it protection. 1369 Schmitt applies here the Hobbesian principle that with protection comes obedience (protego ergo obligo), the basis of reciprocity between the people and the Sovereign State. 1370

Schmitt points out basic contradictions, or at least unresolved conflicts, between the Republic’s Constitutional democracy and the articles of the treaty which claim the power to keep the Rhineland demilitarized. Since the German President is granted the authority to intervene—even by means of the army if necessary—to maintain or restore order and public safety in German territory (Article 48, paragraphs I and II), a deep conflict exists with the articles 42 and 43 of the Versailles Treaty governing the demilitarized Rhineland. 1371 Schmitt illustrates this conflict by reminding his readers of the occupation of Frankfurt by the French, in the spring of 1920, in response to attempts by the German Army to suppress Communist riots; an occupation he recalls as a “monstrous sanction.” 1372 Schmitt ends by noting that since a large portion of the demilitarized zone is in Prussia, which—thankfully—has a well-developed police apparatus, means exist to some extent to maintain public order without use of the army. However, the same cannot be said for all regions of the Rhineland, much of which he fears lack the capacity of defending itself in times of

1368 Ibid.
1369 Ibid., 276.
1370 Schmitt expresses this principle two years later as: “The protego ergo obligo is the cogito ergo sum of the state” See: Schmitt, Concept of the Political, 52.
1372 Ibid.
civil unrest. Just as with the publication history of “The Civil Constitutional State” Schmitt sought multiple venues for “The Political Situation of the Demilitarized Rhineland” and so in addition to its appearance in *Abendland*, it was also distributed as a four-page pamphlet by the Cologne Publishing Guild and then appeared in the politically nationalist newspaper *Der Ring*.

In his polemical works Schmitt sought a broad audience and influence.

All things considered, it is logical to assume that Schmitt’s primary interests in being published in the Weimar Catholic press were either prosaic (seeking to promote one of his forthcoming books) or polemical (to promote his practical political views). The latter motive supports the “authentic Catholic intensification” hypothesis. The content of these articles and editorials, however, make it clear that Schmitt was not at all trying to promote a specifically, or even generically, “Catholic” understanding of German politics. He was a consistent opponent of the Center Party and any recognizable form of Catholic political thought. His status as an outsider to German Catholic intellectual life and thought was widely, and increasingly, recognized in the reviews and articles on his work which appeared in the Catholic press.

Schmitt’s Later Weimar Treatment in the Catholic Press: Book Reviews

In the later years of Weimar very few noteworthy articles or pieces in the Catholic press looked favorably upon Schmitt. The bulk of the complimentary press he received was in book reviews rather than substantial articles. Positive, albeit primarily straightforward, reviews of Schmitt’s 1926 book *The Core Question of the League of Nations* were published in *Abendland* and twice in the *Kölnische Volkszeitung*; with the latter perhaps due to his student,

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1373 Ibid., 277-8. I note a subtle suggestion here of fear-mongering on the part of Schmitt as he seems to imply that perhaps majority Catholic parts of the Rhineland may be most endangered by the demilitarization.


1375 Karl Docka, untitled review of *Die Kernfrage des Völkerbundes*, *Abendland*, 1.9 (June 1926), 270-2.
Gurian’s influence. In 1929, Gurian himself wrote an anonymous and positive review of Schmitt’s *Constitutional Theory* for *Germania*. His juridical *magnum opus* also received a straightforward but positive treatment in *Die Schildgenossen*.

The review essay of *Constitutional Theory* published in *Hochland* deserves lengthier treatment as it was more detailed, insightful, and pro-Schmitt than the others. The author was Serbian philosopher, and student of Alexius Meinong (1853-1920), Mila Radaković (1861-1956). She begins with a straightforward point-by-point review of the text by a “highly respected professor of public law in Berlin.” She recognizes that Schmitt’s view of bourgeois constitutionalism as liberalism means that he complains it is intended to reduce the State to nonexistence, to just a series of contracts between individuals which Radaković describes as “the victory of society over the state.” This is a critical insight as it reflects the reversal in modern political thought of the Catholic and pre-modern view that society is superior to the state and signals her agreement with Schmitt.

Radaković continues by agreeing with Schmitt that in contemporary times the only realistic option for forging the unity of a people is the force of nationalism which has come to be the basis of even the right of a particular state to exist. As Schmitt argues, the only true representation of the people’s will is in the acclamation, not normal polling or secret ballots. Along with Schmitt, she thinks “we vaguely guessed that something new and great today wrings itself into existence”; a

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1376 They are: M. S. (no full name), untitled review of *Die Kernfrage des Völkerbundes, Kölnische Volkszeitung*, 305 (26 April 1926), supplement, 3; and Philipp Zorn, review of *Die Kernfrage des Völkerbundes, Kölnische Volkszeitung*, 349 (11 May 1926).
1378 Karl Lohmann, untitled review of *Verfassungslehre, Die Schildgenossen*, 9.5 (September-October 1929), 433-6.
1380 Ibid., 534.
1381 Ibid., 537.
1382 Ibid., 538.
1383 Ibid., 539.
new synthesis of conflicting forces, the form of which is not yet clear.\textsuperscript{1384} The failure of parliament is it now exists just to balance the competing parties but such a “civil war with the ballot” makes “the state at best only a neutral third party” and the state of affairs leaves open who is actually sovereign, who “represents the unity of the people in political life.”\textsuperscript{1385} Like Schmitt, she concludes that in interwar Europe only two states have “broke new ground,” the Soviet Republics and Italy, which has “returned to the original democratic form,” meaning acclamation.\textsuperscript{1386} But “whether this attempt of Italy brings the final decision is irrelevant to the fact that it lies in the line of logical development.”\textsuperscript{1387}

\textit{Germania} ran a review of Schmitt’s \textit{The Guardian of the Constitution} in 1931. This second review in the leading Berlin Center paper was penned by Johannes Popitz, a lawyer and close friend of Schmitt, who held high ranking office in the Prussian, and then, German finance ministry during the Republic as well as under Nazi rule.\textsuperscript{1388} Popitz clearly agrees with Schmitt that the settled pluralist party structure of the Republic was leading towards a “total state,” in which society and state become helplessly intertwined leading to the dissipation and eventual collapse of the independent sovereign State and national unity.\textsuperscript{1389} He follows Schmitt in first suggesting and rejecting both the Parliament and Judiciary as potential guardians of the Constitution against

\begin{footnotes}
\item \textsuperscript{1384} Ibid., 540.
\item \textsuperscript{1385} Ibid., 541.
\item \textsuperscript{1386} Ibid.
\item \textsuperscript{1387} Ibid.
\item \textsuperscript{1388} Johannes Popitz, “Wer ist Hüter der Verfassung,” \textit{Germania}, 61.176 (17 April 1931). Popitz (1884-1945) was State Secretary in the German Finance Ministry from 1925-29, then Reichsminister and Prussian Finance Minister in Kurt von Schleicher’s cabinet at the end of the Republic’s life (December 3, 1932 to January 28, 1933). Under the Nazis he remained the Prussian State and Finance Minister until his execution as part of von Stauffenberg’s conspiracy to assassinate Hitler and overthrow the Nazi regime. Schmitt dedicated a postwar collection of essays on constitutional law to the memory of Popitz and included his review essay in it. See: Carl Schmitt, \textit{Verfassungsrechtliche Aufsätze aus den Jahren 1924 - 1934: Materialien zu einer Verfassungskunde} (Berlin: Duncker & Humblot, 1958), 101-5.
\end{footnotes}
“neutralization or depoliticization” in favor of the Reich President, a result “fully consistent with the democratic principle on which the Weimar Constitution is based.” Popitz’s review, coming as it did from a high ranking ministerial official as well as being placed in the most significant Center paper in Berlin, has been credited with laying out and promoting for a much wider audience Schmitt’s late Weimar political views. The last positive book reviews on Schmitt we need to examine were penned by the historian and Latinist Hermann Hefele.

The last published review of Political Form in the Catholic media, written by Hefele, appeared in Abendland over a year after Schmitt’s excommunication, in April 1927. Although Political Form was first issued in 1923 only one of its six reviews are of this edition. The other reviews correspond to the book’s reissue in 1925, by the publishing arm of the German episcopacy, Theatiner-Verlag München, as the thirteenth title in a series on Catholic Thought. Incidentally, only ten of the fifty-five Weimar-era pieces on Schmitt in Catholic venues date to before 1925. Thus, it is reasonable to suspect that receiving the bishops’ imprimatur had an undue impact on the interest Schmitt received from Catholic intellectuals as well as being a primary cause of his positive reputation amongst German Catholics in the Weimar era, to the extent that he had such.

Hefele had been deeply involved in working out what German political Catholicism should entail from at least 1919 when he first wrote an article on the topic. He proved to be one of the few Weimar Catholic thinkers who believed that Schmitt was making valuable contributions to

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1391 Ibid., 104.
1392 Bentin, Johannes Popitz und Carl Schmitt, 126. Bentin focuses on the manner in which he believes Popitz’s approach to state economic policy would be unthinkable without his personal interaction with Schmitt (they became acquainted once Schmitt took a position at the Berlin Handelshochschule in 1929). In fact, he persuasively argues that Popitz was intentionally trying to carry out Schmitt’s political philosophy in his financial and state administrative policy in the 1930’s.
determining what approach the Center, and Catholics generally, should take in response to the political and social problems the Republic faced. For example, he shared Schmitt’s animus towards Romanticism, and in a 1924 article for Hochland, “Democracy and Liberalism,” he utilized the distinction that Schmitt had made in Parliamentarism between those two concepts. However, in his enthusiastic review of Political Form it is still important to note—like those by Beyerle and Port discussed above—Hefele utilizes Schmitt’s thought as an occasio for developing his own views on political Catholicism.

Hefele begins by calling Political Form “extremely clever and brilliant” and “unfortunately far too little noticed.” He then promptly diverges completely from Schmitt’s text and views by describing the relationship of Church and State in the traditional language of Pius XI as one in which the Church is representative of the “mystical Body of Christ”; which combined with its legal character in canon law give it the grounds to “judge the political.” He then returns momentarily closer to Schmitt by expressing their shared horror of political anarchy based on the materialism and apoliticism of capitalist and Marxist thought which could leave the Church alone to defend “the existence of a political order of things at all.” But Hefele again immediately goes his own way by stating, “the debate on the political task of Catholicism” would do well “to adhere to Schmitt’s ideas” as found in Political Form, and so he wants to develop his own views upon that basis.

Hefele differentiates the Church as an institution and its religious mission from individual Catholics as members of both the universal Church and a specific political community. This

1395 See especially: Dahlheimer, Schmitt und der deutsche Katholizismus, 134-5.
1397 Dahlheimer, Schmitt und der deutsche Katholizismus, 255-7.
1399 Ibid., 195. Emphasis added as Schmitt would never suggest that the Church could pass judgment on the State.
1400 Ibid.
1401 Ibid.
arrangement leaves the determination of the specific policies of the political community a task for the individual Catholics with the Church as conscience and guide; thus, “strictly speaking, it is incorrect to speak of a Church politics.”1402 Again he refers to a traditional concept, that of the “two swords” of Church and State but that within this dynamic the State is itself under the educative purview of the Church just as is the individual conscience. Therefore, the conflict between Church and States is really between the Church and absolute states, which claim “absolute validity” and dominion.1403 As we have repeatedly seen, this is the polar opposite of Schmitt’s view of the matter, even if they are in agreement that the most extreme political ideology is anarchy, which denies any political form of authority at all.

Hefele’s divergence from Schmitt’s views is made even starker as he continues to describe the ontological priority of the Church to the State. One reason for its superiority is the Church has within itself a deeper form of “political community” than is generated in the State since it “rests on the sanctity of marriage, the religious character of the profession and the communion of love of the faithful.”1404 In fact, the Catholic recognizes “as a matter of course” the “freedom of the Church” and, therefore, “the State as such can never be final and absolute.”1405 The Catholic is more vividly aware of the “inadequacy and . . . relative value” of the State than those of other religions. Why? Because, the Church had created an: “order and political form before the awakening of national consciousness.”1406 This claim sounds like the traditional civilizational concept of Christendom, that the early and medieval Church shaped a unified Europe long before the individual modern nation-states were formed from out of the remnants of the Roman Empire.

1402 Ibid.
1403 Ibid.
1404 Ibid., 196.
1405 Ibid.
1406 Ibid.
The Latinist and Romanist Hefele is, however, no reactionary romantic yearning for a return to the Middle Ages. He wisely points out that the belief that the Church is meant to ally itself with monarchy is an old prejudice based primarily on the simple fact that the Middle Ages saw very few democracies anywhere. It is a prejudice many German Catholics still find difficult to rid themselves of in the aftermath of the fall of the Wittelsbach dynasty. For his part, Hefele favors democracy as best befitting the Catholic view because—once again in total contrast to Schmitt—the Church recognizes the value of the individual person as opposed to the subject being made a: “. . . mindless tool and object of the State.”1407

Immediately after Schmitt’s “The Civil Constitutional State” in the April 1928 issue of Abendland, a glowing review of the first essay form of The Concept of the Political was placed, again penned by Hefele. Like Schmitt, the conservative historian was a deep admirer of Machiavelli, and so he appreciated, along with Schmitt, the modern “realist” view that “politics is power.”1408 He found Schmitt’s concept of “friend and foe” to be felicitous and to perfectly encapsulate the context in which the “striving for individual values” takes place within a “viable community.”1409 Hefele even agrees with the more radical aspects of Schmitt’s political thought in this review as he readily accepts that political will is fundamentally arbitrary and not a matter of ethics but, instead, requires “the full commitment of all human existence. Unless politics is associated with danger to life . . . it is business, at best bureaucracy.”1410 Hefele here embraces political existentialism.1411

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1407 Ibid.
1408 As quoted in: Dahlheimer, Schmitt und der deutsche Katholizismus, 303.
1409 As quoted in: Ibid., 304.
1410 As quoted in: Ibid.
1411 In his 1919 essay “Der politische Katholizismus” Dahlheimer contends that Hefele actually anticipates much of what Schmitt argues for in Concept of the Political and there is a possibility of Schmitt having been influenced by him, although the jurist never acknowledges this as fact. See: Dahlheimer, Schmitt und der deutsche Katholizismus, 294 and 294n1277. Schmitt did, however, praise Hefele in his editorial on Machiavelli for the Kölnische Volkszeitung in 1927. He was also so impressed by Hefele’s short treatment of Concept of the Political that he sent a copy to his friend, and fellow constitutional lawyer, Carl Friedrich Rudolf Smend; with the hope that it “will bring you closer to my
Hefele: “names the concept of order, in the sense intended by Catholic social teaching, as the aim of the political. One searches for such a statement in vain in Schmitt’s ‘Concept of the Political.’” Hefele routinely goes beyond Schmitt towards a presentation of his own authentically Catholic social and political views; thus treating Schmitt as a participant in a dialogue he had no interest in joining. The political radicalism that Schmitt exhibited more directly in his later Weimar works did not net very many clear allies within the Catholic press. Hefele was likely the most prominent intellectual who was routinely published in the confessional milieu’s media outlets and shared common ground with the jurist; yet, even he was a more independent thinker than echo of Schmitt. The above examination exhausts the positive treatments of Schmitt’s books in the later Weimar Catholic press. For the most part, his works were ignored, except for a scathing review of Political Romanticism, an additional review of The Core Question of the League of Nations, and a number of uniformly negative reviews of The Concept of the Political.

thought process better than my own insufficient explanation.” Quoted from Schmitt’s letter to Smend of April 26, 1928 (letter 41) found in: Briefwechsel Carl Schmitt–Rudolf Smend, 70-1.

Dahlheimer, Schmitt und der deutsche Katholizismus, 304.

“Political Form is the very first book of Schmitt’s to be translated into English precisely due to its being treated as an occasio for Catholic intellectuals with views diametrically opposed to the jurist. The English historian, Christopher Dawson (1899-1970), had Political Form published by England’s leading imprint for Catholic apologetics, Sheed and Ward, in 1931 in an unauthorized translation as part of “Series on Order.” See: Carl Schmitt, The Necessity of Politics: An Essay on the Representative Idea in the Church and Modern Europe, trans. E. M. Codd (London: Sheed and Ward, 1931). The Codd translation combined with Dawson’s introduction was also published in a second unauthorized English edition—this time in America—called Vital Realities (New York: The Macmillan Company, 1932). This version combines Schmitt’s Political Form with essays by Russian philosopher Nikolai Berdyaev (1874-1948) and English newspaper editor and author Michael de la Bédoyère (1900-73). Himself a convert, Dawson was effectively the Catholic retort to Edward Gibbon (1737-94), as his works treated the history of Europe as the story of the progress and decline of Christianity; Christendom as the continent’s motive or guiding civilizational force. For example, see such works as: Progress and Religion: An Historical Inquiry (London: Sheed & Ward, 1929); Christianity and the New Age (London: Sheed & Ward, 1931); and The Making of Europe: An Introduction to the History of European Unity (London: Sheed & Ward, 1932). Dawson introduces The Necessity of Politics by providing a fascinating account of a common Catholic interpretation of modernity as temporal site of the progressive secularization of Europe and the concomitant rise of irrationalism; as well as of growing forces of moral, social, and political decay. Dawson’s introduction pays little to no attention, however, to Schmitt’s essay and the actual arguments contained therein. If one is interested in seeing a truer representation of where mainstream political Catholicism stood in the 1920’s and Thirties, particularly as regards political modernity, one should read Dawson’s introduction rather than Schmitt’s essay. Thus, Gary Ulmen writes of Dawson: “his introduction does not evidence a very clear understanding of Schmitt’s thesis” (Ulmen, “Introduction” to Schmitt, Political Form, xii). In a similar fashion Frank Slade recommends reading Dawson’s introduction to see what the historian has to say about the European crisis of the Thirties rather than for what he has to say about Schmitt’s essay. See: Slade, “Catholicism as a Paradigm,” 113.
Originally the diocesan paper for Limburg, the *Rhein-Mainische-Volkszeitung* became a widely circulated and politically left Catholic paper in the Weimar years. In 1926, the prominent poet, author, and priest Johannes Kirschweng (1900-51) reviewed the second edition of *Political Romanticism* for the paper. Kirschweng remarks that Schmitt’s reduction of romantics to “being without substance” is “too easy.” He then notices that, in fact, Schmitt reveals himself to fit the very definition of a romantic that he is critiquing given his own use of “criticism [as] an instrument on which he himself plays.” Kirschweng even refers to how Schmitt fits into Franz Blei’s literary-critical *Bestiary of German Literature*, which the jurist happened to assist in writing. Kirschweng then offers an alternate description of what makes one a romantic; namely, being a person filled with “longing” and “inherently in movement and not at peaceful rest” so that they are driven by “aspirations and not possession.” The priest believes that Schmitt fits this description of a romantic as a “man of intoxication and of the anguish of ecstasy and despair” given his polemical “tone of grimmest indignation” and unscientific personal manner of writing. Perhaps Kirschweng only had Schmitt’s vitriolic attacks on Müller in mind; but in any event, his insight into the man from reading *Political Romanticism* is impressive given what we now know about Schmitt’s personal life and character.

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1415 As quoted in: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 75.
1416 As quoted in: Ibid., 76.
1417 As quoted in: Ibid.
1418 As quoted in: Ibid.
1419 As quoted in: Ibid.
1420 As quoted in: Ibid.
Next is a Bavarian Baron, Carl-Oskar Freiherr von Soden (1898-1943), who wrote a highly critical review of *Core Question* in 1926 for the *Allgemeine Rundschau*, a Catholic weekly out of Munich covering German politics, culture, and religion since 1904.\(^{121}\) Soden writes:

We know Carl Schmitt as one of our most brilliant contemporary jurists. But the special luster of his thought is its one-sidedness. And besides that, Carl Schmitt's jurisprudence, no, his thought is extremely romanized. The clarity and the relentless rigor of Roman law have shaped the character of this philosopher and jurist and her voice speaks from \[his writings\].\(^{120}\)

Soden here penetrates to one of the central, and consistent, aspects of Schmitt’s thought; namely, its Romanism rather than Catholicity. Since Schmitt’s “too loud commitment to Romanism and his doctrine of state sovereignty” are so omnipresent in his writings Soden has no need to waste words.

Instead, he focuses on the deep infertility of the jurist’s critique of the League of Nations, which he believes comes from Schmitt’s commitment to state sovereignty. Poignantly, Soden refers to the constant complaint from Mussolini that it will be the pretension to itself being a universal State that will make the League “intolerable for the member states.”\(^{122}\) Soden was committed to federalism and defended the individual against the State; he had even recently become a priest. So he shared the Catholic suspicion of the modern unitary and absolute nationalist states. However, he also recognized in the League an attempt to overcome state sovereignty and national history to usher in for Europe “a new era of the heroic struggle of humanity to progress, peace and freedom” counter to the “fascist madness” now developing.\(^{124}\) Soden would soon pay for his prescience, as he was an outspoken critic of the Nazis, and when

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\(^{121}\) Ibid., 419.

\(^{122}\) Ibid., 421.

\(^{124}\) Ibid.
Germany came under that regime he first fled to Switzerland, then Austria to assist the opposition to the Anschluß, before finally making it to the United States.

That the political existentialism and authoritarian decisionism present in Schmitt’s *The Concept of the Political* has nothing to do with Catholic social and political thought was a fact not lost on the reviewers of that work in Weimar’s Catholic press. The Catholic pacifist journal *Der Friedenskämpfer* was home to a debate on *The Concept of the Political* over the course of several issues in 1928-29. The exchange was begun by the complaint lodged by Dominican priest Franziskus Stratmann (1883-1971) that Schmitt neutralized or simply dismissed the Church as moral influence and power, as well as exhibited a complete disregard for charity. Stratmann strongly objects to the clear insistence, by Schmitt, that the command to “love one’s enemy” is merely a private affair with no consequence for the political actions of the State tasked with defining and responding to internal and external enemies. Schmitt’s student, Werner Becker, sent in a reply to Stratmann’s attack, which was published in a subsequent issue along with a response by the priest, and a final commentary by Catholic philosopher, Dietrich von Hildebrand (1889-1977). Even Becker’s defense of Schmitt, however, was not wholesale as he did admit to wanting “the political criterion aligned to the ‘ordering concepts’ of war and peace.”

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1425 I have not been able to gain access to copies of the articles in question: Franziskus Stratmann, O. P., “Carl Schmitts ‘Begriff des Politischen.’ Um eine christliche Außenpolitik,” *Der Friedenskämpfer*, 4.5 (May 1928), 1-7; reprinted in 6 (June 1928), 1-7; Werner Becker, “Nochmals zu Carl Schmitts ‘Begriff des Politischen,’” *Der Friedenskämpfer*, 5.1 (January 1929), 1-6; the same issue continued the debate with a reply from Stratmann (page 6-8) and a final contribution by Catholic philosopher Dietrich von Hildebrand, “Zur begrenzung des Staates,” 8-16. Therefore I reference below the commentaries upon which I am dependent for details of this debate.


1428 See: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 309 for the Stratmann reply and 309-11 for the Hildebrand summation and conclusion in which he sides with Stratmann against Schmitt and Becker.

1429 Mehring, *Aufstieg und Fall*, 213. We noted above that Becker routinely blended Schmitt’s ideas with those of authentically Catholic intellectuals such as Guardini and so in this debate he again tries to find a middle ground which gives the impression that Schmitt is less radical and distant from Catholic thought than he was. See also: Dahlheimer,
When *The Concept of the Political* was finally published in book format in 1932, a cluster of three negative reviews (and no others) appeared in Catholic outlets that summer. The first was penned by Georg Schmitt (dates unavailable), who left the Windthorst League in 1931 to work at the *Rhein-Mainische-Volkszeitung*, then politically far left. In July of 1932, Georg’s review appeared in the daily, and he “noted the broad resonance of Schmitt’s remarks” but investigates and rejects the jurist’s “restriction of the Christian commandment of love to the private sector.”

Georg then makes a very perceptive remark when he points out that Schmitt makes a “Protestant mistake” by seeking to devise a new public order that will save the people from human nature in its “radical evil.” Even worse “the new order of the people Schmitt seeks is not a civil society” since—instead of seeking to integrate the Proletarian masses—in “Schmitt’s Friend-Enemy polarization the civil state was formed against the Proletariat.” Georg attacks this new order of Schmitt’s with reference to natural law and also indicates that the jurist is basically a utopian in his belief that a “consummate order” is possible “in the world.” The implication of Georg’s criticism seems to be that Schmitt had committed what Eric Voegelin describes as a peculiarly modern *cum Gnostic* error of “immanentizing the eschaton,” or falling into a radical utopian belief that the “kingdom of heaven” might be brought about by human political efforts. This belief in an inner-worldly end times is not the sole prerogative of radicals of the political left. In addition to the vision of Marx’s classless communist society, it can also be found in radical conservatives such as Schmitt who believe that a strong enough state can subdue all threats of social disruption, as well as

*Schmitt und der deutsche Katholizismus*, 307-9, and 513 where he mentions that Becker especially rejects Schmitt’s statist nationalism.

1430 In 1933 Georg Schmitt would become the editor-in-chief of the paper when, then editor, Friedrich Dessauer (1881-1963) was arrested for treason and the Prussian state took over a majority share of the paper. See: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 314n1350.


1433 As quoted in: Ibid.

1434 Ibid.

radical liberals like Francis Fukuyama (1952-) and his famous claim that liberal democracy had succeeded in bringing “history” to an end.\footnote{See: Francis Fukuyama, \textit{The End of History and the Last Man} (New York: Avon Books, 1992).}

\textit{Hochland} is home to the next appearance of a review on \textit{The Concept of the Political} in a Catholic journal. Erich Brock (1889-1976), “a freelance writer” on “political, philosophical, and literary themes” often published in Catholic venues,\footnote{Dahlheimer, \textit{Schmitt und der deutsche Katholizismus}, 315n1353.} wrote the highly critical review which appeared in August.\footnote{Erich Brock, “\textit{Der Begriff des Politischen}: Eine Auseinandersetzung mit Carl Schmitt,” \textit{Hochland}, 29.2 (1932), 394-404.} Brock begins by cutting directly to the chase and stating the specific agenda Schmitt has in the essay; namely, to make the political independent of any other categories and then define its specific characteristic. Schmitt does this and—within these constraints—comes to the logical conclusion that the friend-enemy distinction is the essence of the political. The problem, Brock sedately points out, is Schmitt’s political teaching is simply a contemporary instantiation of “the old,” in fact “already extant with the Sophists . . . doctrine of Hobbes and Spinoza” that “Law and Power are the same.”\footnote{Ibid., 394.} Brock notices this doctrine has now joined with the concept of the existential and “is preparing, starting from the theological, to conquer all areas of the mind.”\footnote{Ibid. These contemporary reviews of \textit{Concept of the Political} by Catholics like Brock are far more on point than that of a purveyor of the standard narrative such as David Cumin. He thinks Schmitt’s decisionism is borrowed from the Catholic counter-revolution “even if it places great emphasis on Hobbes.” Cumin’s argument is that the friend enemy distinction comes from the “anthropological-theological dogma of original sin” and Schmitt’s “concrete order thinking” is Aristotelian-Thomist. See: Cumin, \textit{Carl Schmitt}, 45.} But over the next couple of pages he shows how the friend-enemy distinction cannot sufficiently ground politics. It may prepare one existentially for the “hardness” of reality but “without standards, without ideological imperatives” it remains a criteria “empty as Kant’s categorical imperative; empty as the attempt to construct simple religion from the I-Thou relationship, the
clash between man and God.”

Brock queries “without essentiality” how does one “answer the question” of the political or, in religion, “recognize God in this encounter”?

As Brock continues to try and work out Schmitt’s argument he pointedly suggests: “We do not believe that the unbiased will escape the impression of being led around here in a system of tautologies and circular reasoning, which is obscured temporarily by a brilliant diction.” More than that, Brock notices the logic of Schmitt’s presentation is the existential necessity of aggressive war. Even though the jurist “strikingly . . . says nothing about” wars of aggression, “if the enemy in the autonomous political sense . . . is determined, then [one should] immediately go off on him.” He suggests instead that the concept of political “enemy” can today be understood either in the sense of an opposed party, as it is in parliamentary democracy, or as an enemy of the state as in Bolshevisim and Fascism. Brock believes that Schmitt’s understanding is much closer to the latter than the former but that the former option has not yet been exhausted; indeed, parliamentary democracy yet offers an opportunity for cooperation between different (pluralistic) political forces.

As Lönne informs us, Brock “rejected Schmitt’s radical conclusions” based on Christian impulses especially his reliance on the friend-enemy concept.

The final critical review of The Concept of the Political from 1932 was written by the Jesuit professor of social ethics and moral philosophy, Johann Baptist Schuster (1883-1952), and appeared in the official organ of the German province of The Society of Jesus, Stimmen der Zeit.

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142 Ibid., 397.
143 Ibid., 399.
144 Ibid.
146 Lönne, “Carl Schmitt und der Katholizismus,” 24-5. It is after reviewing first Hugo Ball’s and then Brock’s essays that Lönne inexplicably asserts, “Schmitt was a thinker from whose Catholicity important impulses and motives undoubtedly came” and his musings on contemporary times “possessed for Catholics a seductive fascination” (ibid., 25). The claim is especially odd since Lönne immediately turns to Georg Schmitt’s critical review. For more discussion of Brock’s review see: Dahlheimer, Schmitt und der deutsche Katholizismus, 315-19.
Over the course of the first two pages Schuster simply provides the reader with a straightforward summary of Schmitt’s argument. In his conclusion, he then restricts himself to the “main idea” and asks “whether the essence of politics is really to be found in the friend-enemy” distinction? His response, much as would be Pieper’s during the Second World War, is to opine that:

We would have desired that an ancient and well-founded tradition would have been mentioned; the State, the Community is based on the ‘bonum commune’ with safety and welfare its purpose, and anchored in the moral world order.¹⁴⁰

Schuster concluded by pointing out how the actual, various, and “rich” interactions of nations cannot be reduced to Schmitt’s thesis, nor had he demonstrated “efforts for world peace” amount to a “conceptual impossibility.”¹⁴¹

Schmitt’s Later Weimar Treatment in the Catholic Press: The Clash with Ernst Michel

Lönne characterizes the socialist journalist and lay theologian, Ernst Michel, as “within Catholicism the most determined critic of Schmitt’s juridical interpretation of the Church and its role for government and politics.”¹⁴² Michel was the author of The Foundation of a Catholic Politics in 1923¹⁴³ and then Politics of Faith in 1926,¹⁴⁴ as well as many articles which developed a Christian socialist treatment of Catholic thought during Weimar. He was a prominent member of the “Frankfurter Circle” of leftist Catholic teachers and journalists associated with the Rhein-Mainische-Volkszeitung, edited by Walter Dirks (1901-91).¹⁴⁵ When he wrote Politics of Faith, Michel, in part, intended it as a response and criticism of Schmitt’s Political Form:

¹⁴¹ Ibid., 61.
¹⁴² Ibid.
¹⁴⁴ Ernst Michel, Zur Grundlegung einer katholischen Politik (Frankfurt am Main: Carolus-Dr., 1923).
¹⁴⁵ Ernst Michel, Politik aus dem Glauben (Jena:Eugen Diederichs, 1926).
¹⁴⁶ For more info on Michel, his views, and approach to Catholicism placed in helpful contradistinction to Schmitt, see: Ulrich Bröckling, Katholische Intellektuelle in der Weimarer Republik. Zeitkritik und Gesellschaftstheorie bei

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Michel’s socialist mindset is expressed in the above passage and so, indeed, he was a Catholic thinker accused of modernism. He amply demonstrated such an attitude in his disregard of Church condemnations of socialism and its ban on Catholics joining socialist parties as simply “outdated.” However, his manner of criticizing Schmitt as well as his application of Church teachings to political affairs—though heterodox—does demonstrate an interest in political Catholicism and engaging Catholic thought lacking in the jurist. Schmitt brackets off political Catholicism; he examines the Church as source of analogies to illustrate his views on the structure and form he desires the secular State to exhibit.\footnote{Bröckling, \textit{Katholische Intellektuelle in der Weimarer Republik}, 67.}

\footnote{\textit{As quoted in: Motschenbacher, \textit{Katechon oder Großinquisitor?}, 102.}}

\footnote{144 The contrast of Michel as Catholic thinker to Schmitt as secular can be seen in Bröckling’s quite accurate summation of the argument in \textit{Political Form}: “Schmitt’s idea of Roman Catholicism adheres completely to the state-legal form; Catholicism is identical with the official Church for him, which is clerical and built on the principle of representation. For the ‘message’ of Jesus, to which all Church representation refers, he is not interested. The ‘great form’ of the State and its model, the ‘great form’ of the Church, should cement the fractured modern age into a new unity and overcome the economical-technical thought of liberalism which threatens to disintegrate all Representation. The Church is hence [tied] to the state, but not assigned to a particular form of state; Catholic politics needs a strong state—as ally or enemy” (ibid., 72, italics in original). Yet Bröckling treats the two as representing the opposite political extremes in Germany of a worldwide interest of Catholic thinkers after the First World War in the relationship of theology and the Church to the world (ibid., 66). He is justified in this approach to Michel but not in the case of Schmitt. That Schmitt’s approach is a fully utilitarian appropriation of an aspect of the Catholic Church (its purported form as “representation”) to an analogical and secular-political theoretical use is not fully admitted by Bröckling, even though he recognizes the tension. For unlike the other Catholic intellectuals he studies in his book, “Carl Schmitt’s commitment to the church is much looser. At least from the mid-twenties, the valid question arises whether he is still a Roman Catholic intellectual. Already in his Catholic writings [Bröckling has \textit{Political Theology} and \textit{Political Form} in mind], Schmitt’s real interest is in how the order of the Church, emphasized as a principle of Representation, functions as a model of the political.” Bröckling then accurately applies Walter Dirks’ characterization of the “fascist intellectual” as an ideologue who rejects “bourgeois civility,” glorifies “struggle and decision,” and promotes a “homogenization process of the state” based on the foundational category of “the people” to Schmitt. And he thus correctly notes that when Schmitt “commented enthusiastically on every step of [the Nazis] seizure of power” and eventually served as the regime’s “Crown Jurist,” there was “no need to break from his previous positions.” Unfortunately, Bröckling draws a final tendentious and erroneous conclusion which suggests that his own anti-Catholic sentiments are the reason he does not recognize the radical secularity of Schmitt’s thought. He writes that Schmitt’s capacity to develop his understanding of the political from an “analogy to the form of the Catholic Church, perhaps shows the ideological kinship of Catholicism and fascism more clearly than the actual behavior of Catholics before and
Michel continues his attack on Schmitt’s juridical fixation as regards the Church in an article of November 1930 for the *Rhein-Mainische Volkszeitung*, “On the Internal Political Crisis of the State: A Discussion with Carl Schmitt.” Michel implies that Schmitt has a heretical ecclesiology—a trenchant observation—and he “went over and above all to the legal system. In it, he determined the nature of the Church as well as its political mission.” The lay theologian sees Schmitt’s position as “one last possible attempt at the self assertion of the Western metaphysical State that escapes into the Church and expects her to be as a Noah’s Ark after the flood and the restoration of the ancient world of States and western humanity.” Perhaps Michel was inspired to make this comment by the final passage of *Political Form* and it sounds similar to Richard Thoma’s complaint. However, *Political Form* in 1923 stands alone as a comment by Schmitt on the relationship between the Church and contemporary politics; and as we detailed above, it is not actually intended to suggest an involvement in national politics on the part of the Church beyond being a prop to secular authority by preaching obeisance to it and denying itself as even an indirect power. Lönne’s conclusion is more accurate, as he notices that Schmitt develops an image of the Church and Christianity only in order to then “substantiate his understanding of State and politics.” Whereas, “Michel offered religious Catholicity as the basis; the remedy for the present social crisis is sought in a deep and far reaching change of heart.” The “antithesis of Church of law and Church of love” may have “dominated the debate” over the nature of the Catholic Church “for

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after 1933. And in this sense, Schmitt remains just as ‘fascist’ as Catholic an intellectual.” All unreferenced quotes above from: ibid., 159-60.


149 Ibid.

150 Ibid., 29.
many years” but Schmitt is far more accurately described as an accidental participant in that debate and as an exploiter of one side of it for his own purposes.\footnote{Dahlheimer, \textit{Schmitt und der deutsche Katholizismus}, 131. Dahlheimer covers the thought of Ernst Michel in relation to Schmitt over pages 122-44 and in fact the entire debate in the section “Rechtskirche statt Liebeskirche” (ibid., 82-163).}

A number of the remaining articles dealing with Schmitt in the Catholic press are motivated by an interest in the thought of Michel and his critique of Schmitt. The first such piece is a 1927 review of Michel’s \textit{Politics of Faith} by Jesuit Jakob Semmel (dates unavailable) for \textit{Stimmen der Zeit}.\footnote{Jakob Semmel, “Politik aus dem Glauben. Zum gleichnamigen Buch von Ernst Michel,” \textit{Stimmen der Zeit}, 113 (1926-27), 278-89.} Semmel does not fully agree with Michel’s characterization of Schmitt, and so seems to favor the jurist’s treatment of the Church; he even places Schmitt “indirectly in the Catholic Aristotelian-Thomistic tradition.”\footnote{Dahlheimer, \textit{Schmitt und der deutsche Katholizismus}, 135-6.} Then, Heinrich Getzeny (1894-1970) responded to Semmel, on the side of Michel, in the journal of the Catholic Youth Movement, \textit{Die Schildgenossen}.\footnote{Heinrich Getzeny, “Katholizismus des Seins oder Katholizismus des Geltenwollens,” \textit{Die Schildgenossen}, 7 (1927), 341-6.} That Getzeny sides with the socialist Michel, so far as critiquing Schmitt’s ecclesiology is concerned, is quite suggestive, as in addition to being a student of phenomenologist philosopher Max Scheler,\footnote{Getzeny’s writings reflect his phenomenological background and his interest in applied Catholic thought. They include: \textit{From the Realm of Values: An Introduction to Phenomenological Ethics and Philosophy of Religion} [\textit{Vom Reich der Werte. Eine Einführung in die phaenomenologische Ethik und Religionsphilosophie} (Habelschwerdt: Frankes Buchhandlung,1925)]; \textit{Catholicism and German National Education} [\textit{Katholizismus und deutsche Nationalerziehung} (Hamburg: Hanseatische Verlagsanstalt, 1926)]; and \textit{Capitalism and Socialism in Light of Recent, especially Catholic, Social Teaching} [\textit{Kapitalismus und Sozialismus im Lichte der neueren, insbesondere der katholischen Gesellschaftslehre} (Regensburg: F. Pustet, 1932)]. Getzeny is representative of a particular subset of German Catholic political and social thought treading on the fringes of orthodoxy as regards modernism much like the socialist Ernst Michel, only inclined to conservative-nationalism.} he was best known in the Catholic community as the national secretary for Wurttemberg of the politically oriented conservative-nationalist People’s Association for Catholic Germany (the Volkverein).\footnote{In a December 1930 \textit{Hochland} essay on the occasion of the fortieth anniversary of the Volkverein, Getzeny described it as a long-standing “social and civic education organization of German Catholics.” As quoted in: Reinhard Richter, \textit{Nationales Denken im Katholizismus der Weimarer Republik} (Münster: Lit Verlag, 2000), 223.}
Getzeny pulls no punches in “Catholicism of Being or Catholicism of Applied Will.” He provocatively suggests that Theatiner-Verlag suffered from a “lack of intellectual intuition” by having deemed Schmitt’s essay worthy of inclusion in a Bishop-approved series of books on Catholic thought. He notices the jurist seems to consider Catholicism “primarily as a form of social and political force”; a line of thinking he believes leads to the complete erosion of the faith. In fact, Getzeny sees Maurras’ famous phrase “I am Catholic, but I am atheist” as apposite of Schmitt as well, given the jurist’s “overvaluing of the external organization of the Church” to inflate the importance of his concept of representation. This is the earliest published Catholic piece which notes the similitude between Schmitt’s Political Form and Maurras. His student Waldemar Gurian had made this connection the year before, only privately in a letter to Erik Peterson. Reading Schmitt as a “State-romantic,” Getzeny maintains that such ideologues represent a greater danger to the Church than freethinkers because they treat it as a “highly organized system of power . . . and obstruct [people] from recognizing the Church as the bearer and bringer of salvation and grace, as a mediator of salvation.” Quite presciently, Getzeny concludes that Schmitt’s approach leads to the total state; a criticism that we shall find becomes common currency at the end of Weimar.

In 1929, an article by the Jesuit Friedrich Muckermann (1883-1946) on “Dictatorship and Christianity” appeared in the Berlin daily, Germania, which largely splits the difference between

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1468 Ibid., 29.
1469 Ibid.
1470 “How similar is Maurras to Schmitt; but Maurras is more honorable, he does not pretend to look like a Catholic! He is a pagan and the Church a prop for Order! Similar anxiety over theologians as external authority, similar mixture of precisionism, diligence, and bohemianism, similar relation to people. Uncanny!” As quoted in: Hollerich, “Carl Schmitt,” 119.
1472 As quoted in: Ibid., 30.
Schmitt’s views and Michel’s.\textsuperscript{1473} And then, in 1931, the head of the social department in the Central Office of the Volksverein at München-Gladbach, Heinrich Rommen (1897-1967), rejected the entire debate as idle, for: “[t]he antithesis Legal Church-Love Church exists only in the head.

Actually the Holy One lives just right out of the love and the power of the sacraments.”\textsuperscript{1474}

Rommen correctly applies the concept of the Church as a complex of opposites by insisting against both Schmitt and Michel that it is, by rights, both love and power, free spirit and rule bound.\textsuperscript{1475}

These last two figures from German Catholic intellectual life usefully serve as a point of transition to the final chapter of this study of Schmitt and Weimar political Catholicism. For, in different ways, they help elucidate the contours of politically Catholic thought in Germany in the early Thirties and through the demise of the Weimar Republic. Muckermann, for his part, in political commentaries at this time:

\begin{quote}
[C]alled for the reestablishment of some form of the Holy Roman Empire (Reich) in which the state and the churches would work together. In his judgment, this kind of polity was so much a part of Germany’s history and culture that it was needed once again. Muckermann struck a deep chord among Germans who longed for a return to the political and juridical structure that had existed in Germany until 1806, when it was officially dissolved by the Austrian emperor Francis I [r. 1804-35]. . . . Since the crisis of the Weimar Republic seemed to result from the ethnic, moral, and religious diversity of democracy, some Germans judged that the crisis would be remedied only by an authoritarian state in which the churches were given an official status. They even promoted a Reichstheologie, a religious theory according to which German people were being called by God to form a polity reuniting the state and the churches and dedicated to bringing about a moral revival in the West.\textsuperscript{1476}
\end{quote}

And Rommen was famously at the heart of a revival of interest in the Baroque Thomist Francisco Suárez and natural law theory, as well as prominent in terms of Weimar “Catholic action” in the Volksverein.


\textsuperscript{1474} As quoted in: Dahlheiner, \textit{Schmitt und der deutsche Katholizismus}, 131.

\textsuperscript{1475} Rommen’s original article appears as “Liebeskirche und Rechtskirche,” \textit{Das Heilige Feuer}, 18 (1931), 104-13. This journal was a controversial one in Catholic Weimar. It was “reform” oriented, meaning theologically progressive, and is described as “radically völkisch” although such adjectives do not apply to Rommen. Indeed, according to its founder, a priest named Ernst Thrasolt (pseudonym of Matthias Josef Franz Tressel (1878-1945), “Das Heilige Feuer was to serve as the advance guard of an openly irenic but specifically Catholic-oriented movement for racial hygiene (Rassenhygiene).” See: Derek Hastings, \textit{Catholicism and the Roots of Nazism: Religious Identity and National Socialism} (Oxford: Oxford University Press, 2010), 41.

\textsuperscript{1476} Krieg, \textit{Catholic Theologians in Nazi Germany}, 41.
Chapter 9.

Schmitt and Political Catholicism in the Republic’s Final Years

“The doer is always without a conscience; no one has a conscience except him who contemplates.”
—Goethe Maximen und Reflexionen (1820), number 125.

Carl Schmitt’s Late Weimar Political Views

The standard narrative believes that approximate to his personal alienation from the Church via excommunication, Schmitt’s writings are henceforward clearly secular by dropping out discussion of Catholic or even most metaphysical themes. As has hopefully been shown throughout this study, the belief in a development, or change, in Schmitt’s views from one of Catholicity to secularity are exaggerated and misleading. However, I certainly agree with the general scholarly treatment of Schmitt’s late Weimar texts as secular-minded. As such, a close textual analysis of these writings is unnecessary to my argument.

We have also just seen the extent to which Schmitt was criticized and rejected by Weimar’s Catholic intellectuals. Although these contemporaries were responding to Schmitt’s thought on its merits, and judged by their various Catholic lights, it is the case that Schmitt had made his life at the University of Bonn uncomfortable due to the scandal of his divorce and remarriage. So, it was with a sense of relief that he moved to Berlin in the spring of 1928 to fill the Hugo Preuss Chair of Law at the Graduate School of Business Administration.

In April 1923, the thirty-nine year old Romano Guardini was appointed the first chair in “Catholic Philosophy of Religion and Belief” (Katholische Weltanschauung) at the University of Berlin, where he remained until 1945. To Schmitt biographer Andreas Koenen, the fact that the

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147 Technically for organizational reasons, and due to Prussian anti-Catholic discrimination, Guardini was considered a member of the Catholic Theological Faculty of the University of Wroclaw obligated to be a permanent guest at the University of Berlin.
jurist and theologist would again be in close proximity as colleagues from 1928 is proof of the former’s Catholic bona fides. For:

When Schmitt moved to Berlin he encountered some old friends again, among them his former colleague in Bonn, Romano Guardini. Guardini . . . was one of the few from the Abendland circle who now held, with Schmitt, the Catholic position in the Berlin Diaspora.¹⁴⁷

Koenen’s claim fits with a standard narrative interpretation of Schmitt; however, it does not accord with Schmitt’s Nachlass. The evidence suggests that Schmitt and Guardini usually shared little more than a campus in common.

The letter of Werner Becker, their mutual student, to Schmitt of December 13, 1928, indicates the jurist’s paranoia that Guardini was out of reach for him and even possibly avoiding his company unjustly.¹⁴⁷⁹ Schmitt’s diaries indicate occasional interactions with Guardini. They would sometimes encounter each other at the home of economist Werner Sombart (1863-1941), such as on January 21, 1930, where Schmitt heard Guardini “speak of the demonic animal in man” which he “liked well” and found “very nice”; assuredly as it accorded with his anthropological pessimism. Schmitt left with Guardini at midnight on this occasion. On March 9, 1930, Schmitt met Guardini for coffee and found him “very friendly and personable.”¹⁴⁸¹ Their conversation over political “neutralization”—a concept discussed at length in his lecture “Die europäische Kultur im Zwischenstadium der Neutralisierung,” given on October 12, 1929 at a meeting of the Association for Cultural Cooperation held in Barcelona—“rapidly stirred and moved” Schmitt.¹⁴⁸² But the next mention from February 19, 1931 records Schmitt finding an evening at Sombart’s boring and Guardini as simply “a windbag.”¹⁴⁸³ Finally, on March 6, 1933, Schmitt records learning that

¹⁴⁷ Koenen, Der Fall Carl Schmitt, 100.
¹⁴⁷⁹ See: Becker, Briefe an Carl Schmitt, 47.
¹⁴⁸ Schmitt, Tagebücher 1930-1934, 8.
¹⁴⁸¹ Ibid., 30.
¹⁴⁸² Ibid.
¹⁴⁸³ Ibid., 90-1.
Guardini feared the jurist wanted to get his friend and brown priest, Karl Eschweiler, hired at the University.  

A more authentically close friend of Schmitt’s after his move to Berlin was economist Johannes Popitz, the State Secretary in the German Finance Ministry from 1925-29, then Reichsminister and Prussian Finance Minister in Kurt von Schleicher’s cabinet at the end of the Republic’s life (December 3, 1932 to January 28, 1933). Popitz assisted Schmitt in ingratiating himself with the Schleicher government and then as a constitutional adviser to Brüning. Schmitt did honestly lend his efforts to the regime’s attempt by authoritarian measures and presidential decree to avoid a Nazi takeover, as evidenced by an editorial of July 1932, written less than two weeks before the general parliamentary elections that saw the Nazis and Communists combine for an anti-Republican majority:

Whoever provides the National Socialists with the majority on July 31—even though he is not a National Socialist and regards this party only as the lesser evil—acts foolishly. He gives this movement—which is ideologically oriented and politically still quite immature—the possibility of changing the Constitution, setting up a state ecclesiastical authority, dissolving the trade unions, and so on. He delivers Germany completely into the hands of this group.

Despite their friendship and close political association, even under the Nazi regime, Popitz clearly held the jurist in some degree of reserve or distrust as he never even informed Schmitt of the famous Second World War conspiracy to assassinate Hitler that he was party to; that of old guard

1484 Ibid., 267.
aristocratic conservatives, led by Claus Shenk Graf von Stauffenberg (1907-44). It is plausible, given how enthusiastically Schmitt joined the Nazi Party and worked in support of its consolidation of power, to suppose his radicalism was such that Popitz considered him a dangerous friend to confide in with his conspiratorial plans, even years after Schmitt had been kicked out of the Nazi Party in 1936. Indeed, while Gopal Balakrishnan is frequently at fault for sticking closely to the standard narrative, he is yet quite correct to assert that by joining the Nazi Party, Schmitt, like Heidegger, was “going beyond the call of duty: neither Popitz nor [Ernst] Jünger, nor most of Schmitt’s other friends, nor even a majority of those who taught in the law faculties, ever became members, and he was in no danger of losing his position if he had chosen not to do so.”

Schmitt’s activities in Berlin rarely lend themselves to an interpretation of the jurist as politically Catholic, his secularity and alienation from the Church and Center are widely acknowledged during these years. There is a bit of evidence, however, of Schmitt's continuing attempts at “Catholic intensification,” such as the lecture he gave, during Advent in 1930, to the Katholischen Deutschen Frauenbund (Catholic German Women’s Federation) on the topic “Frau im Staat” (“Women in the State”). Schmitt there discussed the saints Catherine of Siena (1347-80) and Joan of Arc (1412-31). He treats of St. Catherine as having stressed restoring orderly Church law, that the “Pope has his residence in Rome and not any other city.” That Schmitt had a secular political purport in mind is evidenced by the fact that he repeated this lecture on “political saints” in the Chamber of the Reich Economic Council on December 5 (the Eve of St. Nicholas’s Feast Day), and it was published in the young conservatives’ Deutsche Allgemeine Zeitung, as well as reprinted in the conservative nationalist Der Ring. As Koenen informs us,

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1486 Popitz would become the “only member of the Nazi government charged with conspiracy against the regime” (Kennedy, Constitutional Failure, 35). He was executed on February 2, 1945. For more on Popitz’s relationship to Schmitt, see: Ibid., 26-37; and Koenen, Der Fall Carl Schmitt, 95-9.
1487 Balakrishnan, Enemy, 181.
1488 As recounted in: Koenen, Der Fall Carl Schmitt, 101.
1489 Ibid., 102.
Schmitt claimed “almost every sentence from the mouth of Joan” is an answer that the German nation can use to give to their “oppressors and exploiters.”

Equally indicative of Schmitt’s lack of politically Catholic principles or instincts is his consistent rejection of federalism. Robert D’Amico and Paul Piccone have suggested that perhaps:

Schmitt’s post-1932 political decisions may have been related not only to his political opportunism and his automatic acceptance of the status quo (and thus of whatever power relations happened to predominate), but also to his failure to seriously entertain federalism as a possible reform strategy.

This is a rich suggestion as Schmitt consistently opposed federalism in Germany, including in 1924 when he rejected reforms to the Weimar Constitution, which would have given more autonomy to the states, and famously, in 1932, when he argued on the side of the Reich against Prussia. In the section of his Constitutional Theory (1928) dealing with federalism he presents a very foreshortened version of it focused on what he believes are its legal and political antinomies. Then he applies his understanding of sovereignty which, “resolves around the resolution of an existential conflict,” especially “when a decision is required,” to the manner in which he believes federalism attempts to keep sovereignty an open issue through maintaining the integrity and relative autonomy of its member states. The result he projects is that either the federation when faced with an “ultimate existential decision” will collapse into separate sovereign states, or “If only the federation is sovereign [i.e. can make the necessary decision of friend and foe], then only the totality exists politically. Then there is a sovereign unitary state and the question of federalism is simply circumvented.”

For present purposes, Schmitt’s rejection of federalism can be developed into evidence of his lack of Catholicity, by comparison to the views of an authentically Catholic theorist, from whom

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1490 Ibid. References to Joan of Arc were common amongst nationalist conservatives of the time given her courageous stand against invasive foreign rule.
1493 Ibid., 34-5. For more rejections of federalism by Schmitt, see his: “Staatsethik und pluralistischer Staat.”
he claimed so much inspiration, Donoso Cortés. Donoso respected localism within his own Spanish context and believed federalism to be the best viable form of orderly and just government for a nation such as Germany. He prophesied future dangers from Germany as a result of Protestant and nationalist Prussia. In his many critical remarks on Germany, Donoso maintained that the only safe course was for it to remain a strongly federal nation with full autonomy for its Catholic south against the evangelical north. He believed Germany was too dangerously divided between a Junker class as obstinately reactionary as the Carlists, unable to make prudent adjustments to changing situations, and a demagogic socialist left with far too little of a moderate bourgeois middle. His writings and speeches were an influence on German political Catholicism, directly upon the Görres circle of German Catholic intellectuals and so indirectly on the growth of Ludwig Windthorst’s Center Party.

It is not difficult to recognize, behind Donoso’s traditionalist views, his acceptance of orthodox Catholic political concepts such as the long-standing principle of subsidiarity which works contrary to absolutism and centralization in defense of localized autonomous corporate life; while such orthodox concerns and concepts are missing from Schmitt’s work. In fact, in his 1927 essay, “Donoso Cortés in Berlin (1849),” Schmitt proves incapable of fathoming Donoso’s views on Germany. He actually attempts to explain away Donoso’s lack of a call for rule by dictatorship during his time as minister plenipotentiary to the Prussian court:

Graham, Donoso Cortés, 166. Graham claims further: “[Donoso] did not think that political unity in Germany under any system was then either possible or desirable, but he expected that in the future, both imperial and republican forms would be employed, one after the other. He opposed German nationalism, or the unitary idea, for two reasons. First, it was too closely connected with demagogism in the Frankfort Assembly. Secondly, after the Frankfort scheme failed, only Prussia was strong enough to bring national unity in a federal state, and he deeply disliked and distrusted Prussia” (ibid., 167). Graham goes on to maintain that Donoso was presciently describing the forces that would come together in National Socialism: “[He even] predicted that eventually ‘the form of German unity’ would be a demagogic republic, for demagogism was seeping into the very ‘marrow of the bones of the German people.’ He was very apprehensive of a united front of republican, demagogic, and socialist forces forming someday to exploit and combine with German nationalism. He believed that demagogy and Germanism would remain very strong, that the revolutionary movement would become socialist, and that ‘only by being republican can Germany be one.’ These forces, in a sense, were not fused until Hitler” (ibid., 171-2).
Berlin at that time lacked any instance of atheistic socialism that would have matched Donoso’s essential hypothetical opponent: Proudhon. In brief: In 1849 Berlin was neither politically nor intellectually the site where a dictatorship would have its great historical significance. . . . The political and moral forces of Prussianism were so robust that an anxious and principled either-or would not have been understood.**

Intent on presenting Donoso as the great theoretician of dictatorship, Schmitt felt the need to explain the presence of what is not actually a lacuna in Donoso’s thought.

**Mainstream Political Catholicism of the Thirties**

While the first decade of Pius XI’s pontificate had already stressed Catholic action in society and politics, the theme reached a crescendo, in May 1931, in the pages of his majestic encyclical *Quadragesimo Anno*, “On Reconstruction of the Social Order.” Meant to commemorate the fortieth anniversary of Leo XIII’s *Rerum Novarum*—hence the name—**the encyclical takes a specifically ethical tone of voice as it defends the concepts of human dignity and freedom, and pointedly attacks the disordering of the State by either liberalism or the totalitarian reactions of communism and fascism. All three ideologies distort the functioning of the state by displacing it from its *telos* in the common good and undermining the principle of subsidiarity; liberalism by restricting the State and favoring the rich, and the twin reactions by depriving corporate persons of their power and freedom.**

Pius reiterates much found in Leo’s encyclical: the traditional condemnations of liberalism,** individualism (and its twin error of collectivism),** and socialism,** as well as the

**Notes**

1496 Schmitt, “Donoso Cortés in Berlin,” 96. Notice again the Kierkegaardian use of the phrase “either/or.”
1497 Underscoring the significance of both is the fact that Pope Saint John Paul II (r. 1978-2005) chose to issue a third major modern social encyclical upon the centenary of *Rerum Novarum*, his *Centesimus Annus* of 1 May, 1991.
1499 Ibid., §46, §78, §110, the second section of the encyclical, in large measure, seeks to avoid the errors of individualism and collectivism in working out the principle of subsidiarity.
1500 Socialism is condemned and critiqued throughout, but of especial interest is the treatment of the more moderate forms of socialism he thinks have been chastened by the pursuit of their own principles as evidenced in communism as found at: Ibid., §98-122.
primary emphasis on the “Christian reform of morals” and institutions; but he also pushes forward the development of Catholic social thought as regards subsidiarity. This principle rejects as extreme errors both individualism and collectivism in favor of a rightly ordered (parts to wholes) relationship of the various corporate bodies that make up society in general and the political community more particularly. The emphasis on mediating societies gave rise to the term “corporatism” to designate the principle of subsidiarity as a program for practical action. However, corporatism was never a rigid or programmatic ideology, and was subject to a variety of particular emphases and interpretations, ranging from politically monarchist all the way to socialist. Martin Conway correctly observes:

> It was the issue of corporatism more than any other that expressed the ambivalence of Catholic political aspirations. No concept was more frequently invoked by Catholic movements during the 1930s, but none proved more evasive of concrete definition.

Corporatism provided a ground from which to judge and critique the efforts of the Center for German Catholic intellectuals. But a Corporatist “might emphasize the hierarchical or state-control aspects of that system or might expect the system to provide more truly democratic representation of the working classes, artisans, and farmers.” Despite the wide range of formulations the elastic concept of corporatism allowed Catholic intellectuals to attend to, Schmitt never joined in such musings. As we shall see he attended instead to the more radical concept of a total state.

Pius also praised the efforts at “Catholic Action” of Catholic social scientists and laypersons, both of whom had been particularly active in Germany. Such efforts were encouraged from Pope Leo XIII on as a natural application of the traditionally understood role of the Church in detailing and defending universal moral principles, which need to be prudentially

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1501 Ibid., §15, §17, §77-84, §98.
1503 Evans, *German Center Party*, 265-6.
applied in various national and local contexts. Pius XI best expressed the relationship of the Church to the social and political order in *Quadragesimo Anno*:

‘[T]he Church holds that it is unlawful for her to mix without cause in these [social, economic, and political] temporal concerns’ [quoting his earlier encyclical, *Ubi Arcano*, 23 December 1922]; however, she can in no wise renounce the duty God entrusted to her to interpose her authority, not of course in matters of technique for which she is neither suitably equipped nor endowed by office, but in all things that are connected with the moral law. For as to these, the deposit of truth that God committed to Us and the grave duty of disseminating and interpreting the whole moral law, and of urging it in season and out of season, bring under and subject to Our supreme jurisdiction not only social order but economic activities themselves.\(^{1505}\)

As a result of practical intellect, political views moved in a variety of channels within German political Catholicism; however, the mainstream flowed close to the Tiber. For, just as Leo XIII was influenced by a German Jesuit theologian, Joseph Kleutgen, to a renewal of Thomism in its applicability to social and political philosophy, Pius XI turned to two young German Jesuits to write the initial draft of *Quadragesimo Anno*. These Jesuits were the aristocrat and professor of ethics at the University of Frankfurt, Oswald von Nell-Breuning (1890-1991), and theologian, Gustav Gundlach (1892-1963). Unsurprisingly, both would be strong critics of Nazism and Nell-Breuning was silenced by the regime from 1936. Of the two, however, Gundlach is far more significant for our study, both because he is given more of the credit for developing the principle of subsidiarity but even more so because of his intellectual engagement in German Catholic circles; an engagement as public intellectual that includes authoring two articles critical of Schmitt.

Gundlach established himself as one of the leading lights in Catholic social thought in the twentieth century as a close adviser to first Pius XI and then Pius XII, especially while a professor at the Pontifical Gregorian University in Rome from 1934-62.\(^{1506}\) In 1938, he would assist in

\(^{1505}\) Ibid., §41.

drafting *Societatis Unio* (The Unity of Society), an encyclical attacking racism meant to respond to the increasing anti-Semitic propaganda and violence in Germany. The draft built upon Pius XI’s pastoral letter to all professors and directors at Catholic universities “Syllabus against Racism” (April 13, 1938) as well as his 1937 encyclical attacking Nazism, *Mit brennender Sorge* (*With Deep Anxiety*). Regrettably, *Societatis Unio* was never completed as by the time it was submitted to Pius to negotiate conflicts between Gundlach’s version and that of the co-author, Fr. Gustave Desbuquois of France (1869-1959), the pope was in too advanced a state of ill health to complete the work.

In 1932, *Stimmen der Zeit* published two articles by Gundlach in which he provided a general examination of Germany’s political parties, but also took time to specifically critique Schmitt’s political thought. In “Principles of Party and Parties” Gundlach bases his critique of the jurist on a defense of the quintessential Catholic concern for natural law, always conspicuous in its absence from the views of the purportedly Catholic Schmitt. The Jesuit declares Schmitt’s decisionist theory of state “alogical and voluntarist” and consciously opposed to “metaphysics in terms of scholastic natural law and the intrinsic structures of being.” Rather, Schmitt has adopted a type of Manichaean metaphysics of “good and evil principles in the world with the result that politics is not a meaningful ‘order’ in the sense of Saint Thomas and the Scholastics but is just the power of ‘decision’ for the mastering of the ‘friend-enemy relationship.’” This false metaphysics recognizes only the “power-state” (Machtstaat) “when in truth power and right are

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1509 Ibid., 31. Hollerich points out that while Gundlach thought the friend-enemy distinction clearly contradicts “the evangelical injunction to love the enemy” that Schmitt’s response in *The Concept of the Political* is that any such injunction is applicable only to a person’s individual personal enemies and is irrelevant to the state and its “political” enemies (Hollerich, “Carl Schmitt” 117).
inseparable life-functions essential to the nature of the state.” Here and in “To Compulsory Labor,” Gundlach stresses the necessity of a Center Party, which represents Catholic thought against the detrimental influence of Schmitt’s social order “based solely on the authoritarian and dictatorial ‘authority of command’ of state power,” which leads ineluctably to the “total state.”

In these final months of the republic, mainstream Catholic intellectuals and venues were roundly rejecting Schmitt’s political views. At one time the Kölnische Volkszeitung had been receptive to Schmitt’s thought but this had long ceased to be the case by the time it reprinted Gundlach’s “Principles of Party and Parties” in October of 1932. Likewise, the Berlin Center Party paper Germania, once supportive of Schmitt, now ran on January 29, 1933, the open letter discussed in the preface above from the canon lawyer and Center party Chairman, Monsignor Ludwig Kaas, protesting Schmitt’s “relativizing tendencies” in constitutional law. In this same issue, an article by Schmitt’s student Waldemar Gurian was also published opposed to “emergency dictatorship” and so adds support to Kaas’s critique.

Gurian’s public stance is significant as he had long been a purveyor of Schmitt’s views in Catholic Germany. As late as 1930 he had, for example, echoed Schmitt’s dismissal of natural law by denying that it could be brought to bear on issues of positive law in modern times like it had in

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111 Ibid., 32.
112 After this critique the last reference to Schmitt in the paper was an open letter that was printed in a multitude of Cologne venues from the student body of Cologne University to Schmitt in July, 1933. It reflects the extent to which the rise of the Nazis was facilitated by the enthusiasm of college students, as this letter makes an appeal to Schmitt to remain in Cologne beyond the summer semester he was then spending as a guest lecturer. The students hoped he could remain to be a “spiritual leader” and teacher for the “great national political tasks to be performed by the Cologne University as a borderland university and as the spiritual center of the West” under the new National Socialist regime. As quoted in: Reinhard Mehring, Kriegstechniker des Begriffs: Biographische Studien zu Carl Schmitt (Tübingen: Mohr Siebeck, 2014), 94. This letter was published in a variety of Cologne outlets, including as: Anonymous, “Die Studentenschaft an Professor Carl Schmitt,” Kölnische Volkszeitung, 390 (21 July 1933).
116 Lönne tells us that: “No word of the article suggests that Gurian had disapproved of the attack Kaas made on Schmitt in any way” (“Carl Schmitt und der Katholizismus,” 27).
the Middle Ages.\textsuperscript{1137} In private, however, Gurian had doubted Schmitt’s Catholic \textit{bona fides} since at least as early as 1926. Gurian was directed by Hermann Platz to write a \textit{habilitationsschrift} on modern varieties of French political Catholicism and he credits conversations with Schmitt from 1924-6 as greatly influencing the study.\textsuperscript{1138} Those conversations and his research into French Catholicism led Gurian to confide in a letter to Erik Peterson:

> How similar is Maurras to Schmitt; but Maurras is more honorable, he does not pretend to look like a Catholic! He is a pagan and the Church a prop for Order! Similar anxiety over theologians as external authority, similar mixture of precisionism, diligence, and bohemianism, similar relation to people. Uncanny!\textsuperscript{1139}

The subsequent book appeared, in 1929, as \textit{The Political and Social Ideas of French Catholicism, 1789-1914}. It is a very detailed history of the various political movements and ideological groupings within French Catholicism and Gurian especially notes the manner in which the political extremes—represented by the leftist Sillon and the right-wing \textit{Action française}—mirror each other as examples of what he later calls “secularized Catholicism.”\textsuperscript{1140} Both movements exemplify “social modernism,”\textsuperscript{1141} and while the specific error of the Sillon is immanentizing the \textit{eschaton}, the contemporary counter-revolutionary Charles Maurras suffers from a positivism in which he does “not believe in [the Church’s] dogmas as truths of revelation, but he sees in them the loftiest expression of the social for the life indispensable principles.”\textsuperscript{1142}

\textsuperscript{1137} See: Dahlheimer, \textit{Schmitt und der deutsche Katholizismus}, 188-90. Dahlheimer notes that after his mentor became a Nazi Gurian rethink his views and treats the natural law in a “far milder” manner (ibid., 190, 196). Gurian’s change of mind is in line with the general trend of anti-totalitarianism present in Catholic natural law theory as noticed by Heinrich Rommen in 1936: “It is worth observing in this connection that the resistance which Catholicism has offered to totalitarianism and its pseudoreligious political creeds is not based exclusively on dogmatic theology but above all on natural law. Nathaniel Micklem has rightly pointed out that the Confessional (Protestant) Church in Germany, under the influence of Barthian theology, which rejects a natural theology and with it the idea of natural law, has had a less advantageous basis for its resistance to Hitlerism, whereas the Catholics have had the natural-law doctrine to lean on in addition to their religious principles” (Heinrich Rommen, \textit{The Natural Law: A Study in Legal and Social History and Philosophy} [Liberty Fund, 1998], 134).

\textsuperscript{1138} Waldemar Gurian, \textit{Die politischen und sozialen Ideen des französischen Katholizismus, 1789-1914} (Mönchengladbach: Volkvereins-Verlag GmbH, 1929), viii.

\textsuperscript{1139} As quoted in: Hollerich, “Carl Schmitt,” 119.


\textsuperscript{1141} Gurian, \textit{französischen Katholizismus}, 308-9

\textsuperscript{1142} Ibid., 302-3.
To Gurian these two extreme movements yet represent “the only politically active forces of French Catholicism” given that nation’s decisive secularism. He followed up on The Political and Social Ideas of French Catholicism with a study of Maurras and his movement which further develops his treatment of secularized Catholics; a concept that Gurian’s biographer believes is a stroke of brilliance for its application to understanding the views of nominal Catholics who would become Nazis. Indeed, the phenomenon of secular Catholicism, or what might now be referred to as cultural Catholicism is one in which the erstwhile Catholic utilizes the Church’s transcendent claims only as they function in the world, fit social forms, or meet aesthetic needs. Such as in the case of a Schmitt or Maurras where the external (ecclesial) form of the Church lends itself to a secular use as illustrating the structure they would like to see instantiated in the State. Gurian’s break with Schmitt became public in 1932 when, under the pseudonym of Walter Gerhart, he published an attack on what he believes are exaggerations in the jurist’s thought and specifically takes on the work Legality and Legitimacy.

The situation is much the same with Hochland as it is home to no less than five significant articles criticizing Schmitt in the last two years of the republic. These include the review of Concept of the Political by Erich Brock, discussed above, as well as an article from political scientist and economist, Ferdinand Aloys Hermens (1906-98), in March 1932. Hermens directs a complaint towards Schmitt as a member of the “free-floating intelligentsia” that has no problem rejecting parliamentarism but fails to make clear what they are affirming. Consistent critic of

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120 Ibid., 310.
121 Waldemar Gurian, Der integrale Nationalismus in Frankreich, Charles Maurras und die Action française (Frankfurt am Main: Vittorio Klostermann Verlag, 1931).
123 See: Dahlheimer, Carl Schmitt und der deutsche Katholizismus, 60-1.
125 Ferdinand A. Hermens, “Parlamentarismus oder was sonst?” Hochland, 29.2 (March 1932), 481-94.
126 As quoted in: Dahlheimer, Schmitt und der deutsche Katholizismus, 439.
Schmitt’s, Heinrich Getzeny attacked political theology\textsuperscript{120} while, then editor of the journal, Friedrich Fuchs (dates unavailable) takes on, from the Catholic perspective, Schmitt’s concept of a total state as the jurist had discussed it in “Weiterentwicklung des totalen Staats in Deutschland.”\textsuperscript{130}

Perhaps the most significant of Hochland’s late Weimar critiques of Schmitt to be published is that by the jurist’s earlier friend Theodor Haecker, who feels no compunction in describing the friend-enemy distinction as naturalistic primitivism.\textsuperscript{132}

Haecker was joined by theologian Erik Peterson, as another erstwhile friend of Schmitt’s, to subject his views to staunch criticism. At a time when political theology “was all the rage,”\textsuperscript{133} Peterson began to formulate his critique of the entire intellectual enterprise in a Hochland article of 1933, “Caesar Augustus in the Judgment of Ancient Christianity.”\textsuperscript{134}

By its nature political theology is not perhaps an element of theology per se, but rather of political thought. In the measure that political life is detached from the gods of the polis, the need originates to harmonize a theory, be it of philosophical or theological type, with the political life of the city. Like political utopia, political theology is, apparently by some inherent necessity, an ever recurring phenomenon, to be sure regarded by the theologian with misgiving and recognized as generally having a heretical cast, but constantly presented by political thinkers with ever-new confidence.\textsuperscript{135}

Peterson expanded upon this article in a book of 1935, \textit{Monotheism as Political Problem}.\textsuperscript{136} In this text Peterson rejects all attempts at political theology as basically heretical, and, by this time, he clearly recognizes Schmitt as a secular Hobbesian theorist, especially given the jurist’s determined rejection of the Church’s indirect influence on the State. Hollerich explains that “the denial of the indirect power meant a fatal acquiescence in secularization. The unity of the state could not be

\textsuperscript{120} Heinrich Getzeny, “Wie weit ist die politische Theologie des Reiches heute noch sinnvoll?” Hochland, 30 (1932/33), 556-8.

\textsuperscript{122} Friedrich Fuchs, “Der totale Staat und seine Grenze,” Hochland, 30 (March 1933), 558-60.

\textsuperscript{123} Theodor Haecker, “Was ist der Mensch? Ein Vortrag,” Hochland, 30 (April 1933), 289-308.


\textsuperscript{125} Erik Peterson, “Kaiser Augustus im Urteil des antiken Christentums: Ein Beitrag zur Geschichte der politischen Theologie,” Hochland, 30 (April 1933-September 1933), 289-99.

\textsuperscript{126} As quoted in Ibid.

won at the expense of the [C]hurch’s public (öffentlich) character.\textsuperscript{1537} Hence Peterson’s conclusion was damning of Schmitt: “The polemic against the potestas indirecta only has meaning if one has repudiated Christianity and has opted for paganism.”\textsuperscript{1538}

The stringent criticisms of Schmitt by such leading Catholic intellectuals of Weimar as Gundlach, Kaas, Getzeny, Haecker, and Peterson would deeply mark Catholic opinion of the jurist after the war.\textsuperscript{1539} But even as one moves farther afield from the mainstream of German political Catholicism and the Center, it becomes clear Schmitt does not belong to this milieu.\textsuperscript{1540} Outside of the ultramontane Catholic political opinions most decisively shaped by corporatism and papal encyclicals, Germany was home to another wide-ranging trend in Catholic political thought more specific to itself. Namely, a version of political theology which Schmitt himself rejected known as Reichstheologie (imperial theology).

Reichstheologie

Reichstheologie developed, in part, as an outgrowth of the post-Kulturkampf increase in Catholic intellectual and social organizations, particularly the Volkverein. After the disaster of the First World War, which was largely seen as a defeat for Protestantism by the Catholics of Germany, a wide variety of Catholic intellectuals recommitted themselves to working out visions of society and politics which could carve a third way between liberalism and socialism. Conditioned, as they were, to think of themselves as part of a wider Catholic civilization, Reichstheologie represented a form of German patriotism which offered an alternative to a nationalism based in

\textsuperscript{1537} Hollerich, “Carl Schmitt,” 118.
\textsuperscript{1538} As quoted in: Ibid.
\textsuperscript{1539} Bernd Wacker, “Carl Schmitts Katholizismus und die katholische Theologie nach 1945,” in Die eigentlich katholische Verschärfung, 281.
\textsuperscript{1540} For an example outside of Catholic publications, the Catholic adult educator and editor of the expressionist cultural magazine Der Brenner, Ignaz Zangerle (1905-1987) recognized in 1933 that Schmitt’s Political Form was a secularization of Catholic thought into a doctrine of the State. See: Dahlheimer, Schmitt und der deutsche Katholizismus, 142-4. The original article is: Ignaz Zangerle, “Zur Situation der Kirche,” Der Brenner, 14 (1933), 42-81.
Protestant Prussian and *kleindeutsch* sentiment or the more radical racialist mythology of the National Socialists. The vision of the German nation found in *Reichstheologie* hearkened back to its special pre-modern status as a central European guardian of the Church. Proponents drew upon the defunct Holy Roman Empire’s combination of authoritarian political rule and defense of a Christian social order deferential to and protective of the Church. They believed the “German people were being called by God to form a polity reuniting the state and the churches and dedicated to bringing about a moral revival in the West.”

*Reichstheologie* was classically Catholic in believing the Church and State are meant to work in tandem as forces of order, as social authority and political power respectively. However, it also often promoted a romantic vision that tended towards “an aesthetic medieval ideal.”

*Reichstheologie* played a part in the thinking of an otherwise ideologically diverse array of Weimar Catholic intellectuals, particularly in the last crisis years of the Republic. Historian Klaus Breuning found renditions of this medievalist-nationalist view in the thought of: authoritarian monarchists like the monks and intellectuals that gathered around the historian and liturgist, Abbot Idlefonso Herwegen, at the Benedictine abbey of Maria Laach in the Rhineland; Weimar conservatives like the National Secretary of the *Volkverein* for Wurttemberg, Heinrich Getzeny, and the circle around the journal *Abendland*; liberal-conservatives like the publicist, Waldemar Gurian, and translator-philosopher, Theodor Haecker; as well as the left-socialist teachers and journalists of the “Frankfurter Circle,” associated with the *Rhein-Mainische-Volkszeitung* and its editor Walter Dirks, among others. The inclusion of the Frankfurter Circle (Dirks, Michel, Neundörfer, Heinrich Sharp [dates unavailable], and Friedrich Dessauer [1881-1963]) in a list of proponents of such a backward gazing form of German patriotism surely seems surprising.

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1541 Krieg, *Catholic Theologians in Nazi Germany*, 41.
especially as they generally looked upon proponents of *Reichstheologie* as reactionary. However, it was a peculiarly or distinctly Catholic political vision, especially in its strong connection to the traditional and cosmopolitan concept of Europe as “Christendom.” As a result it lent itself to adaptation by a wide range of politically Catholic German intellectuals; and in the final crisis years of Weimar—when *Reichstheologie* was most widely debated—Dirks adjusted his earlier criticism to now argue for the creation of a Catholic-socialist empire.\footnote{See: Bröckling, *Katholische Intellektuelle in der Weimarer Republik*, 154-5.}

Far more commonly, however, *Reichstheologie* was an ideological current of the Catholic right. A *Volksverein* nationalist like Getzeny, or the Jesuit editor of *Der Gral*, Friedrich Muckermann,\footnote{Muckermann developed his *Reichstheologie* in “An den Pforten des Reiches,” *Der Gral*, 22.4 (1927-28), and, “Der Reichsgedanke als Kulturidee,” *Schronere Zukunft*, 63.32 (1927-28), 700. For more on Muckermann, see: Hubert Gruber, *Friedrich Muckermann S. J., 1883-1946: Ein katholischer Publizist in der Auseinandersetzung mit dem Zeitgeist* (Mainz: Matthias Grunewald Verlag, 1993); Motschenbacher, *Katechon oder Großinquisitor?*, 164-5; and Krieg, *Catholic Theologians in Nazi Germany*, 41.} were moderate conservative proponents of *Reichstheologie*—less critical of the Center and Republic—as were Gurian and Haecker. Herwegen, and the like-minded intellectuals around him at Maria Laach, were closely tied to the Rhineland’s conservative-monarchist Catholic aristocracy.\footnote{Krieg, *Catholic Theologians in Nazi Germany*, 41-2.} Hence, the league of aristocrats called the *Kreuz und Adler* (Cross and Eagle) often met at the monastery.\footnote{Hollerich, “Carl Schmitt,” 116.} The Abbot had always held the Republic at arm’s length based on his suspicion that it would promote anti-Catholic and anti-monastic policies. Rather, after the First World War he had hoped for an independent Rhenisch Republic or, basically, independence for Catholic Germany from Protestant Prussia. More decisively, however, the Maria Laach circle were influenced by Austrian Catholic thought, such as the authoritarian form of corporatism found first in the nineteenth century aristocrat, Karl Freiherr von Vogelsang (1818-1930), and later espoused...
by economics professor Othmar Spann (1878-1950).\textsuperscript{134} This circle developed, by far, the most stringent and reactionary version of \textit{Reichstheologie}. Besides Herwegen's confreres, the \textit{Abendland} circle was the next most influential Catholic group to develop a version of \textit{Reichstheologie}.

As detailed above the Catholic philosopher, Alois Dempf, convinced Hermann Platz to found \textit{Abendland} in 1925, and the journal was loosely tied to \textit{Reichstheologie}. Both Dempf and Platz were deeply influenced by the Christian personalist philosophy of Herman Schell (1850-1906) who, in effect, sought to re-Christianize German idealism by bringing it into dialogue with Neo-Scholasticism and treating “Catholicism as the principle of progress” within world history.\textsuperscript{135} Dempf followed Schell in treating the catholicity of the Church as capable of bringing together all strands of knowledge, even from dissenters, and resolving them into solutions for modern social and political problems. The Catholic synthesis could not simply be in modernism, for Dempf and Platz both critiqued the various ideological currents of modernity, such as: rationalism, skepticism, agnosticism, liberalism, and individualism. However, a dialogue with modernity was possible and a higher synthesis could be reached under the auspices of Christian civilization; for example, Dempf’s \textit{Habilitation} thesis dealt with the similarities in the treatment of the concept of the infinite in the metaphysics of Aquinas and Kant. Platz had also championed these views professionally through the Association of Catholic Academics (Katholischen Akademikerverbandes), which he helped found with Fr. Franz Xaver Münch during the First World War.

Like more monarchist proponents of \textit{Reichstheologie}, Platz and Dempf did look to the Middle Ages for inspiration. However, unlike the reactionaries at Maria Laach, they construed the

\textsuperscript{134} Breuning details these sources in \textit{Die Vision des Reiches}, according to the book review by John K. Zeender in \textit{The Catholic Historical Review}, 59.3 (Oct. 1973), 486.

\textsuperscript{135} Hagen-Dempf, “Alois Dempf – ein Lebensbild,” 11. Schell’s philosophy was widely influential in Weimar Catholic intellectual life: in the Liturgical Movement; Catholic Youth Movement, especially Guardini’s Quickborn; as well as within the Katholischen Akademikerverbandes [Catholic Association of Academics]. See: Vincent Berning, “Alois Dempf (1891-1982),” 231.
West as embodying “the universalism of the Middle Ages”; which had synthesized Hebraic, Greek, Roman, Christian, Germanic and Slavic currents. Although Abendland was much more critical of modern nationalism than the Maria Laach thinkers, a view of Germany as occupying a special place in Europe was shared by all proponents of Reichstheologie. For the Abendland circle, Germany’s special place derived primarily from being at Europe’s geographic center as a balancing force between East and West. Platz recognized that the various nations of the continent each had their specific form of internal development and cohesion, but Germany could help remind them: “The history of Europe and Christianity unfolded [together] . . . as part of a long-term symbiotic relationship.” As such, the journal pointed more towards Christian Democracy as it would exist after the Second World War than it did to a monarchical Holy Roman past as dwelt upon at Maria Laach. Indeed, Dempf attacked Herwegens’ Reichstheologie in a 1931 article in Hochland.

The nationalist views of Catholics like Getzeny associated with the Volksverein and the Abendland circle, like the Maria Laach thinkers, promoted a vision of the ancient Holy Roman Empire of which Germany had been a leading part. Thus, it favored a Catholic Germany rather than Bismarck’s Protestant Prussian nationalism favored by a Moeller van den Bruck, or the secular nationalist religion of the National Socialists. Of these species, Schmitt clearly favored Germany’s secular conservative Prussian nationalism; he was closer to a Moeller van den Bruck than to these Catholic intellectuals. For example:

121 Ibid., 30.
123 Alois Dempf, “Das dritte Reich, Schicksale einer Idee” ("The Third Reich, Destiny of an Idea"), Hochland, 29.1 (1931/32), 36-48 & 138-71. Michael Hollerich notes with interest that when Dempf later wrote an obituary for Catholic theologian Erik Peterson (1890-1960) he implied that Peterson’s stringent attacks on political theology in the 1930’s were aimed at Protestant political theology, yet Peterson clearly had fellow Catholic intellectuals in mind: “I wanted to take a poke at the Reichstheologie.” Quoted in: Hollerich, “Catholic Anti-Liberalism in Weimar: Political Theology and its Critics,” 24-5.
124 As author of Das Dritte Reich in 1924.
125 Richter, Nationales Denken im Katholizismus der Weimarer Republik, 175.
In a 1925 letter to Schmitt, soliciting his involvement, Platz said that the name Abendland committed the journal to the ‘rejection of the humanitarian-liberal majority-ideology, and to the emphasis of the ‘authoritarian theonomous sanction and norm for a league embracing the Christian peoples.’ Only Christian morality could prevent the threatening dissolution of the ‘ethic of the national idea’ into ‘liberal internationalism’ and its ‘statist’ hardening in Fascism.  

As we have seen, the last thing Schmitt was concerned about as a political threat to Germany, in the Twenties and Thirties, was fascist-hardened statism. Additionally, the clear-eyed “realist” soundly rejected as romanticism any form of backward-yearning political thought, such as the Reichstheologie appeal to the Holy Roman Empire. He even dismissed the common and straightforward support for monarchy shared by many German Catholics.

Speaking generally, the proponents of Reichstheologie were among those German Catholic intellectuals most likely to be on the fringes of orthodoxy, especially given a widespread motivation to “draw German Catholics out of their longtime isolation and to lead them into a closer relationship with the Protestant majority and the state.”  

Such a determination is not too far afield of Schmitt’s own attempts to “intensify” Weimar politics. Getzeny, for example, found his name on a list of German Catholics censured for false ecumenism and modernism submitted to Rome, in 1926, by then Papal Nuncio to Germany, Eugenio Pacelli (1876-1958), the future Pope Pius XII.  

Clearly the “Frankfurter Circle” was heterodox by dismissing repeated clear and emphatic Church condemnations of socialism and viewing the ban on Catholics from joining socialist parties as simply “outdated.”  

Equally or more problematic, though, were the efforts by some of the Maria Laach conservatives to build bridges to the Nazi regime in 1933-4.

In the last years of Weimar, debates over Reichstheologie, and political theology in general, were a common aspect of Catholic intellectual life. The German Catholic bishops had lifted the

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126 Hollerich, “Catholic Anti-Liberalism in Weimar,” 32. Hollerich refers as source to page 218-19 of: Koenen, Der Fall Carl Schmitt, but I cannot verify in Koenen’s text on the noted pages.
129 Bröckling, Katholische Intellektuelle in der Weimarer Republik, 67.
long-standing ban on joining the Nazi Party after the passage of the Enabling Act on March 23, 1933, when Hitler delivered a carefully calculated speech mentioning most of the assurances the Center had asked for before it would agree to vote for the Act. So, in the summer of 1933, when Maria Laach was the location for the third meeting of the Association of Catholic Academics (Katholischen Akademikerverbandes), the theme under discussion was “The National Problem in Catholicism.” The conference was highlighted by the presence of then Vice-Chancellor Franz von Papen, who took the opportunity to rally fellow Catholics to the new regime by letting it be known that the Reichskonkordat with the Vatican had been signed. With the conclusion of a long-desired concordat, there were many Catholics during this early period of the Nazi regime who held an optimistic illusion that it would be “a transitional one” not to a “totalitarian state but for a contemporary reincarnation of the medieval German empire.”

Included in this number were Herwegen and his monks who, despite their monarchist views, had spent Weimar voting for the Center “as a matter of course.” At the conference Herwegen encouraged Catholic support of the new regime: “Let’s say an unreserved ‘yes’ to the new structure of the totalitarian state, which is quite analogous to the thought of the structure of the Church. The church is in the world like Germany is today in politics.” The Abbot’s expression sounds close to Schmitt’s, both from his analogous use of the structure of the Church to support the State as found in Political Form, as well as the jurist’s concomitant turn to the total state and defense of the new regime. Indeed Schmitt—already a Nazi Party member—was in attendance at

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1560 On the Maria Laach conference, see: Mehring, Aufstieg und Fall, 330-1. On Papen’s political machinations and involvement in the early period of Nazi rule see: Evans, German Center Party, 375-83. Interestingly, the Protestant lawyer and intellectual Edgar Julius Jung (1894-1934) also spoke at the conference. Roughly a year later he would ghost-write the speech that Papen delivered at Marburg on June 17, 1924 against Nazi radicalism and violence. That speech was quickly followed with the “Night of the Long Knives,” Hitler’s purge of a large variety of political opponents from Ernst Röhm and the Sturmbteilung (SA or “brownshirts”) to the former chancellor Kurt von Schleicher and other conservative critics, including Jung.

1561 Krieg, Catholic Theologians in Nazi Germany, 42.
1562 Evans, German Center Party, 298-9.
this conference to hear Papen; of course, however, he did not come to his support for the Nazi regime from a hope in a renewed medieval Christian Reich.

Many of the proponents of Reichstheologie increased their calls for “a contemporary reincarnation of the medieval German empire” as the Nazis took power. Along with Herwegen and Muckermann this included: Maria Laach liturgical reformer and monk, Damasus Winzen, O.S.B. (1901-71); Church historian Joseph Lortz (1887-1975); brilliant professor of dogmatic theology at the University of Tübingen, Karl Adam; pioneer of the Una Sancta ecumenical movement, the Jesuit Max Pribilla (1874-1954); and dogmatic theologian, Michael Schmaus (1897-1993). This group is generally condemned (like Papen) for political naiveté and a reactionary romantic belief that an aristocratic authoritarianism would quickly replace the Nazi regime. The claim of naiveté is plausible given the generally swift movement away from support of the new regime as the scales fell from their eyes.

Muckermann became rapidly disillusioned by the Nazis, and became such an outspoken critic of the new state that he likely would have been imprisoned or murdered if he had not fled Germany in 1934. For his part, Adam did end up critiquing what he took to be the secular and neo-pagan German state religion of the Nazis in 1934, and was silenced by the regime; however, he reemerged to give an address in 1939 of positive support to the outbreak of the Second World War with the invasion of Poland. He also shared advice on how Catholics could become more integrated with and better shape the German nation.

Herwegen’s initial optimism faded within
the first year, given the dawning recognition that the Catholic Church would not in fact be placed in a decisive position. He was likely helped in being disabused of his political fancies by the presence at the monastery of his childhood friend, Konrad Adenauer (1876-1967), who had sought asylum in 1933 after being ousted from political office by the Nazis. Adenauer stayed at the monastery for a year, until April of 1934, and the deeply anti-clerical and anti-Christian aspects of Nazism were made evident to the Abbot in the interim. The monastery became subject to frequent searches and espionage leading Herwegen to send Winzen to scout locations in the United States where the monks could relocate if they needed to flee the country. Herwegen even moved to Switzerland, from 1935 to 1937, due to his fear of arrest for treason. Overall, he reflected a very Wilhelminian conservative-authoritarian view of both politics and even ecclesial matters. The latter aspect got him into trouble with the Vatican’s Holy Office when it banned his book, *Meaning and Spirit of the Benedictine Rule* due to its overemphasis of the authoritarian rule of the Abbot.

In the next section we will look at proponents of *Reichstheologie* who in fact became decidedly pro-Nazi. First, however, it is incumbent upon us to notice that most of the thinkers mentioned above were steadfastly opposed to the Nazis and even most of those who initially supported the Nazi regime soon repented. In fact, the political-theological construct and ideal of “a new Holy Roman Empire” frequently “served as the basis for criticizing Hitler” and rejecting Nazism.
Dempf “appealed to the religious vision of a new Germany in his criticism of the reconcilers of Catholicism and National Socialism”

; first in an attack on the totalitarianism of both left and right in his 1932 book Philosophy of Culture (Kulturphilosophie), and then in a specifically anti-Nazi work, Görres Speaks to Our Time (Görres spricht zu unserer Zeit). With the Nazi takeover, he assisted in beginning another journal edited by Hermann Platz, titled Das Wort in der Zeit (The Word in Time). The journal dedicated itself to refuting Nazism and so was suppressed in 1938. In 1934 under the pseudonym Michael Schaffler, Dempf published in Switzerland, with Karl Barth’s help, another book attacking Nazism, The Faith Need of German Catholics (Die Glaubensnot der deutschen Katholiken). The book also happens to chastise Abbot Herwegen and the Society of Catholic Academics for naively falling for Papen’s schemes to control or Christianize the Nazi regime. Finally, Dempf wrote an appeal to the German bishops to protest against the clearly heretical nature of National Socialist ideology and politics the same year. Due to his political protestations the Nazi’s chief ideologist, Alfred Rosenberg (1893-1946), thwarted Dempf’s candidacy for a chair of philosophy at Bonn in 1934-5. He ended up moving to Vienna but with the Anschluss was finally forced into “inner emigration.”

Like Dempf, Hermann Platz also ran afoul of the Nazi regime, and was removed from his post teaching French and intellectual history at the University of Bonn, in 1935, on the grounds of “fanatical political Catholicism.” One of his sons was forced to end his studies to become a medical doctor due to links to the Catholic Youth Movement, and another son spent a year and a half in prison by similar links to Catholic Youth activities in both Germany and France. Reprisals eventually forced Platz into the inner emigration typical of so many intellectuals under the Nazi Reich and his home in Bonn became a gathering site for other Christian critics of Nazism, such as:

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157 Ibid.
Dempf; Church historian (and early close friend of Schmitt’s) Fr. Wilhelm Neuß; Erik Peterson; and Swiss Reformed theologian Karl Barth (1886-1968). 126 But before his inner emigration Platz involved himself in one of the more notable acts of intellectual resistance to Nazism.

On January 24, 1934, Hitler appointed Alfred Rosenberg head of the Nazi Party’s foreign political office. Rosenberg was already recognized as a chief Nazi ideologist, and Catholic Church officials understood in the appointment that Hitler was: “officially espousing the anti-Jewish, anti-Christian, and neopagan ideas presented in Rosenberg’s *Myth of the Twentieth Century* (1930).” 127 Two weeks later, on February 7, 1934, Pope Pius XI—in concert with his papal nuncio to Germany, Cardinal Pacelli—placed Rosenberg’s book on the *Index of Forbidden Books* at the same time as Cologne’s Cardinal, Karl Joseph Schulte (1871-1941), formally protested the appointment in a meeting with Hitler. Schulte had already publicly opposed the Nazis but with Rosenberg’s ascension he additionally assigned “the Reverend Josef Teusch [1902-76] to direct a ‘defense against National Socialism’s anti-Christian propaganda.’” 128 To organize a collaborative response to Rosenberg, Teusch turned in the spring of 1934 to Neuß, the chairman of the Catholic theological faculty at the University of Bonn. Neuß had published an article on June 1, 1933, “Gedanken eines katholischen Theologen zur Judenfrage” (“Thoughts of a Catholic Theologian on the Jewish Question”), “in which he argued that anti-Semitism violated Christian belief.” 129 He now gathered together five of his colleagues from the University of Bonn 130 (including Platz) and one professor from the University of Cologne to produce “a short, readable refutation of the historical and theological errors in Rosenberg’s book,” titled *Studien zum Mythus des 20.*

126 Ibid., 30.
127 Krieg, *Catholic Theologians in Nazi Germany*, 52.
128 Ibid.
129 Ibid., 51.
130 Unlike the faculty at the Braunsberg State Academy, the faculty at the University of Bonn was overwhelmingly anti-Nazi. “Of their 20 professors and instructors only one supported Nazism, a professor of Canon Law Albert Koeniger ([1874-1950])” (ibid.).
Jahrhundert (Studies on the Myth of the Twentieth Century). The essays were not attributed in order to avoid Nazi reprisal and diocesan printers had already been suppressed due to Schulte’s Nazi-critical sermons and pastoral letters. As a result the famous Nazi resisting bishop of Münster, Clemens von Galen (1878-1946), allowed it to be published by his diocesan press under his name. The book was “released simultaneously in Cologne, Berlin, Breslau, Munich, and Würzburg in October 1934” and appeared in diocesan newspapers in Cologne and Münster as well. By 1935, it was already in its fifth edition, and reached a total of 200,000 distributed copies.\(^{1581}\)

Although the majority of proponents of Reichstheologie may have resisted the Third Reich or quickly repented of an initial optimism, there were some who went so far as to become full-fledged supporters of Nazism. It is with these latter that Schmitt will naturally seem to be the closest, and several can be counted as his friends in these years.\(^{1582}\) As we shall soon see, Lönne is not wholly unjustified when he suggests that the jurist “reinforced subliminal tendencies in German Catholicism” and “helped them to break through”\(^{1583}\) but only in the case of a small number of radical thinkers with whom he came into contact.

From Reichstheologie to Nazism

Of the above list of initial “bridge-builders” with the Nazi regime, Joseph Lortz, stands apart for having actually joined the Nazi Party and remained a member of it until 1938. However, he was not alone, as there were a few proponents of Reichstheologie that became even more

\(^{1581}\) Ibid., 53. Rosenberg attacked the essays in 1935 in Against the Obscurantists of Our Time and the fifth edition of Studies included a reply to Rosenberg’s attack by Neuß and Teusch (ibid). Krieg informs us that “Teusch eventually produced twenty booklets against Nazism; his Catechism Truths alone sold seven million copies” (ibid., 52).

\(^{1582}\) Koenen inexplicably treats Schmitt as the subterranean influence and connection between various right-wing and conservative nationalist groups sharing a desire to see Germany established as a Christian empire dominating Europe.

\(^{1583}\) Lönne, “Carl Schmitt und der Katholizismus,” 35.
dedicated Nazis; most relevant for this study are two “brown-priests”\textsuperscript{12} and Robert Grosche (1888-1967), both of whom were influenced by Schmitt.

Eschweiler had been ordained a priest for the Archdiocese of Cologne in 1910, but would begin doctoral studies in theology at the University of Bonn in 1921, where he was habilitated in 1922 and began to teach from 1923. It is here that he met and became good friends with Schmitt. His work in theology was modernist and progressive, as he claimed that Neo-Scholastic theology was in “crisis” and needed “critically to engage modern ideas.”\textsuperscript{13} Eschweiler followed his own advice in 1925’s \textit{Die zwei Wege der neueren Theologie} [\textit{The Two Ways of Modern Theology}] which combined the thought of heretical theologian, Georg Hermes (1775-1831), and orthodox but abstusive and mystical theologian, Matthias Scheeben (1835-1888), with scholasticism to reconcile reason and faith in modernity along the lines of Thomas’s understanding of nature.

\textsuperscript{12} The total number of German Catholic priests under the Third Reich might be as high as 20,000, of course, extensive details on all of them are not available. However, Ulrich von Hehl documented 8,021 priests in Germany during the Nazi Reich in \textit{Priester Unter Hitlers Terror: eine biographische und statistische Erhebung} (Paderborn: F. Schöningh, 1996). Kevin P. Spicer, C.S.C., has written several notable works on Germany’s Catholic priests during the Nazi years, including: \textit{Resisting the Third Reich: The Catholic Clergy in Hitler’s Berlin} (DeKalb: Northern Illinois University Press, 2004); “Working for the Führer: Father Dr. Philipp Häuser and the Third Reich” in \textit{Antisemitism, Christian Ambivalence, and the Holocaust}, ed. Kevin P. Spicer (Bloomington: Indiana University Press, 2007); “Father Wilhelm Senn and the Legacy of Brown Priests,” \textit{Holocaust & Genocide Studies}, 22.2 (August 2008), 293-319; and \textit{Hitler’s Priests: Catholic Clergy and National Socialism} (DeKalb: Northern Illinois University Press, 2008). Spicer’s research indicates a total of 138 brown priests which taken in conjunction with Hehl’s number detailed suggests that less than two percent of Germany’s Catholic priests went so far as to become “brown priests.” The percentage could be much smaller if more were known of the upwards of 12,000 additional priests in Germany. From cooperation to the other extreme of resistance 418 German priests were sent to concentration camps on non-morality offenses according to Hehl’s research (\textit{Priester Unter Hitlers Terror}, lxxviii), or slightly more than 5 percent. Given that the Nazis routinely trumped up false charges of pedophilia or homosexuality against priests—charges of sexual immorality has always been the simplest way to gain public support for anti-clerical policies—the percentage of German priests jailed or sent to concentration camps by the Nazis for being considered a political threat could also be much higher. The most egregious examples of “brown priests” were not even all Germans. The Austrian bishop Alois Hudal (1885-1963) and a Croatian priest named Krunoslav Draganović (1903-83) were both guilty of helping Nazi war criminals escape Europe after the war. The scholarly literature on the brown priests is not very extensive and to some degree the phenomenon has been exploited by popular and sensationalist treatments as part of the “Pius Wars.” But in addition to Spicer’s work, some titles worthy of consideration include: Hansjakob Stehle, “Bischof Hudal und SS-Führer Meyer. Ein kirchenpolitischer Friedensversuch 1942/43,” \textit{Vierteljahrsschrifte für Zeitgeschichte}, 37.2 (April 1989), 299-322; Philippe Chenaux, “Pacelli, Hudal et la question du nazisme,” \textit{Rivista di Storia della Chiesa in Italia}, 57/1 (January 2003), 133-54; and Thomas Breuer, \textit{Verordneter Wandel?: der Widerstreit zwischen nationalsozialistischem Herrschaftsanspruch und traditionaler Lebenswelt im Erzbistum Bamberg} (Mainz: Matthias-Grünewald-Verlag, 1992) which looks at a specific diocese in detail and discusses the stances taken by its clergy.\textsuperscript{13} Krieg, \textit{Catholic Theologians in Nazi Germany}, 33.
perfected by grace. In 1928, Eschweiler became the Dean, and a professor of systematic theology, of Braunsberg’s State Academy (Staatliche Akademie, originally known as the Lyceum Hosianum).

Two years after being named Dean, Eschweiler published Johann Adam Möhlers *Kirchenbegriff: Das Hauptstück der katholischen Auseinandersetzung mit der deutschen Idealismus* [Johann Adam Möhlers Notion of the Church: The Cornerstone of the Catholic Dialogue with German Idealism]. In it he sounds quite Schmittian:

> [Eschweiler] argued that according to Möhler (d. 1838) the church is an objective reality similar to the state. In Eschweiler’s judgment, beginning with the Enlightenment, theologians had not upheld this notion of the church. . . . The state and the church should exercise authority in their respective arenas, and simultaneously they should respect and reinforce each other’s authority . . . . Moreover, since the authority appropriate to the state cannot be secured in a democracy, the nation needs to be sovereign in a highly structured society. In this polity, the church should uphold the state’s authority: ‘the task of the individual as well as the church is to obey the legitimate (civil) authorities.”

Eschweiler followed up with the essay “Politische Theologie,” in 1931, which drew explicitly on Schmitt to argue against the “vague theology of liberalism.” Unlike Schmitt, however, Eschweiler defends the Church’s “indirect power in the temporal realm” based on Pontius Pilate’s question posed to Christ, “Quid est veritas?” (“What is truth?” [John 18:38]). Eschweiler believes that Pilate’s epistemological agnosticism, rather than a prototypical example of legal positivism:

> . . . implicitly recognized the limit of the state in relation to true religious authority. The state cannot answer the question, What is ultimate truth? It must respect the church’s answer to this question. ‘It is crucial that the state poses daily and officially [to the church] the question of Pilate. ‘This is the victory of the truth revealed in Christ for the state. In relation to this truth, the Enlightenment and political liberalism, along with their dangerous errors and effects, must be regarded as rubbish.”

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1586 Ibid., 34-5. Krieg speculates that in this work Eschweiler was over-reliant on Scheeben and too unfamiliar with neo-Thomism so that he ended up stressing religious authority in a manner which may have later “led to Eschweiler’s emphasis on civil authority” (ibid., 36-7).

1587 Ibid., 37-8.

1588 Ibid., 39.

1589 Ibid. Krieg seems to think that Eschweiler is here following a discussion of Pilate by Schmitt as found in *Political Theology*, however, Eschweiler must have been drawing upon Schmitt’s essay “Die europäische Kultur im Zwischenstadium der Neutralisierung” (1929). Schmitt discusses Pilate’s infamous question in the later article and not in *Political Theology*. 

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Eschweiler’s defense of the indirect power of the Church vis-à-vis the State contrasts him to Schmitt as well as his colleague at the State Academy, canon lawyer Hans Barion (1899-1973)\textsuperscript{1590} by illustrating that he held at least one politically Catholic tenet.\textsuperscript{1591} Likewise, Eschweiler attempted to reconcile natural law arguments with political theology, while Catholic theologians like Gundlach and Erik Peterson used the natural law as evidence against such constructs.\textsuperscript{1592} Yet, Eschweiler and Barion would soon become prominent “brown priests” once the Nazis took control of the German state.

Beginning in the spring of 1933 Eschweiler:

\ldots publicly promoted cooperation between the church and Hitler’s regime. \ldots He published an article entitled ‘Die Kirche im neuen Reich,’ in which he argued that Catholicism and National Socialism should work together for the regeneration of Germany.\textsuperscript{1593}

From his position as Dean at Braunsberg’s State Academy Eschweiler was one of the more “outspoken proponents of the National Socialist regime” in the winter and spring of 1933.\textsuperscript{1594} Along with Eschweiler and Barion the faculty included Joseph Lortz in Church history, and he joined both in vocal support for the Nazi regime. In the run-up to the Enabling Act, Eschweiler publicly supported Barion’s argument that “the bishops should withdraw their support for the

\textsuperscript{1590} Mehring claims that Schmitt met Barion through Eschweiler when Schmitt was at the University of Königsberg to deliver a lecture on February 20, 1932 and they became particularly good friends after 1945 (\textit{Aufstieg und Fall}, 337). The lecture was on American imperialism and was originally published as “USA, und die völkerrechtlichen Formen des modernen Imperialismus” \textit{Auslandstudien}, 8 (Königsberg i. Pr.: Gräfe & Unzer, 1933), 117-42. It was reprinted as “Völkerrechtliche Formen des modernen Imperialismus,” in: Schmitt, \textit{Positionen und Begriffe}, 162-79. And later under the original title in: Schmitt, \textit{Frieden oder Pazifismus?}, 349-77. Krieg claims that when Eschweiler “learned that Carl Schmitt would be giving a public lecture against American imperialism at the University of Königsberg, he invited him also to speak at the Staatliche Akademie” (\textit{Catholic Theologians in Nazi Germany}, 43-6). On Schmitt’s views on American imperialism, see: G. L. Uilmen, “American Imperialism and International Law: Carl Schmitt on the US in World Affairs,” \textit{Telos}, “Special Issue on Carl Schmitt,” 72 (Summer 1987), 3-72; and Jean-François Kervégan, “Carl Schmitt and ‘World Unity,’” in \textit{The Challenge of Carl Schmitt}, ed. Chantal Mouffe (New York: Verso, 1999), 54-74.

\textsuperscript{1591} Such an ultramontane stance would be consistent with Johann Möhler as the nineteenth century theologian was decidedly opposed to the domination of the Church by the State. For a recent treatment of this theme in Möhler as being of continued relevance to political Catholicism, see: Grant Kaplan, “Celibacy as Political Resistance,” \textit{First Things} (January 2014), 49-53.


\textsuperscript{1593} Krieg, \textit{Catholic Theologians in Nazi Germany}, 31.

\textsuperscript{1594} Ibid., 44.
Catholic Center party and collaborate with Hitler.” After the Nazis were given control, Eschweiler “publicly backed Joseph Lortz, who urged in a public lecture that the church should cooperate with the Nazi state.” The three colleagues joined the Nazi Party together with their friend Schmitt in May 1933. Afterwards, Eschweiler was frequently seen attired in the Nazi Party uniform and in an article of June 1933, he argued that: “Catholicism and National Socialism have compatible worldviews.” He even found “a close resemblance between Pius XI’s vision of the corporate state in his encyclical Quadragesima Anno (1931) and the Nazi party program.”

The pro-Nazi faculty at the Braunsberg State Academy was under the ecclesiastical oversight of Bishop Maximillien Kaller (1880-1947) of the Diocese of Ermland. Kaller was a decided and vociferous opponent of Nazism both before and after they took power. He had for years been a passionate supporter of Catholic Action, those same groups which Pius XI repeatedly pointed to as paradigmatic of the social activity he wanted to see promoted by Catholics. Kaller joined the lone strongly anti-Nazi professor at the State Academy, professor of Church history

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1596 Ibid.
1597 Eschweiler’s claim of compatibility between Nazism and Catholicism is a much debated one in postwar Germany. A student of Schmitt’s, Ernst-Wolfgang Böckenförde, created quite a stir when he agreed with Eschweiler in: “Der deutsche Katholizismus im Jahre 1933: Eine kritische Betrachtung,” Hochland, 53 (1961), 215-39. Hans Buchheim replied in “Der deutsche Katholizismus im Jahr 1933: Eine Auseinandersetzung mit Ernst-Wolfgang Böckenförde,” Hochland, 53 (1961), 497-515. There he points out the extent to which Böckenförde drops context and specifically shortens statements by German bishops so as to suggest support for the Nazi regime where there in fact either was none, or certainly not unqualified support. Böckenförde responded with “Der deutsche Katholizismus im Jahre 1933. Stellungnahme zu einer Diskussion,” Hochland, 54 (1962), 217-45. Both of Böckenförde’s articles are reprinted in: Böckenförde, Der deutsche Katholizismus im Jahre 1933, 39-69 and 71-104, respectively. Karl-Egon Lönne provides a “Historiographischer Rückblick” (Historiographical Review) in: Ibid., 121-50. Böckenförde’s thesis is quite useful as a form of apologetic on behalf of the likes of his teachers and friends like Schmitt and Barion. Its utility comes especially from the fact that it fits in perfectly with the anti-Catholic and anti-clerical views of the ideological left who engage in the politics of Kulturkampf against Catholicism, and Christianity in general, in postwar Germany. Tellingly, Böckenförde was himself a member of the SDP after the Second World War and not the CDU. On the one hand, personal culpability for political decisions and commitments can be avoided by suggesting that support for the Nazi Reich was simply a matter of applied “Catholicity,” and on the other hand, any retributive animosity on the part of the Left can be directed to their truer enemy, the Church. Donald J. Dietrich does a fairer job than Böckenförde of expanding upon the specific psychological context for the various groupings of Catholics in 1933—in the Vatican, German episcopate, priests, and lay—in Catholic Citizens in the Third Reich: Psycho-Social Principles and Moral Reasoning (New Brunswick: Transaction Books, 1988).
1598 Krieg, Catholic Theologians in Nazi Germany, 47. Eschweiler’s article is “Die Kirche im neuen Reich,” Deutsches Volkstum, 15.1 (1933), 451-8.
Hermann Hefele, and—fascinatingly enough—the general student body of the Academy in criticism of Dean Eschweiler and his pro-Nazi colleagues. The conflict quickly came to a head when the Nazi Reich issued a law on July 14, 1933, which “permitted the government to sterilize Germans whom it judged unfit to become parents.” Sterilization has always been repugnant to the Catholic understanding of natural law, and as Krieg notes, traditional Catholic sexual ethics had been reiterated as recently as Pius XI’s encyclical of December 31, 1930, *Casti Connubii* (On Christian Marriage) in which he directly condemns the eugenicist movement’s desire to forcibly sterilize those whom “according to the norms and conjectures of their [the eugenists] investigations, would, through hereditary transmission, bring forth defective offspring.” Both Eschweiler and Barion came out publicly in favor of the sterilization law. In fact:

> Eschweiler voiced his support in an address to the [College’s] faculty and students at the start of the autumn semester of 1933. Appealing to the theological axiom that grace perfects nature, he argued that since God’s grace cannot make up for the natural deficiency of someone who is mentally deficient or insane, the state—which must protect society from its unhealthy members—can decide that some people are not suited to be parents. Eschweiler’s views were not well received either by the students at the Staatliche Akademie or by Bishop Kaller.

The students and Bishop Kaller were better interpreters both of the doctrine of the perfective power of divine grace over human nature as well as the Pian encyclicals, given Eschweiler’s decidedly heterodox conclusions.

Despite now being subject to stringent criticism from both his direct ecclesial superior as well as the students over whom he was Dean, Eschweiler actively promoted the new regime “by

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139 Ibid., 44-6.
140 Ibid., 49.
141 Pius XI, Encyclical Letter, *Casti Connubii*, 31 December, 1930, §68. Accessed online as of 14 January 2014 at: http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_31121930_casti-connubii_en.html. Krieg references *Casti Connubii* but oddly says that “Although [it] did not explicitly speak about sterilization, it insisted that a person’s right over his or her sexual faculties is superior to the interests of the state, and that contraception is wrong” (*Catholic Theologians in Nazi Germany*, 49). It would only be necessary to combine Pius’s propositions regarding the “person’s right over his or her sexual faculties” as “superior to the interests of the state” and his prohibition of contraception if one is trying to reach the conclusion that all instances of sterilization, voluntary or involuntary, are illicit. However, in §68 Pius writes that eugenicists seek to “deprive these [the unfit to procreate in their view] of that natural faculty by medical action despite their unwillingness” which must logically and directly mean forced sterilization; exactly the subject Krieg is discussing in the Nazi law of July 14, 1933.
142 Krieg, *Catholic Theologians in Nazi Germany*, 49.
requiring that the school’s athletic teams wear Nazi sport uniforms” and then proposing “to the
government that all of Germany’s Catholic seminarians be sent for one semester to the Braunsberg
[A]cademy in order to experience the spirit and thought of National Socialism.” Within a few
months:

Cardinal Pacelli initiated canonical proceedings against Eschweiler and Barion because of their position on
sterilization, and the Holy Office suspended Eschweiler’s and Barion’s permission for priestly ministry on
August 20, 1934. As a result, both professors also lost their ecclesiastical approval to teach seminarians.
They retained their professorships at the Staatliche Akademie, however, because these positions were granted
by the state. In any case, Eschweiler now found himself in a contradiction. Having argued since 1926 for a
greater public recognition of ecclesiastical authority, he himself stood in 1934 at odds with the church.
Eschweiler and Barion immediately engaged in discussions with church officials, and soon afterwards publicly
withdrew their statements in favor of the sterilization law. They were granted permission to engage in priestly
ministry in September 1935 and resumed teaching seminarians.

Eschweiler continued as a devoted Nazi until his untimely death from kidney failure in 1936.

Barion, as well as Lortz, were seen as valuable allies by the Nazi Minister of Education, Bernhard
Rust (1883-1945), who reassigned them to more prestigious academic professorships in hopes that
they could help to influence or control other more recalcitrant Catholic theologians. Lortz was
transferred to the University of Münster, in 1935, and Barion to the University of Munich, in 1938.
Barion’s transfer was met with a good deal of protest in Bavaria including from Munich’s
archbishop, Cardinal Michael von Faulhaber (1869-1952). Faulhaber appealed to the Holy See

[1603] Ibid., 50.
[1604] Ibid.
[1605] Ibid., 50-1. Alfred Rosenberg described Eschweiler in an obituary as “a martyr to the Roman system” (ibid., 51).
[1606] Ibid., 50.
[1607] Faulhaber is a fascinating case study in his own right. He never truly accepted the Weimar Republic or democracy,
preferring a return of Catholic monarchy, making him a proponent of a more reactionary brand of Reichstheologie.
However, he was an opponent of the Nazis from early on and they even blamed him for the failure of the 1923 Beer
Hall Putsch in Munich. His future actions and decisions as regards the Nazis were determined pragmatism and
attempt to diplomatically defend the interests of Catholics and the Church as befit his position and primary
responsibility; but that very fact makes him a perfect example of how appraising a person’s actions under the Third
Reich are largely determined by the evaluator’s own particular commitments and views on human character and the
hierarchy of virtues. Faulhaber generally restrained himself from explicit, public, and direct protests of the regime’s
attacks on Jews, and also demonstrated in his sermons that he had no problem with the long standing anti-
Judaic Christian stance of treating the Jews as a people suffering under the curse of having put their Messiah to death. But
then again, contemporaries took his traditional Christian anti-Judaism as itself a critique of the “scientific” racism of the
Nazis and he would later become a primary author of Pius XI’s 1937 encyclical condemning Nazi racism, Mit
Brennender Sorge (With Deep Anxiety). Faulhaber was also routinely subjected to harassment, searches, death
threats, and other attacks by the Nazis, while on the other hand he routinely demonstrated a belief that Hitler was the
legitimate ruler of the nation and willingly separated his attacks on Nazi violence from the regime’s leader.
with the result that the appointment became a matter of diplomatic dispute under the Concordat and ended with the Nazi State simply dismissing the University’s entire Catholic theological faculty, in February 1939. Barion finally landed at the University of Bonn and after the war would suffer a fate similar to his friend, Carl Schmitt, by losing his academic post and living as a private scholar and priest of the Archdiocese of Cologne.

Like Eschweiler, Robert Grosche was a progressive theologian and proponent of *Reichstheologie*. Grosche was ordained as a diocesan priest in Cologne and served as chaplain at the city’s University from 1920 until 1930, where he became known for his works in art history and with the Una Sancta ecumenical movement. His journalistic activity promoted the contemporary work of the French Catholic Renewal and his theological writings stressed the historicity of the Church in a manner befitting *Reichstheologie*. In 1932, he became a professor of art history at the Düsseldorf Art Academy, and founded and edited a journal dedicated to “controversial theology” most specifically in ecumenical dialogue between the Christian sects. In 1933, he was the *Stadtprediger* (official Church representative, dean, overseeing the clergy in a city) for Cologne.

Grosche also had close ties to the Catholic Youth movement and he wrote one of three pieces that defended Schmitt’s political views in the pages of the movement’s official journal, *Die Schildgenossen*. Surprisingly, this was the most receptive of any Catholic journal to works commenting positively on Schmitt at this late date. In “The Foundations of a Christian Policy of German Catholics,” Grosche claimed that the definition of papal infallibility in 1870 placed the

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*Die Schildgenossen*’s late receptiveness to defenses of Schmitt is surprising both because of their earlier strongly critical articles and reviews of the jurist, but also since the Quickborn movement would go on to accord itself very well in resistance to the Nazi regime. The Catholic version of the youth movement overwhelmingly engendered resistance towards or immunity from Nazi ideology and was subject to heavy monitoring and eventual suppression in 1939. Some of the movement’s leaders were even executed by the Nazi regime, including: Theo Hespers (1903-43), who carried on active resistance operations from the Netherlands where he fled in 1933 and was caught in 1942; and Max Joseph Metzger (1887-1944), a priest and founder of the German Catholics’ Peace Association (Friedensbund Deutscher Katholiken) as well as the ecumenical Una Sancta Brotherhood. For more on the Catholic youth movement (as well as a contrast of Guardini to Schmitt), albeit from a left perspective, see: Bröckling, *Katholische Intellektuelle in der Weimarer Republik*, 38-55.
pope as wholly superior to councils, and as such, serves as an example to follow in support of the authority of the Führer over Parliament.\textsuperscript{1609}

Grosche assisted the monks of Maria Laach in promoting cooperation with the Nazi regime by participating at the pivotal 1933 meeting of the Association of Catholic Academics. Early on Grosche had expressed sympathy for the Soviet system from an eccentric conservative standpoint of respecting what he viewed as a disciplined and professional ordering of the State and his radicalism shifted readily enough to support for the Nazi State:

[He had] argued that since the Christian tradition generated the idea of close cooperation between church and state, it reinforced the idea of a ‘Third Reich.’ Catholics could ‘work toward the construction of this state without a false anxiety about a totalitarian state. Indeed, this polity could be the outcropping of God’s kingdom if it were a state of genuine authority and genuine values.’\textsuperscript{1610}

His actual activities during the Third Reich seem to have been minimal and largely nonpolitical, although, he did condemn anti-Semitism, in 1936, and was investigated by the regime due to his continued support for the Catholic Youth Movement. Yet, he remains a “brown priest” due to the extent to which he encouraged a radical nationalism and support amongst Catholics for the Nazi State, especially during their crucial period of consolidation of power of 1932-4.

Unlike Schmitt, even these most extreme examples of Catholic thinkers who supported the Nazi State fall within the general purview or confines of something identifiable as “political Catholicism.” Despite their heterodoxy and militant nationalism, the likes of Eschweiler, Barion, and Grosche still clearly attempt to apply their peculiar renditions of Catholicism to their political views. The difference may only be due to the clerical state, “brown priests” would feel far more


\textsuperscript{1610} Krieg, Catholic Theologians in Nazi Germany, 42. Incidentally, Grosche joined Getzen and Gurian as contemporaries of Schmitt who correctly noted his similarity to Maurras and even made use of the Frenchman’s atheist quote in their treatments of Schmitt’s Political Form. See: Dahlheimer, Schmitt und der deutsche Katholizismus, 156.
compulsion to attempt to justify their views in relation to Catholic teachings, no matter how heterodox the results, than the secularized and lay jurist Schmitt. However, be that as it may, Schmitt never attempts to place his political views in a doctrinally Catholic context, even a heterodox one.
Conclusion.

“[The political theorist of myth] easily glides into the role of a magician who summons forces that cannot be matched by his arm, his eye, or any other measure of his human ability.”

—Carl Schmitt (1938).

Historian Jan-Werner Müller has perceptively noted that Schmitt’s “self-interpretation often shaded into self-mythification.” While he was always prone to identify himself with literary or historical figures, this tendency becomes quite pronounced after the Second World War, when he was exiled from German academic life as punishment for his involvement in the Nazi regime. From literature Schmitt likened himself to characters such as: Don Quixote, Othello, Don Juan, Hamlet, and Benito Cereno. And the list of historical figures and thinkers includes: Niccolò Machiavelli, Thomas Hobbes, Juan Donoso Cortés, Eusebius of Caesarea (ca. 260-ca. 340), Tertullian, and Saint Thomas More (1478-1535). In the context of this study on Schmitt’s relationship to Catholicism several of these historical self-mythifications merit exploration.

Exile to his hometown of Plettenberg occasioned Schmitt likening himself to one of his primary intellectual influences, Machiavelli. Like the progenitor of political modernity, Schmitt had real economic concerns after having been ejected from his previous active life and career and he chose to refer to his Plettenberg “exile” as “San Casciano” after the Florentine town near which Machiavelli’s estate was located. The reference is not terribly inapt unless one moves past Machiavelli to try and tie Schmitt’s story to that of the town’s namesake. Saint Cassian of Imola (unknown-363) was a fourth century martyr killed for his refusal to worship the Roman gods and abandon his Catholic faith. His assassins were former students wielding their metal writing

1611 Schmitt, Leviathan in the State Theory of Thomas Hobbes, 82.
1612 Müller, “Carl Schmitt’s Method,” 63.
1614 See: Mehring, Aufstieg und Fall, 454, 473.
implements (styli). Schmitt, in his vanity and bitterness, might have actually desired this deeper reference to the martyr given his complaint that all of his former friends had abandoned him in his project of “authentic Catholic intensification” except for Konrad Weiß and his “true friend” Paul Adams. To equate Schmitt in his voluntary and enthusiastic subservience to the Nazi State to Cassian—a resister of state tyranny against conscience and the Catholic faith—would, however, be a quite galling comparison.

Another saintly figure from Catholic history that Schmitt perversely likened himself to was the British martyr, Sir Thomas More. He likened himself to the great lawyer and author primarily on the grounds of having been a “cleric” yet not a priest, that is, Schmitt differentiated the term from cleric in the sense of a “mere writer.” Schmitt believes that More’s middle status as a Catholic layman who was also a “cleric” was “the secret of his inaudible, even impalpable, great superiority.” In stark contrast to Schmitt’s evaluation of what made More a superior person, when Pope Pius XI canonized the Englishman and named him the patron saint of lawyers in 1935, he clearly intended the event to tie in with his pontificate’s interest in Catholic political and social thought. Pius was a staunch opponent of the deification of the State and the reversal of priority between society and government typical of the totalitarianism coursing through Europe from the political right and left. Schmitt’s postwar depiction of the greatness of More ignores what obviously made the Englishman a Catholic saint and martyr; namely, his intransigence unto death in the face of State tyranny against his conscience, his faith, and the social authority of the Catholic Church. More’s heroic sacrifice is what Pius XI expected German Catholics to take inspiration from as an example of resistance to the very same regime which Schmitt had chosen to aggressively support.

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1615 Koenen, Der Fall Carl Schmitt, 19 and 19n119. See also: Michael Hoelzl and Graham Ward, “Editors’ Introduction” to: Schmitt, Political Theology II, 1-2. Perhaps Schmitt had Gurian’s criticisms in mind with his allusion to suffering martyrdom at the hands of students.
1618 Ibid., 97.
Schmitt’s attempts at analogical self-identification finally come closer to the mark with his treatment of Eusebius, the fourth century bishop of Caesarea. Eusebius is known as the “Father of Church History” for his numerous works covering the early Christian era. Significantly, he sympathized with and defended the heretical followers of Arius (ca. 250-336) who held a version of Gnostic belief in which the divinity of Christ was denied, similar to what would later be called “unitarian.” The bishop was protected in his heretical stance by the Roman Emperor, Constantine the Great (r. 306-337), and both men attempted, unsuccessfully, to manipulate the Council of Nicaea (325) away from a condemnation of Arianism. Constantine even exiled Eusebius’s greatest orthodox critic, Saint Athanasius of Alexandria (296-373).

Eusebius’s inclination towards Gnosticism is certainly a point of connection between himself and Schmitt. However, the jurist does not draw attention to this aspect of Eusebius’s life and thought. Instead, Schmitt identifies himself with the bishop-historian’s role as a “court” or “imperial” theologian due to his close association with his patron Constantine; demonstrated by a panegyric biography Eusebius wrote after the emperor’s death. In 1935, when Schmitt’s erstwhile friend, theologian Erik Peterson, wrote *Monotheism as a Political Problem* he covers Saint Augustine’s criticisms of Eusebius. Augustine chastised Eusebius for having placed Christian theology in the service of legitimating Constantine’s rule as divinely ordained. Schmitt finally responded to Peterson’s book in 1970 with *Political Theology II*. Since Peterson clearly intended his argument against political theology “which misuses the Christian proclamation for the justification of a political situation”169 as in part a critique of the Nazi State, then Schmitt’s

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identification with and defense of Eusebius serves an apologetic purpose as regards his own involvement with the Nazis.\footnote{Versluis, *New Inquisitions*, 53.}

In a similar vein to his use of Eusebius, Schmitt frequently relied on that most problematic of theologians, Tertullian. Arthur Versluis, especially, makes much of Schmitt’s interest in the early Church Father:

What is it about Tertullian that Schmitt found so fascinating that he returned to his work again and again? Divine authority as presented by Tertullian divides men; obedience to divine authority divides the orthodox from the heretics, the ‘friends of God’ from the ‘enemies of God,’ and the political theologian from the secular philosopher. Here we are reminded of perhaps Tertullian’s most famous outcry: ‘What then does Athens have to do with Jerusalem? What does the Academy have to do with the Church? What do the heretics have to do with Christians?’\footnote{Ibid., 52. In *Political Theology II*, at 103.}

Indeed, Schmitt holds up Tertullian as the prototype of “the theological possibilities of specific judicial thinking”\footnote{Joseph W. Bendersky, “Schmitt and Hobbes,” *Telos*, 109 (Fall 1996), 123.} treating him in his role as jurist. What Versluis fails to recognize is just how heterodox and secular-minded, therefore, is Schmitt’s interest in the lawyer-theologian.

Schmitt identified himself with another lawyer as well, Thomas Hobbes. Bendersky points us to the similarities Schmitt saw between himself and the theorist of Malmesbury:

In his *Leviathan*, Schmitt personally identifies with Hobbes’ fate. It is not difficult to detect Schmitt’s *persona* in his accolades for Hobbes: ‘lonely as every pioneer; misunderstood as is everyone whose political thought does not gain acceptance among his own people; unrewarded, as one who opened a gate through which others marched on . . .’ (p. 86). He then concludes by declaring Hobbes ‘a sole retriever of an ancient prudence’—a phrase he had used to describe himself while defending his friend-enemy thesis against Hermann Heller’s critique in 1928.\footnote{Schmitt, *Political Theology II*, 40-9. While the editors of the English translation helpfully detail the manner in which Schmitt’s argument with Erik Peterson is carried on by taking Eusebius’s side against Peterson’s Augustine, they believe that Schmitt is voicing a “conservative Catholic” critique or rejection of the Second Vatican Council. They have an unsophisticated attachment to the standard narrative of Schmitt as a believing Catholic as well as make the common mistake of assuming that someone’s political leaning must also characterize their religious views. See: Hoelzl and Ward, “Editor’s Introduction,” 16-18. Another commentator who inaccurately describes Schmitt’s religious views as ultra-conservative or even reactionary is Richard Faber who calls Schmitt a “clerico-fascist” and a Lefebvrist “before the letter” (Faber, “Carl Schmitt, der Römer,” 39). On the contrary, Schmitt’s postwar friend, the engineer Ernst Hüsmer, in his recollections of Schmitt in his final years relates that the elderly jurist was “distressed” about such an “eminently political pope as the Pole Wojtyla” (Hüsmer, Ernst, “Die letzten Jahre von Carl Schmitt,” in *Schmittiana I*, ed. Piet Tommissen [Berlin: Akademie Verlag, 1988], 43). That a pope such as Saint John Paul II was being “eminently political” does not sound like the concern of a conservative or reactionary Catholic, let alone a proto-Lefebvrist that would have focused on liturgy.}
The “ancient” prudence Schmitt believed himself the purveyor of as a latter-day Hobbes is not, of course, the ancient’s “prudence,” as discussed in a Plato or Aristotle. At best its pedigree in the history of political thought would have to be traced to Thrasyvachus, but more properly dates to Machiavelli. Rather than classical prudence, Schmitt celebrated the modern political turn; for example, in his 1950 book _The Nomos of the Earth_ he applauds the battle cry of the transition from medieval to modern law: “Silete theologi in munere alieno!” (theologians should remain silent in foreign territory). Just as Hobbes claimed that his mother “bore twins, me and together with me fear” when dire claims about the threat posed by the Spanish Armada induced premature labor; so too did Schmitt find his central, and most consistent, intellectual concern in the re-establishment of the socially pacifying modern nation-state—or the formulation of its effective replacement—in response to the revolutionary violence he witnessed in Munich at the end of the First World War. Thus, as has hopefully been shown in this study, Schmitt shares with Hobbes a fundamental fear of social and political disorder which greatly shapes their theories of the State.

One more of Schmitt’s postwar “rear-projections” is worth examining here. In a couple of places, he described himself as “a wretched, shameful and yet authentic case of a Christian Epimetheus.” The source of this reference is Greek mythology; for, Epimetheus was the brother of Prometheus and married to Pandora. Just as his name means “afterthought,” Epimetheus is described by Hollerich as having been:

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1621 Schmitt, _The Nomos of the Earth_, 121.
1623 Mehring, _Aufstieg und Fall_, 14. As Mehring claims, Schmitt even attempted after the war to craft “a strong seductive legend of his ‘identity with the fate of Germany’” (ibid., 13). Mehring’s biography also covers most of these literary and historical personages or “masks,” which Schmitt used to mythologize his own past and political commitments.
. . . guilty of foolishness and fear: frightened by what Zeus had done to his brother, he ignored his brother’s advice to take no gifts from Zeus and accepted the woman Pandora as his wife. She, of course, let loose the ills that Prometheus had confined to a jar.  

Hollerich points out, “the myth rather underplays Epimetheus’ personal responsibility” and so this reference is “closer to a confession than anything Schmitt published in his lifetime.” But he also perceptively asks: “how did Schmitt see this as a Christian story?” Indeed, Schmitt seems to suggest that his fear of the Nazis and lack of foresight is what drove him to accept the regime’s “gifts” in exchange for his support. As far as confessions go, however, Schmitt’s portrayal of himself as in some obscure manner a “Christian” Epimetheus rings hollow; especially when one reads the reminiscences of his friend William Gueydan “de” Roussel, which reveal the jurists’ deep resentments and lack of remorse. For example, Gueydan mentions that once, when the two dined with Bernard Fay (1893-1978), they discussed their “many enemies.” And during this dinner conversation Schmitt also treated the idea of public remorse with contempt: “He who wants to confess, go and show themselves to a priest.” Furthermore, in his postwar internment when asked by his interrogator what he thought of the fact that the Nazi regime was responsible for the deaths of millions of Jews and other noncombatant persons, Schmitt retorted with the quip that: “Christianity also resulted in the murder of millions of people.” Schmitt was a “wolf in sheep’s clothing” when it comes to his Catholicity rather than an interested or sincere Catholic intellectual.

Along with self-mythification by dint of spurious analogies, Schmitt also fed his commentators other convenient red herrings in his postwar diaries. One such cause of misdirection is his mention of the theological concept of the katechon. The term indicates one

1629 Ibid.
who “holdeth” or “restrains,” and originates in the apocalyptic writings of Saint Paul the Apostle (ca. 5-ca. 67):

And now you know what withholdeth, that he may be revealed in his time. For the mystery of iniquity [ἀνομία] already worketh; only that he who now holdeth [τὸ κατέχων], do hold, until he be taken out of the way.\(^{1633}\)

Theologian Wolfgang Palaver astutely points out the equivocalness of the term:

Paul mentions a *katechon*, a ‘restrainer,’ which is a force of order preventing the outbreak of destructive chaos but—and that shows us the ambivalence of this concept—also delays the second coming of Christ, the coming of the Kingdom. Throughout Christian history, the *katechon* was identified with different political powers that created order in the world. The first *katechon* in this tradition, of course, was the Roman Empire.\(^{1634}\)

Schmitt was quite familiar with the ambivalence of the concept but rather than taking an apocalyptic approach—one which looks forward to the removal of the *katechon* so that the eschaton could commence—Schmitt favors the secular-minded conservative understanding of the term as a temporal, and political, restraint against man’s lawlessness and penchant for promoting chaos.

Schmitt’s worldly intent is quite evident when the relevant passages in the *Glossarium* are read more fully. The primary mention is as follows: “I believe in the *katechon*: it is for me the only possible way to understand Christian history and to find it meaningful.”\(^{1635}\) In this quote, Schmitt’s emphasis on their only being one way that he can find meaning in the history of Christianity is striking, especially as that way is in its social role of attempting to restrain or modify bad human behavior by justifying obedience to secular authority. I believe that interpreters who read this line as expressing Christian belief on his part often do so because they have already

\(^{1633}\) 2 Thess. 2: 6-7 Douay-Rheims. The Greek term for “iniquity” here used is “ἀνομία,” which also translates as “lawlessness.”


assumed it to be characteristic of him. But the several places he writes about the katechon are quite consistent and clear in not being concerned with a religious belief, but rather, in the secular appropriation to which it can be put.

After stating his belief in the katechon Schmitt continues by claiming that this: “Pauline secret doctrine is nothing more, nor less, than the secret of every Christian existence.” This is the case, because only by knowing concretely about the katechon does one know their own place. Schmitt then dismisses all contemporary theologians because they “basically do not want to know” about the katechon. He finally ponders where the katechon is today, at the close of 1947, and quickly dismisses as possibilities Britain’s Winston Churchill (1874-1965) or America’s John Foster Dulles (1888-1959). In so doing Schmitt also dismisses either country as the present restraining force against chaos although he believes that there has always been such force acting throughout the past “1948 years,” that is, since the birth of Christ “or else we would no longer exist.”

Schmitt’s absorption with the katechon cannot be dated with certainty to any earlier then 1942. According to Schmitt’s French translator, Gueydan “de” Roussel, when he met Schmitt at a conference in Paris that year they: “talked at length about the war, the dangerous allies of Germany, and especially the katechon.” Schmitt had famously claimed that “All significant

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1636 Certainly this is the case for Meier as well as commentators that agree with his reading such as: Meuter, Der Katechon; and Lilla, The Reckless Mind. See also: Julia Hell, “Katechon: Carl Schmitt’s Imperial Theology and the Ruins of the Future,” Germanic Review, 84.4 (Fall 2009), 283-326.
1638 Ibid.
1639 Ibid. Christian Linder ties Schmitt’s emphasis on the “state of emergency” to the katechon; thus linking postwar language with a consistent theme in his early work, see: Der Bahnhof von Finnentrop, 42, 198. See also: Felix Blindow, Carl Schmitts Reichsordnung: Strategie für einen europäischen Grossraum (Berlin: Akademie Verlag, 1999), 156. An interesting use of the katechon as a concept which helps bring out Schmitt’s understanding of the concrete and contingent in human political affairs is found in: Matthias Lievens, “Singularity and Repetition in Carl Schmitt’s Vision of History,” Journal of the Philosophy of History, 5.1 (2011), 105-29.
concepts of the modern theory of the state are secularized theological concepts”\(^{1641}\) and he treats the *katechon* as working in the same manner, only in reverse. For, after the war, Schmitt renewed his interest in Donoso Cortés and in each entry of the *Glossarium* where he brings up the *katechon* he also chastises Donoso for failing to have taken it into account in his political theory. In the entry for December 19, 1947, Schmitt concludes that Donoso “failed theologically” since “this term [*katechon*] remained unknown to him.”\(^{1642}\) Then in the entry eight days later, for December 27, after plaintively quoting (in part) Ovid’s lament “*Barbarus hic ego sum, quia non intelligor ulli*” (Here I am a foreigner because no one understands me), Schmitt writes: “Poor Donoso, an adequate theological concept for his political theory would have been the *katechon*; instead, he finds himself in the labyrinth of the doctrine of absolute and relative Natural Law.”\(^{1643}\) Finally, Schmitt interprets the *katechon* as a term equivalent to “empire” in 1950’s *The Nomos of the Earth*\(^{1644}\) and believes that the concept allows for a seamless connection and transition between the Roman and then Germanic empires, as well as providing for a worldly “lucid Christian faith in potent historical power.”\(^{1645}\)

The secular purpose to which Schmitt places a theological concept such as the *katechon* after the Second World War reveals a consistency of approach in such matters from as far back as “Visibility” and *Political Form*. It also reveals Schmitt to have taken the side of the Grand Inquisitor as described by Dostoyevsky in his famous literary condemnation of the Catholic Church.\(^{1646}\) Tracy Strong correctly recognizes that Schmitt:

\(^{1641}\) Schmitt, *Political Theology*, 36.
\(^{1642}\) Schmitt, *Glossarium*, 63.
\(^{1643}\) Ibid., 70. Incidentally, this entry also reflects Schmitt’s lifelong and consistent disinterest in—even frequent dismissal of—Catholic natural law theory. He even quotes a long passage from Protestant theologian Ernst Troeltsch which describes Natural Law considered “as a scientific theory” to be “wretchedly confused” (ibid., 69).
\(^{1644}\) Schmitt, *The Nomos of the Earth*, 60.
\(^{1645}\) Ibid.
\(^{1646}\) On Schmitt’s treatment of the myth of the Grand Inquisitor, see: Dahlheimer, *Schmitt und der deutsche Katholizismus*, 103-4. Koenen seems tricked by the *Glossarium* given he points to it as the primary piece of evidence that Catholicism is the “key” to understanding Schmitt’s thought. He is at least correct that given the red herrings to be
notes, as had Hobbes, that there is in Christianity a dangerous tendency to introduce rebellion into the political realm. Hobbes and Hegel in particular try to tame this tendency and make use of it in the political realm, by linking religion to the State. Schmitt’s approval is strong; they are what he calls katechontes . . . ‘those who hold’ back the Apocalypse—thus for Schmitt those who slow down the complete neutralization of what is important about religion for the state.

Strong’s interpretation is the correct one and directly contradicts Heinrich Meier’s esoteric Straussian reading; the latter being an influential updating of the standard narrative that now treats Schmitt as primarily a political theologian. Meier finishes a critique of Schmitt’s interpretation of Hobbes thus:

At another point Schmitt goes so far as to declare: ‘Thomas Hobbes’s most important sentence remains: Jesus is the Christ.’ If a sentence, which is not Thomas Hobbes’s sentence, but rather the core statement of the Gospel, could be regarded as the philosopher of Malmesbury’s most important sentence, then his thought would indeed be wholly confined to the obedience of faith.

Meier is drawing upon the following passage from the Glossarium:

The most important sentence of Hobbes remains: Jesus is the Christ. The power of such a sentence also works even if it is pushed to the margins of a conceptual system of an intellectual structure, even if it is apparently pushed outside the conceptual circle. This deportation is analogous to the domestication of Christ undertaken by Dostoyevsky’s Grand Inquisitor. Hobbes expresses and grounds scientifically what Dostoyevsky’s Grand Inquisitor does: to neutralize the effect of Christ in the social and political sphere; to de-anarchize Christianity, while leaving it at the same time as a kind of legitimizing effect and in any case not to do without it. A clever tactician gives up nothing as long as it is not completely useless. Christianity was not yet spent.

Far from expressing a fundamental belief in revealed religion, let alone Catholicism, Schmitt is pointing to, and agreeing with, the modern project of settling religious (and all social) dispute by means of a unitary and sovereign State. Schmitt, like Hobbes, maintains the classically modern principle of cuius regio, eius religio (whose rule, his religion). A statist principle that he believes is found in that postwar text the “political theologian” or “eschatological” thinker thesis certainly became more common. For example he refers to political scientist Lutz Berthold saying “. . . that behind the brilliant and much-admired jurist Carl Schmitt hides the meandering 20th century Grand inquisitor and crusader whose obsessions have their source in the apocryphal teachings of St. Paul” (Der Fall Carl Schmitt, 16). Lutz continues by making it clear that he sees the rejection of the modern age and its individualism as key and that Schmitt seeks a “radical recourse to the sacred ground of European culture” (ibid.). Berthold thus follows the updated standard narrative in Carl Schmitt und der Staatsnotstandsplan am Ende der Weimarer Republik (Berlin: Duncker & Humblot, 1999). As does Motschenbacher in: Katechon oder Groβinquisitor?.


169 Ibid., 121.

necessary to turn an intrinsically anarchistic faith, Christianity, into a civic religion which helps secure the State’s authority by teaching the citizen to obey. Meier thus completely misconstrues Schmitt’s (and incidentally Hobbes\(^{1652}\)) meaning, which is a utilitarian and instrumentalist appropriation of Christianity as a prop to the State.

A final *Glossarium* passage worth examining, that is the one most frequently cited as proof of Schmitt’s lifelong Catholicity and fundamentally religious outlook, is the following statement he makes in a letter to a close acquaintance, law professor Helmut Rumpf (dates unavailable):

> For me the Catholic faith is the religion of my fathers. I am a Catholic not only by confession but also historical origin, if I may say so, by race.\(^{1653}\)

Despite this quotation being routinely employed as proof of Schmitt’s lifelong Catholic *bona fides*\(^ {1655}\) it actually is much closer to proving the exact opposite. First, to claim one is “racially” Catholic is on the face of it absurd. Even if one logically takes the claim as hyperbole meant to

\(^{1652}\) See: Karsten Fischer, “Hobbes, Schmitt, and the Paradox of Religious Liberality,” in *Thomas Hobbes and Carl Schmitt: The Politics of Order and Myth*, ed. Johan Tralau (New York: Routledge, 2011), 141-58. Fischer follows Meier and is defending a liberal Hobbes who prioritizes conscience and free thought as beyond the reach of the sovereign, however, he does point out to Meier that “the minimal confession of faith demanded by Hobbes *does* constitute a core part of his political theory, but it serves a critical function vis-à-vis religion, instrumentalizing Christianity’s central article of faith to prevent civil unrest . . .” (ibid., 150). Hollerich, following Nichtweiss, also concurs: “But Schmitt appeared to endorse the *Leviathan*’s lament over the ‘typically Judeo-Christian splitting of the original political unity’ (Schmitt 1996b: 11)—a splitting that Peterson himself thought was rooted in the very words of Jesus (Nichtweiss 1992: 735n118). What Schmitt said of Hobbes in the *Glossarium* appears to apply to himself as well: Hobbes’s displacement of Christianity into marginal domains was accomplished with the intent of ‘rendering harmless the effect of Christ in the social and political sphere; of de-anarchizing Christianity, while leaving it in the background a certain legitimating function’ (Nichtweiss 1994: 46)” (“Carl Schmitt,” 118-19). Finally in Hobbes’s *Leviathan* one can find in Chapter 30 his blasphemous political theological use of the Ten Commandments to prop the sovereign as Mortal God and the entirety of Chapter 33 is on Religion and Law.

\(^{1653}\) Letter to Helmut Rumpf of May 23, 1948 in: Schmitt, *Glossarium*, 131. Rumpf went on to later write a strong study of Schmitt’s fundamental Hobbesianism, *Carl Schmitt und Thomas Hobbes: Ideelle beziehungen und aktuelle Bedeutung mit einer Abhandlung über: Die Frühschriften Carl Schmitts* (Berlin: Duncker & Humblot, 1972); as well as a more apologetic defense of Schmitt around the fact that the bulk of the jurist’s scholarly contributions were made prior to his Nazi collaboration, “Carl Schmitt und der Faschismus,” *Der Staat*, 17.2 (1978), 233-43.

\(^{1655}\) Many commentators utilize this line as proof of Schmitt’s Catholicity, including: Meier in both *Carl Schmitt and Leo Strauss* and *The Lesson of Carl Schmitt*; Lilla, *The Reckless Mind*; Palaver, “Carl Schmitt’s ‘Apocalyptic’ Resistance”; Villinger ed., *Verortung des Politischen*; Faber, “Carl Schmitt, der Römer”; and Hollerich, who writes that the *Glossarium* “contained abundant evidence that [Schmitt] thought of himself explicitly as a Catholic” and cites this line in “Carl Schmitt” (110). Hollerich has also acknowledged that he finds Meier’s thesis that Schmitt was a Christian “political theologian” convincing in an online review of Paul W. Kahn’s book *Political Theology: Four New Chapters on the Concept of Sovereignty* at the blogsite *Political Theology Today*. His review is titled “Taking Exception: Paul Kahn Rocks the Liberal Boat and was accessed as recently as March 7, 2014 at: http://www.politicaltheology.com/blog/taking-exception-paul-kahn-rocks-the-liberal-boat/.
emphasize his personal identification with Catholicism “by confession” then consideration of Schmitt’s lifelong racial anti-Semitism and Nazi collaboration still causes such an odd claim to drift towards the grotesque. And when one reads the above quote in its complete context it becomes even more bizarre.

The context of this quotation is a letter of reply of May 23, 1948, to one sent by Rumpf on February 23 of that year. Schmitt begins by saying that he “will quite frankly tell [Rumpf] why” it has taken him three months to respond. The problem, Schmitt begins, is “it is not acceptable to refrain from” acknowledging, or only “tacitly not[ing],” that Rumpf’s letter informed the jurist of his recent conversion to Catholicism. Yet, “it is also not easy,” for Schmitt, “to say anything of merit” in response. He then writes the famous lines above that “the Catholic faith is the religion of my fathers” which he considers a historical and racial fact of his being. Next, Schmitt notes that he has had a number of friends and acquaintances who converted from Theodor Haecker in 1916 to recent internment “camp-comrades” of 1946, and that: “Besides, often I felt (especially if I had contributed through no will of my own to the practical result) like a brother who again loses a friend as bridegroom to his sister.” As a result Schmitt finds it impossible to make anything other than “private remarks” on the “conversion process.” He then asks rhetorically whether he should use “a conventional familiar phrase of congratulations” in Rumpf’s case. That is, Schmitt explicitly writes as a question to ponder whether he should congratulate Rumpf but he does not actually do so. Instead, he shifts to comments based on their both being lawyers.

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165 Ibid.
166 Ibid.
167 Ibid.
168 See note 735 above on Schmitt’s insipid claims to have been the cause of Haecker’s conversion.
170 Ibid.
171 Ibid., 132.
First, Schmitt says that it would not be appropriate for him to “try to construct the case” and thus “interfere in the incomprehensibility of such a mysterious and individual” process. Then he offers some unsolicited advice by prerogative of his being much older than Rumpf and in the same profession of “the science of public law.” He tells the younger jurist: “You have now become a Catholic, but not a theologian. As far as I can see, you are a lawyer. . . . As lawyers we now stand between the grueling, and possibly even negating, alternatives of theology and technology.” Schmitt next points out to Rumpf that the “key figure in the intellectual history of the last century” was a Protestant, “the great legal scholar Rudolf Sohm.” But as he suspects Rumpf will not be inclined to study Sohm in order to manage the “specific task” of the lawyer “scientifically” and “consciously,” Schmitt suggests that Rumpf favor the work of Maurice Hauriou in dealing with the “question of legality and legitimacy” rather than return to “neoscholastic formulas of earlier centuries” or “traditional commonplaces of natural law.” For a sincerely believing Catholic such a convoluted response to news of a friend or acquaintance’s conversion to the faith would be passing strange at best; coming from Schmitt it reinforces the thesis of this study that he in fact lacked anything more significant than a “cultural” and genealogical sense of being Catholic.

Schmitt’s postwar diaries and interviews generally lack self-reflections, which correspond adequately with his Wilhelmine and Weimar era published and unpublished writings. The closest to sincerity of such comments is likely his claim to have been engaged in a “struggle for an authentically Catholic intensification.” As I intended to demonstrate above, Schmitt’s project

1661 Ibid.
1662 Ibid.
1663 Ibid.
1664 Compare to Erik Peterson’s conversion in 1930. When he wrote to Schmitt to inform him of his conversion to Catholicism, Schmitt noted on December 20: “Not a pleasant impression, still deeply moved; my Catholicism awakened” (Mehring, Aufstieg und Fall, 255).
was not authentically Catholic, but was rather, and only in part, an effort to convince the authentically politically Catholic intellectuals of Weimar of the necessity to intensify, or radicalize, their authoritarian political inclinations. Schmitt sought to resuscitate an understanding of the absolute power and sovereignty of the state of which German political Catholicism had been consistently and strongly critical. Far from embodying a conservative or traditionalist stance, Schmitt’s brand of Hobbesianism was a radical modernist and even revolutionary form of authoritarian thought in Weimar Germany.

In *Political Form*, Schmitt focused attention on the resolution of opposites, contradictions, or conflicts and suggested that myth is an essential ingredient in such a process. He consistently accused contemporary liberal parliamentarism, as exemplified by the Weimar Republic, of failing in this fundamental task of resolving—from above of course—social heterogeneity or pluralism. Contemporary parliamentarism fails to provide a means for the state to be effective in its wielding of authority over society. This problem of effecting social homogeneity and political unity is a prominent concern of Schmitt’s writings of the twenties, but especially *Parliamentarism*. Since it was published in the same year as *Political Form*, it is not surprising that we would recognize the same themes in both works.

The problem of heterogeneity, as discussed in *Political Form*, is to be resolved by the realization of representation in the State. Schmitt touches upon myth as a means of achieving representation in this book, but expands upon it even more so in *Parliamentarism* in considering Sorel and then Italian fascism. He had already examined Sorel in 1921’s *Dictatorship*,

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Koenen actually credits *Dictatorship* with provoking a Sorel renaissance in the German language literature. See: Koenen, *Der Fall Carl Schmitt*, 183.
proving to be such in Italy. Fascination with Sorel is a continuous aspect of Schmitt’s Weimar thought and indicative of its radical bent. In 1932, Paul Adams forwarded to Schmitt a manuscript penned by the political scientist, Michael Freund (1902-72), titled *Georges Sorel: The Revolutionary Conservatism*. Later, once Schmitt received the published version in August of 1933, he wrote Freund to express his gratitude for this introduction to Sorel and to assure him that he would do his “utmost to make [it] known.”

Social heterogeneity, in the context of modern liberal parliamentarism and its neutralizations, resulted in the decay of the absolute State, because it allowed what Schmitt believed in earlier times had been pre-political to become a matter of political technique, or at least interminable debate. The result was a “totalization” of the State, distinct from an absolutization of the State by dint of indicating, not the State’s power over society, but its fracturing in the face of multiplying responsibilities demanded by factions within society. These factions are exactly what Catholic thought had always identified as corporate wholes, and what Bellarmine described (and Hobbes attacked) as “indirect powers”: labor and other economic groupings; churches; civil, social, and cultural organizations; etc. Schmitt indubitably accepted the modern flattening of social parts and wholes, a characteristic difference from the pre-modern or classical and traditional philosophy. Hollerich explains well Schmitt’s transition in thought from a critic of the total state to proponent of the totalitarian one:

> In Schmitt’s eyes such a [total] state was more likely to become too weak rather than too strong, since it risked overextending itself and becoming dissolved by democratic passions. He originally opposed the National Socialists precisely because he feared that they would cannibalize the state, and his Nazi-era writings, such as *Staat, Bewegung, Volk* (‘State, Movement, People’) had to turn somersaults to accommodate Nazi populist dynamism. Central to his compromise was the doctrine, enunciated in 1933, that a total state in this weak sense ought to give way to a total state of a strong type, which could exploit modern means of mass communication and enthusiastic mass movements to impose, top-down, the requisite order—in short, fascism.”

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1667 Ibid., 182-3.
1668 In agreement see: Hollerich, “Carl Schmitt,” 116.
1669 Ibid., 117. A number of commentators agree that, as Kam Shapiro phrased it: “Schmitt’s jurisprudence [is] logically consistent with fascism” (Shapiro, *Intensification of Politics*, 8). Most prominent in the English language literature are:
Hollerich’s description of the effort needed for Schmitt to accommodate Nazi populism is accurate; however, it is also the case that he did truly commit himself to proposing ways in which the Third Reich could achieve stability and therefore longevity, perhaps better to last its anticipated thousand years.

This last mentioned aspect of Schmitt’s Nazi years seems to be overlooked by political scientists interested in his insistence on the importance of formal or institutional controls within the architecture of the State. It is a long-standing principle of conservative thought, and as David Bates notices, it “belies” Schmitt’s “reputation as a ‘decisionist’” when it appears in the jurist’s Nazi era works such as 1934’s *On the Three Types of Juristic Thought*. The conservative pedigree of these principals espoused by Schmitt notwithstanding, he is putting them to the purpose of securing and defending the Nazi State. Bates also ties Schmitt’s Nazi period emphasis on institutionalism to his earlier interest in the form of the Catholic Church and in so doing constructs a clever version of the standard narrative. One that exemplifies how emphasis on Schmitt’s supposed Catholicity of political thought can serve an apologetic purpose. For example, while Bates helpfully notes “[t]hat the Nazi Führerstaat never lived up to his expectations does not mean that Schmitt was never really a Nazi,” he then hedges by claiming “[h]owever, Schmitt’s longstanding institutional approach to the state, derived from a political theology inspired by the model of the Church, does affirm a consistent critical distance from the Third Reich.”

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1670 Bates, “Political Theology and the Nazi State,” 420.


1672 Bates, “Political Theology and the Nazi State,” 441.

1673 Ibid., 442.

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it? Was Schmitt a cool and critical observer of the Nazi regime or was he really a committed Nazi?

As Schmitt wrote in the introduction to the second edition of Political Theology, which appeared right after Hitler came to power:

We have come to recognize that the political is the total, and as a result we know that any decision about whether something is un-political is always a political decision, regardless of who decides and what reasons are advanced. This also holds for the question whether a particular theology is a political or an un-political theology.  

Schmitt had spent the Weimar years uncommitted to, and skeptical of, German political Catholicism. He traversed these years much like a character in a Godot play, waiting for either the restoration of the absolute State of early political modernity or for the next effective political form replacing the State. There are certainly indications throughout Schmitt’s Weimar writings that he thought he had found it in fascism and the power of a nationalist myth. His efforts on behalf of the Nazi regime can be taken as indication that he hoped it might coalesce and settle into just such a State. Therefore, I agree—for the most part—with Jan-Werner Müller’s characterization of Schmitt’s post-1933 efforts:

This desire to shape a political situation by distilling it into a conceptual scheme [or, as the German idiom has it, auf den Begriff bringen] was most obvious in Schmitt’s fashioning of a legal vocabulary centred on ‘concrete order thinking’ [konkretes Ordnungsdenken] for the Nazis after 1933. In this endeavour, Schmitt sought to capture concepts with positive connotations such as Verfassung and Rechtsstaat for Nazi ideology, and draw distinctions between these concepts and others such as Verfassungsgesetz which were supposedly ‘contaminated’ with the legacies of liberal thought. His self-conscious construction of an ideological legitimation for the rulers was even more obvious in Schmitt’s elaboration of the international law doctrine of ‘great spaces’ [Großräume] at the end of the 1930s, which was to underpin the Nazi conquest of Eastern Europe. Here Schmitt openly made the quasi-Nietzschean claim that history’s victors impose their concepts, and that ‘is a sign of real political power, when a great people determines the way of talking and even the way of thinking of other peoples, the vocabulary, the terminology and the concepts.’ In short, ‘Caesar dominus et supra grammaticam,’ [Caesar also reigns over the grammar] as Schmitt liked to point out.  

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101 Political Theology (2nd edition), 2.
Consequently, Raphael Gross properly argues that his work “cannot be reduced to Roman Catholic theology given a political turn. Rather, Schmitt should be understood as carrying an atheistic political-theological tradition to an extreme.”

The evidence for Schmitt’s interest in and adherence to political Catholicism, or general intellectual Catholicity, has never really advanced past the impression made by his former protégé Waldemar Gurian from exile in Switzerland in 1935. Gurian suggested that Schmitt’s Nazi contemporaries were forgetful, or they would recall that in 1925 Schmitt was still an invited speaker for meetings of the Center, and he references the jurist’s publication in a Rhenish Center Party brochure, namely, “Die Rheinlande als Objekt internationaler Politik.” The standard narrative has likewise taken Schmitt as especially Catholic in the first half of Weimar. However, the fact that Himmler’s paranoid SS denounced Schmitt, in 1936, as an “opportunist Catholic rooted in a Hegelian concept of the state,” and ejected him from the Party is not dispositive proof of the charges’ accuracy. Indeed, Schmitt’s protests to the contrary should now seem sincere if the argument developed in this study is persuasive.

Rather than an early Catholic thinker who becomes increasingly secular-minded and alienated from the Church over the course of Weimar, Schmitt’s diaries from the Teens reveal that he had already abandoned the faith of his youth for his own irenic concoction, part early Gnosticism and part Kierkegaardian affectation of existentially alienated spirituality mixed with aesthetic and sexual bohemianism. Then his experiences of the threat of social revolution in Munich at the end of the First World War catalyzed his movement away from any vestige of a normatively Catholic turn of mind towards political existentialism in the service of State absolutism.

Thus, I contend that an overriding concern for Germany’s national integrity and social stability

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1676 Gross, Carl Schmitt and the Jews, 97.
1677 See: Müller, [alias Gurian], “1934/35: Entscheidung und Ordnung,” 567.
guaranteed by an absolute State appears much earlier in his work than the standard narrative would suggest, and that is the source for his later secular, non-normative decisionism.

As has been shown, beyond the publicizing efforts of a few young friends and admirers of Schmitt, the jurist was more likely to be criticized by his Catholic contemporaries, that is, when they were not ignoring him. What positive interest Schmitt received was primarily a reaction to *Political Form* and to a lesser extent *Political Romanticism*, and mostly occurred between 1923 and 1926. The Catholic philosopher and younger contemporary of Schmitt’s, Josef Pieper, provides some of the most astute remarks on Schmitt. Pieper readily acknowledges after first meeting Schmitt he “immediately understood the fascination, for good and evil, that must have radiated from this academic teacher.”\(^{1679}\) However, he also pointed out that “to attack his polished theses one needed considerable courage in facing banality”\(^{1680}\) and, in part due to Schmitt’s cynicism, the philosopher found that their: “... discussions never banished the uneasy feeling that what was interesting was given priority over what was true. I recalled the old dictum that the truth that nourishes and the brilliance of formulations seem to be incompatible.”\(^{1681}\)

Finally, Pieper recollects an anecdote that, while not about Schmitt, could easily be applied to his case. When he was a student of law, Pieper once had a professor who began a course in 1927 on “General Criminal Law” by providing the definition “A crime is that which is punished.”\(^{1682}\) He goes on to say that the professor was removed from his position six years later and the rumor was that he had bravely resisted the Nazi takeover. Pieper thus concludes, “perhaps, in the end, he may have realized that this despotism was only putting into political practice the positivistic doctrine he himself had been proposing for decades from the professorial

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\(^{1679}\) Pieper, *No One Could Have Known*, 175.

\(^{1680}\) Ibid., 175.

\(^{1681}\) Ibid., 176.

\(^{1682}\) Ibid., 69.
The same could readily be applied to Schmitt with his consistent emphasis on the unchecked absolute sovereign who is not even hemmed in from above. And what should we make of this sovereign?

Schmitt was most at home intellectually with the early formative thinkers of political modernity, Machiavelli, Hobbes, and Bodin. The very basic pillar of his lifelong political mythology was located in his forebears’ secularization of an early modern Protestant conception of a voluntarist deity into the absolute and unified sovereign State. Schmitt had himself conjured up Goethe’s image of a “Sorcerer’s Apprentice” in criticism of Hobbes’s mythical concept of the *Leviathan*, which would eventually become a mechanical and lifeless entity. Günter Meuter insists “Schmitt sees himself not as a Gentile, but as a Catholic Christian so he has written a political mythology, but also a political theology.” Whether Schmitt had anything like a sincere post-war de-radicalization through a refound religiosity is an open question. However, it is certainly the case that his purported Catholicity was not demonstrated in his own acceptance of the early modern mythical State. Schmitt sought new ways to repackage and sell the myth of this temporal political deity unheeding of his own advice about the danger of such myths to those who think they can conjure them up.

Schmitt was a reserved or even cagey thinker as regards exposing his lack of intellectual commitments to, and actual disinterest in, Catholicism. This was in part a conservative *habitus* on his part as well as reflected his cynical attempts to not discard completely anything of use. He seems to evince a residual cultural interest or even aesthetic admiration for the faith of his fathers. But when Schmitt developed his political ecclesiology in *Political Form*, the result was what philosopher Nikolaus Lobkowicz identifies as an “understanding of the Church literally ‘outside’:

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1683 Ibid.
1685 Meuter, *Der Katechon*, 319.
an image of Catholicism which could just as well be one from those who did not share the faith and piety of Catholics.” 1686 Such an approach coincides well with that of Charles Maurras and that is the closest it came to an authentic form of political Catholicism. Thus Lobkowicz forthrightly suggests that: “One may wonder whether Schmitt is a Catholic thinker at all.” 1687

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