

*Carl Schmitt: Politics and Theory.* By Paul Edward Gottfried. New York: Greenwood Press, 1990.

**E**conomists have in recent years extended their distinctive methods of analysis to the state. According to the public choice school, government officials, like everyone else, attempt to advance their own interests. The possession of power changes their situation but leaves untouched their motivation. The state does not differ in its nature from other institutions.

Ludwig von Mises adopted an entirely different approach to the state. The state in his view rests on force. The economic or "catallactic" sphere, based on exchange, does not encompass the state. Quite the contrary, it operates on antithetical principles.

In taking this view of the state, Mises showed his affinity for a conservative tradition whose foremost twentieth-century representative was Carl Schmitt. Mises and Schmitt did not know each other, so far as I am aware, although both knew Max Weber; and Mises speaks disparagingly of Schmitt in *Omnipotent Government*. Nevertheless, the similarities are unmistakable.

Paul Gottfried's brilliant new work elucidates Schmitt's view of the state. As Gottfried stresses, Schmitt rejected the pluralism of Harold Laski, who saw the state as but one of many groups within society. This anti-political view ignored the essence of the state, its monopoly of coercive power.

Schmitt maintained that liberals overemphasized legality: their quest for a precisely organized system of legal rules was a futile effort to avoid political decision. Thus, Hans Kelsen, the leading liberal jurist of the German-speaking world and Schmitt's arch-rival, argued that every legal system stems from a basic rule or *Grundnorm*. From the basic rule, the entire legal system can be logically deduced.

Schmitt questioned the fundamental basis of Kelsen's Pure Theory of Law. The key to sovereignty lies not in a system of principles, but rather in the power to make exceptions to customary legality in order to deal with emergencies. A state exists not by itself but as one of a group of contending powers. The chief function of the sovereign is to preserve order. Rival states need to be contained and internal factions kept in line.

Kelsen's deductive procedure bears close affinities with Mises's praxeological method in economics. But Mises's theory of the state was nevertheless closer to Schmitt's than to Kelsen's. Like Schmitt, Mises thought that the state had one key duty, the preservation of order. Unlike Schmitt, he did not stress the importance of the exception. But both Mises and Schmitt could say, with de Maistre, "The state rests on the executioner."

As Gottfried ably brings out, Schmitt refused to subordinate order to any "higher" political goals. In spite of Schmitt's reputation as a collaborator with National Socialism, "Schmitt in fact expounded a modified traditionalist view of the state that had little in common with Nazi theory or Nazi practice" (p. 3).

During the final years of the Weimar Republic, Schmitt strongly opposed the Nazis as a manifest threat to political stability. In line with his doctrine of the exception, he urged that a presidential dictatorship be established to contain both the Nazi and Communist threats. His advice was of course not followed, and after Hitler became Chancellor in January, 1933, Schmitt joined the Nazi Party. His period of effective collaboration with the Nazis came to an end in 1936; he was never the "Crown Prince" of Nazi jurists, as leftist writers endlessly repeat.

Schmitt's brand of conservatism differed entirely from the Nazis' emphasis on race and party above the state. He saw himself in the tradition of Jean Bodin and Thomas Hobbes. Bodin sought an end to the domination of French politics by religious warfare. In the *Six Books of the Commonwealth* (1576), Bodin emphasized the imperative need of the sovereign to control religious factions. Although in most cases the ruler should observe the laws and customs of the kingdom, he should be prepared in emergencies to abrogate them. Bodin did not write in an anti-religious spirit, although it perhaps goes too far to call him a "believing Catholic" *tout court* (p. 34). He may have been, but the nature of his religious views has aroused enormous dispute. His main work on the subject, the *Colloquium heptaplomeres*, is difficult to interpret.

Like Bodin, Hobbes saw the state as the sole guarantor of order. Gottfried discusses in detail Schmitt's interpretation of Hobbes,

noting in particular Schmitt's emphasis on the symbolism of Leviathan (pp. 48-49). Hobbes thought it within the power of the sovereign to declare how Christianity was to be interpreted: his ruling bound his subjects in their outward behavior. In his discussion of Schmitt on Hobbes, Gottfried shows superb control of the immense Hobbes literature. He offers an especially valuable discussion of the Warrender thesis, the view that Hobbes was a Christian Scholastic. In addition to the articles he cites critical of Warrender, I would also recommend Thomas Nagel's essay "Hobbes's Concept of Obligation" (*Philosophical Review*, 1959).

A leitmotif of Schmitt's work was his continued efforts to demonstrate how theology gave birth to political ideas. His association of doctrines of the Trinity with imperial assertions of power in the Roman Empire, a thesis that embroiled him in furious controversy with Erik Peterson, is the most famous instance.

Occasionally, Schmitt's search for parallels between theology and politics misfired, as in his discussion of the occasionalists in *Political Romanticism*. Nicholas Malebranche and other occasionalists attributed all causation to God's direct action. Schmitt drew a parallel between this view and the Romantics' tendency to think of themselves as outside the ordinary world. To them, politics was an "opportunity of expressing their inmost selves" (p. 18).

But this misunderstands the occasionalists. Malebranche did not deny fixed order in the world. On the contrary, he saw the world as the scene of constant correlations, anticipating the position of David Hume, who knew his work well. Malebranche taught that God added necessary connection to the fixed order of the world. His philosophy was not an assertion of theological arbitrariness. Incidentally, I do not think that occasionalism has ever been declared heretical (p. 17).

To Schmitt, the analysis of intellectual movements was much more than an academic exercise. He maintained that the "tyranny of values" endangered contemporary political order. Intellectuals in the grip of abstract universals threaten to overthrow political order, principally by perfervid advocacy of democracy. Rather than view the state as the preserver of order, the democratic ideology subjects society to total politicization (p. 80). In this way it bears a close connection with totalitarianism.

Schmitt traced the contemporary "tyranny of values" in part to the ethical universalism of Immanuel Kant, who not coincidentally favored a world federation of nations. Mises did not share this position, although he was decidedly not a Kantian in ethics. But he too stressed the role of maligned intellectual doctrines in the

overthrow of European order. Oddly enough, Mises's most extended treatment of this theme is in *Omnipotent Government*, the book that criticized Schmitt. Further, although Mises supported democracy, he did so strictly on pragmatic grounds. He had no commitment to it as an ideology.

Gottfried applies Schmitt's insights in a fascinating way to neoconservatism. Although supposedly rightwing, the neoconservatives favor total commitment to democracy in the exact fashion stigmatized by Schmitt. Their Wilsonian interventionism and worship of democracy bear no resemblance either to traditional conservatism or libertarianism. Gottfried insightfully compares Allen Bloom's universalist position with Kant's (p. 91).

Paul Gottfried has given us not only a lucid account of Carl Schmitt but also an illuminating analysis of contemporary politics. In both tasks, he displays remarkably wide-ranging and thorough scholarship. Gottfried is clearly an original thinker of high rank.

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