

## *Schmitt in France*<sup>1</sup>

### Alain de Benoist

In the fall of 2002, one of Carl Schmitt's most famous books, *The Leviathan in the State Theory of Thomas Hobbes*, was published in France.<sup>2</sup> At first, like so many others, it was met with indifference until *Le Monde*, in lieu of a review, published a lead article by Yves Charles Zarka titled "Carl Schmitt, Nazi Philosopher?"<sup>3</sup> Obviously, the question mark is a matter of form, and Zarka does not say much about the book, but he does comment that Hobbes' thought is "distorted" by a "stupid" interpretation of "an anti-Semitic reading of Western political history." The main brunt of the article is to claim that Schmitt is a "Nazi philosopher." This is a ridiculous characterization for two reasons: first, Schmitt was not a Nazi theoretician; second, Schmitt was not a philosopher, but a jurist.<sup>4</sup>

Zarka asks: "Can this work be published in a philosophy collection as if it were a philosophy book?" His answer is no, and his explanation is staggering: "Schmitt texts should be studied the way one studies other Nazi texts, i.e., as documents, not as publications and even less as philosophical publications." Put more bluntly, Schmitt's works do not exist. The books he wrote are not philosophical, and thus should not be published. But if they are published, they should be treated as "documents," probably like Alfred Rosenberg's writings or Adolf Hitler's speeches. In other words, Schmitt should be treated the same way that the Nazis portrayed "degenerate art," i.e., to show how horrible it is.

On the same page, Barbara Cassin, the editor of *L'ordre philosophique*, was asked to justify why she published Schmitt's book in a philosophy series. She immediately obliged by answering that she wanted to pose the serious question: "How can someone be a Nazi *and* a philosopher at the same time?" This just shows how ignorant she is about the subject, particularly when she identifies Schmitt as the

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1. Translated by Kathy Ackerman.

2. *Le Léviathan dans la doctrine de l'Etat de Thomas Hobbes. Sens et échec d'un symbole politique* (Paris: Seuil, 2002), with a preface by Etienne Balibar, who is on the far Left, and an epilogue by Wolfgang Palaver, a disciple of René Girard. In English, it has appeared as *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, tr. by George Schwab and Erna Hilfstein (Westport, CT: Greenwood Press, 1996).

3. See December 2, 2002 issue, p. VIII of the *Literary Supplement*.

4. In *Ex Captivitate Salus: Erfahrungen der Zeit 1945/47* (Cologne: Greven Verlag, 1950), as well as in *The Concept of the Political*, Schmitt clearly states: "I am a jurist, not a theologian." He goes so far as to say that law is worth much more than morality.

author of a book titled *Die Nationalsozialistische Gesetzgebung*. However, she does not go as far as to pretend that she read it — and for good reasons. The book does not exist. Apparently, she confused it with a 1936 article mentioned by Zarka.<sup>5</sup> The kindest explanation is that she made a mistake copying the notes she was given.<sup>6</sup>

Topping all this, the reader of *Le Monde* is treated to a little article by Alexandra Laignel-Lavastine, who appears not to have forgotten that one of her main targets, Mircea Eliade, was associated with Schmitt.<sup>7</sup> In her book about Corian, Eliade, and Ionesco, she presumes to attack one of Schmitt's books: *Die Romantische Politik*.<sup>8</sup> Unfortunately, this book does not exist either. The book Schmitt wrote was titled *Politische Romantik*,<sup>9</sup> but who cares about details? Next, she asks a stupid question, revealing her fantasy: "Is it inevitable for our intellectual life to visit Germany?" (*Ach, fatalitas!*) Then, this scatterbrain writes: "It seems so long ago, in 1987, when Alain de Benoist, leader of the New Right, thought he would provoke public opinion by devoting an issue of *Nouvelle Ecole* to the theoretician of the 'total state.' Interest in this work led to many translations in the 1980s and found passionate readers on the Left and the Right." Even if one overlooks how stupid it is to imagine that a special issue on Schmitt is published in order to "provoke public opinion," there is cause for concern. On the Right as well as the Left, more and more people read Schmitt. Alexandra is discovering that they are lukewarm. A few days later, on December 20, 2002, *Le Monde* published an interview with Jürgen Habermas, where he says that he is also distressed by the way Schmitt has been received "from the 1930's until today." The interview was recorded by Alexandra Laignel-Lavastine!<sup>10</sup>

Apparently, the name Carl Schmitt can provoke hallucinations in a fair number of French intellectuals. Blandine Kriegel, who is never far behind Alexandra

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5. The precise reference, which Zarka does not provide, is: "Die nationalsozialistische Gesetzgebung und der Vorbehalt des 'ordre public' im internationalen Privatrecht," in *Zeitschrift der Akademie für Deutsches Recht*, Vol. III (1936), No. 4, pp. 204-211.

6. The coeditor of *L'ordre philosophique* is Alain Badiou, who did not express himself on the subject. He is a former Maoist, and belongs to the group of "new reactionaries" criticized by Daniel Lindenberg, who blames him for trying to "demonstrate the inconsistency of Human Rights." See *Le rappel à l'ordre. Enquête sur les nouveaux réactionnaires* (Paris: Seuil, 2002), p. 33.

7. See Cristiano Grottanelli, "Mircea Eliade, Carl Schmitt, Rene Guenon, 1942" in *Revue de l'histoire des religions* (July-September 2002), pp. 325-356.

8. *Cioran, Eliade, Ionesco ou l'oubli du fascisme. Trois intellectuels roumains dans la tourmente du siècle* (Paris: PUF, 2002), p. 95. Concerning Alexandra Laignel-Lavastine's political and sentimental career, see Jean-Claude Maurin, "Will they ban Eliade and Corian?" in *Eléments* (July 2003), pp. 40-47.

9. See *Politische Romantik* (Munich-Leipzig: Duncker & Humblot, 1919); *Romantisme politique* (Paris: Librairie Valois, 1928); and *Political Romanticism*, tr. by Guy Oakes (Cambridge, MA: MIT Press, 1986).

10. Habermas came to Paris on December 5 to speak at a seminar organized by Zarka. One of the other speakers was Rainer Rochlitz, who coordinated a book in the collection *Débats philosophiques*, ed. by Yves Charles Zarka, *Habermas: l'usage public de la raison* (Paris: PUF, 2002).

Laignel-Lavastine,<sup>11</sup> is unquestionably among the main victims. The fact that she obviously does not know anything about Schmitt's work does not seem to matter. She never misses an opportunity to excommunicate him. In 1996, she described Schmitt as the "founder of the doctrine of the totalitarian state."<sup>12</sup> Three years later, she notes, unafraid of ridicule, "a trend in German political romanticism, which recently culminated with the great jurist Carl Schmitt."<sup>13</sup> This idiot does not know that Schmitt always opposed political romanticism. On November 30, 2002, at a session organized by UNESCO, she denounced Schmitt's influence on the "former Marxists Antonio Negri, Etienne Balibar, and Giorgio Agamben."<sup>14</sup> A few days later, in *Libération*, she again attacked "the completion of political romanticism due to Carl Schmitt," and was in a panic "about the power of irradiation [*sic*] that the former leader of Nazi jurists has over theoreticians inspired by Marxism."<sup>15</sup> Around the same time, she published a book of platitudes, typical of her work. She calls Schmitt, Heidegger, and Ernst Kantorowicz "obscure stars of German culture, i.e., whose brightness obscures republican thought." Then, she claims that Schmitt joined the Nazi Party because of his "anti-democratic" convictions, and contradicts herself by also claiming that "Nazi thought was great thought, and was as democratic as it was revolutionary."<sup>16</sup> Furthermore, she assures her readers that for Schmitt politics is only an "aspect of war,"<sup>17</sup> although Schmitt states exactly the opposite. Her intellectual level is painfully low.

André Glucksmann, who is just as ignorant, writes with a straight face that nowadays the supporters of a multipolar world, i.e., a world not completely subjected to American power, "seem to follow Carl Schmitt's lead, even if they are not aware of it [*sic*]." Supposedly Schmitt wanted to give "a so-called 'totalitarian' or 'decisionist' power to the state," and defining "the essence of 'sovereignty' as 'the privilege to establish or to suspend laws and to settle issues without rules, written or not'."<sup>18</sup> So many words, so many stupidities (starting with the idea that one could follow someone's lead without knowing it).

Georges-Arthur Goldschmidt tells of a "French intellectual scandal," i.e.,

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11. Both appear in a book by Dominique Schnapper, *La nation* (Paris: PUF, 1997), published in the collection "Philosophie politique," ed. by Zarka. It also contains a text by Rhida Chennoufi titled "The Concept of Nation in Carl Schmitt." About Blandine Kriegel, see Jean-Claude Maurin, "Blandine et Alexandra," in *Eléments* (April 2003), pp. 33-34.

12. Blandine Kriegel, "La philosophie républicaine," in *Libération* (Oct. 24, 1996).

13. Blandine Kriegel, "Le principe de légitimité" in *L'avenir du droit. Mélanges en hommage à François Terre* (Paris: PUF, 1999), p. 50.

14. A short article in *Le Monde* (Dec. 3, 2002) mentions this warning. Nicolas Weill, Alexandra Laignel-Lavastine's partner in life, signed it.

15. Blandine Kriegel, "Pour la République démocratique" in *Libération* (Dec. 4, 2002), p. 7.

16. Blandine Kriegel, *Etat de droit ou Empirie?* (Paris: Bayard, 2002), pp. 115-116.

17. *Ibid.*, p. 118.

18. André Glucksmann, "L'étrange renversement d'alliance," in *Le Monde* (Apr. 4, 2003).

that “French thought has been invaded by official Nazism, represented in this instance by Martin Heidegger, Carl Schmitt, and Werner Sombart. They were very much in favor in the Parisian salons, and the way they used the German language and style demonstrates immediately that they belong intellectually and intimately to Nazism,” whose essence “cannot be translated into a language so inappropriate as to express basic brutality.” Probably for good measure, one learns in passing that since the beginning of the 19th century “French philosophy” has “literally been invaded or at least contaminated by a monstrous verbal outgrowth of the German language!”<sup>19</sup> But that is already psychiatric literature.

In a similar style, the enlightened Jean-Baptiste Marongiu, was not afraid to credit Schmitt with the “fundamentalist desire for an order in which civil society and the state would become one unique, inseparable ‘entity’.” He then adds that, at the end of Schmitt’s life, everybody thought that “he had become a Maoist,” and that his “fantastic fear of women” could well be the “touchtone” for his decisionism.<sup>20</sup> There are other examples, ranging from Jean-François Kahn, who calls Schmitt a “pre-fascist German economist,”<sup>21</sup> to François Souty, who calls him a “neo-Nazi pamphleteer,”<sup>22</sup> and Christian Delacampagne, who despises Schmitt because he is not an “extremely original thinker.”<sup>23</sup> And the ineluctable Daniel Lindenberg denounces the “new reactionaries,” and solemnly explains that it “really is ‘the Carl Schmitt software’ that has allowed this evolution.”<sup>24</sup>

Robert Redecker, the contributor to Claude Lanzmann’s *Temps modernes*, immediately joined Zarka’s attack launched by *Le Monde*. Taking it a little further, he did not hesitate to portray Schmitt as Rosenberg’s “rival” who, after “adopting political racism,” presented “the history of thought as if driven by a war on race.” For Redecker, Schmitt is a theoretician for whom “ideas only express interests related to race” — in short, a man responsible for the “philosophical foundation of totalitarianism in general and Nazism in particular.”<sup>25</sup> One might say that asking Redecker about Schmitt is like reading the complete works of Goebbels in order to learn about the Jews.

19. Georges Arthur Goldschmidt, in *Le Monde* (Jan. 6, 2001), p. 15.

20. Jean-Baptiste Morangiu, “Carl Schmitt dans tous ses états,” in *Libération* (March 15, 2001), p. viii.

21. Jean-François Kahn, in *Marianne* (Nov. 11, 2002), p. 66.

22. François Souty in *La Quinzaine littéraire* (July 15, 1996), p. 27. Here he also attacks Christopher Lasch, whom he portrays as the embodiment of an “ultraconservative sociopolitical and philosophical trend” seeking to “return to the mythical sources of America, using a vocabulary close to Roger Garaudy’s in France.” Accused of “hiding behind an impersonal style,” Lasch’s positions leads “to dangers to come.” The author, of course, adds: “Lasch’s writing has to be decoded.”

23. Christian Delacampagne, “L’ennemi des droits de l’homme,” in *Le Monde* (Jan. 26, 2001).

24. Interview with Daniel Lindenberg, in *Les épées* (April 2003), p. 18.

25. Robert Redecker, “Schmitt ou le fantasme de la politique pure,” in *Marianne* (January 6, 2003), pp. 66-69.

Zarka's article in *Le Monde* was his most recent and visible attack against Schmitt. Two years earlier, he made Schmitt the target in *Cités*, a journal he publishes.<sup>26</sup> He asked: "How can we explain the sudden interest in the Nazi ideologist Carl Schmitt in several European countries, an interest that, after Italy, is now affecting France?"<sup>27</sup> His answer was that the current liberal hegemony has led ill-informed leftist authors to use anti-liberal arguments in Schmitt's work and, in doing so, serving to update a "Sweet Schmitt." Balibar, whom Zarka and Kriegel obviously resent, was cited as an example. Then, in a serious tone, Zarka added that Schmitt's interpretation of thinkers like Hobbes and Bodin is nothing more than "falsification and phantasmagoria." He then set a very specific goal: "we should leave Schmitt to his ignominy."<sup>28</sup>

More recently, the headline of another issue of *Cités* reads: "Carl Schmitt, the Nazi." This time, no question mark! It includes two of Schmitt's most compromising articles: "The Führer Protects the Law" (1934) and "The German Science of Law in its Fight Against Jewish thought" (1936). In his editorial, Zarka states that his article "summarizes, develops, and completes" the content of his article in *Le Monde*. Again, he attacks Balibar's "strange" approach. The "development" consists in choosing among the hundreds of articles that Schmitt published during his lifetime the two that provide the necessary arguments to demonstrate the thesis. This is a perfect illustration of how all slanderers operate. Zarka's thesis is simple. "The idea that Schmitt is a great jurist and a great 20th century political thinker, whose Nazi texts only reflect a very limited period of his work, is nothing but a legend invented by his supporters, who are spreading throughout the world."<sup>29</sup> This sentence, despite its relaxed style, deserves at least credit for clarity. Of course, Zarka does not wonder why there are so many "Schmitt supporters" around the world. He apparently believes that this is a conspiracy — a global one, which, for unknown, but certainly shameful reasons, drives hundreds of scholars, academics, and experts to develop a "legend" with only one goal in mind: promoting a completely uninteresting "Nazi."

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26. Zarka was managing editor of the first issues of *Cités*, before Michel Prigent replaced him. His assistant, Franck Lessay, is one of the journal's two advisers, and Robert Damien is the chief editor. Damien is also head of research at the CNRS [*Centre National de la Recherche Scientifique*], professor of philosophy at the Université de Franche-Comté, and an expert on Gabriel Naudé. Close to François Dagognet, has written books about the "library paradigm" and the "philosophical figure of the Prince's adviser." In 2002, he expressed his disgust for love of country by stating that "etymologically the country is terror." Surprisingly, among the editorial staff of *Cités* there is Jean-François Kervégan, who in the past has written seriously about Schmitt.

27. Yves Charles Zarka, in *Cités* 6 (April 6, 2001), p. 3.

28. In that same issue, there was also an article by Nicolas Tertulian, a member of the editorial committee of *Actuel Marx*, and another hostile 1928 article by Hermann Heller. Dominique Seglard, the French translator of Schmitt's work, wrote the introduction, and Jeffrey Andrew Barash wrote the commentary.

29. Yves Charles Zarka, "Carl Schmitt le nazi," in *Cités*, No. 14 (2003), p. 163.

Obviously, Zarka is either a compulsive liar and a slanderer of the worst sort, or he is a complete moron.

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Of course, criticism is not only legitimate, but necessary; it is the foundation of intellectual thought. During Schmitt's lifetime, as well as after his death, countless books and articles have been published contradicting or refuting his viewpoint. Some of this criticism, most recently by William E. Scheuermann, Richard Wolin, Mark Lilla, Raphael Gross, and Bernd Ruethers, demonstrates only the authors' taste for slander. By comparison, other criticisms, such as Dolf Sternberger's and Odo Marquard's, have been intelligent and subtle.

Zarka's article in *Le Monde*, which could as well have been published in *Pravda* in Stalin's days, went one step further than the worst criticism. No one before ever had dared to claim that Schmitt's work did not exist. Of course, one might wonder what got into Zarka, who until 2001 had never published one line about Schmitt. Is he acting in his own name or is he merely playing the "useful idiot"? An expert on 17th century, one wonders why he did not stick to his field. He states that he completely disagrees with Schmitt's interpretation of Hobbes' thought. One wonders why he did not just publish his disagreement, rather than resorting to insult and trying to discredit Schmitt with the old *reductio ad hitlerum* device, which not even Leo Strauss, one of Schmitt's critics, would countenance?

Zarka is a multifaceted intellectual. He is head of research at the *Centre National de la Recherche Scientifique*, where he heads the Center for the History of Modern Philosophy and the Thomas Hobbes Center. He teaches political philosophy at the Sorbonne, but never received the title of Professor. He has published books on Hobbes, Machiavelli, Jean Bodin, Rousseau, and Tocqueville, as well as on the notion of sovereignty and the future of the state of Israel.<sup>30</sup> He edits four collections at the PUF, which also publishes *Cités*. A comical (or Orwellian) detail: recently, along with Frank Lessay and John Rogers, Zarka edited three volumes on the philosophical foundations of tolerance.<sup>31</sup>

Zarka is mainly active at the Thomas Hobbes Center, which includes twenty French and foreign members. In this capacity, he became editor of a critical French language edition of *The Complete Works of Hobbes* (17 volumes are

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30. See in particular *La décision métaphysique de Hobbes* (Paris: J. Vrin, 1987); *Hobbes et la pensée politique moderne* (Paris: PUF, 1995); and *Quel avenir pour Israël?* (Paris: PUF, 2001).

31. *Les fondements philosophiques de la tolérance: en France et en Angleterre au XVIIe siècle* (Paris: PUF, 2002). The books resulted from a seminar organized at the Sorbonne in 2002-03. If one refers to the "ignominy" of authors with whose ideas one disagrees, one is surely most qualified to discuss tolerance. (What would have happened if Zarka had not been so "tolerant"? Would he have suggested that Schmitt's remains be dug up and deposited on a public road, as the Church suggested for Voltaire's remains?)

planned). He has also been a guest teacher at various universities abroad (Naples, Jerusalem, Quebec), and has attended countless conferences. In May 1996, he discussed Hobbes in Amsterdam. At the end of May 2001, he attended with Quentin Skinner a conference dedicated to “Hobbes and Political Philosophy in the 20th Century,” organized by University College in London. So, the most reasonable explanation is that Zarka could not bear the idea that the French public would have at its disposal a book devoted to Hobbes’ thought by Schmitt, a domain he considers to be his own preserve. He thus used this opportunity to settle a score with some leftist anti-liberals. In short, he reacted like a dog about to lose his bone.

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Schmitt published most of his major works during the Weimar Republic.<sup>32</sup> Contrary to popular belief, Schmitt was not an advocate of the “conservative revolution.” He told Ernst Niekisch, a great critic of everything Roman, “I am Roman because of my origin, my tradition, and the law.” Hostile to every form of organized thought, he rejected most of the German political tradition and looked for inspiration to France (Joseph de Maistre), Italy (Machiavelli), Spain (Donoso Cortés) and England (Thomas Hobbes). His Catholicism, of Augustinian inspiration, emphasizes the counterrevolutionary tradition, which is the foundation for his view of the state. For Schmitt, politics is a dimension of human life directly related to the intensity of confrontational relations. But he is also a theoretician of democracy, and in its name he criticizes liberalism and its ideal of a “government by discussion.” As an economic and moral doctrine, liberalism is incompatible with democracy, which is a political doctrine based on the principle that all citizens are equal. This concept is close to Rousseau’s. Schmitt inherited his definition of constitutional power from Emmanuel Sièyes.

There is not the slightest trace of anti-Semitism in any of the books Schmitt published before 1933. Moreover, in *Political Romanticism*, he denounces unambiguously any form of racial ideology. When he talks about the “homogeneity” of a people as one of the presuppositions of democracy, he never envisions an ethnic homogeneity, but rather a *political* homogeneity à la Rousseau’s general will. But Zarka, following Raphael Gross, claims that

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32. See *Political Romanticism* [1919], *op. cit.*; *Die Diktatur: Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf* (Berlin: Dunker & Humblot, 1921); *Political Theology: Four Chapters on the Concept of Sovereignty* [1922], tr. by George Schwab (Cambridge, MA: MIT Press, 1985); *The Crisis of Parliamentary Democracy* [1922], tr. by George Schwab (Cambridge, MA: MIT Press, 1985); *Roman Catholicism and Political Form* [1923], tr. and annotated by G. L. Ulmen (Westport, CT: Greenwood Press, 1996); *The Concept of the Political* [1928], tr. and annotated by George Schwab (Chicago: University of Chicago Press, 1996); his book on constitutional theory, *Verfassungslehre* [1928], 5th ed. (Berlin: Dunker & Humblot, 1970); and *Legalität und Legitimität* [1932], 2nd ed. (Berlin: Dunker & Humblot, 1968).

anti-Semitism is omnipresent in all of Schmitt's work! A hidden anti-Semitism, of course! Probably, just as hidden as the imaginary brother, "Georg Schmitt" [*sic*], that Gross gives him in his book.<sup>33</sup>

Moreover, during the Weimar Republic Schmitt had numerous Jews among his students. In 1928, he dedicated his *Verfassungslehre* to his friend Fritz Eisler, who had died on the front in 1914. He shows nothing but admiration for Hugo Preuss, one of the authors of the Weimar Constitution, to whom he also devoted a book in 1930. He is also one of the rare "right-wing" authors in Germany whose thought was taken seriously by authors on the Left and even far Left during the Weimar Republic. To cite Jacob Taubes, Walter Benjamin "intensely confronted" Schmitt's work. In 1923, Benjamin read excerpts on sovereignty from the first edition of *Political Theology*, which he cited two years later in one of the chapters of his famous essay on the origin of German baroque drama.<sup>34</sup> On December 9, 1930, Benjamin wrote to Schmitt to announce that he was sending his essay to him, as his friend Albert Salomon had recommended. He points out how thankful he is to Schmitt for his "presentation of the theory of sovereignty in the 17th century." He then adds: "May I add that your earlier works, especially *Die Diktatur*, confirmed my methods of research in the philosophy of art thanks to your own in the philosophy of state."<sup>35</sup> At that time, Benjamin shared a lot of Schmitt's ideas concerning liberalism, but disagreed with his criticism of romanticism. He told Gershom Sholem that *The Concept of the Political* is the most important political book of its time. Numerous works have been devoted to this significant relation.<sup>36</sup> Schmitt never forgot it, and later devoted an appendix to one of his books<sup>37</sup> to Benjamin's book (1956). Salomon, Benjamin's friend, was a sociologist in charge of the social-democratic revue *Die Gesellschaft* from 1928 to 1931. He emigrated in 1933, and two years later settled in the US. The fourth chapter of his book on the tyranny of

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33. Raphael Gross, *Carl Schmitt und die Juden* (Frankfurt a/M: Suhrkamp, 2000). For a critical review of Gross's book, see Günter Maschke, "Der subventionierte Amoklauf," in *Junge Freiheit* (October 20, 2000), p. 16.

34. Walter Benjamin, *Ursprung des deutschen Trauerspiels* (Berlin: Ernst Rowohlt, 1928).

35. Expurgated from the first edition of Walter Benjamin's correspondence, this letter was published for the first time in 1974. French text in Jacob Taubes, *En divergent accord. A propos de Carl Schmitt* (Paris: Rivages, 2003), pp. 51-52 and 98-99.

36. See, in particular, Samuel Weber, "Taking Exception to Decision: Walter Benjamin and Carl Schmitt," in *Commemorating Walter Benjamin*, special issue of *Diacritics*, Vol. XXII, Nos. 3-4 (Autumn-Winter 1992), pp. 5-18; Annie Dymetman, *O período weimariano como uma hermenêutica do excesso. O caso de Walter Benjamin y Carl Schmitt*, PhD thesis (Sao Paulo, 1999); Rafael Gutiérrez Girardot, "Carl Schmitt y Walter Benjamin," in *Cuardenos hispanoamericanos* (2001), pp. 61-78. See also the special issue (No. 5) of the Belgian *Benjamin Journaal*, published in 1997.

37. Carl Schmitt, *Hamlet oder Hekuba: Der Einbruch der Zeit in das Spiel* (Düsseldorf-Cologne: Eugen Diedrichs Verlag, 1956).



progress<sup>38</sup> also was influenced by Schmitt's *Political Theology*.

Among the people Schmitt interacted with during the Weimar Republic were also a good number of members of (or close to) the Frankfurt School, such as Herbert Marcuse, Otto Bauer, Franz L. Neumann, Otto Kirchheimer, Hans Mayer, *et al.*<sup>39</sup> In the summer of 1932, Kirchheimer and Neumann (whose relation to Schmitt has been discussed by Volker Neumann, Alfons Söllner, and Rainer Erd) attended a conference on constitutional problems organized by the Berlin Business School. The case of Kirchheimer is particularly interesting. After he worked in Paris for the Institute for Social Research [later known as the Frankfurt School] in 1936-37, he emigrated to the US, and lived in New York until 1942. He then worked for the American government until 1955, before he started teaching at the New School for Social Research and Columbia University until his death in 1965. When he returned to Germany after the war, he hurried to see Schmitt, whom he visited regularly between November 1949 and the summer of 1961 (witness Rainer Erd).

In 1922, Schmitt was nominated for a professorship at the University of Bonn, thanks to the support of the Protestant jurist Rudolf Smend, a great adversary of Kelsen and a future Nazi opponent. Ten years later, Schmitt became a professor in Cologne. At that time, having supported the Catholic Center Party and the Brüning government, he used his legal competence to work for General Kurt von Schleicher. Their main goal was to prevent Hitler from coming to power. After 1929, he also was close to the former Secretary of State Johannes Popitz, a future Prussian Finance Minister, who shared his ideas, i.e., the need for a state powerful enough to outlaw extremist parties and whose president would be the "guardian of the Constitution."

In October 1932, Schmitt defended the German Reich against the Prussian government before the Supreme Court in Leipzig, following the "Prussian coup" on July 20, 1932, which allowed Franz von Papen, whose advisor he had become, to suspend the Braun-Severing social democratic government.<sup>40</sup> Also in 1932, in his book *Legalität und Legitimität*, Schmitt advocated banning both the Nazi and the Communist parties, which he called "enemies of the Constitution," and supported the establishment of a four year presidential regime. His goal at the time was to save the Weimar Republic by proclaiming a "state of exception." The day before

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38. See Albert Salomon, *Fortschritt als Schicksal und Verhängnis: Betrachtungen zum Ursprung der Soziologie* (Stuttgart: 1957). In 1931, Salomon also praised Schmitt's book about Hugo Preuss: "Hugo Preuss, sein Staatsbegriff und seine Stellung in der deutschen Staatslehre," in *Die Gesellschaft* (March, 1931), p. 286.

39. See Ellen Kennedy, "Carl Schmitt and the Frankfurt School," in *Telos* 71 (Spring 1987), pp. 37-66.

40. See Gabriel Seiberth, *Anwalt des Reiches. Carl Schmitt and der Prozess "Preussen contra Reich" vor dem Staatsgerichtshof* (Berlin: Duncker & Humblot, 2001), which summarizes Schmitt's anti-Nazi positions at that time. See also Lutz Berthold's important book, *Carl Schmitt und der Staatsnotstandsplan am Ende der Weimarer Republik* (Berlin: Duncker & Humblot, 1999).

the Reichstag elections, scheduled for July 31, he called for a vote against the Nazi Party in an article in the *Tägliche Rundschau*, citing several excerpts from *Legalität und Legitimität*. He wrote: "Whoever gives National Socialism the majority . . . will act badly. It will allow this ideologically still immature movement to modify the Constitution . . . . Germany will end up in the hands of this group."<sup>41</sup>

Robert Wistrich writes: "Even though he was hostile to Weimar pluralism, Schmitt opposed Left and Right extremists before the Nazis took power, going so far as to support General von Schleicher's efforts to stop or to end the Nazi venture."<sup>42</sup> After Hitler took power, von Papen asked Schmitt to contribute to the drafting of the Enabling Act of April 7, 1933. Schmitt joined the Nazi Party on May 1. He was appointed by Hermann Goering as Secretary of the Prussian State, and Hans Frank put him in charge of the *Deutsche Juristen-Zeitung*. That same year, he headed the group of professors of the National-Socialist League of German Jurists.

How can one explain Schmitt's joining the Nazi Party? There has been a lot of talk about "opportunism," which is an acceptable hypothesis. Nevertheless, during the Weimar Republic, he did not appear to be particularly opportunistic. The fact that Hitler came into power *legally* might have played a role in his decision. But most likely Schmitt thought (wrongly) that he could define the new regime's legal orientations. Like many others at the time (Franz Neumann for one), he obviously had underestimated the strength of the ideological orientations of the new regime. Rather than being an opportunist, Schmitt believed Nazi ideology to be opportunistic, and he thought it could be bent in any direction. This was a fatal error. It explains why he encountered so many problems during the Third Reich and after 1945. At any rate, in the next three years Schmitt published a series of articles that can be considered unacceptable and which did not add anything to his stature. While they must be read very carefully, as the Nazi authorities did, they ultimately condemned the author with both the Nazis and his critics.

After 1933, one of Schmitt's main concerns was the state, rather than the party. His thesis was always that there is no totalitarian state, but only a totalitarian party, whose demands have to be restrained. He absolutely rejected the idea of a party-state. Moreover, he was not interested in the idea of the people, which in his eyes has no specific political value: in *Legalität und Legitimität*, he wrote that the people are not able to discuss, lead, or create norms, but only to say yes or no. In *Staat, Bewegung, Volk*, a book he published in 1933, he expressed implicitly, but unambiguously this sentiment. Opposing the official doctrine, he asserted that the state takes precedence over the "movement" and the "people." As André Doremus has noted: "This text, as well as the *Leviathan* five years later, has been received very negatively by the circles sharing the

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41. Carl Schmitt, "Der Missbrauch der Legalität," in *Tägliche Rundschau* (July 19, 1932).

42. Robert Wistrich, *Who's Who in Nazi Germany* (London: Weidenfeld & Nicolson, 1982), pp. 275-276.

regime's sensibilities."<sup>43</sup> He added: "During the three years that Schmitt belonged to the regime . . . he discretely, but constantly defended the idea of a strong state against the prevalence of a single party, which meant the identification of an ideology with a political power without control."<sup>44</sup> This is also Taubes' opinion: "Schmitt's concern was that the party and the chaos do not take over power and that the state remain in control at all costs!"<sup>45</sup>

This explains Schmitt's support of the June 1934 purge ("the Night of the Long Knives"), as expressed in "The Führer Protects the Law," which is a comment on Hitler's July 13, 1934 speech before the Reichstag. In Schmitt's opinion, the purge eliminated the most extremist wing of the party and allowed the state to reaffirm its authority.<sup>46</sup> Also, the formula "total state" that he used at the time should not be misunderstood, because he simultaneously adopted the idea of "concrete order thinking," inspired by the "institutional" thesis of the French jurist Maurice Hauriou, to replace his former decisionism. Just as for the jurist Ernst Forsthoff, this idea betrays no "particular sign of totalitarianism."<sup>47</sup> It only means that Schmitt supported the integration of all aspects of public life under the aegis of the state, and denied any tendency of the state to invade private life. Schmitt was hostile to the idea of a "quantitative" concept of the total state, which abolishes this distinction, and supported a "qualitative" concept based on the ability to distinguish the political from the non-political. For Schmitt, the "total state" represents a plebiscitary dictatorship imposed in a state of exception, which means it is only a temporary situation embraced by the spirit, if not the letter of the constitution. As Renato Cristi is forced to admit, "if totalitarianism means that the state assimilates and metabolizes civil society, [then it is clear] that Schmitt never endorsed . . . such a totalitarian concept."<sup>48</sup>

Clearly, that concept had to be "rejected by the Nazis, who interpreted it as

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43. In Carl Schmitt, *Ex captivitate salus. Expériences des années 1945-1947* (Paris: J. Vrin, 2003), p. 108.

44. *Ibid.*, p. 111.

45. Taubes, *En divergent accord*, *op. cit.*, p. 110. See also Gary Ulmen, "Between the Weimar Republic and the Third Reich. Continuity in Carl Schmitt's Thought," in *Telos* 119 (Spring 2001), pp. 18-31, which shows that if there is "continuity" in Schmitt's thought before and after 1933, it is not related to Nazism.

46. Doremus points out that the purge in question, during which General von Schleicher and his wife were killed, at the time had "mostly received approval from the public who interpreted it as Hitler's way of cleaning up the party's turbulent entourage and an indication that he had decided to become a perfect statesman. On July 3, the press already thanked the Führer and Goering for having avoided a German civil war" [in Schmitt, *Ex Captivitate Salus*, *op. cit.*, p. 111]. Moreover, in his article, Schmitt identifies as "crimes" the "special actions" perpetrated during or after the three day period, which were not related to the Führer's action, and were not authorized by him."

47. Doremus, in Schmitt, *Ex Captivitate Salus*, *op. cit.*, p. 110.

48. Renato Cristi, *Carl Schmitt and Authoritarian Liberalism. Strong State, Free Economy* (Cardiff: University of Wales Press, 1998), p. 5.

the state's confiscation of the power of decision that can belong only to the party and its leader."<sup>49</sup> Moreover, it did not include any "völkisch [i.e., populist in the Nazi sense]" element. That is why the Nazi press always denounced the idea of the "total state," just as it criticized "total mobilization" (Ernst Jünger) or "*Stato totalitario*" (Giovanni Gentile), and countered with the idea of a state based solely on a *Volksgemeinschaft* [community of the people].<sup>50</sup>

Zarka does not miss the opportunity to emphasize the fact that the word "race" appears (if only occasionally) in several of Schmitt's texts at the time. But the real question is not whether Schmitt used the term (everybody was more or less compelled to do so), but rather whether even the smallest aspect of Schmitt's political doctrine was based on race. The answer is no. Schmitt always refused to root politics in biology or race. As Balibar has put it, Schmitt was strongly opposed to "biological" racism, whose naturalistic and scientific references (the pseudo-Darwinism of *Rassenkunde*) directly contradicted his own philosophy of history."<sup>51</sup> Even Hugues Rabault, who maintains that "anti-Judaism is rampant in Schmitt's thought," has to admit that Schmitt "never supported the biological doctrine of races."<sup>52</sup> His anti-Judaism is not related to race, but to traditional Catholic tradition. As Heinrich Meier has noted, "his roots are entrenched in his faith in Revelation," and he belongs to the "horror-rich tradition of Christian anti-Semitism." One must be aware of these subtleties, imperceptible to Zarka, in order to understand the attacks against Schmitt during the Third Reich. Otherwise, they are incomprehensible.

Contrary to the claims of Schmitt's opponents, the Nazi attacks against him started very early. Not only was his 1933 book, *Staat, Bewegung, Volk*, received very reservedly, in the same year the jurist Otto Koellreuter criticized him for being a conservative, philo-Semitic and "liberal" Catholic.<sup>53</sup> These accusations, repeated during the following years in a series of books, directly or indirectly were taken over by other Nazi jurists, among them Roland Freisler, Gustav Adolf Walz, Hans Helfritz, Karl Larenz, Theodor Maunz, Helmut Nicolai, Hans Gerber,

49. Doremus, in Schmitt, *Ex Captivitate Salus*, *op. cit.*, p. 110.

50. See, in particular, Reinhard Höhn, *Die Wandlung im Staatsrechtlichen Denken* (Hamburg: Hanseatische Verlagsanstalt, 1934); Otto Koellreuter, *Der deutsche Führerstaat* (Tübingen: J.C.B. Mohr-Paul Siebeck, 1934); Alfred Rosenberg, "Totaler Staat," in *Völkischer Beobachter* (January 9, 1934); and, above all, Roland Freisler, "Totaler Staat? — Nationalsozialistischer Staat," in *Deutsche Justiz* (1934), pp. 43-45.

51. Balibar, preface to Schmitt, *Le Léviathan*, *op. cit.*, p. 16.

52. Hugues Rabault, "Carl Schmitt zur Einführung," in *Cités* (April 10, 2002), pp. 179-180. Rabault justifies the lack of hostility toward Jews before 1933 by the fact that "his anti-Judaism combined with his conservatism inspired by Catholicism could not be expressed openly during the Weimar Republic" (*ibid.*, p. 180). This assumption is completely ridiculous, since between 1918 and 1933 the number of anti-Semitic books published in Weimar Germany was no less than during the Third Reich.

53. Otto Koellreuter, *Volk und Staat in der Verfassungskrise. Zugleich eine Auseinandersetzung mit Carl Schmitt* (Berlin: Junker und Duennhaupt, 1933).

Hans Helmut Dietze, and Julius Binder.<sup>54</sup> In 1934, according to General von Frittsch's testimony, Schmitt declared in front of superior officers that a military putsch against Hitler would be legitimate. Two years later, the SS newspaper, *Das Schwarze Korps*, published two sensational articles (on December 3 and 10, 1936), whose (anonymous) author flatters himself for finally exposing Schmitt as a venomous opponent of the regime. Schmitt was accused of "opportunism," "political Catholicism," and of having strong ties to Jews.<sup>55</sup> At the same time, the SS drew up a damning file against him,<sup>56</sup> mentioning the book he wrote about Hugo Preuss in 1930 and his relation with other Jews such as Fritz Eisler, Franz Blei, Erich Kaufmann, Moritz Julius Bonn, and Hermann Heller. From then on, the Gestapo placed Schmitt under close surveillance.

Rosenberg's department also joined the SS in attacking Schmitt. In 1937, Rosenberg published an internal file in which he denounced Schmitt's hostility toward any racial ideology and his "sympathy for Jews." The text emphasized that Schmitt's theories contribute "to submitting the National-Socialist state to the power of the Catholic Church."<sup>57</sup> In July 1939, a new report issued by Rosenberg's department confirmed the same accusations. It seems that neither Himmler nor Rosenberg understood that Schmitt was a "philosophical Nazi." But at that time Schmitt's fate was settled. In 1936, even before the *Schwarze Korps* articles appeared, Schmitt was forced to resign from the *Fachgruppe Hochschullehrer des NS-Juristenbund*, and, later, as leader of the *Deutsche Juristen-Zeitung*. He also lost control of the collection, "Der deutsche Staat der Gegenwart," published by the Hanseatische Verlagsanstalt in Hamburg. Zarka assures his readers that "contrary to a persistent rumor, Schmitt did not lose all his official positions after 1936."<sup>58</sup> Redecker claims that "he maintained his high positions until 1945."<sup>59</sup> In fact, Schmitt lost all of his official positions in 1936. He retained only his tenure as a professor at the University of Berlin and his title as advisor to the Prussian State. The latter was a sham, because after 1936 the Prussian Council was never reconvened, since the Nazis had liquidated the Prussian State. Moreover, Schmitt was banned from publishing in all

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54. Otto Koellreutter, *Der deutsche Führerstaat, op. cit.*; *Volk and Staat in der Weltanschauung des Nationalsozialismus* (Berlin-Charlottenburg: Pan Verlag, 1935); *Deutsches Verfassungsrecht* (Berlin: Junker und Duennhaupt, 1936).

55. See Mario Zeck, *Das schwarze Korps* (Tübingen: Max Niemeyer, 2002), pp. 246-248.

56. This file can now be consulted at the Institute for Contemporary History in Munich (RFSS/SD-Hauptamt, IfZ, AKZ 4062/69, Fa 503/1-2)

57. "Der Staatsrechtslehrer Prof. Dr. Carl Schmitt," in *Mitteilungen zur weltanschaulichen Lage*, Vol. III (January 1, 8, 1937), pp. 1-15. The complete version of this text has been published by Günter Maschke: "Das 'Amt Rosenberg' gegen Carl Schmitt. Ein dokument aus dem Jahre 1937," in *Etappe* (October 2, 1988), pp. 96-11.

58. Yves Charles Zarka, "Carl Schmitt le nazi," in *Cités*, No. 14 (2003), p. 161.

59. Redecker, "Schmitt ou le fantasme de la politique pure," *op. cit.*

Nazi Party publications.<sup>60</sup>

After 1936-37, Schmitt became part of the “internal emigration.”<sup>61</sup> He stopped writing about current events, and devoted himself to studies of Hobbes, the evolution of international law, and the antithesis of land and sea. He also formulated his doctrine of *Grossraum*, which was designed to demonstrate that the political world is always a “*pluriversum*,” in which one can recognize a secularized metamorphosis of the old principle of *cujus regio, ejus religio* [whose is the territory, his is the religion]. Specifically, a *Grossraum* is a large space dominated by a power with a distinctive political concept. Schmitt derived the concept of *Grossraum* from the Monroe Doctrine, which was formulated by the American President James Monroe in 1823. Its goal was to prevent foreign powers from invading the Western Hemisphere. In any case, it should not be confused with the Nazi concept of *Lebensraum* (living space). For instance, Schmitt stresses that the “European *Grossraum*” cannot be identified with the “Reich,” just as Brazil or Argentina cannot be identified with the US. Turning the notion of *Grossraum* into a “*völkisch* concept” (as Bernd Rüthers has done) or claiming that it “justified, in theory, the Führer’s Pan-German expansionism”<sup>62</sup> is grotesque.

Here again, Nazi theoreticians were more discerning. In 1939, when Schmitt’s little book, *Völkerrechtliche Grossraumordnung mit Interventionsverbot für raumfremde Mächte*, was published, it was immediately denounced in Rosenberg’s *Nationalsozialistische Monatshefte*, and Schmitt again was consigned to silence. Between 1941 and 1943, Schmitt’s doctrine of *Grossraum* also became subject to a series of frontal attacks by Reinhard Höhn in the SS journal, *Reich-Volksordnung-Lebensraum* (which Höhn himself published, along with Werner Best, Wilhelm Stuckhart, and Gerhard Klopfer.) Again, Höhn denounced Schmitt for dismissing any biological or racial consideration in his definition of *Grossraum*, and insisted that Schmitt’s theory was incompatible with the Nazi doctrine of *Lebensraum*.<sup>63</sup> This has led Joseph W. Bendersky to conclude that Schmitt “never provided any ideological justifications for the Nazis’ foreign policy.”<sup>64</sup>

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60. The only exceptions were three articles published in 1940-42 in *Das Reich*, a publication headed by Eugen Mündler, and later by Hans Schwarz van Berk. It was rare for a non-party publication to open its columns to writers not belonging to the party. It published articles by Rudolf Augstein, future manager of *Der Spiegel*, Margret Boveri, Elisabeth Noelle-Neumann, Werner Höfer, Joachim Fernau, *et al.*

61. About this notion, see No. 7 (2002) of *Carnets Ernst Jünger*, which includes a good summary by Gérard Imhoff (“L’immigration intérieure. Mythe ou réalité?” pp. 17-35), as well as an extensive bibliography.

62. Nicolas Tertulian, “Le juriste et le Fuehrer,” in *Cités* (April 6, 2001), p. 45.

63. See Reinhard Höhn, “Grossraumordnung und völkisches Rechtsdenken. Zugleich eine Auseinandersetzung mit der Schrift von Carl Schmitt, “Völkerrechtliche Grossraumordnung mit Interventionsverbot für raumfremde Mächte,” in *Reich-Volk-Lebensraum* (1941), pp. 256-288.

64. Joseph W. Bendersky, *Carl Schmitt, Theorist for the Reich* (Princeton: Princeton University Press, 1983), p. 259.

During the war, Schmitt was invited to attend conferences abroad, i.e., in Lisbon, Madrid, Paris, and Bucharest. The Nazi authorities tried in vain to block his nomination to the Spanish Royal Academy. His manuscript on *nomos*, published as a book in 1950,<sup>65</sup> was to appear in a collection honoring his friend Johannes Popitz on his 60th birthday (November 2, 1944), but Popitz was sentenced to death and executed for participating in the failed plot to kill Hitler on July 20, 1944.

At the end of the war, Schmitt was arrested by the Russians, and then released. On September 25, 1945, the Americans arrested him, probably at the request of Karl Löwenstein, who at the time was the legal advisor for the military occupation government in Berlin. Schmitt was held prisoner at the Berlin/Lichterfeld-Süd prison camp, then at Wannsee. Banned from publishing, he was released on October 10, 1946. Six months later, he was arrested again and interrogated at length by Robert W. Kempner, a deputy public prosecutor for the international military tribunal at Nuremberg. Kempner ascertained that there was no reason to pursue charges against Schmitt and decided to dismiss the case.<sup>66</sup> In these interviews, Schmitt said: "I wanted to give National Socialism a meaning of my own." He added that in 1936 he had "renounced the devil," and said that "considering the legal and administrative participation of the state apparatus in Hitler's crimes, one can state that these crimes were made possible by the legitimacy granted to the civil service."

After the war, Schmitt supported the creation of the Constitutional Supreme Court in Karlsruhe, and one of Schmitt's former students, Friesenhahn, was named president. In 1950, Schmitt published a more personal book, *Ex Captivitate Salus*, in which he revealed, with moving lucidity, the fruit of his meditations about the years immediately following the war. The book is dedicated to the memory of his friend Wilhelm Ahlmann, who also was involved in the July 20 plot to kill Hitler, and who committed suicide in December 1944 to protect his relatives. Schmitt compared his own situation to that of Plato, who did not consider it beneath him to give advice to the tyrant of Syracuse. He identified himself with Benito Cereno, the hero of Herman Melville's book, and called himself a "Christian Epimetheus," in honor of Konrad Weiss, whom he considered the "last conscious representative of the *jus publicum Europaeum*, its last master and researcher in an existential way."

Like Heidegger, Schmitt became a supporter of National Socialism in 1933. But the Nazis were no more Schmittian than they were supporters of Heidegger's philosophy.<sup>67</sup> Schmitt, who never met or talked to Hitler, Göbbels, Himmler, or Rosenberg personally, soon realized that his attempt to build bridges between Nazi ideology and his own ideas failed for the simple reason that he "never ideologically

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65. Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, tr. and annotated by G. L. Ulmen (New York: Telos Press, 2003).

66. Recently, these interviews were published in French. See Carl Schmitt, *Ex Captivitate Salus*, *op. cit.*, pp. 22-77. The text has also been translated into English, Italian, Japanese and Serbo-Croatian.

67. Schmitt met Heidegger only once, in 1944.

converted to Nazism.”<sup>68</sup> According to Rabault: “Schmitt actually tried to adjust the doctrine of National Socialism to his own fundamental positions, rather than supporting its ideology.”<sup>69</sup> Doremus put it even more clearly: “Schmitt thought he would be strong enough to direct from the inside the political course of a movement and a party he considered to be devoid of thought. This ideologist, who stood outside of all ideologies, unaware of the real intentions of Hitler’s regime because of his deep belief in the power of law, which he confused with his passion for Germany, had at first been welcomed by a party enthusiastic about such an unexpected recruit. The illusion only lasted one year.”<sup>70</sup>

In *Ex Captivitate Salus*, Schmitt mentions three Latin formulas: *tyrannum licet adulari adulare* (one is allowed to worship the tyrant); *tyrannum licet decipere* (one is allowed to deceive the tyrant); and *tyrannum licet occidere* (one is allowed to kill the tyrant). Commenting on this passage, Taubes writes: “These three stages allegorically describe Carl Schmitt’s story under the National Socialist tyranny. Adulation in the beginning, then misleading by vague refutations, and finally supporting groups favorable to the demise of the regime.”<sup>71</sup> The same idea was expressed in an article published in France after Schmitt’s death: “After he warned against it (1932), he suddenly, in 1933, supported the new regime. He did so in the spirit of a great historical piety (he relied on Leon Bloy) and claimed he could single-handedly bring the doctrine to these men he despised. Some of them would soon, in 1936, become dangerous enemies.” This obituary was published . . . in *Le Monde*.<sup>72</sup>

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Returning to Schmitt’s Hobbes’ book, which provoked Zarka’s wrath, it was originally published in July 1938,<sup>73</sup> and consists of a 1937 text and the text of two lectures. One of these lectures was delivered on April 12, 1938 in Kiel,<sup>74</sup> during a symposium organized by the Hobbes Society in honor of the 350th anniversary of the birth of the author of the *Leviathan*. Constantly reprinted in Germany (the last

68. Bendersky, *Carl Schmitt: Theorist for the Reich*, *op. cit.*, p. 208.

69. Hugues Rabault, “Carl Schmitt et la mystique de l’Etat total,” in *Critique* (Nov. 2001), p. 864.

70. Doremus, in Schmitt, *Ex Captivitate Salus*, *op. cit.*, pp. 7-8. See also Chris Thornhill, *Political Theory in Modern Germany. An Introduction* (Cambridge: Polity Press, 2000), pp. 84-90.

71. Taubes, *En divergent accord*, *op. cit.*, p. 34.

72. André Doremus, “Un témoin exceptionnel,” in *Le Monde* (April 14-15, 1985). Yes, in *Le Monde* — but that was 18 years ago when it was another newspaper.

73. Carl Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes. Sinn und Fehlschlag eines politischen Symbols* (Hamburg: Hanseatische Verlagsanstalt, 1938).

74. In his essay on Hobbes’ role in Schmitt’s thought, Helmut Rumpf insists that, during the conference, Hobbes was never called a precursor of National Socialism. Concerning Paul Ritterbusch’s opening speech (cited by Schmitt), it could not even be published. See *Carl Schmitt und Thomas Hobbes. Ideelle Beziehungen und aktuelle Bedeutung mit einer Abhandlung über: Die frühschriftten Carl Schmitts* (Berlin: Duncker & Humblot, 1973).



time by Klett-Cotta in 1995), it has been translated twice into Spanish (1941 and 1997), into Japanese in 1972, into Italian in 1986, into Korean in 1992, and into English in 1996. In France, it is the twelfth Schmitt book translated since 1972, mainly by Gallimard, PUF, and Seuil.

For Zarka, “Schmitt does not reveal concealed meanings in Hobbes’ work, but he is the main obstacle to its understanding.” Compare this pithy judgment, which is not supported by any arguments, with Taubes’ opinion that this book is probably the most important one Schmitt ever wrote, with Habermas’ view, that it is “Schmitt’s fundamental work,” or with Günter Maschke’s, who calls it “the key to all of his work.” After denouncing “attempts at intimidation” and the “retrospective boycott that feeble minds call an act of political morality,” in his preface, Balibar invites the reader to become acquainted with “one of the most inventive, provocative thought of the 20th century,” stressing how “enlightening and profound” Schmitt’s reading of Hobbes really is.<sup>75</sup> Helmut Rumpf thinks that Schmitt is “not only one of the most significant Hobbes interpreters in German, but also his spiritual heir in the 20th century.”<sup>76</sup> Obviously, Zarka has never read Rumpf’s work.<sup>77</sup>

The truth is that Schmitt thought about Hobbes all his life, and in *Ex Captivitate Salus* he introduced him as his “friend” and “brother.” Referring to the famous maxim *auctoritas, non veritas facit legem* [authority, not truth decides the law], for Hobbes the *auctoritas* was the *summa potestas* [supreme power] — he sees in Hobbes not only the founder of the modern state, but also a “typical representative of the decisionist type of thinking.”<sup>78</sup> In that respect, he is one of those who facilitate an understanding of what politics is. The theme of his Hobbes book is the lack of fulfillment of modern rationalism. He tries to solve the problem haunting Hobbes: if individuals participate in a society to protect their existence, and if the absolute evil for them is violent death, then how can society convince them to sacrifice their lives for it?<sup>79</sup> Moreover, Schmitt states that “of all the great

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75. Balibar, preface to Schmitt, *Le Léviathan*, *op. cit.*, pp. 8-9.

76. Rumpf, *op. cit.*, p. 56.

77. Neither has he read George Schwab’s introduction to the American edition of Schmitt’s book, nor Carlo Galli’s introduction to the Italian edition, nor Günter Maschke’s epilogue to the 1982 German edition. Obviously, he is unaware of the contrasting commentaries of Helmut Quaritsch (1974), Francesco Viala (1979), Klaus Schulz (1980), Alessandro Biral (1981), Herfried Muenkler (1984), Bernard Willms (1987), Antonio Caracciolo (1989), Manfred Lauermann (1990), Gershom Weiler (1994), Günter Meuter (1995), Marco Caserta (1996), Horst Bredekamp (1999), Riccardo Panatoni (2000), and Jorge Eugenio Dotti (2002), to mention only a few authors who have worked on the relation between Schmitt and Hobbes. One can just imagine the expression on Zarka’s face if he learned that in September 1980 a symposium organized in Washington D.C. by The American Political Science Association chose as its topic: “Carl Schmitt, the Modern Equivalent of Hobbes.”

78. Carl Schmitt, *Théologie politique* (Paris: Gallimard, 1988), p. 43.

79. Spinoza’s, Moses Mendelsohn’s and Friedrich Julius Stahl’s criticism are included in the book. Zarka makes much of this, but adds nothing new. He obviously has forgotten that Hobbes defined Jews as “a race eager for prophets” (in *De Cive*, Ch. XVI, §15).

thinkers of his time, Hobbes had an inclination for esoteric veils. He sees in the leviathan an “esoteric symbol,” and in the book, which carries his name, he sees a “completely esoteric work.” He even went as far as to write a presentation for his own book. It was supposed to appear on the back cover, but was finally withdrawn by the publisher. It started with the following words: “Caution! You have heard about the great Leviathan and you want to know more by reading this book? Caution, dear friend! This book is esoteric cover to cover, and its intrinsic esotericism will become more and more obvious as you delve deeper and deeper into it.”<sup>80</sup>

Attributing an “esoteric” approach to Hobbes — “he only divulged half of his thought” — reminds one of his commentator. Like Hobbes, Schmitt states that indirectly he tries to say what he could not have expressed clearly because of the constraints of the time. He, too, only divulged “half of his real thought.” In 1981, he said about his work: “It is an esoteric book for three reasons: 1) it is a work that has a life of its own; it is independent as a myth; 2) this book does not hide anything and that is why it gives the impression that it is hiding the most important thing; and 3) it carries everything inside.” Zarka must have a hard time understanding any of this.

In his 1938 preface, Schmitt also writes: “The name *leviathan* throws a long shadow; it has fallen on the work of Thomas Hobbes’s work and will in all likelihood also fall on this little book.” These revealing words confirm the parallel that Schmitt implicitly draws with Hobbes’ fate during the English Civil War, “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 which others marched through.” Later, he added: “When the only public sphere in a country is the one organized by state power, then the spirit of the people takes a secret path that leads inside: then, the antagonistic force of silence and serenity grows.” This clearly alludes to the internal immigration, and Schmitt adds: “Hobbes was the epitome of internal immigration . . . . Consequently, he was genuine.”

Therefore, it is easier to understand why Schmitt could explicitly, in *Ex Captivitate Salus*, compare his 1938 book on Hobbes to Jünger’s *On the Marble Cliffs*, published in 1939.<sup>81</sup> Both portray an allegoric or concealed criticism of Nazism. Does this claim seem excessive, coming from someone for whom the “German catastrophe” was equivalent to what the Peloponnesian War was for Thucydides? Maybe. Nevertheless, as Palaver writes, “when his book was published, Schmitt felt that his attitude toward the Nazi regime had been critical.”<sup>82</sup>

80. The text of this presentation has been published as an appendix to the correspondence between Schmitt and Armin Mohler. See Carl Schmitt, *Briefwechsel mit einem seiner Schüler* (Berlin: Akademie Verlag, 1995), pp. 38-39.

81. Ernst Jünger, *On the Marble Cliffs*, tr. by Stuart Hood (New York: New Directions, 1947).

82. Schmitt, *Le Léviathan*, p. 222. At the end of the text, Palaver talks repeatedly about “criticism of the internal forces of Nazism,” about “distancing themselves,” about “critical distance from Hitler’s regime.”

Maschke, Bendersky, and Noack all share this opinion.<sup>83</sup>

Anyway, Schmitt was not mistaken: his “little book” was met with profound silence from the official press. The only mention came from Koellreutter, who expressly stated that the Hobbesian concept of the state “does not have anything else to say to us today.”<sup>84</sup> This reaction is not surprising, since it is known that the Third Reich did not like Hobbes because of his views on statism.<sup>85</sup>

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“Do Schmitt’s and Heidegger’s political positions discredit, *ipso facto*, all those who read and interpret them, as Jacques Derrida claims? This is absurd, and comes from the denial of a debate that deserves to take place.” These lines by Daniel Bensaid were published a few days after Zarka’s pathetic article appeared in *Le Monde*.<sup>86</sup> Bensaid is right, of course, but it is not enough to demand a debate. One must see reality as it is. First of all, one must assess the increasing extent of Schmitt’s reception, which disproves Zarka’s statements.

Some of Schmitt’s works were translated into French in the late 1920s, but they did not have a major impact. One of Schmitt’s first translators was the banker Pierre Linn, whose wife was Jewish. He and Joseph Vialatoux belonged to the Circle of Meudon, which met regularly with Jacques and Raissa Maritain. Schmitt’s work made a strong impression on René Capitant, an early critic of the Nazis<sup>87</sup> and the future Minister of Justice (he was also one of the founders of the constitution of the Fifth Republic). Schmitt’s work began to be translated systematically in France at the beginning of the 1970’s. The two people who

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83. Bendersky, *Carl Schmitt*, *op. cit.*, pp. 244-246; Paul Noack, *Carl Schmitt. Eine Biographie* (Berlin-Frankfurt a/M.: Ullstein-Propylaen, 1993), pp. 225-228.

84. Otto Koellreutter, *Reichsverwaltungsblatt* (September 17, 1938), p. 806.

85. In an article he wrote in his youth, Helmut Schelsky, referring to the party’s viewpoint, sang the praises of Hobbes, mainly because he had condemned all forms of political theology. See “Die Totalität des Staates bei Hobbes,” in *Archiv für Rechts- und Sozialphilosophie* (1937-38), pp. 176-193. Of course, this is totally unacceptable for Schmitt. Palaver notes: “First of all, Schmitt’s *Leviathan* answers Schelsky and others critics in the party” (*op. cit.*, p. 204). Joseph Vialatoux has depicted Hobbes, if not as a precursor of modern totalitarianism, at least as “the abstract theoretician of state totalitarianism.” See *La cité de Hobbes. Théorie de l’Etat totalitaire* (Lyon: Chronique Sociale de France, 1935). René Capitant questions this thesis, insisting on the rationalistic, nominalistic, and individualistic foundations of Hobbes’ philosophy of the state, which he opposes to the organistic mysticism of National Socialism. See “Hobbes et l’Etat totalitaire,” in *Archives de philosophie du droit et de sociologie juridique* (1938), pp. 46-75. See also Hubert R. Rottleuthner, “Leviathan oder Behemoth? Zur Hobbes-Rezeption im Nationalsozialismus und ihrer Neuaufnahme,” in Steffen Harbordt, ed., *Wissenschaft und Nationalsozialismus, Zur Stellung der Staatslehre, Staatsphilosophie, Psychologie, Naturwissenschaften und der Universität zum Nationalsozialismus* (Berlin: Technische Universität Berlin, 1983), pp. 54-81.

86. Daniel Bensaid, in *L’Humanité* (December 9, 2002).

87. See Olivier Beaud, “René Capitant et sa critique de l’idéologie nazie, 1933-1939,” in *Revue française d’histoire des idées politiques* (2001), pp. 351-378.

(re)introduced this work in France were Raymond Aron and Julien Freund. Freund was in the Resistance and was arrested several times by the Gestapo. In 1972, in the preface to *The Concept of the Political*, Freund wrote: "I was Carl Schmitt's friend and I considered it an honor." It was published by Calmann-Lévy in the collection "Liberté de l'esprit," managed by Aron. In his *Mémoires*, Aron wrote that he considered Schmitt to be a direct heir of Max Weber.<sup>88</sup> At that time, Alexandre Kojève surprised some people when he declared that Schmitt was "the only person in Germany worth talking to."

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Zarka cannot understand that some intellectuals, who were not Nazis, could have compromised themselves with Nazism for a while, but never become Nazis. He fails to realize that by calling Schmitt a Nazi he uses the same slanderous methods used by the Nazis. But, above all, he does not realize that by exonerating him from the sin of opportunism (Schmitt did not commit any mistakes in 1933, he just followed his own inclination), he retrospectively legitimates the Nazi Party's intellectual ambitions. The goal of this despicable campaign is all too obvious: to prevent the reader from making up his own mind, to ban access to Schmitt's book, to surround his work with a *cordon sanitaire*, to issue an order of silence.

In fact, after the publication of Zarka's article, nothing more has been published about *The Leviathan*. With only a few exceptions, the same can be said with respect to Taubes' *En divergent accord* and two other of Schmitt's books translated into French in 2003, *Ex capivitate salus* and *La valeur de l'Etat et la signification de l'individu*.<sup>89</sup> The message has gotten through. As in totalitarian regimes, the party's press dictates what should not be mentioned. *Le Monde* says: *Achtung!* One must follow the orders of the *Kommandatur*. As for Schmitt's supporters, they were very careful not to react: one can never be too careful, especially when one's career is at stake. As for the French university, the fact that it is still paying Zarka, after he wrote such an article, shows how little it cares for respect, intellectual tolerance, debates about ideas, or even plain intelligence or culture.

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88. The relation between Schmitt and Weber's thought has been acknowledged by numerous authors, beginning with Georg Lukács and Hannah Arendt. It has been particularly well demonstrated by Wolfgang J. Mommsen in his work on *Max Weber et la politique allemande* (Paris: PUF, 1985). Taubes, who also considered Schmitt as one of the most famous of Max Weber's successors, went as far as to introduce him as "his legitimate son."

89. Carl Schmitt, *La valeur de l'Etat et la signification de l'individu* (Genève: Droz, 2003).