The Limits of the Political: Transcendent Passions and Carl Schmitt's Failure in Providing a Theory of Political Stability[*]

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Summary

Carl Schmitt's theorizing has been dominated by attempts to secure the state as a bulwark against looming socio-political disintegrations. This paper articulates some important insights as well as limitations of Schmitt's arguments. The basic assumption of this paper is that political stability requires not just bare peace but peace with a transcendent quality. I take two opposing solutions that Schmitt has offered in regard to achieving ultimate political stability – one neglected in comparison with the other. First, Schmitt proposed the political idea of Catholicism imagined as a transcendent anchor against social fragmentation along with its entailed critique of economic rationalism. Later on, during the 1930s, he abandoned this transcendent grounding for the concept of the political together with the protection-obedience axiom. In this paper I seek to explore the fallacy and limitations of this turn, supplementing my analysis by using the case of Antigone as a paradigm of the fragility of a political order that disregarded the problem of the transcendent, and by drawing on Hobbes as Schmitt's alleged theoretical model. I suggest that Schmitt failed both in providing a blueprint for political stability, by not taking, unlike Hobbes, transcendent passions seriously enough, as well as in replicating the Hobbesian model for political order, and thus ending up in the totalitarian theoretical framework.

Keywords: political stability, transcendent, political, protection-obedience, Schmitt, Antigone, Hobbes

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Introduction

Often, political conflicts, disorders and wars among or between groups of people have a transcendent origin, where the transcendent is comprehended as a non-human foundation for our beliefs. It means that these political conflicts are fueled with narratives whose realm lies over or beyond the sensuous, or to use a Heideggerian term, this is the realm of "*un*sensuous" because it cannot be "accessible through the senses" (Heidegger, 1995: 45), or "concerning the nature of powers invisible" as Hobbes would say (Hobbes, 1998: 75). However, the idea that politics could be explained as the conflict of interests alone, the conflict we can overcome through the rational discussion, represents a dogma of rationalist politics which is mostly shared among the liberals, multinational capitalists, or within secularized bourgeoisie. While conflicts of interests may be solved through negotiations and compromises, what lurks behind these transcendent narratives has to do with something beyond political conflicts for redistribution or extraction. However, if the conflicts backed up with powerful transcendent motivations stay unresolved or deliberately neglected, they will likely tear apart the whole social fabric, lead to factions and political disintegration. Bare peace is not enough for political stability, but rather peace with a transcendent quality. What does this transcendent quality mean? It means that peace and political order cannot be sustained in the long run if not appearing meaningful to those for whom they are framed. We should take seriously all transcendent motivations, while at the same time these motivations can be also understood in a broader sense, not necessarily linked to the religious domain. In other words, having a metaphysical conception of the good is not decisive. We can sacrifice our lives for loved ones, for our neighbors, or even strangers, or for any idea or narrative whose content is not necessarily or directly political but transcends the realm of political life. Simply, if these transcendent motivations or passions are involved we will likely transcend or override self-preservation.[1]

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[1] My argument is similar to the one S.A. Lloyd introduces in her *Ideals as Interests in Hobbes's Leviathan*. Lloyd uses the term "transcendent interests" to describe those interests when "an individual affords priority over any of his narrowly prudential interests, including his interest in securing his physical survival" (Lloyd, 1992: 52). She highlights: "In fact, people may, and often do, consciously pursue their religious and moral interests at the expense not only of their material well-being, but even of their self-preservation" (Lloyd, 1992: 100). However, it seems problematic to link the term "interest" with the notion of "transcendent" because an interest is likely something that belongs to the sphere of immanence. I would suggest using the term "transcendent passions" instead. Since Lloyd's argument relies on Hobbes's political project, it should be reminded that Hobbes uses "passion" (or appetite or desire) not "interests" to describe the causes of voluntary motions without the rational element involved. These passions, that we might call the passions of conviction as well, have conflicting propensity as they appear within the realm

The aim of this paper is to address the problem of the transcendent by focusing on particular arguments provided by German jurist Carl Schmitt. There are at least three reasons why I have chosen to look at the work of Schmitt to discuss this problem. First, Schmitt provided one of the best valorizations of the problem of order and disorder in contemporary political thought; of the obligations and limitations of both the sovereign and the individual, as well as of the crisis of the modern state in general. To provide a solution Schmitt was flirting with the transcendent as well as with the political foundation of peace. Second, for the purposes of his project, Schmitt relied on Hobbesian theorizing, thus seeing in Hobbes's theory of the state a paramount of political stability and peace. Hence, one of the purposes of this essay will be to explore Schmitt's reconstruction of Hobbes's argument, or rather to emphasize the ambiguities of his affiliation with Hobbes. And third, Schmitt never properly addressed the notion of the transcendent in its potentiality. Neither Schmitt's political idea of Catholicism, nor his protection-obedience axiom along with the concept of the political, would be able to tame transcendent passions. Unlike Schmitt, Hobbes understood the transcendent and its power in a more sophisticated way than Schmitt has ever desired to. His flaw was in imagining that transcendent articulations of politics could be effectively controlled by the sovereign's ability to overpower the transcendent social core with the threat of coercion and destruction of the body. However, one of his best arguments was a realization that theological and mythological aspects of politics cannot be disregarded from political thinking. But in a nutshell, Schmitt was predominantly an ideologist of the strong state, unlike Hobbes, who was its theorist. As the case of *Antigone* is a paramount case of the problem of the transcendent whose intensification led to the disruption of political order, tragic conflict, and complete social disintegration, the first part of the paper starts with this story. Part II shows Schmitt's recognition of the role of the transcendent in politics – he suggested the immanent logic of economic rationalism cannot provide for deeper meaning of life, while at the same time he believed that political stability needs a certain transcendent anchor that can be found within the idea and institution of the Roman Catholic Church. Part III deals with Schmitt's shift from this argument toward his concept of the political, while part IV explicates on Schmitt's usages of Hobbes's ideas, the protection-obedience axiom in particular. In conclusion I will sum up the argument and show why Schmitt betrayed Hobbes's model and failed in providing a theory of political stability.

of interpersonal relations determined by the language as the framework of conflicts for meaning. For the role of passions and language in Hobbes, see also Zarka, 1999.

I

In Sophocles's tragedy *Antigone* the state demands obedience, but it is unable to cope with and address the problems led by transcendent passions. Antigone was commanded to put her private assessments and actions regarding transcendent duty secondary to communal goals. She is commanded to be obedient for the sake of political order. But her transcendent passions drove her to confront the laws of the city. Finally, the political order collapsed in the vortex of tragic events.

During the civil war both of Antigone's brothers have been killed. One of her brothers raised an army against his own city-state (claiming for the throne). After his death the question appears – necessarily political and theological: should a political community allow traitors or rebels to be properly buried? A political decision is likely divisive since, if the war has been raging within the state, it probably means that the conflicting parties have opposing attitudes toward their heroes. But answering this dilemma is more dramatic when approached from the theological viewpoint: what happens with the soul if the body is not buried, namely if it means eternal unrest according to the standards of a particular moral universe. So, what choice is to be made? Transcendent domain imposes an existential demand – a proper burial – while the regime denies a burial for someone labeled as a traitor. Antigone is threatened by the death penalty if she disobeys King Creon's law which forbids the burial of traitors.[2] Thus, we have the element of fear of death on the one hand, as well as the element of fear for not fulfilling the duty which transcends the frontiers of political ordering. The latter appears as more important and non-displaceable. In this situation, even though Creon's political order provides hope that the lives of its subjects will be protected if they obey the laws of the city, there is no hope for a meaningful life if the positive laws undermine transcendent hopes. The only meaningful political ordering in Antigone's understanding should not disregard the 'law of tradition' which asks for a decent burial of a person.[3]

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[2] For instance, Simon Goldhill argues: "For Antigone, it is as if Creon and the law he has passed are to be disobeyed because the treatment of a traitor and enemy is at odds with the divine law concerning the family" (Goldhill, 1986: 97).

[3] According to the customs, women in general, but Antigone as the oldest daughter, had the responsibility to bury a body, however not alone. But confronted with no help she felt the obligation to do everything in her power not to leave her brother's soul eternally doomed. Hame writes: "Without access to the bodies, the women cannot conduct the elements of funeral ritual that are traditionally expected of them. With regard to Polyneikes, Antigone and Ismene, female relatives of the dead, are in a difficult position because it seems that in order for him to receive a funeral they must initiate and conduct it, contrary to the expected roles of women in Greek death ritual. Ironically, the nearest male relative who is customarily responsible for Polyneikes' funeral rites

Aside from Creon's hope that order will prevail due to his reliance on fear of punishment for disobedience, there are two distinctive concepts of hope and fear articulated by the subjects themselves – legal and transcendent. The first one, expressed by Ismene, Antigone's sister, does not question the law. Obedience understood as a legal quality is followed either out of personal fear and desire for earthly existence, or out of conviction that the authority or perhaps *potestas* of the sovereign always overrides any, including transcendent, convictions. This is why Ismene beseeches Antigone to become aware "how miserable our end shall be if in the teeth of law we shall transgress against the sovereign's decree and power" (Sophocles, 1991: 163). The second, defended by Antigone, argues from the transcendent perspective. It questions and defies a type of political order unable to embody and address those hopes and fears driven by moral duties and convictions that can hardly be rationalized, but rather derived from the transcendent domain. Antigone argues that our earthly existence becomes irrelevant if life becomes meaningless. Hence, acting out of her moral duty and deep religious convictions, she is ready to transcend the civil law. This act adds a new dimension to the social conflict. She proclaims: "I shall be a criminal – but a religious one. The time in which I must please those that are dead is longer than I must please those of this world. For there I shall lie forever. You, if you like, can cast dishonor on what the gods have honored." And Ismene answers: "I will not put dishonor on them, but to act in defiance of the citizenry, my nature does not give me means for that" (Sophocles, 1991: 163). Taken together, a threat from the transcendent, both in the sense of punishment as well as in the sense of fear of losing someone's meaning of life, is much more destructive in the long run by comparison to the legal punishments exercisable over the body alone.

Antigone's transcendent passion trumps not just all other political, but also every personal, attachment. The lack of hope concerning meaningful life thus caves all fear of political authority whatsoever. However, her disobedience unleashes a cycle of tragic events, including her own death, and more importantly, it leads toward the disintegration of the political community as such. The lesson from Sophocles's *Antigone* shows that the political order is permanently caught in the perplexities of the transcendent. Antigone's choice is not the choice regarding kinship as such, as Judith Butler recognizes in her critique of Hegel's interpretation of the story: "Antigone refuses to obey any law that refuses public recognition of her loss" thus asking "what sustaining web of relations makes our lives possible...", or what makes the conditions of livability (Butler, 2000: 24). Hence, Antigone's choice is motivated by transcendent passions and should be understood both as an example, and a formula: an example of the impossibility for the private/public divide when

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and expected to see to their completion is Creon, the author of the edict that prevents Polyneikes' funeral" (Hame, 2008: 8).

the meaning of life is at stake; and a formula for political disorder out of the transcendent motivations, since if there is no hope, there is no fear.

II

In *Politics as a Vocation*, Max Weber highlighted: "in reality, obedience is determined by highly robust motives of fear and hope – fear of the vengeance of magical powers or of the power-holder, hope for reward in this world or in the beyond" (Weber, 1958: 79). The modern state has been carved out around the terrestrial dimension of hope and fear. It has to do with the idea of securing our bodily existence from the arbitrariness of human-to-human violence. For Carl Schmitt, as an intellectual and a witness of the Weimar chaos, it meant a politico-philosophical journey back to Hobbes, to a forefather of sovereign power. The cravings for the Hobbesian anchor might be explained as Schmitt's inner intellectual struggle to address the political deficit of order where the problem of political instability appears as a cornerstone of his theorizing.

During the early 1920s, Schmitt realized that the problem of political instability cannot be solved within a legal or constitutional framework alone. Even though the constitution granted the president more than enough power,[4] the Weimar order was haunted by deep political and moral cleavages. Unsettled accounts driven by different moral and political ideas on justice had created an atmosphere of insecurity with violent uprisings and commotion, thus closely resembling the Hobbesian state of nature. Moreover, the European continent was in flames – the socialists, the nationalists, the anarchists, the political romantics and the liberals were all fighting bitterly over their doctrines. These political eschatologists have shown how the political realm is permanently and unavoidably infested with deeply embedded ideological claims beyond pure interests. In these circumstances Schmitt decided not necessarily to bet on a strong sovereign power and its capability of providing peace with a coercive proviso. He was flirting with the transcendent anchor of political stability.

In Schmitt's writings we can find at least three different understanding of the transcendent and its role in politics. First, in *Political Theology* he claims that the modern idea of the state dwells in "secularized theological concepts", basically that the modern state divinized its institutions by using theological (Christian) concepts

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[4] Article 48, paragraph 2, of the Weimar constitution gave the power to the president to decide about the state of emergency, basically the power to abrogate the existing legal order if necessary. Schmitt was arguing that even though the emergency provision "grants unlimited power", it cannot be easily exercised since it is always checked. This condition, for Schmitt as a jurist, was untenable. To get rid of this conundrum he declared: "Either sovereign dictatorship or constitution; the one excludes the other" (Balakrishnan, 2000: 41).

as a blueprint (Schmitt, 2005: 36). The state is a secularized version of transcendent representations and thus it acts in the same way as the subjects and objects from the transcendent domain. Second, in *The Concept of the Political* certain transcendent motivations are the mask for the notion of the political. Schmitt claims: "the fact that religious, moral, and other antitheses can intensify to political ones and can bring about the decisive friend-or-enemy constellation" means that "the relevant antithesis is no longer purely religious, moral, or economic, but political. ... A religious community which wages wars against members of other religious communities or engages in other wars is already more than a religious community; it is a political entity" (Schmitt, 1996b: 36-37). Finally, the third notion of the transcendent is discussed in *Roman Catholicism*, where Schmitt uses the political idea of Catholicism to criticize the logic of economic rationalism as the predominant power of modernity. In opposition to this logic he revived the Roman-Catholic myth, "whose focus of interest is the normative guidance of human life", against "a relativistic" bourgeois worldview and its "naïve mechanistic and mathematical mythology" of modernity (Schmitt, 1996a: 17).

Schmitt argued that dangerous social divisions characteristic of the modern state, whose manifestations he saw in Germany and all over the continent, can be overpowered with the help of a power beyond the law. In other words, his argument was based on the idea that a political structure cannot be stable without a certain transcendent anchor. Its embodiment, according to Schmitt's argument, can be found in the institution of the Roman Catholic Church "as an historical complex and administrative apparatus [that] has perpetuated the universalism of the Roman Empire ... [having] a specific, formal superiority over the matter of human life such as no other imperium has ever known" (Schmitt, 1996a: 5, 8).

Schmitt's political idea of Catholicism addresses three political problems of modernity: 1) it is an answer to the inefficiency of certain constitutional design where the threat by the sovereign of physical violence has not been convincing such as in the cases of different social groups fighting to impose their political/doctrinal agenda causing political instability; hence 2) it is an anti-relativistic antidote for the fragmentation of the modern state which appeals to so-called universal standards; and 3) it is a model for empire-like political organization capable of implementing certain political mythology for the purposes of transcending devastating socio-political fragmentations.

Schmitt's argument is a response to the Weberian view of the Protestant ethic that emphasizes economic rationality. For Schmitt, it is not only that economic rationalism embodied in the Protestant spirit does not address the meaning of life, but it makes this meaning more hollow. Thus, the political idea of Catholicism and economic rationalism exclude each other. For Schmitt, Catholicism grasps into the

transcendent domain and thus serves as social glue, while economic rationalism fragments the social fiber by focusing solely on material reality and its logic of acquisition. The whole relationship between these two worldviews can be explained, according to Schmitt, through the relationship toward the "soil". Schmitt noted that although "Irish, Poles, Italians, Croats" as Catholic emigrants left their soil as a result of poverty, "they never lose the longing for their homeland" (Schmitt, 1996a: 10). This is not the case with the Protestant:

> He is capable of living on any soil. But it would be wrong to say he finds roots on every soil. He can build his industry far and wide, make all soil the servant of his skilled labor and 'inner-worldly asceticism', and in the end have a comfortable home; all this because he makes himself master of nature and harnesses it to his will. His type of domination remains inaccessible to the Roman Catholic concept of nature. Roman Catholic peoples appear to love the soil, mother earth. ... (Schmitt, 1996a: 10).

The argument seems interesting in the broader context of Schmitt's later work as well. In his geopolitical essay *Land und Meer* (1942), but also in *The Nomos of the Earth* (1950), Schmitt makes a difference between land and sea powers. The enclosure of the soil represents a bulwark against the rootlessness of the sea which symbolizes the fragmentation of the political body. In that context, we may understand Schmitt's argument that distinguishes two types of empires – one definite with a transcendent anchor, and one indefinite with no anchor but endless restlessness, and expansion. While the first type embodies the political idea of Catholicism, the second is driven by economic rationalism: "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" (Schmitt, 1996a: 13). Schmitt's critique of economic rationalism, thus, represents a critique of modernity, of an account of reality where only efficiency within a material or technical world matters. He explicates:

> In modern economy, a completely irrational consumption conforms to a totally rationalized production. A marvelous rational mechanism serves one or another demand, always with the same earnestness and precision, be it for a silk blouse or poison gas or anything whatsoever. Economic rationalism has accustomed itself to deal only with certain needs and to acknowledge only those it can "satisfy". In the modern metropolis, it has erected an edifice wherein everything runs strictly according to plan – everything is calculable. A devout Catholic, precisely following his own rationality, might well be horrified by this system of irresistible materiality (Schmitt, 1996a: 14-15).

Accordingly, "a devout Catholic" not only perceives this economic rationalism as highly repugnant to his own moral convictions, but more importantly, it threatens

his meaningful existence. Yet, in Schmitt's argument the problem of the transcendent is not articulated that way. The Roman Catholic Church serves only as a model of the *civitas humana*. In other words, Schmitt turns the problem of the transcendent into the problem of representation. His objective is to reaffirm the idea of representation since it, according to his view, has been devalued, especially by Hans Kelsen, who restricted it to the representation of interests.[5] In that respect Schmitt's political idea of Catholicism is an attempt to consolidate the state fragmented by a centrifugal pluralism akin to modernity. The Roman-Catholic myth stands in opposition to the modern myth of *homo oeconomicus*. It offers a transcendent framework of representation, "the idea of a *complexio oppositorum*, that is, the unity of the plurality of interests and parties" (Schmitt, 1996a: 26). For these reasons *Roman Catholicism* should be perceived as a two-fold project: on the one hand, it is a critique of a one-dimensional and impoverished materialistic worldview considered as politically unstable and dangerous, and leading to social disintegration and conflict; on the other hand, it is an attempt to use the political idea of Catholicism as a social glue.

Yet, the problem with this argument is that Schmitt understands the power of the transcendent mostly in an instrumental way that can be used for the purposes of unification of the political body fragmented and riven by sectarian conflicts. It is the case when the transcendent, transformed into political mythology, shows its cohesive potentiality. Schmitt does not discuss the fact that transcendent motivations are always Janus-faced, namely that they can be centrifugal as well as centripetal. While focusing on the Church, Schmitt neglected that the power of the transcendent cannot be kept in bay if it is institutionalized. Schmitt's mistake was a belief in a cohesive power of the Roman-Catholic myth and its capability of outweighing the plurality of sectarian voices and their political myths. But this assumption was misleading, not convincing, and ultimately non-Hobbesian. Let me now focus on Schmitt's conceptual as well as ideological turn from *Roman Catholicism* toward *The Concept of the Political* and *The Leviathan in the State Theory of Thomas Hobbes*.

III

In the 1930s Schmitt assessed the problem of political stability differently. Namely, *The Concept of the Political* deliberately disregards the argument about legitimacy that has anything in connection with the notion of the transcendent explicated earlier. The argument has been shifted to political power based on its sovereign disposal of the lives of its subjects. The role of the transcendent in politics, previously articulated as the Roman-Catholic myth, is abandoned in favor of the terrestrial or political myth. This new myth reflects the sovereign capability to create and sus-

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[5] For comparison of Schmitt and Kelsen, see Baume, 2009.

tain a mythological collective – a nation – through its incentive to determine and demarcate between political friends and enemies. Why this maneuver? It seems that Schmitt recognized a failure and limitation of the Roman-Catholic myth in providing political stability for the state, as well as for the whole European polity. The idea itself was problematic from the very beginning. It arose in Schmitt's political thinking as an answer to the impotency of the Weimar order and the crisis of the modern state in general. But aside from Schmitt's intention to oppose economic rationalism as well as the mechanistic metaphysics of modernity, his moral argument in favor of the political idea of Catholicism was politically futile. Actually, the rise of nationalistic political mythology made the transcendent argument, from the 1920s, redundant. The transcendent anchor of the Church was substituted by the sovereign power and its articulation of the national myth as the friend-enemy demarcation.[6]

Thus, *The Concept of the Political* is shaped around two theoretical pillars: the political friend-enemy distinction and the protection-obedience axiom. While, for the first, Schmitt refers to Plato's attempt to demarcate between friends and enemies, the second is derived from Hobbes's *Leviathan*. For Schmitt, demarcation defines the teleology of politics as the construction of antagonisms through sovereign rhetorical power. It means that there is no enemy if not a product of decisionism: "To the state as an essentially political entity belongs the *jus belli*, i.e. the real possibility of deciding in a concrete situation upon the enemy and the ability to fight him with the power emanating from the entity" (Schmitt, 1996b: 45). In the *Republic*, the friend-enemy distinction is Plato's device for fostering pan-Hellenism after the experience of long-lasting Peloponnesian inter-Greek conflict (Barker, 1960: 131). Warfare (*pólemos*), according to Plato, occurs among "natural enemies", among those who are not considered to be our "own and kin" but are "strange and foreign" (Plato, 2004: 162-163).[7] Schmitt takes on Plato while having in mind the fragment-

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[6] This argument reflects Schmitt's Sorelian insight into the power of the myth. A milestone toward his concept of the political perhaps could be found in his reference to Mussolini's speech before the March on Rome where he proclaimed: "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" (Schmitt, 1988: 76).

[7] Derrida takes on Plato's distinction as well to criticize Schmitt. According to Derrida, Schmitt's adaptation of Plato's argument is problematic because, as Derrida claims, Plato's distinction between friends and enemies is based solely on nature. But Derrida's critique does not hold. Namely, Plato's friend-enemy distinction that is based on nature can be found in the *Republic*. Yet, in the *Statesman* Plato implies that all distinctions between Greek and barbarian are cultural and/or political, not natural: "Suppose one wanted to divide the human race into two parts. What most Greeks do is to make the division by separating Greeks from all the rest: they use the single term 'barbarian' for all the other categories of people, despite the fact that there are countless races

ed inter-German civil disorder and previous upheavals of the Weimar period. For Schmitt to pacify the factions is to assign to them an overarching identity – the German commonness. Schmitt clarified his project in the footnote: "The thought expressed here is that a people cannot wage war against itself and a civil war is only a self-laceration and it does not signify that perhaps a new state or a new people is being created" (Schmitt, 1996b: 29).[8]

Schmitt highlights that the "political enemy need not be morally evil" and we "assume that in the realm of morality the final distinctions are between good and evil" (Schmitt, 1996b: 27, 26). The importance of this argument is that Schmitt wants to dispel any transcendent rootedness of the friend-enemy distinction. War, as we have seen, should only be reserved for sovereign nations, not the factions within a nation. The factions try to politicize their private interests and passions and thus, according to Schmitt, confuse the distinction between the *inimicus* and *hostis*. The political, on the contrary, should be cleansed from sectarian passions or moral convictions. In practice, it is a cold-blooded execution of the sovereign *jus belli* or the capacity to announce war, kill the enemy, and be killed if necessary (Schmitt, 1996b: 46).

Schmitt does not deny that the "political can derive its energy from the most varied human endeavors, from the religious, economic, moral, and other antitheses" (Schmitt, 1996b: 38), using these antitheses in an instrumental way, but not substantially. This argument, however, is not compelling. Actually, it has much more in common with the liberal doctrine than Schmitt would admit. The problem with Schmitt's argument is in its focus on the physical: "By virtue of this power over the physical life of men, the political community transcends all other associations or societies" (Schmitt, 1996b: 47). Yet, Schmitt makes one sophisticated distinction: dying for "the salvation of his own soul" is not what concerns the sovereign; only conducting a holy war "presupposes an enemy decision", namely a blessing from the

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who never communicate and are incompatible with one another, and then expect there to be a single category too, just because they've used a single term (262d)" (Plato, 2004: 11). Plato's 'confusion' was part of a larger polemic between those who grounded the separation argument in nature, and those, like the sophist Antiphon, who opposed to this conventional distinction of Greek and barbarian. Antiphon argued that "physical attributes of Greek and barbarian are the same" and that this sameness constitutes all men as "seekers of life and pleasure" (Barker, 1960: 79). Thus, Derrida's critique of Schmitt is mistaken because the friend-enemy distinction, as it can be seen, does not necessarily rely, at least not for later Plato and Schmitt, on "nature" but on the concept of separation which is artificial.

[8] Even though Schmitt does not make any such reference, an almost identical argument has already been made by the Swiss 18th-century philosopher Emmerich de Vattel: "The enemy is he with whom a nation is at open war. The Latins had a particular term (*Hostis*) to denote a public enemy, and distinguished him from a private enemy (*Inimicus*)" (Vattel, 1863: 321).

sovereign that the matter in dispute is worth dying for. This is problematic since Schmitt wants to convince us that the soul matters less in comparison with the body. This would be plausible only if not taking someone's beliefs seriously.

The problem with the transcendent appears exactly at this point. It is not the physical, but the metaphysical self-perception of the subject that matters since this perception goes beyond the fear of physical death. This metaphysical self-perception manifests itself as a sense of duty derived from a certain moral universe. Since it is eschatological, it is stronger than any political argument that is always temporal. Moreover, Schmitt argues that someone's readiness to die and to kill should be detached from someone's moral or social ideal. Yet, transcendent passions are exactly motivated by a certain view of morality that might or might not be perceived as existentially endangered. In a word, Schmitt's political realism implies that neither the state nor the individual act out of any serious moral concern. Basically, this means that Schmitt made an argument against his earlier self; namely that his argument from *The Concept of the Political* represents a blow to his previous views expressed in *Roman Catholicism*. Not only that his earlier arguments were carved out around the political idea of Catholicism along with its transcendent glue necessary for political stability, but also this argument has played an important role against pure power-politics. Thus, when in the 1930s the problem of political stability has been settled due to Hitler's overtaking of political power, in that moment the transcendent ground of stability disappeared from Schmitt's rhetoric.

This substitution of the transcendent for political ground of stability drops the argument about the meaning of life that Schmitt followed earlier when he was denouncing economic rationalism as hollow along with its Protestant ethic. Someone may claim that the new meaning, new transcendent anchor, is now provided by the concept of the political, but this argument would be reductive and lacking the nuances of the previous arguments from *Roman Catholicism*. There is no way of undermining those personal loyalties that transcend the scope of the state. Second, the friend-enemy distinction provides no meaning when politics deals with non-existential questions. Third, the existential domain is always narrowly defined in a collective way. The enemy represents only a threat to the existence of the collective, not to the individual as such. Fourth, the concept of the political is flawed since it assumes that the existential conflict cannot be conducted within a particular political body as it is the case when we deal with real transcendent passions. Namely, it cannot be easily assumed that a politically united people are "transcendently" united as well. Sharing a common political universe does not necessarily entail sharing the same moral universe and the concept of the political cannot help to get out of this conundrum in any way.

IV

In *Roman Catholicism* Schmitt was not only defending the Church as a representation of the transcendent anchor for political stability across the continent, but also a meaningful existence by calling into question the pervasiveness of economic rationalism and its immanent logic of life. Yet, this argument completely disappeared later in the 1930s. In *The Leviathan in the State Theory of Thomas Hobbes* Schmitt says: "Life is of interest only insofar as it concerns the here and the now, the physical existence of the individual, of actual living beings; the most important and the highest goal is security and the possible prolongation of this kind of physical existence" (Schmitt, 1996c: 35). This argument fits the logic of the Hobbesian protection-obedience axiom becoming the fundamental theoretical pillar in securing political stability for Schmitt. Yet, it will be shown how this maneuver fails similarly to his concept of the political.

Schmitt says: "No form of order, no reasonable legitimacy or legality can exist without protection and obedience. The *protego ergo obligo* is the *cogito ergo sum* of the state", concluding that "Hobbes himself had experienced this truth in the terrible times of civil war" (Schmitt, 1996b: 52). Schmitt notices that the principle of sovereignty presupposes that the state fails if it is unable to fulfill this task; namely if not maintaining the monopoly of physical violence: "If within the state there are organized parties capable of according their members more protection than the state, then the latter becomes at best an annex of such parties, and the individual citizen knows whom he has to obey" (Schmitt, 1996b: 52).

The Hobbesian protection-obedience axiom rests on two different dimensions of fear – fear of violent death by the hands of other individuals in the stateless condition, and fear of the sovereign power. Thus, Hobbes's fear-of-death principle works in both ways – its purpose is to "incline man to peace" and, at the same time, to "keep them all in awe" (Hobbes, 1998: 86, 84). While in Hobbes's case we have the contract model which presupposes voluntarism of individuals in the state-making process, and the argument of the educational role of the sovereign whose well-being is also inseparable from the well-being of the people (Hobbes, 1998: 230), Schmitt loses this sophistication by relying only on the power of Leviathan's sword in argument.

How, in Schmitt's view, is the protection-obedience axiom justified? He explains:

> The state machine either functions or does not function. In the first instance, it guarantees me the security of my physical existence; in return it demands unconditional obedience to the laws by which it functions. All further discussions lead to a "pre-political" condition of insecurity, where ultimately one can no longer be certain of one's physical security because the appeal to justice and truth does not produce any kind of peace but instead leads to war, very wicked and vicious (Schmitt, 1996c: 45).

Yet, by requiring total and unconditional obedience, Schmitt irreparably distanced himself from Hobbes. Sure, there is no peace for Hobbes if "private appetite is the measure of good and evil" (Hobbes, 1998: 105), but unconditional obedience and the renunciation of all rights cannot be reconciled with Hobbes's doctrine of the inalienability of the right to self-preservation. McCormick correctly observes that Schmitt's project perverts Hobbes's argument emphasizing that "by not granting to the individual the subjective right of self-protection ... the logic of Leviathan would have broken down" (McCormick, 1994: 641).

Schmitt's reinterpretation of the protection-obedience axiom mirrors his flirting with the rise of the totalitarian Nazi state in the 1930s which he, at the time, wrongly connected with the Hobbesian state-model (he changed his mind later).[9] His argument implies that one terror supersedes another: "The terror of the state of nature", as the reason for introducing the protection-obedience axiom turns, according to Schmitt, into the state terror where the imposition of peace results from the power of the state apparatus or "the fright (terror) that this power evokes" (Schmitt, 1996c: 31, 19).[10] In Hobbes's theory of authorization, the sovereign appears as an *a posteriori* consensual manifestation of voluntary "power and strength conferred on him" (Hobbes, 1998: 114). However, Schmitt in his *Leviathan* follows a different route which he found in Hobbes but only as a description of a forceful acquisition of the state. He obliterated the distinction between the acquisition by natural force and by institution, i.e. by the contract, by claiming: "Fear brings atomized individuals together. A spark of reason flashes, and a consensus emerges about the necessity to submit to the *strongest power*" (Schmitt, 1996c: 33, my emphasis). Schmitt's distortion implies "the might makes the right argument", namely, the sovereign power as an *a posteriori* fact resulting from natural force capable of exercising violence. It becomes solely *potestas*, a coercive power, not *auctoritas*, a power out of authorization as in the case of Hobbes.

Paradoxically, the protection-obedience axiom in Schmitt's interpretation reflects what can, in Agamben's terms, be grasped as the notion of "bare life".[11] "The production of bare life", according to Agamben, "is the originary activity of sovereign-

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[9] McCormick says: "After the war, Carl Schmitt attempted to justify his collaboration with National Socialism by appealing to the Hobbesian standard of 'obedience and protection'" (McCormick, 1994: 644). While interrogated, Schmitt denied that all he did was "in conformity with Hitler's ideas, and that he was not searching to *institute*, only to *diagnose*" (Derrida, 2005: 134).

[10] To compare Schmitt's argument with Hobbes, see *Leviathan* Ch. XVII and Ch. XXX.

[11] "Bare life" is a syntagm first appeared in Walter Benjamin's essay on "Critique of Violence", but is taken and expanded in Agamben's *Homo Sacer*. For a detailed account of the "bare life" argument, see Agamben, 1998.

ty", as "an unconditional subjection to a power of death" (Agamben, 1998: 83, 90). But also, bare life in a nutshell is the concept assigned to describe life devoid of any meaning. Agamben refers to the notion of "life unworthy of being lived" taken from the German jurist Karl Binding: "The new juridical category of 'life devoid of value' (or 'life unworthy of being lived') corresponds exactly... to the *bare life* of *homo sacer*" (Agamben, 1998: 139).

But this is opposed to the logic of Leviathan. For Hobbes, "the safety of the people" on the one hand, along with political stability on the other, goes beyond physical preservation and, hence, beyond the notion of bare life. Hobbes emphasizes: "But by safety here, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself" (Hobbes, 1998: 222). Thus, Schmitt's misreading of Hobbes' protection-obedience axiom turns it into a paradigm of bare life, resulting in the ultimate disproportion of obedience over protection. Schmitt's conceptualization of the state becomes a symbol of totalitarian insecurity and a betrayal of Hobbesian political sovereignty, or as McCormick says, it becomes "a pervertedly powerful form of the state of nature, wherein one is not sure if he is friend or enemy to his fellow citizen or to the regime" (McCormick, 1994: 640).

Therefore, if we take seriously the fact of those "devoted Catholics" he mentioned earlier in *Roman Catholicism*, this would be a fatal blow to his construction of political stability. This shows the fragility of the protection-obedience axiom if left without any transcendent support. And finally, Schmitt's Leviathan is totalitarian unlike the Hobbesian one. By demanding the total transferability of rights into the hands of the sovereign, including the right to life, Schmitt masks the dehumanizing potential of his project, making it anti-Hobbesian.

Conclusion

In Schmitt's political theorizing there is a gap between the role of the transcendent in politics from the 1920s and the view of the political and state power from the 1930s. On the one hand, this gap reflects Schmitt's personal attachments to Catholicism and the inability to reconcile it with the demands of political stability. On the other hand, this is a gap between two myths – one transcendent, one political where the latter became more appealing with the rise of collective national ideologies, namely the National Socialist Party capable of being an homogenizing political body. According to my view, Schmitt's failure is in his conviction, from the 1930s, that pure power dispels the transcendent demands of the people and that this power alone is able to anchor political stability. His theory of the state articulated in *The Concept of the Political* as well as in *The Leviathan in the State Theory of Thomas*

Hobbes relies on compliance and force to the limit, while disregarding transcendent human motivations that might tear the state's fabric apart.[12]

For Hobbes, the collapse of social consensus can be remedied by the doctrine of the unity of the political and the transcendent. The Hobbesian sovereign has a difficult, but not impossible, task to rule over both of these domains. By using rhetoric as an interpretative force, the sovereign can purify the so-called "transcendent domain" from self-proclaimed truth-holders while combating them on their own grounds (i.e. on the doctrinal level). The purpose of this maneuver is not necessarily to supplement transcendent content with political content, but rather to provide the meaning of life within the political realm. Unlike Schmitt, Hobbes recognized that the fight for the monopoly over the transcendent, not over the physical domain, is decisive for societies deeply fractured by moral and doctrinal tensions. This was the Hobbesian lesson – to impose a solution for political instability by emphasizing the indelibility of transcendent passions as a key for peace and stability.

Quite differently, Schmitt ended up in a reductive reliance on Hobbes's protection-obedience axiom, or more precisely on its misreading. During the 1930s, Schmitt found a particular ideology compelling for justification of his theorizing. Before 1933 he was even opposed to National Socialism, especially to Hitler's appointment as Chancellor. However, when National Socialism became the dominant force in Germany eradicating his fears of civil war, he joined the Nazi Party (in 1933) not as a theorist, but as its ideologist, known as the "Crown Jurist" of the Third Reich. Without any theoretical need, but rather for ideological purposes only, his rhetoric became anti-Semitic and pro-Nazi oriented.[13] His reliance on the Hobbesian proviso therefore resonates with this 'ideological moment'. Whereas he failed in matching the Hobbesian argument with the Third Reich's reality, he succeeded, as Bendersky pointed out, "only in helping to consolidate a totalitarian dictatorship" (Bendersky, 1979: 323). In other words, his ideological misinterpretation of the strong state represents a deviation of the theoretical model provided by Hobbes. Yet, it seems that Schmitt in the summer of 1945, after the Nazis' final defeat,

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[12] The Hobbesian lesson is the use of rhetoric as force, and force as rhetoric, whenever possible, or as Stephen Holmes rephrased: "to govern human beings you must govern their opinions; and if you cannot do this by force or threat of force, you must find another means" (Holmes, 1990: xxviii, n. 39).

[13] Darkening of Schmitt's moral horizon and slipping into the web of ideological propaganda was evident in the case of his relationship toward the Nazi-Party as well as toward Hans Kelsen. First, Schmitt was not forced to join the party for existential reasons since most of his friends did not. Second, when Kelsen, who previously opted for Schmitt to come to Cologne's University, was dismissed on the wings of racial and political purges, Schmitt was the only member of the faculty at the department who refused to sign the petition that aimed to reinstate Kelsen (Balakrishnan, 2000: 181-183).

not only realized his mistake, but became aware that the Nazis turned the Hobbesian ideal into a nightmare.[14]

Prior to that, in *Roman Catholicism*, Schmitt argued that the modern state lacks a mythical anchor as a bulwark against the fragmentations lurking from within the state itself. He saw the institution of the Roman Catholic Church as possessing this quality, thus capable to rebuild and unite the European civilization. But why did he see the Church, labeled by Hobbes as the "Kingdom of Darkness", as an answer to the problem? This institution had been spurring disloyalty to the legitimately enacted civil sovereign for centuries and thus caused fragmentation of the state from within. Why would this institution be able to unite the fragments of the social fabric it fragmented in the first place? In the aftermath of WWI the argument about *civitas humana* became, to some extent, viable because the Church had allied with the right-wing-conservative governments at the time, hence not threatening the stability of the state (Balakrishnan, 2000: 64). In general, Schmitt considered the Church to represent the guardian of a type of universalism capable of keeping social fragmentations at bay. Yet, the obscurity of this argument is not the biggest issue at stake here. Rather, even though he realized that political reality is imbued with a centrifugal type of pluralism destructive for the state, he neglected that even a stronger type of pluralism – one with transcendent origins – cannot be reduced or synchronized within one institution. Correcting this view would not appear until late after WWII.

In *The Concept of the Political* and in *The Leviathan in the State Theory of Thomas Hobbes*, Schmitt's departure from Hobbes's sophisticated project had deepened, despite his self-proclaimed affiliation with Hobbesian theorizing. Schmitt's turn away from the criticism of modernity and its meaningless economic rationalism in *Roman Catholicism* looks like hauling politics onto the firm ground of the state's

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[14] In his posthumously published text *Das internationalrechtliche Verbrechen des Angriffskrieges* (*The International Crime of the War of Aggression*) he describes the Nazi state as the embodiment of Behemoth, as the predatory political state of nature, not Hobbes's Leviathan-model. He said: "Not only Hitler himself personally, but also his 'regime' must be made criminally responsible ... It is a part of the essence of such a regime that many power groupings fight amongst one another behind the closed façade of the unconditional unity of the regime ... During the absolutism of the eighteenth and nineteenth centuries this was called the *Camarilla* and the *Antichambre* ... I am of the view that the perpetrators in the sense of the international crime 'war' in such a regime can only be those who belonged to this 'sworn community' that built itself against Hitler. If one cannot succeed in determining this real complot, this 'gang', this politico-criminal association, this entirely 'sworn community' as such and showing it to the world, that which the public opinion of the world and the feeling of justice of many millions of people expects from a criminal case against the Hitler regime will be most tragically disappointed..." (Schmitt, 2011: 180-181).

power – the power over life embodied in the protection-obedience axiom. However, this was a vulgarization of Hobbes's theory reduced to one solely concerned with the possibility of the physical destruction of bodily existence. But as I have shown, Antigone's case is paradigmatic and insightful. It proves that obedience cannot be backed up with force alone. Political order cannot be based on the preservation of the body alone. Rather, the state should be able to cope with the transcendent needs and passions of its subjects. While self-preserving passions are order-oriented, the passions of moral convictions sometimes appear as transcendently conditioned, thus carrying the potentiality of permanent political disorder and instability.

The Hobbesian project, as I understand it, is designed to secure political stability by attempting to provide meaningful life, and not just bare life as in Schmitt's reinterpretation. Paradoxically, Schmitt's project, unlike the Hobbesian one, by relying on the physical force of the sovereign power invokes instability in the heart of the political. If obedience is solely compelled by fear – of death or punishment from the authority – the whole political project will be devoid of the deeper existential elements of life. Also, if the dominant cause of political instabilities springs from highly conflicting transcendent fronts, relying on force alone will be futile. Schmitt's deficit during the 1930s was in emphasizing the political while neglecting the power of the transcendent. Therefore, Schmitt's solutions did not properly address those motivations and narratives whose power resides beyond the immanent logic of human experience, namely the transcendent passions able to seduce and capture people's minds.

REFERENCES

Agamben, Giorgio, 1998: *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press, Stanford.

Balakrishnan, Gopal, 2000: *The Enemy*, Verso, London/New York.

Barker, Ernest, 1960: *Greek Political Theory*, Barnes/Noble, New York.

Baume, Sandrine, 2009: On political theology: A controversy between Hans Kelsen and Carl Schmitt, *History of European Ideas* (35): 369-381.

Bendersky, Joseph, 1979: The Expendable Kronjurist: Carl Schmitt and National Socialism, 1933-36, *Journal of Contemporary History* (14) 2: 309-328.

Butler, Judith, 2000: *Antigone's Claim*, Columbia University Press, New York.

Derrida, Jacques, 2005: *The Politics of Friendship*, London/New York.

Goldhill, Simon, 1986: *Reading Greek Tragedy*, Cambridge University Press, Cambridge.

Hame, Kerri J., 2008: Female Control of Funeral Rites in Greek Tragedy: Klytaimestra, Medea, and Antigone, *Classical Philology* (103) 1: 1-15.

Heidegger, Martin, 1995: *The Fundamental Concepts of Metaphysics*, Indiana University Press, Bloomington and Indianapolis.

Hobbes, Thomas, 1998: *Leviathan*, Oxford University Press, Oxford (ed. J.C.A. Gaskin).

Holmes, Stephen, 1990: Introduction, u: Thomas Hobbes, *Behemoth*, Chicago University Press, Chicago.

Lloyd, Sharon Anne, 1992: *Ideals as Interests in Hobbes's Leviathan: The Power of Mind over Matter*, Cambridge University Press, Cambridge.

McCormick, John P., 1994: Fear, Technology, and the State: Carl Schmitt, Leo Strauss, and the Revival of Hobbes in Weimar and National Socialist Germany, *Political Theory* (22) 4: 619-652.

Plato, 2004: *Republic*, Hackett Publishing Company, Indianapolis.

Schmitt, Carl, 1988: *Irrational Theories of the Direct Use of Force*, in: *The Crisis of Parliamentary Democracy*, MIT, Cambridge MA.

Schmitt, Carl, 1996a: *Roman Catholicism and political form*, Greenwood Press, Westport CT.

Schmitt, Carl, 1996b: *The Concept of the Political*, University of Chicago Press, Chicago.

Schmitt, Carl, 1996c: *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, University of Chicago Press, Chicago.

Schmitt, Carl, 2005: *Political Theology: Four Chapters on the Concept of Sovereignty*, University of Chicago Press, Chicago.

Schmitt, Carl, 2011: *The International Crime of the War of Aggression*, in: *Writings on War*, Polity, Malden MA.

Sophocles, 1991: *Antigone*, in: *Three Tragedies*, The University of Chicago Press, Chicago (ed. Grene, Peter/Lattimore, Richmond).

Vattel, Emmerich de, 1863: *The Law of Nations*, T. & J. W. Johnson & Co., Law Booksellers, Philadelphia.

Weber, Max, 1958: *From Max Weber: essays in sociology*, Oxford University Press, New York.

Zarka, Yves-Charles, 1999: *La décision métaphysique de Hobbes. Conditions de la politique*, J. Vrin, Paris.

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