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A Handbook

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All participants read all papers. Authors do not present their own papers. Discussants give a 5-minute input each. Their points are followed by a 20-minute open discussion. Authors take notes of the discussion of their respective chapter draft

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Emerging from Hobbes' Shadow: The Reception of Carl Schmitt in the Discourse of Belarus's "New" Right-Wing Intellectuals

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Early Belarusian studies often viewed official discourse solely through a Soviet intellectual lens, missing crucial ideological shifts in state and academic institutions. Scholars overlooked the foundational work of right-wing intellectuals like Hryhory Vasilevich, Dzmitry Dzemichau, and Aliaksandr Abramovich. Through publications and constitutional reforms, these academics publicly laid the ideological groundwork for the 1996 "authoritarian consolidation," drawing heavily on Thomas Hobbes for legitimacy in the 1990s, despite echoes of Carl Schmitt's ideas. Interest in Carl Schmitt surged later in the 2010s with the emergence of the conservative center "Nomos," which included Pyotr Piatrouski and Aliaksej Dzermant. This "new" generation of intellectuals sought to align with the broader European "right-wing turn" and connected with the "older" circle. In 2016, they co-founded the "Eurasia Expert" platform, where Schmitt's ideas on "dictatorship" and the "partisan" were reflected in publications. By promoting these concepts through media, analytical, and teaching positions, these "new" right-wing intellectuals introduced a new phase into Belarus's intellectual landscape. Analyzing Schmitt's reception in Belarus thus reveals a significant, understudied ideological transformation that reflects the country's connection to the European "right-wing turn."

Introduction

In this text, we offer an original analysis of pro-government intellectual circles and their respective concepts. Our study traces an evolutionary trajectory: beginning with the 'first generation' of intellectuals who were hesitant to engage with the radicalism of Carl Schmitt, and culminating in those who interpret his work outside the state project - a rare, for Belarus at least, leftist alternative reading of Schmittian thought. Furthermore, as the authors were often direct observers of the events described, this study adopts a partially ethnographic approach. To our knowledge, there is currently no academic work that comprehensively documents the phenomenon we examine here - the specific intellectual networks that have contributed to the architecture of Belarusian consolidative authoritarianism under Aliaksandr Lukashenka.

Administrative legalism of the first generation Belarusian right-wing intellectuals

Today, pro-government intellectuals operate within the framework of state programs and various state-owned or formally non-governmental – yet politically aligned – organizations, formulating the conceptual justification for, and frequently contributing their own vision of, consolidated authoritarianism. A pivotal role in this institutional architecture is occupied by what we define as the “first generation” of “new” right-wing intellectuals.

During the period of authoritarian consolidation under Aliaksandr Lukashenka in the late 1990s, several significant amendments were made to the 1994 Constitution (specifically in 1996, 2004, and 2022). One such amendment fundamentally altered the presidency: the role evolved from being simply “the head of state and executive power” to “the Head of State and guarantor of the Constitution of the Republic of Belarus, as well as of the rights and freedoms of the citizen.” Furthermore, the current legal framework stipulates that “the President embodies the unity of the people” (Art. 79) (Kanstytucyia 1994 hoda... n.d.). The integration of the “unity concept” into legislative frameworks and the architecture of state institutions was heavily influenced by a specific cohort of right-wing intellectuals. Among the preeminent figures who established the ideological groundwork for “authoritarian consolidation” are Dmitry Demichev, Doctor of Law, former head of the Department of Theory and History of Law at Belarusian State Economic University, former head of the personnel policy department of the Presidential Administration, and a member of the expert group on law under the Presidential Administration; Hrihory Vasilevich, Doctor of Law, head of the Department of Constitutional Law at Belarusian State University, former chairman of the Constitutional Court and Prosecutor General, and a member of the Council on Legal and Judicial Activity under the President of the Republic of Belarus; Alexander Abramovich, Doctor of Law, former Chairman of the Council of the Republic, former Deputy Head of the Presidential Administration for legal affairs, former Head of the Department of Theory and History of State and Law at Belarusian State University.

In their texts and professional activities, intellectuals championed the principle of the “unity of state power.” Their texts were advisory in nature, but their participation in political life was evident. In their works, one can observe references to the philosopher Thomas Hobbes, while simultaneously criticizing proponents of the separation of powers like philosopher Charles Louis de Montesquieu and politician James Madison. Vasilevich formulated the main principle: “The essential features of state sovereignty are the completeness, supremacy, and unity of state power” (Vasilevich 2008). He argued that one of the necessities for this unity stems from the fact that the presence of multiple branches of power “sooner or later begins to

struggle among themselves” (Vasilevich 2008). Furthermore, he asserted that “a single organized expression of will is of fundamental importance for stability. A people left without organized order faces a dilemma: create it or perish” (Vasilevich 2008).

The unity of the state is realized through the body of the president, as articulated by Demichev: “However, if we consider the head of state as a branch of government, then the political and legal practice of the period after Montesquieu has proven the importance, vitality, and necessity of supplementing the triad of branches of government with another branch – that of the head of state. Moreover, this branch should hold a dominant position among the other branches of government” (2008, 24). As Vasilevich noted, “The President is the supreme sole representative body” (2023, 15).

Alexander Abramovich, recognized (National Legal Portal of Belarus 2024) as a founding architect of the sovereign state’s legal system, contributed significantly to the design of the Presidential Administration within the new power configuration. The status of this new state body was elevated above other lawmaking institutions to rectify the deficiencies of what Abramovich described as “the process of massive and unsystematic lawmaking.” This period was characterized by an “intensification of legislative activity” that led to “a surge in quantitative indicators and the proliferation of lawmaking entities.” Abramovich argued that the legislative process “must be manageable and coordinated, an indisputable necessity that directs the core activities of the Administration of the President of the Republic of Belarus toward achieving this objective” (Abramovich 2019, 556).

It is noteworthy that the justification for the centralization of power in a single individual relied primarily on the rhetoric of rationality and administrative efficiency. This included addressing what was described as “fundamental flaws in parliamentary structures and the inability of existing political-legal institutions of central authority to resolve political and socio-economic problems and contradictions” (Demichev 2007, 18). Such an approach aligns closely with the populist conception of power. As Cas Mudde defines it, populism is “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite,’ and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (Mudde 2004, 543). Consequently, sovereignty is redefined through this general will, which, in the Belarusian context, is articulated solely by the President. As Anton Liavitski observes, Lukashenka “reserved the right to speak on behalf of the ‘people’ for himself alone, seeking to undermine the democratic legitimacy of other branches of government” (Liavitski 2025, 15).

Thus, this first generation of right-wing intellectuals established the ideological and legal foundations for the current Belarusian regime, drawing heavily upon Thomas Hobbes's conception of the sovereign. These thinkers perceived political and legal institutions as fundamentally incapable of resolving social crises without a centralized and consolidated power - a view that resonates with the Hobbesian "war of all against all." According to Hobbesian theory, to circumvent such systemic instability, individuals must renounce their primitive autonomy - specifically the right to act upon private judgment - and vest this authority in a singular, unified sovereign. This supreme entity assumes absolute jurisdiction over both the military apparatus and the definitive interpretation of the legal framework.

It is no coincidence that Carl Schmitt has been described as the "Hobbes of the 20th century"; both theorists converged on the necessity of constructing a foundational state myth. Schmitt sought to "re-establish a mythical framework for the State," an awareness of the importance of myth that was not merely "borrowed from Hobbes" (Thomsen 1997, 26). Nevertheless, critical distinctions remained. Notably, Schmitt "moved beyond Hobbes, who did not require the risking of life in his protection-obedience axiom" (see more details Thomsen 1997, 27). This first generation of right-wing intellectuals, however, stopped short of Schmitt's radicalism, largely as a reaction to the Soviet experience of totalitarianism. It is likely that this background prevented them from explicitly seeking a conceptual foundation for power in Schmitt's oeuvre, given that anything "German" - particularly if associated with the NSDAP - was viewed through the lens of "the enemy." Nevertheless, a clear resonance with Schmittian thought is evident; for instance, in his speech 'The Führer Protects the Law,' Schmitt critiqued the 'liberal' Weimar Republic for its inability to resolve fundamental political tasks - a sentiment echoed by Belarusian intellectuals in their critique of parliamentarianism. Schmitt argued that 'the Führer protects the law from the most wretched abuse when, in a moment of danger, he directly creates law by virtue of his power as the Leader and as the supreme judicial authority' (Schmitt 1934). Yet, these ideological boundaries would eventually be crossed by a second generation of right-wing intellectuals.

NOMOS and Eurasia. Expert circles: from administrative legalism to "Schmittian" ideological project

Carl Schmitt was one of the reference points (alongside Othmar Spann, Ernst Niekisch, Ernst Jünger, Werner Sombart, Julius Evola, Hans Freyer, and similar figures among conservative and right-wing intellectuals and publicists) for the conservative center "Nomos,"

an intellectual circle founded in the fall of 2011. The initiator and leader of this circle was Petr Petrovsky, a PhD student in philosophy at the Belarusian Academy of Sciences. The emergence of “Nomos” coincided with a broader pan-European right-wing and conservative turn of the 2010s, marked by a crisis of the liberal consensus and a growing interest in sovereignty, the state, and traditional forms of identity, which provided the context for its ideological search. Claiming the role of a “developer of an authentic Belarusian worldview based on traditional values” of “labor–family–homeland” (Kansėrvatyūny centr NOMOS, n.d.), “Nomos,” in its ambitious program rejecting the modernist project as utopian and destructive of tradition, placed conservatism at the center as both a worldview and a way of life.

In this context, Petrovsky viewed Schmitt as an author whose ideas on legitimacy, the state, and sovereignty exert an influence on interpretations of the contemporary Belarusian state. Characterizing Belarus’s real politics as state nationalism or etatism, Petrovsky noted that “even the vocabulary of the Belarusian authorities resembles the vocabulary of the conservative political theorist and jurist Carl Schmitt: the same ‘guarantor of the constitution,’ ‘legitimacy’” (Piatrouski 2013). This observation leads to the idea that Schmitt’s concepts function in Belarusian political practice not merely as theoretical constructs, but as tools for interpretation and legitimation of power.

Particularly illustrative in this regard is Petrovsky’s article published in November 2014 under the telling title “Ukraine at a Crossroads: Between Provincial Parochialism and Planetary Dominance” (Petrovskij 2014). In this article, using the Ukrainian “Revolution of Dignity” as a case study, Petrovsky employs Carl Schmitt as a key to analyzing the crisis of Ukrainian statehood. He argues that after the Orange Revolution and the Maidan, Ukraine became an example of polycracy and the dispersion of power: economic and political institutions were subordinated to narrow oligarchic interests, while the state lost its monopoly on violence and its capacity to act as a sovereign subject. For Schmitt, the ability to make exceptional decisions in emergency circumstances defines state sovereignty; Ukraine, according to Petrovsky, lost this ability, which turned the revolutions into a “simulacrum” and entrenched chaos.

Implicitly, this analysis suggests that the Ukrainian case serves as a cautionary lesson for Belarus. A strong and centralized sovereign institution endowed with legitimacy and a monopoly on force, in the views of both Schmitt and Petrovsky, is a necessary condition for preserving the state as a subject—especially under conditions of external geopolitical pressure and internal social challenges. Belarus can thus see an example of how the dispersion of power and the influence of external actors threaten sovereignty, and why the Schmittian idea of the

Sovereign, with a concentration of political power, may function as an instrument for ensuring stability.

Confirmation of this conclusion can be found in Petrovsky's theses published following a meeting of the "Minsk Discussion Club of Amateurs" devoted to the topic of the state (Piatrouski n.d.), in which his vision of the state bears distinctly Schmittian features. Petrovsky criticizes the contemporary state for the dispersion of power, the subordination of economic and political institutions to narrow oligarchic interests, the loss of the monopoly on violence, and the inability to act legitimately under exceptional conditions. At the same time, he views Belarus as a potentially sovereign state that can preserve its autonomy and strength only through the concentration of power, the legitimate adoption of "exceptional decisions," and the fusion of the state with national business.

Over time, this apologetics of the existing political regime in Belarus—articulated in part through a Schmittian lens—has made Petrovsky a prominent figure in the Belarusian socio-political space. He frequently provides political commentary on a wide range of issues for state media and serves as editor of the Polish service of the "International Broadcasting Station Belarus," which is part of the Belteleradiocompany.

In 2016, young intellectuals from Belarusian state institutions met their Russian counterparts in Vladimir at the Russian-Belarusian School of Young Historians, an event supported by Moscow State University. The platform featured prominent pro-government lecturers, such as Vadim Gigin - then Dean of the Faculty of Philosophy and Social Sciences at BSU and Editor-in-Chief of the Presidential Administration's journal *Belaruskaya Dumka*, and currently Director General of the National Library and a deputy in the House of Representatives.

The school served as a launchpad for the "Eurasia.Expert" project, an online platform utilized for "authoritarian learning" (see more about the concept: Hall 2023) and knowledge exchange among officials and experts from post-Soviet states. Key architects of this platform included Alexei Dzermant - currently Head of the Department of Theory and Practice of Socialism for the Central Committee of the Communist Party of Belarus (CPB) - and Petr Petrovsky of the "Nomos" center. Regular contributions included the interviews with Gigin and Yury Shevtsov, another prominent intellectual, BSU lecturer, and author of *The United Nation: The Phenomenon of Belarus* (2005). These figures acted as conduits for a younger generation of right-wing intellectuals, facilitating their transition from the "underground" into the political mainstream. For instance, Petrovsky transitioned to the "Belaya Rus" analytical center and later

became the CPB's Secretary for Ideology. Gigin, through his work on the state television channel ONT, provided these persons with a consistent platform to broadcast their ideas.

Gigin and Shevtsov performed the function of “explainers” of Belarusian power and nation. Gigin has long championed the All-Belarusian People's Assembly (VNS) as a “domestic tradition of popular sovereignty” (*narodovlastie*) (Gigin 2010; 2025). By 2022, the VNS was constitutionally enshrined as the “highest representative body of popular power,” defining the state's strategic trajectory. Shevtsov, meanwhile, framed Belarus as a “centralized industrial complex merged with republican authorities into a single, hierarchically structured organism around which society is mobilized.” He argued that the surge of support for Lukashenka's “mobilization program” from social structures wishing to preserve industrial assets was “entirely explicable” (Shevtsov 2005). While the first generation of intellectuals defined the *concept* of power, this “transitional” generation (Gigin and Shevtsov) defined *Belarusian identity* through the prism of “the unity of power.” They created a springboard for the “new generation.” Drawing on Shevtsov's concept of the “partisan generation” that built Belarus's industrial core, Dzermant adopts Carl Schmitt's definition of the partisan, quoting him to describe “the essentially defensive, telluric power of patriotic self-defense against a foreign conqueror – with the aggressive nature of the international communist world-revolution” (Schmitt 1963, 38). Dzermant posits that this specific “quality” has become the cornerstone of modern Belarusian identity - a nation of 'partisans and victors' inherently characterized by a capacity for mobilization and a commitment to “mega-projects.” In a classic “New Right” move, he contrasts this Belarusian model with the “Western liberal model,” asserting that the former is committed to “socio-conservative attitudes and traditional values” (Dzermant 2015). This “partisan” concept was further developed on *Eurasia.Expert* by Valentin Starichenok (now a department head at BISI), who concluded that Belarusians represent a “synthesis of the irregular and the regular” - a system characterized by high organization and cohesion. Drawing again on Schmitt's friend-enemy distinction, Starichenok argues that Belarusians must maintain clear boundaries to save the state from internal collapse, identifying the “liberal West” as the existential “Other” (Starichenok 2017). Other authors, such as Mogilnitsky (2016), applied this same dichotomy to relations with Poland.

Ultimately, this platform became a vehicle for promoting right-wing ideas, using Schmittian concepts as an analytical toolkit. Mirroring the “New Right” strategy, this generation sought to capture the media, universities, and analytical centres to normalize their discourse, protecting their project from globalism and liberalism. In this regard, they align with Lukashenka's own anti-globalist vision (Furs 2023). By promoting these concepts through

media, analytical, and teaching positions, these "new" right-wing intellectuals introduced a new phase into Belarus's intellectual landscape. This shift clearly delineated a New Right agenda characterized by an anti-Western, illiberal, and "protectionist" stance toward the state. It endowed the "people" with mobilization qualities that the authorities utilized in 2020–2021 to fabricate - or at least loudly call for - the appearance of "total popular support" for the regime.

The Reception of Schmitt within Belarusian Academia

It should be noted separately that the ideas of Carl Schmitt also gained currency directly within the Belarusian academy itself, whose structure and functioning were to a significant extent distorted by the overall politicization of public life.

In this context, it is worth noting the figure of the Belarusian philosopher Vyacheslav Bobrovich, who may be regarded as one of the earliest intermediaries between the German jurist and the Belarusian academic audience. After defending his PhD dissertation in philosophy at Lomonosov Moscow State University in 1993 on German neoconservatism as a type of ideology, Bobrovich took part in the preparation of the Newest Philosophical Dictionary (1998), where he authored the entries "Conservatism" and "Carl Schmitt" (Bobrovich 1998). Characterizing Schmitt as one of the most controversial socio-political thinkers of the twentieth century and noting the "renaissance" of his ideas in West Germany in the 1980s, Bobrovich provided a concise overview of Schmitt's thought. He focused in particular on the concept of "the political" as a distinct sphere of social life grounded in the existential distinction between "friend" and "enemy," as well as on Schmitt's principled decisionism, according to which politics rests not on norms but on a sovereign decision taken in a state of emergency.

During the 2000s and the first half of the 2010s, Vyacheslav Bobrovich combined teaching at a state Belarusian university with active engagement in the non-governmental sector, acting as an organizer and trainer in numerous educational seminars devoted to civic education and democracy training. Following the events in Ukraine in 2014, which resonated widely within Belarusian society as well, he returned to the legacy of Carl Schmitt. Over time, however, the emphases in his analysis of the political situations in Ukraine and Belarus underwent significant changes. Thus, in 2017 (Bobrovich 2017a, Bobrovich 2017b), Bobrovich wrote that Belarus had been living for more than two decades in a state of "cold civil war," within which society was split into two antagonistic camps—the authorities and the opposition. Political dialogue between them was absent, while the logic of hostility led to the

dehumanization of the opponent and imparted an existential character to the conflict. In the Belarusian context, where the mechanisms of legal political competition are blocked, such a split, in his view, is particularly dangerous and may abruptly escalate into a “hot” phase. The way out of this situation, Bobrovich argues, lies not in waiting for a crisis but in conscious efforts toward civic reconciliation and in a rejection of the Schmittian logic of the enemy.

Bobrovich relates his reflections on the political situation in Belarus to developments in Ukraine, viewing them as a vivid and alarming example of how a “cold civil war” can turn into an open phase. He notes that until recently it was difficult to imagine Russians and Ukrainians perceiving one another as enemies; yet political division along the “friend–enemy” line, consistently reinforced through informational and ideological means, made this possible. In a later perspective, Bobrovich articulates a more unequivocal assessment of the political situations in both states (Bobrovich 2025). In his view, in Ukraine internal political confrontation escalated into a “hot” phase and resulted in civil war: after “radically minded nationalist groups organized the Maidan in Kyiv and seized power” in 2014, an armed conflict emerged in Donbas. In Bobrovich’s Schmittian interpretation, these events represented an attempt by one of the internal political groups to appropriate for itself the sovereign right of decision under conditions of a state of emergency, which led to the loss by the state of its monopoly on distinguishing between “friend” and “enemy” and to the undermining of its political unity. Something similar, in his assessment, could have occurred in Belarus during the protests of 2020, where events unfolded according to a comparable scenario but were averted due to the preservation of the sovereign decision-making role in the hands of the authorities.

In contrast to the dominant right-wing reception within Belarusian academia, which utilizes Schmittian logic to solidify the state’s vertical power, a distinctive left-wing alternative has emerged - represented most prominently by Tatiana Shchytsova - that reclaims the “dispute over sovereignty” for the people against the established regime.

As Mikhailovsky notes, «in the 1990s, the Left not only observed a deep crisis in liberal democracy but also faced the need for a theoretical revision... which allowed for the inclusion of Schmittian elements in a post-Marxist critique of Marxism» (2008, 167–168). This broader left-wing intellectual spectrum includes thinkers like Chantal Mouffe, whose work - alongside Schmitt’s - serves as a theoretical foundation for Tatiana Shchytsova (Shchytsova 2021). Shchytsova represents a distinct left-wing intellectual voice; currently working in exile at the European Humanities University (EHU) in Vilnius, a doctor of philosophy has been deeply integrated into the democratic forces opposing Lukashenko, notably serving as a Representative for Education and Science in Sviatlana Tsikhanouskaya’s Office. In her fundamental work,

Solidarity of the Shaken: Essays on the Belarusian Revolution, Shchytsova analyzes the 2020–2021 post-election protests through the prism of a “dispute over sovereignty,” employing Schmitt to decode the logic of the Belarusian authorities. Within this framework, Lukashenka acts as a sovereign-dictator identified with the state itself. Citing Schmitt’s concept of plebiscitary democracy, she argues that such a leader, by definition, “cannot lose” an election; consequently, those who protest against the leader are framed - within the state’s logic - as marginal figures, “enemies of the state,” agents of foreign powers. Thus, Shchytsova observes that Lukashenka’s own discourse coincides fundamentally with Schmittian theory. Much like Schmitt’s Sovereign, the dictator utilizes extra-legal actions to uphold ‘state authority.’ However, the events of 2020–2021 introduced a new configuration of forces: the sovereign people emerged on the political stage, initiating a ‘dispute over sovereignty’ based on their perceived right to de-throne a leader whose authorization is supposed to stem directly from the people (an authorization that, in the case of 2020, was conspicuously absent). Following Schmitt, as Shchytsova notes, the ‘people’ are understood as a political reality whose unity bestows authority upon the leader. In her analysis, she explores the emergence of this ‘new sovereign’—the people - who decisively severed that unity. In doing so, Shchytsova outlines a new, left-wing trajectory for interpreting Schmitt in Belarus - a track whose ultimate development and impact remain to be seen in the near future.

Conclusion

The presence of Carl Schmitt in Belarus is palpable, evidenced by periodic citations, interpretation and public appeals to his name. He functions as a “shadow logic” embedded within the very framework of political thought and practice. Metaphorically speaking, Schmitt serves as a manual for action. His influence manifests in the logic of the political decision, the practice of exclusion, and the active struggle against the “liberal” order. The political realities of Belarus are structured in such a way that Schmitt’s classical ideas find a natural resonance. Ultimately, as the political life of Belarus requires conceptual justification and interpretation, Schmitt emerges as a pivotal figure at the intersection of practical logic and its various ideological applications.

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Carl Schmitt in Bulgaria

Dimitar Bojkov

The Bulgarian reception of Carl Schmitt begins in the interwar period, even though his work is not so popular as in Rumania or other countries at that period. After the WWI Bulgaria maintains strong economic, cultural and political relations with Germany as both countries are defeated in the war and suffer from the restrictions of Versailles treaties. Also many Bulgarian intellectuals studied in Germany or at least have lots of academic contacts and are aware of the most of the new intellectual trends. The neoconservative movements of the 1920's also reflect on the Bulgarian art, literature, philosophy and humanitarian sciences, altogether with the new Marxist and social democratic ideas. In the journals of philosophy, law and literature we may see these debates and controversies as well as a strange *mélange* between left and conservative ideas. In this background appears the work of the constitutionalist prof. Lubomir Vladikin in which there are mentions of Carl Schmitt which, as we could easily see, influence his thinking, but in a non direct way.

In *History of the Tarnovo Constitution* (1936), Schmitt is mentioned in connection with the debate on whether the constitution should be changed by a constituent assembly or by plebiscite. This is discussed at a more general level, but the example of the French Constitution of 1791 is used, when it was adopted without approval by plebiscite. Both Schmitt and Vladikin believe that it is more democratic for the people to be consulted directly, insofar as the founding will of the people should be decisive. Both prefer the plebiscite as a "more democratic and more faithful way of seeking the will of the people"¹, i.e., as a more legitimate state institution than classical bourgeois representation can be. This debate is discussed in relation to the changes in the Tarnovo Constitution throughout its history and the scope of their legitimacy. The various amendments to the constitution are an important focus of Vladikin's work, which succeeds in providing them with a legal, political, and historical context.

In *General Theory of the State*, (1934) Schmitt is mentioned in the chapter "Power and Sovereignty," but only in the bibliography to that chapter, without any citations. It discusses the history of the concept of sovereignty and its relationship to legal systems, from the Middle Ages, through Jean Bodin, to Vladikin's contemporaries, with particular attention to the German school, Kelsen, Jellinek, and others. It also examines the philosophical and legal ideas that underlie the governance of modern states, including Italy and Germany. In his concept of

¹ Любомир Владикин, История на Търновката конституция, София: 2012, 270.

sovereignty, Vladikin does not focus so much on the figure of the sovereign; at that time, Bulgaria was a monarchy, so this is understandable. For him, of course, the monarch is the embodiment of this sovereignty, but not the true sovereign par excellence in Schmitt's sense. He is more interested in the state and the people as the main bearers of sovereignty: "in the modern state, there is only state sovereignty." What he has in common with Schmitt is his strong criticism of legal normativism and his defense of decisionism and strong executive power. He also views law through the prism of politics, rather than merely as a set of legal procedures. Schmitt's *Verfassungsleere* is mentioned in the book's bibliography, but again without a specific citation.

In the pages of the journal *Legal Archive*, in which Vladikin regularly publishes, we also see a review of Carl Schmitt's text, *Über die drei Arten des rechtswissenschaftlichen Denkens*, by Lyuben Paunov². The author examines the conflict between normativism and decisionism in law from Schmitt's perspective. He defends Schmitt's thesis that law is a specific order and way of thinking, and not just a matter of following legal procedures that are self-justifying. According to him, it is Hitler who embodies this idea, which is a development of decisionism and which requires all legal issues to be reevaluated in view of the new political regime in Germany. In this magazine, we find many more articles that are favorable toward the regimes in Germany and Italy, especially in terms of overcoming bourgeois-liberal particularism and searching for a new path for state development. For this reason, Vladikin is a critic of Marx's idea of class struggle and a defender of an organic and unified concept of the people, sovereignty, and the state.

A translation of Schmitt's article, *The Three Elements of Political Unity in the Modern State*³, was also published in the journal *Legal Archive*. It discusses the elements of political unity of the modern German state: state, movement, people, and opposes the liberal understanding of the state. For liberals, power does not coincide with the political unity of the people, an idea that was obviously important in the context of the 1930's in Bulgaria. According to the author of the review, National Socialism overcomes the difference between legality and legitimacy, insofar as it transcends liberal contradictions and partisanship. It should be noted that the publication of this article by Schmitt coincided with the abolition of political parties in Bulgaria (1934, strongly supported by Vladikin), which was welcomed by many people at the time (and criticized by few), so these ideas provided good legitimacy for what was happening, which is why we can see that the choice of this particular article for translation was also

² Любен Паунов, „За Карл Шмит“, сп. Юридически архив, 7/2, 1935, 101-102.

³ Карл Шмит, „Трите съставки на политическото единство в съвременната държава“, сп. Юридически архив, 7/3, 1935, 213-225.

influenced by certain events in Bulgaria at the time. There is a common attitude among many authors in the *Legal Archive* that liberalism creates division. Of course, the idea of unity between the party and the state and their merger in Bulgaria at that time should not be taken literally: first, as we mentioned, the publication of the text coincided with the ban on political parties, and second, we were a monarchy at the time, which did not imply leadership in politics or strong partisanship. What is important in this case is the criticism of bourgeois-liberal political life, which, in my opinion, was crucial for the readers of the *Legal Archive*.

Bladikin has another interesting text that could have been written by Schmitt, but in which there is not a single reference to him, namely *The Legal Nature of Biblical Monarchy* (1932), a study of the political and legal ideas in the Bible and their application in subsequent monarchies. This is in the context of Vladikin's research on issues related to succession to the throne, the institution of regency, etc., which he deals with in the context of the Bulgarian monarchy. Interestingly, the connection between the political and the theological in the monarchical institution is shown in both a historical and a philosophical and legal context. The influence of the Bible on medieval law and subsequent modern legal systems is demonstrated, which, in the case of the monarchy, are clearly not entirely secularized.

If we can talk about a Bulgarian author who is closest to Schmitt, it is Vladikin, including in biographical terms, being close to the circles supporting the country's accession to the Tripartite Pact, as well as the chief ideologist of the nationalist organization Alliance of the Bulgarian National Legions, for which he received a death sentence from the so-called People's Court, which was not carried out because on September 9, 1944⁴, he was in Germany.

The few references to the German jurist lead me to believe that we cannot speak of a direct influence on a large scale, but rather of common ideas created in a similar cultural and political context, of shared knowledge and a similar way of experiencing the world and the crisis of liberalism: in one case Weimar Germany, in the other the severe political events and bloody confrontations of the 1920's in Bulgaria, which, according to many historians, led to the exhaustion of the fragile parliamentary system.

Except that, in the interwar period there are no other important mentions of Schmitt, neither important impact in the politics, beyond as we saw, partly the legitimization of the ban of the political parties after 1934. All the emergency courts during the WWII are without deep juridical theory behind.

After the political changes in 1989 for a long period there are no big reception of Schmitt, except some articles here and there. The first major analysis of his ideas we could find

⁴ The date when arrived in Sofia the Red Army.

in the book of the professor of Theory of Religion Vladimir Gradev, *Politics and Salvation* (2005), where he reflects on the possibilities of the political theology. He reconstructs all the debates on the messianism and the secular power between Schmitt, Peterson, Karl Barth, Walter Benjamin, Jacob Taubes and others with a focus of the interweaving between religion and politics. This book gives a vast and deep context of the political-theological thinking. His main idea is that politics need to differ strongly from religious because of the all possible catastrophic events that may occur when somebody in power could believe that he holds the keys for salvation. He stands on Benjamin's position that the messianic is overpassing the political and the law. At the same time Gradev criticizes the idea of a fully secularized society, where religion is only a personal matter.

He is also a part of a group of intellectuals who gather together in the so called "Phenomenological Atelier" where Schmitt's works were part of ardent debates. In that group were also the redactor and the translator of the first book of Schmitt in Bulgarian, prof. Dimitar Zashev and phd Andrey Leschkov. *The concept of the political* appears in the book collection "Res publica", leaded by prof. Georgy Bliznashki, eminent constitutionalist, deputy in the Great National Assembly and one of the authors of the current Bulgarian constitution. Also he is a politician from the Bulgarian Socialist Party on which fact we will return later. In his introductory text *About the essence of the political* Bliznashki makes a very deep analysis of the ideas of Schmitt, concerning the political, the state and the international law. He points out the inner tensions between democracy and liberalism (just as Vladikin did) and in his whole text shows how Schmitt is unavoidable if someone wants to understand the present challenges of the modern European societies. His ideas are regarded, not as conservative ideology, but as a warning. Bliznashki expresses the same concerns about the international law after the decline of *jus publicum Europaeum* and the establishment of illegitimate world superpowers, controlling the new *Grossraum* and the new world order.

We find other receptions of Carl Schmitt in Bulgaria in the field of the critical theory where he appears with authors such as Walter Benjamin and Giorgio Agamben. Here the main focus is the state of exception, interpreted in works of Benjamin⁵ and the very famous *Homo Sacer* of Agamben. Boyan Manchev, Stilyan Yotov, Vladimir Radenkov and me have analyzed the mutual influence between Schmitt, Benjamin and Agamben in a critical manner. Schmitt is important in Boyan Manchev's book *Logic of the Political* (2012) where he reflects on the relationship between the ontological and the political and in which the sovereign power is viewed as an ontological *dunamis*. In Agambian manner he uses Schmitt's ideas as a critical

⁵ The two mentions of Benjamin of the state of exception in *The Origins of the German trauerschpill* and in *Thesis on the Philosophy of History* as well as his letter to Schmitt, are the basis of such analysis.

tool for understanding the hidden violence in politics, but critics the Italian philosopher for his messianisme and his search for a messianic event to overpass the political (influenced by his reading of Walter Benjamin). The idea of initial constitutive violence is the main use of Schmitt and the issue is how to think the political without the idea for sovereignty. For Manchev an ontological rethinking of the idea of resistance as a part of the power (with references to Aristoteles) is the key for contemporary critical philosophy in which the life and his persisting transformation may create the subversive forces. In his text *State of Exception and Decision for the Political*, which is a development of thesis from *Logic of the political*, Manchev gives a deep historical reconstruction of the idea of state of exception and his relation to political violence. He insists on the need for a decision for the political and also thinks that all contemporary political philosophy needs to take that into account, but without the messianic anticipation: “What a decision and who is the subject of that decision”⁶. So, he defends the decisionist approach, but in a way to overcome the political sovereignty and to create new forms of political life.

In a different manner Stilyan Yotov, professor of history of philosophy, interprets the state of exception in his text *Schmitt, Benjamin and Agamben about the state of exception*. He gives a deep historical and philosophical analysis of the three authors with reconstructions of their ideas in a way to *mettre en relief* their respective differences, but also insists on the historical consequences of their thinking. His accent is on the connection between law, power and state of exception as a grounding figure of the political. He also shows the critical and messianic manner in which Benjamin uses the idea of the state of exception. About Schmitt, Yotov is keen to see how his theory finds dramatic realization in his support for the Nazi regime, where he justifies the concentration of power in the figure of the Führer as the embodiment of supreme decision-making. Thus, for Schmitt, the suspension of law in the name of normalization can lead to the normalization of violence. Yotov regards Schmitt in a liberal way, so he is suspicious at the same time for the thinkers from left and right who find inspiration in the state of exception theory. According to him we could find inspiration in Agamben’s idea not to abolish to law, but to find another use if it. Yotov has also older article *The hidden Normativity in Geisteswissenschaften* where Schmitt is interpreted together with Heidegger, Lukacs and Weber on the light of the overcoming of the neokantian philosophy with his normativity and formalism. It is interesting to see how fourth so different authors with different political views share a common ground in sociology, existentialist philosophy and law in a way

⁶ Боян Манчев, „Извънредно положение и решение за политическото“, сп. *Критика и хуманизъм*, 51/1, 2021, стр. 132.

to find new perspectives for the thinking, beyond the value universalism and the formal justification of sciences.

Yotov and Manchev's texts about Schmitt, Benjamin and Agamben appear in 2021 in a context of vivid debates about the state of exception, declared by the Bulgarian prime minister Boyko Borisov in march 2020, due to the COVID 19 pandemia. A special issue of the journal *Critics and Humanism* appears in 2021 where different thinkers debate about the state of exception. Most of them (except Manchev, who is a radical thinker) are liberal and with this gesture they show concerns about the current politic during the pandemia and use Schmitt's theory as a warning of a possible totalitarianism.

About the Schmitt-Benjamin debate we have to mention also the book of Vladimir Radenkov *The Eschatology in the thinking of Walter Benjamin and Carl Schmitt* where the author not only compares two possible philosophies of history, but also deepens the analysis of the net of concepts which explain them. He points out the difference between the profane and the sacred history as a basis of his analysis of the two authors, who nevertheless part from common ground, but their differences push them out for opposite consequences. His book is for the moment one the broadest philosophical studies of the work of Carl Schmitt in Bulgaria with an implicit critic of the modernity and of the secularization as its own ground. He gives also an analysis of the concept of *katheshon* as a main difference between Benjamin and Schmitt in their understanding of the *eschaton*.

In my books *History and Emancipation* and *Marixism into Messianism*, I tried to give also a perspective in the debate Schmitt-Benjamin. In the first book I point out the influence of the German jurist on Benjamin with accent to the figure of the sovereign in the *Trauerspill* book and to the state of exception in *Thesis on the Philosophy of History*, influence which is transformed into a critic. Also for me was very important the answer of Schmitt to Benjamin in his book *Hamlet or Hecube*, where he interprets the play in the light of his theory of sovereignty and with some historical and juridical points. In the second book I was trying to find a way to a left political theology, grounded of the idea of Schmitt of the political concepts as secularization of the theological ones, but, as said Jacob Taubes, from the point of view of the people, from below. The *eschaton* as a revolution. In this way I found sources in the ideas of Benjamin, Taubes and the Latin American theologians of liberation which lead me to the possibility of left political theology grounded in anarchistic and messianic philosophy of history.

In Bulgaria, in 2026 will be published a volume with the selected writings of Carl Schmitt, namely, *Political Romanticism*, *Political Theology*, *Theory of the Partisan*. The

translator and the redactor of the volume, Dimitar Denkov, professor of history of philosophy, in his introductory article, traces some moments of the recent Bulgarian reception of the German jurist. He points the already mentioned articles by Vladimir Gradev, Vladimir Radenkov and Stilyan Yotov, but also adds the dissertation of the jurist Denis Ventzislavov and the related to it articles dedicated to the problem of the political realism and the political unity⁷. The author examines the problem of the political unity from one side as a constitutional matter, related to the unity of the state (very close to the approach of Vladikin), but from other side as a problem of the political and the friend/enemy decision. According to Ventzislavov, to understand Schmitt, we have to combine the two views of the unity because the political and the state are not two separate realms, especially in the case of the civil war⁸. Denkov mentions also texts by Stefan Popov, Valentin Vatzhev and others⁹.

As a conclusion we could say that the Bulgarian reception of Schmitt presents a variety of juridical and philosophical approaches. For the jurists (Vladikin, Bliznashki, Ventzislavov) is important his constitutionalist approach where the law and the constitution are existential realms, not mere norms and where the political is the basis and the origin for the legal. The philosophers stress more on the use of Schmitt to understand the contemporary society and politics and to criticize them. Debates about Schmitt may be seen in different milieus, from new left movements to neoconservative groups. For the leftists his critique of the liberal democracy is still pertinent, as well as his insistence on the autonomy of the political. The right people see in his writings an ideal for a stronger way to govern and a specific mysticism of the power (despite his own reticence on that matter, see the Political Romanticism). Despite all that, we could not see a real impact on the Bulgarian politics of his ideas, nevertheless some of his commentators are engaged in politics.

⁷ Димитър Денков, „Предварителна бележка на преводача“ в Карл Шмит, *Събрани съчинения*, (непубликуван ръкопис).

⁸ Денис Венциславов, „Политическото единство и абсолютният враг в политическата философия на Карл Шмит“ в *Nota Bene*, 63/2024.

⁹ Димитър Денков, *opus.cit.*

Carl Schmitt and Croatia

When the first comprehensive edition of Carl Schmitt's collected writings was published in Croatian in 2007, the political scientist Nenad Zakošek noted that the German political theorist had not yet experienced the same revival in Croatia as he had in Serbia and in many other countries worldwide.¹⁰ At first glance, this may appear surprising, given Schmitt's biographical connections to Croatia: His first wife, Cari Dorotić, claimed descent from Croatian nobility, although she was born in Vienna as an illegitimate child.¹¹ His second wife, Druška Todorović, came from the Serbian minority in Croatia. Schmitt visited his relatives in Croatia twice, in 1925 and 1935.¹² On his first journey he wrote a travelogue entitled "Illyria", published in the Catholic journal *Hochland*.¹³ During that trip, he spent more than two weeks at the Franciscan monastery in Cavtat, a small coastal town near Dubrovnik, where he worked at the Bogišić library.¹⁴ The library was named after Valtazar (Baldo) Bogišić (1834–1908), a prominent lawyer and sociologist born in Cavtat, who had compiled the General Property Code for the former Principality of Montenegro on the basis of Montenegrin legal customs. In a letter to his colleague Rudolf Smend, Schmitt praised Bogišić's work: "At first, I thought I detected a special historical significance of small countries here and concluded that only Montenegro and Switzerland (with its famous Huber) were still capable of codification and could produce a *législateur*. But that only proves that the era of codification, of Lycurgus and Solon, is over [...]. What became clear to me here is the importance of large states."¹⁵ At the same time, Schmitt made it very clear that he regarded Bogišić and his working environment as symbols of a passing era.

This raises the question of how Schmitt viewed the newly formed state of the Kingdom of Serbs, Croats, and Slovenes (since 1929, the Kingdom of Yugoslavia), which emerged after the First World War. In his travelogue, he described the official name of the new state "as a less than successful compromise" and called its abbreviation S. H. S. "ugly as a modern brand

¹⁰ Nenad Zakošek: Pogovor. U: Carl Schmitt: Politički spisi. Preveo Nenand Zakošek, Mirjana Kasapović. Zagreb 2007, 179-193, here 180.

¹¹ Reinhard Mehring: Carl Schmitt. Aufstieg und Fall. München 2022, 58.

¹² Christian Tilitzky: Die Vortragsreisen Carl Schmitts während des Zweiten Weltkriegs. In: Piet Tommissen (Hg.): Schmittiana. Beiträge zu Leben und Werk Carl Schmitts. Band VI. Berlin 1998, 191-270, here 253.

¹³ Carl Schmitt: Illyrien – Notizen von einer dalmatinischen Reise. In: Ders.: Staat, Großraum, Nomos. Arbeiten aus den Jahren 1916–1969, hg. von Günter Maschke. Berlin 1995, 483-490. For further information on the travelogue, see Ulrich Schmid's contribution in this volume.

¹⁴ Carl Schmitt: Tagebücher 1925 bis 1929, hg. von Martin Tielke und Gerd Giesler. Berlin 2018, 6.

¹⁵ Reinhard Mehring: „Auf der gefährvollen Straße des öffentlichen Rechts“. Briefwechsel Carl Schmitt – Rudolf Smend 1921–1961. Berlin 2012, 49. See also Marko Petrak: Carl Schmitt i Baldo Bogišić. U: Damir Agičić, Hrvoje Petrić, Filip Šimetin Šegvić (ur.): Zbornik Drage Roksandića. Zagreb 2019, 677-686.

name". He also distanced himself from terms such as "Southslavia" or "Yugoslavia", because, in his view, they were political terms transferred onto geographical ones. He therefore preferred the poetic designation "Illyria", evoking the Napoleonic "Illyrian provinces", for a country with "a fateful connection to many people and languages".¹⁶ Yet, unlike many of his first recipients from Croatia, he did not question the legitimacy of the newly founded state.

In the 1930s and 1940s, several Croatian students studied with the support of the Alexander von Humboldt Foundation in Germany. Many later assumed high-ranking positions in the so-called Independent State of Croatia (*Nezavisna Država Hrvatska*, NDH), a fascist puppet state.¹⁷ Among them was Mladen Lorković (1909–1945), one of the better educated founders of the fascist Ustaša movement, who became later Minister of Foreign Affairs of the NDH.¹⁸ Politically active from his teenage years in nationalist intellectual circles in Zagreb, Lorković was forced to leave Yugoslavia after the introduction of the royal dictatorship in 1929. He fled via Hungary to Austria and moved to Berlin in autumn 1930. There he continued his studies and worked for the "Institute for Borderland and Foreign Studies" in Steglitz, founded in 1926 by the ethnographer Karl Christian von Loesch (1880–1951) and the sociologist Max Hildebert Boehm (1891–1968), two representatives of the German *Völkisch* movement.¹⁹ For the institute, Lorković wrote a study on the violation of Macedonians' minority rights by the Yugoslav government, which contributed to his reputation as an expert on demographic questions and minority-rights issues in Southeast Europe.²⁰ After he was initially rejected by the Alexander von Humboldt Foundation due to his political activities, Lorković received a Humboldt scholarship from 1932/33 the academic year onwards thanks to the intercession of the foundation's managing director, Kurt Goepel (1901–1966). Goepel predicted that Lorković would "undoubtedly be one of the leaders of future Croatian politics" and introduced the young Croatian student to Carl Schmitt.²¹ Lorković studied political science and public law at the University of Berlin and obtained his doctorate in 1937 under international law expert Victor

¹⁶ Schmitt, *Illyrien*, 483f., 486.

¹⁷ During the Second World War, Croatian students formed the fourth largest group among the scholarships recipients of the Alexander von Humboldt Foundation. See Holger Impekoven: *Die Alexander von Humboldt-Stiftung und das Ausländerstudium in Deutschland 1925–1945. Von der „geräuschlosen Propaganda“ zur Ausbildung der „geistigen Wehr“ des „Neuen Europa“*. Bonn 2013, 315

¹⁸ For Lorković's biography, see Nada Kisić Kolanović: *Mladen Lorković: ministar urotnik*. Zagreb 1998.

¹⁹ See Alexander Korb: *Dissimilation, Assimilation and the Unmixing of Peoples: Croatian and German Scholars Working towards a new Ethno-Political Order, 1919–1945*. In: *Transactions of the Royal Historical Society* 24 (2014), 183–203.

²⁰ Mladen Lorković: *Das Recht der Makedonier auf Minderheitenschutz. Dokumente: Die Verhandlungen des „Komitees für neue Staaten“ und des Obersten Rats über die makedonische Frage Mai–November 1919*. Berlin 1934. Lorković's study was shortly reviewed by Boehm's assistant Hermann Raschhofer, in: *Zeitschrift für ausländisches und öffentliches Recht und Völkerrecht* 5 (1935), 496f.

²¹ Impekoven, *Alexander von Humboldt-Stiftung*, 204, 314.

Bruns (1884–1943) with a dissertation on the formation of the state of Serbs, Croats, and Slovenes.²² Schmitt served as the second examiner.

In his dissertation, Lorković wanted to draw attention for the “Croatian question” and what he saw as the injustices of the post-First World War order. Lorković perceived the Yugoslav state as serving only the national interests of the ruling Serbian elite and as severely suppressing Croatian national aspirations, even though US President Woodrow Wilson had promised in 1917 the right of self-determination for all nations. Lorković argued that the Kingdom of Serbs, Croats, and Slovenes formed after the First World War was not identical, in international-law terms, with the pre-war Kingdom of Serbia, but rather a completely new state, since Croats and Slovenes had agreed to the unification with the Serbs only on condition that their right to national self-determination would be recognized and respected. He maintained that the Paris Peace Treaties of 1918/19 confirmed this position so that the oppression of the Croatian national movement by the Yugoslav government constituted a violation of international law. Yugoslavia was, as Lorković later put it, “a monument to the hypocrisy of the creators of the Versailles system”.²³ Lorković and other Croatian emigrants in Berlin²⁴ shared a fundamental opposition to the “Versailles system” and sought its revision in cooperation with German right-wing intellectuals such as Schmitt, who likewise contested the legitimacy of the post-war order. Schmitt, however, was critical in his evaluation of Lorković’s dissertation. While agreeing with Bruns that it was a “diligent and intelligent work”, he objected to passages claiming an alleged racial difference between Serbs and Croats and recommended their deletion. Given that the author of the dissertation was an emigrant and an enemy of the Yugoslav state, Schmitt warned that “great care must be taken to avoid any appearance that he is continuing his political struggle in the form of a Berlin law dissertation.”²⁵

Schmitt’s reservations were consistent with Nazi Germany’s Yugoslavia-friendly foreign policy in the 1930s, after Herman Göring had visited the country in 1934 and concluded a trade agreement with Yugoslavia.²⁶ Two years after Lorković, the German scholar Karl Schilling completed a doctorate under Schmitt on the international-law question of whether the Kingdom

²² The doctoral thesis was submitted on 5 June 1935, and the doctorate was awarded on 26 June 1937, Universitätsarchiv der Humboldt-Universität Berlin, Jur.Fak.01: 0316 – Promotionen Dr. jur. 14.4.1937-27.11.1937.

²³ Quoted from Kisić Kolanović, Mladen Lorković, 19.

²⁴ See Ernest Bauer: *Život je kratak san. Uspomene 1910– 1985*. Barcelona 1986, 60; Ernest Bauer: *Die Entstehung Jugoslawiens auf der Versailler Friedenskonferenz*. In: *Monatshefte für auswärtige Politik* 6, 1 (1939), 12-25.

²⁵ Universitätsarchiv der Humboldt-Universität Berlin, Jur.Fak.01: 0316 – Promotionen Dr. jur. 14.4.1937-27.11.1937.

²⁶ Marie-Janine Calic: *Balkan-Odyssee 1933–1941. Auf der Flucht vor Hitler durch Südosteuropa*. München 2025, 82.

of Yugoslavia was identical with the former Kingdom of Serbia, affirming such identity.²⁷ Whereas Lorković represented the „Croatian separatist point of view“, according to Schmitt’s review, Schilling, as a German, remained outside the internal Yugoslav conflict and strove to remain objective.²⁸ The printing of Lorković’s dissertation was even banned in January 1941, presumably for foreign policy considerations.²⁹

After returning to Yugoslavia in September 1939, Lorković published *The People and the Country of the Croats*, a demographic study of so-called “historical Croatia” and its various ethnic inhabitants.³⁰ While Lorković claimed all Muslims as Croats, it became clear that there were areas with a Serbian majority population. The book subsequently served as purportedly “scientific” basis for later ethnic engineering – deportation and mass violence against the Jewish and Serbian population – after the establishment of the NDH in April 1941.³¹ Schmitt, who noted in his diary on 13 November 1943, “My heart ached with compassion for the Serbian people”,³² benefited from his acquaintance with Lorković: In mid-April 1941, his Serbian wife Duška travelled to Croatia to free her brother from Croatian custody. Presumably only with Lorković’s support was she able to return safely to Berlin from this “den of thieves”, as Schmitt put it.³³

In addition to Lorković – who was executed by his own people in April 1945 for attempted conspiracy – Eugen Sladović (1882–1960) worked to provide a historical and legal legitimization for the NDH, frequently citing Carl Schmitt. Sladović, initially an expert in Islamic law in Bosnia and Herzegovina, became the leading constitutional lawyer of the fascist puppet state.³⁴ In a manner reminiscent of Schmitt’s writings of 1933/34 on the Nazi state, Sladović emphasized the abolition of the separation of powers and the triad of state, movement, and people in the NDH. In his view, the Ustaša movement embodied “the realization of the will of the people or,

²⁷ Karl Schilling: Ist das Königreich Jugoslawien mit dem früheren Königreich Serbien völkerrechtlich identisch? Dresden 1939.

²⁸ Universitätsarchiv der Humboldt-Universität Berlin, Jur.Fak.01: 0334 – Promotionen Dr. jur. 26.7.1939-26.10.1939.

²⁹ Lorković’s doctoral thesis cannot be found in the university archives. There is note regarding the printing ban, but it is not clear who issued it. See also Christian Tilitzki: Carl Schmitt – Staatsrechtler in Berlin. Einblicke in seinen Wirkungskreis anhand der Fakultätsakten 1934–1944. In: Etappe 7 (1991), 62-117, here 115. Therefore, Lorković’s argument in his thesis can only be understood based on Schilling’s study, see in particular Schilling, Königreich Jugoslawien, 87-92.

³⁰ Mladen Lorković: Narod i zemlja Hrvata. Zagreb 1939. The book was very soon translated into German in 1941.

³¹ Korb, Dissimilation, 198-200. See also Drago Roksandić: Spatial and Temporal Logics of Violence: The Independent State of Croatia in the Districts of Glina and Vrginmost (April 1941 – January 1942). In: Xavier Bougarel, Hannes Grandits, Marija Vulesica (eds.): Local Dimensions of the Second World War in Southeastern Europe. London 2019, 106-140, here 118-120.

³² Carl Schmitt: Tagebücher März bis September 1943, <https://www.carlschmitt.bio/RW-0265-19618/#d1e27893>. See also the diary entry from 7 May 1943.

³³ Mehring, Carl Schmitt, 417.

³⁴ Matko Globačnik: Historizam i marksizam u hrvatskim ideološkim sukobima Drugoga Svjetskog Rata. Zagreb 2021, 141f. See to Sladović’s biography, Slaven Ravlić: Sladović, Eugen. U: Darko Stuparić (ur.): Tko je tko u NDH: Hrvatska 1941.–1945. Zagreb 1997, 361.

in other words, the political community of the Croatian people [...] The head of state is also the leader of the Ustaša movement, who, as such, sets the goals of the state, controls the administration of the state, exercises supreme command over the Croatian armed forces, and leads the Ustaša movement.”³⁵

Schmitt's influence can also be traced – more indirectly – on a philosophical level in the writings of Julije Makanec (1904–1945), responsible for Ustaša youth education and, from 1943–1945, Minister of National Education.³⁶ Without explicitly citing Schmitt, Makanec's political-philosophical texts from 1942/43 onwards reveal conceptual affinities. In *Development of Political Thought from Plato to Hegel*, he drew on Schmitt's interpretation of Hegel in *The Concept of the Political* when defining the state. Following Hegel and Schmitt, Makanec described the state's fundamental characteristic as its “ability to defend its right to exist against other states and to possess the power necessary for self-rule”.³⁷

Makanec encountered Schmitt through the first Croatian translations by Zlatko Gašparović (1913–1995), a lawyer and sociologist who edited the *Matica Hrvatska* series “Education Policy Library” in the early 1940s.³⁸ This series included the first Croatian translation of *The Concept of the Political* (based on the 1933 third edition) in 1943, alongside further Schmitt texts from the mid-1920s to the early 1940s.³⁹ Gašparović not only translated Schmitt, but also offered early interpretations of his thought in Croatia, having approached Schmitt through his previous engagement with English political philosophy.⁴⁰ He portrayed Schmitt, alongside Spengler, Jaspers, and Ortega y Gasset, as among the “great minds” who sought to conceptualize the fundamental social and political ruptures of the interwar period. In Gašparović's reading, Schmitt concluded that “not only was the previous political unity in crisis, but also that the form in which it was expressed was irrevocably dead”. At the same time,

³⁵ Eugen Sladović von Sladojevički: Der Unabhängige Staat Kroatien (Eine staats- und völkerrechtliche Betrachtung). In: Zeitschrift für osteuropäisches Recht 9 (1942/1943), 1-41, here 20. See also Eugen Sladović von Sladojevički: Verfassungs- und Verwaltungsrecht des unabhängigen Staates Kroatien. In: Archiv des öffentlichen Rechts 72, 2-3 (1943), 222-282.

³⁶ See to Makanec's biography, Mladen Švab: Makanec, Julije. U: Darko Stuparić (ur.): Tko je tko u NDH: Hrvatska 1941.–1945. Zagreb 1997, 252-253. For an overview of Makanec's writings, see Petar Macut: Bibliografija Julija Makanca (1904–1945). In: Prilozi za istraživanje hrvatske filozofske baštine 43, 2 (2017), 679-700.

³⁷ Julije Makanec: Razvoj državne misli od Platona do Hegela. Zagreb 1943, 174. See Enis Zebić: Od liberalnog do autoritarnog. Filozofija politike Julija Makanca. Zagreb 2013, 151-159.

³⁸ See to Gašparović's biography, Enis Zebić: Jučerašnji svijet: Hrvatska. Ogledi u međuratnim hrvatskim intelektualcima. Zagreb 2017, 99-146.

³⁹ Carl Schmitt: Pojam politike i ostale razprave. Preveo Zlatko Gašparović. Zagreb 1943. Gašparović translated also the first edition of “The Concept of the Political” from 1927, see Carl Schmitt: Pojam političkog. Preveo Zlatko Gašparović. In: Hrvatska revija 16, 2 (1943), 121-124.

⁴⁰ Zebić, Jučerašnji svijet, 132. See Zlatko Gašparović: Hobbes u interpretaciji Carla Schmidta (sic!). In: Hrvatska revija 14, 10 (1941), 552-553.

Gašparović criticized Schmitt for reducing political contradictions to the friend-enemy distinction and thus “succumbing to the temptation of simplification”.⁴¹

After 1945, Schmitt’s ideas were hardly discussed in socialist Yugoslavia. His role under National Socialism and the earlier enthusiasm for Schmitt among Ustaša intellectuals, officially discredited him as a serious political theorist. A reassessment began only in the late 1980s, after Schmitt’s death. In 1989, *Politička misao*, Croatia’s leading academic journal in political studies, published a special issue on Carl Schmitt, described there as “the most important jurist of our century”.⁴² Based on a conference of Croatian and German scholars in Dubrovnik in the fall of 1988, the issue marked a new phase in Croatian Schmitt scholarship. This “second reading” of the German political theorist, as the philosopher and political scientist Davor Rodin suggested, was motivated “by the increasingly obvious symptoms of the collapse of the communist dictatorship”.⁴³

Rodin and his colleague Zvonko Posavec, also a philosopher and political scientist, interpreted Schmitt against the backdrop of Yugoslavia’s disintegration and the wars of the 1990s, reminding them of the political situation in the interwar period: “The undeniable parallels between our situation and the situation that prevailed in Europe after the First World War until the fateful year of 1939 prompted us to update Carl Schmitt, the international law theorist.”⁴⁴ Drawing on their experience of war, violence and sovereignty conflicts, they turned to Schmitt as a theorist of crisis and decision. Referring to Schmitt, they criticized Yugoslavia’s lack of political unity between the people and the government, arguing that this meant the Yugoslav state, in all its different forms, fundamentally lacked legitimacy:

“Political unity, as a prerequisite for the possibility of national sovereignty, did not exist in Yugoslavia, so it had to be replaced by external power actors and various ideological surrogates of unity directed by the shifting subjects of the Yugoslav dictatorships. Power in Yugoslavia was not legitimized by either the will of the people or the will of God, but it was externally constituted by the force of the Versailles and Yalta agreements of the victorious powers in the First and Second World Wars, and vague historical experiences and ideas about the peoples’ common prehistoric origin, who constituted the state. These were too weak a foundation for its democratic sovereignty.”⁴⁵

⁴¹ Zlatko Gašparović: Pojmovi i stavovi Carla Schmitta. In: Hrvatska revija 16, 9 (1943), 461-470, here 469, 470.

⁴² Zvonko Posavec: Uvodna napomena – Carl Schmitt 1888–1985. In: *Politička misao* 26, 1 (1989), 3-5. See for the content of the whole issue: <https://hrcak.srce.hr/en/broj/9293>

⁴³ Davor Rodin: Balkanski rat u svjetlu mjedrodavne teorije i nepredvidive realnosti. In: *Politička misao* 30, 3 (1993), 160-172, here 162.

⁴⁴ Davor Rodin: Liberalna demokracija i rat. In: *Politička misao* 29, 4 (1992), 88-100, here 98. See also Slavko Prijić: Pojam rata u teoriji Carla Schmitta. In: *Politička misao* 27, 3 (1990), 79-89.

⁴⁵ Rodin, *Balkanski rat*, 164.

Once the internal and external constraints associated with Yugoslavia's Cold War position weakened, the absence of political unity became apparent. Posavec argued that the state lacked any neutral mechanism capable of resolving internal conflicts and was therefore not a constitutional state in Schmitt's sense: "There was no single neutral mechanism that could successfully resolve these conflicts. It lacked the architecture of a constitutional state that sees democracy as only one possible element of its constitution. We can put it more sharply: Yugoslavia was never a constitutional state. If by 'constitution' we understand 'the whole of political unity and order'."⁴⁶ Because of this deficiency, Yugoslavia – unlike the other Eastern European states – lacked the fundamental prerequisite for a democratization process after the fall of the socialist regime: "Yugoslavia entered these processes of democratization without the essential prerequisite for that process, without the subject of democracy, without political unity, i.e., without a people. Its collapse was inevitable."⁴⁷

Rodin and Posavec criticized the West and the international community for attempting to manage the war through "secondary means", in Schmitt's sense, thereby failing to grasp the decisiveness of war and politics:

"The war in the Balkans can be resolved either by war or politically, *tertium non datur*. If there had been political unity in the West, the war would already have been over, or it would never have happened, and the secondary means applied to curb it – such as an economic blockade, humanitarian aid, the passive presence of UNPROFOR and European observers, conferences, and religious pleas – are yielding no results. Today's war is neither pious, morally good, nor profitable; it is being waged for political reasons and can only be resolved in that way."⁴⁸

They framed the Yugoslav Wars as a test case for whether the European Community could establish a stable international order in its large space (*Großraum*) after the Cold War: "The process of Yugoslavia's breakup and the war that followed are [...] not only an internal matter of the states that emerged from its dissolution, but a possible dramatic beginning of a regressive political process across the entire European *Großraum*."⁴⁹

With regard to Croatia, whose sovereignty within Yugoslavia had been declared by the Croatian parliament, the Sabor, on 2 July 1990 following the first free elections in April 1990, they raised the question of sovereignty under conditions of emergency:

⁴⁶ Zvonko Posavec: Shvaćanje demokracije u razvitku Jugoslavije 1918–1980. In: Politička misao 29, 4 (1992), 11-18, here 16.

⁴⁷ Rodin, Balkanski rat, 165.

⁴⁸ Ibid., 161f. See also Zvonko Posavec: Liberalna neutralizacija političkog. In: Politička misao 30, 3 (1993), 173-179.

⁴⁹ Ibid., 168.

“We can call the political situation that arose in the Republic of Croatia after the 1990 elections an extraordinary one. Of course, the resulting state of emergency has its own local specifics. Namely, the old constitution was not suspended, but it hovers in the vacuum of an illegitimate provisional arrangement. There is no longer any sovereign power behind it. The new sovereign power resulting from the elections has constituted itself in the Sabor, which is continuously changing the existing laws by the force of its newly acquired sovereign authority.”⁵⁰

Following Hermann Lübbe’s interpretation of Schmitt, Rodin defined the elected majority as the subject of political sovereignty: “Political sovereignty belongs to the legally elected majority. It is not an eternal and unchangeable quantity [...]. The decisionist character of the majority principle is the foundation of antitotalitarian liberalism, which seeks legitimacy in a legal and argumentative procedure”. Accordingly, the “enemy” in Schmitt’s sense are “all those citizens who, in the name of a higher legitimacy, and thus in the name of some higher truth or grand ideology from outside, seek to destroy the parliamentarianism of liberal democracy.”⁵¹

After the end of the war in 1995, such direct applications of Schmitt to Croatian events became less frequent. Further (partial) translations of his works followed: *Legality and Legitimacy* (1996),⁵² *Theory of the Partisan* (1999)⁵³ and finally, in 2007, a selection of Schmitt’s central writings on political theory from the Weimar period (*The Crisis of Parliamentary Democracy*, *The Concept of the Political* – based on the 1963 fourth edition, *Roman Catholicism and Political Form*), from the Nazi era (*State, Movement, People*), and from the postwar period (*Theory of the Partisan*).⁵⁴ The aim of the volume was to provide an overview of Schmitt’s intellectual development across different phases.⁵⁵ Most recently, Croatian editions of *Political Theology* (first edition 1922; second edition 1970) and *Political Romanticism* have been published.⁵⁶ In addition, several introductory political philosophy and political theory have appeared, presenting Schmitt as an important political thinker of the 20th century and explaining the central concepts of his thought.⁵⁷

⁵⁰ Davor Rodin: Suverenitet demokratske parlamentarne republike, In: Politička misao 28, 4 (1990), 3-13, here 5.

⁵¹ Ibid., 11. Also on the question of states of emergency from a comparative law perspective, see Jasna Omejec: Izvanredna stanja u pravnoj teoriji i ustavima pojedinih zemalja (poredbena studija hrvatskog i srodnih europskih ustavnopravnih modela). In: Pravni vjesnik 12 (1996), 172-196.

⁵² Carl Schmitt: Legalnost i legitimnost. U: Mirjana Kasapović, Nenad Zakošek (ur.): Legitimnost demokratske vlasti. Izbor tekstova. Zagreb 1996.

⁵³ Schmitt, Carl: Teorija partizana: usputna napomena o pojmu političkoga. Preveo Mario Kapić. In: Dubrovnik. Časopis za književnost, nauku i umjetnost 10, 1-2 (1999), 225-240.

⁵⁴ Carl Schmitt: Politički spisi. Preveo Nenad Zakošek, Mirjana Kasapović. Zagreb 2007.

⁵⁵ Zakošek, Pogovor, 193.

⁵⁶ Carl Schmitt: Politička teologija – Politička teologija II. Zagreb 2019; Carl Schmitt: Politička romantika. Zagreb 2019.

⁵⁷ Slaven Ravlić: Suvremene političke ideologije. Zagreb 2003, 134-141; Mario Kapić: Carl Schmitt revivivus. U: Mario Kapić: Proces Zapadu. Metapolitički ogledi. Dubrovnik 2003; Hrvoje Cvijanović: The Limits of the

In light of the rise of right-wing populist parties and illiberal democracies, Croatian scholars have increasingly examined Schmitt's appeal for the new right. The political scientist Tihomir Cipek stated that "Schmitt has become the favourite theoretician of the radical and extreme right", above all due to his anti-liberalism:

"Radically-right discourse emphasises the polarity of liberal and democratic elements of the political order. Furthermore, it is claimed that illiberal democracy is actually real democracy, and that it is only with the advent of this type of democracy that the true will of the people will be heard. [...] And the will of the people, or rather democracy, is contrasted by Schmitt and illiberal democrats to the legal state."⁵⁸

One actor in this new right-wing scene in Croatia is the association *Obnova* (Renewal), founded by students in 2012 with the aim of protecting and developing national identity. The association's journal of the same name repeatedly refers to Schmitt. In an issue on the "Conservative Revolution," *Obnova*'s editor-in-chief, Marko Paradžik, lamented that Schmitt's thought was hardly taught at the Faculty of Law in Zagreb.⁵⁹ In another issue, the 2014 Istanbul Convention and the 2018 Global Compact for Migration were portrayed as an attack on the Croatian *Nomos*.⁶⁰ Tomislav Sunić, a current Croatian-American right-wing activist who left Yugoslavia in the 1980s, also appeared regularly at *Obnova* events. In exile, he published a sympathetic study of the new European right that engaged with Schmitt.⁶¹ With reference to the political thinker, Sunić criticized the Croatian political class for allowing the Croatian War of Independence (*Domovinski rat*, 1991–1995) to be criminalized in international public discourse out of ignorance and negligence.⁶² He also maintains close ties to new right-wing think tank "Katehon" of the Russian oligarch Konstantin Malofeev and writes regularly for it.⁶³

Political. Transcendent Passion and Carl Schmitt's Failure in Providing a Theory of Political Stability. In: *Politička misao* 49, 5 (2012), 138-156; Goran Sunajko: *Metafizika i suverenost. Analiza modernih teorija suverenosti*. Zagreb 2015; Žarko Paić: Što je postimperijalna suverenost? Uz *Nomos zemlje* – Carl Schmitt i kritičko čitanje Hanne Arendt. In: *Politička misao* 58, 3 (2021), 77-104; Goran Sunajko: Problem iznimnog (izvanrednog) stanja. Sto godina Schmittova *Političke teologije*. In: *Filozofska istraživanja* 42, 3 (2022), 623-641.

⁵⁸ Tihomir Cipek: The Political versus the State? The Relevance of Carl Schmitt's Concept of the Political. In: *Teorija in praksa* 58, 2 (2021), 268-283, here 271, 278. See also, Tihomir Cipek: Konzervativna revolucija i nacionalizam. In: *Politička misao* 59, 1 (2022), 7-23.

⁵⁹ Marko Paradžik: Carl Schmitt – uvod u osnove opće teorije prava i države konzervativne revolucije. In: *Obnova. Časopis za kulture, društvo i politiku* 10 (2018), 16-31.

⁶⁰ Ivan Knezović: Carl Schmitt, Marakeški sporazum i Istanbulska konvencija. In: *Obnova. Časopis za kulture, društvo i politiku* 13 (2020), 107-127.

⁶¹ Tomislav Sunic: *Against Democracy and Equality. The European New Right*. New York 1990. The book was later translated into Croatian.

⁶² Tomislav Sunić: Zašto hrvatska politička klasa nema državotvornu svijest? Carl Schmitt; „pravdeni rat“ i kriminalizirani rat u međunarodnom pravu (Hrvatska 1991.–1995.), <https://www.hkv.hr/izdvojeno/vai-prilozi/ostalo/prilozi-graana/8237-zato-hrvatska-politika-klasa-nema-dravotvornu-svijest.html> (last accessed, February 6, 2026).

⁶³ See, for example, <https://katehon.com/en/article/no-more-time-inter-slavic-misunderstandings-and-wars> (last accessed, February 6, 2026); <https://faktograf.hr/2018/04/03/hrvatske-ekstremiste-podrzava-i-mocni-ruski-oligarh/> (last accessed, February 6, 2026)

In addition to such vulgar Schmittianism, there is also a scholarly theological debate of Schmitt's political theology. The Dominican Mirko Vlk has compared Schmitt's "older" political theology with the new political theology of the German Catholic theologian Johann Baptist Metz (1928–2019):⁶⁴ "The joint contribution of Carl Schmitt and Johann Baptist Metz is a correction of the modern political tradition, which fills the sacral in public space with 'idols' of economic growth, scientific progress and the apotheosis of man in the form of allegedly inviolable human rights."⁶⁵

Two decades after the 2007 publication of Schmitt's collected political writings in Croatian, it can no longer be said that the political theorist has not experienced a revival comparable to that in other countries. While academic engagement has intensified against the background of right-wing populism and renewed geopolitical uncertainty, Schmitt is also revoked by new right-wing actors as an authority of a renewed understanding of the political. In this respect, they follow patterns already visible among NDH-era predecessors, who themselves are undergoing a revival in certain right-wing circles.

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⁶⁴ On Metz and his concept of political theology, see Tiemo Rainer Peters: Johann Baptist Metz. Theologie des vermißten Gottes. Mainz 1998.

⁶⁵ Mirko Vlk: Politička teologija 20. stoljeća: Carl Schmitt i Johann Baptist Metz. Zagreb 2020, <https://repozitorij.kbf.unizg.hr/object/kbf:101> (last accessed, February 6, 2026). See also, Mirko Vlk: Aktualnost političke teologije danas – Davor Rodin o ostavštini Carla Schmitti. In: Nova prisutnost 22, 1 (2024), 59-71.

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Carl Schmitt in the Czech Republic

Jakub Dienstbier⁶⁶

Introduction

The Czech lands have been neighbours with Germany for more than a thousand years. It is therefore no surprise that the Czech intellectual scene has always been heavily influenced by ideas and discussions from west of its borders. However, this does not fully apply to Carl Schmitt's thoughts.⁶⁷ This chapter outlines the development and central themes of reflections on Schmitt's works within the Czech environment. It therefore concentrates solely on works written in the Czech language (with one exception).

As we will see in the following sections, Carl Schmitt's intellectual work has had an impact on Czech law, particularly in the fields of jurisprudence and constitutional law. This aligns with how Schmitt primarily saw himself—namely, as a jurist (Croce and Salvatore 2022, 143). In recent decades, there has been a growing interest in Schmitt, including in the fields of political theory and philosophical anthropology. Nevertheless, the influence of Schmitt's ideas was not just theoretical or academic but also highly practical. Influenced by Schmitt's ideas, the Czech Constitutional Court (CCC) struck down a constitutional statute, thus preventing snap parliamentary elections.

The chapter is structured as follows. The first section reviews the development of contacts between the Czech academia and Schmitt from 1914 to the present. Special focus will be on the period after 1989, when Schmitt's reflections were most intense. The second section discusses the main topics of the Czech reflection of Schmitt, including the previously mentioned decision of the CCC and the most recent research trends.

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⁶⁷ The reverse is also basically true. As far as the author knows, Schmitt referred only marginally to Czech (Czechoslovak) realities, namely in *Verfassungslehre* (international legal obligations regarding minorities in Czechoslovakia, competent authorities to lodge a petition to the Czechoslovak Constitutional Court, the Czechoslovak constitution as an example of the constitution as a conscious decision determining political existence of a newly founded state and its peculiar (quasi-imposed) form of enactment as well as a critical reference to the work of Tomáš Garrigue Masaryk, who disproportionately expanded the concept of democracy) and in *Vorwort* of *Verfassungsrechtliche Aufsätze* (assessment of the communist coup d'état in 1948 as a legal revolution). See (Schmitt 2008, 76, 124, 134–35, 179, 257; 2003, 7–8).

1. Carl Schmitt in Czech intellectual development

1.1 Early contacts with Schmitt's thinking

Carl Schmitt was noticed relatively early by Czech authors, even before the establishment of independent Czechoslovakia. In 1914, a review of *"Der Wert des Staates und die Bedeutung des Einzelnen"* was published in a journal intended for jurisprudential discussions within the Austrian part of the Austro-Hungarian Empire (Cisleithania), which included the Czech lands. Schmitt's book was analysed by one of the later most important Czech legal theorists, František Weyr (Weyr 1914). However, the content of his review may seem somewhat surprising. Weyr speaks highly of the book, describing it as Schmitt's contribution to the development of formal (normological) methods of Pure Theory of Law. According to Weyr, Schmitt clearly based his conclusions on Hans Kelsen's *Hauptprobleme der Staatsrechtslehre*, as evidenced not only by Schmitt's characterisation of law not as will but as norm (Schmitt 2022, 188), but also by the terminology borrowed from Kelsen.⁶⁸ Weyr himself belongs to the (unfortunately almost unknown) founders of the Pure Theory of Law, specifically its unique Brno school (Weinberger 1998). From this perspective, he also criticises Schmitt, not only for his carelessness in citing sources and failing to acknowledge Kelsen's fundamental influence, but also for the missing explanation why the state should be a legal entity, given that his previous argument suggests it is a mediator between the worlds of Is (*Sein*) and Ought to (*Sollen*) (Weyr 1914, 580).

References to Schmitt's works are sporadic in later Czechoslovakia. They are most found during the period of the so-called First Republic (1918-1938), considered the golden age of Czech history. Even at this time, however, there is no significant reaction to Schmitt's published works. We essentially encounter the use of Schmitt's interpretation of the instruments of direct democracy, as presented in the book *Volksentscheid und Volksbegehren* (Weyr 1934a, 719; 1937, 49–51) or references to Schmitt's *Verfassungslehre* in textbooks and legal dictionaries regarding the concept of the constitutional statute, (Weyr 1937, 16) representation (Weyr 1934b, 789) and the understanding of the republican head of state as *pouvoir neutre* (Adler 1934, 544). The most significant treatment of Schmitt's Weimar writings can be found in the work of the Czechoslovak constitutional lawyer (and, during the 1939-1945 Nazi occupation, chairman and member of the collaborationist government) Jaroslav Krejčí. Not only does he work extensively with Schmitt's arguments on the (un)amendability of constitutions, constitutional review and the concept of statute in the state governed by the rule of law (*Rechststaat*) (Krejčí 1931, 49ff, 69ff; 1932, 12–15, 22–32, 65, 122), but he also engages in

⁶⁸ Weyr pointed, for example, to the use of the word *Zurechnungspunkt* – the point of imputation. See (Weyr 1914, 579).

polemics with him⁶⁹ and criticizes him for the ‘unbelievable metamorphosis’ of his thinking from *Verfassungslehre* to the essay *Der Führer schützt das Recht* (Krejčí 1935, 6). Krejčí thus remarkably anticipated two of the most significant lines of Schmitt's Czech reflection after 1945 (respectively, 1989), without later academics being aware of this.

1.2 He Who Cannot Be Named

The first line of Schmitt's reflection is a harsh condemnation of his entire work, primarily for the role he played in the early years of the Nazi regime. Let us start with a relatively moderate criticism by Viktor Knapp, one of the most prominent Czech legal scholars of the second half of the 20th century. In his book devoted to an analysis of Nazi legal philosophy, Knapp criticises Schmitt for praising the new law of the Third Reich as an ‘old educated jurist’ of the prewar era, referring in particular to his writings *Über die drei Arten des rechtswissenschaftlichen Denkens* and *Staat, Bewegung, Volk* (Knapp 2003, 44, 64, 119, 123).⁷⁰ However, Knapp's primary targets are other Nazi lawyers and philosophers, notably Hans Frank, Otto Koellreutter, Alfred Rosenberg, and Wilhelm Stuckart. During the communist era (1948-1989), references to Schmitt are less frequent and predominantly ideological in nature.⁷¹ It is therefore not particularly useful to examine this period in greater detail.⁷²

After the fall of the communist regime in 1989, it might have seemed that Schmitt's thinking would be reflected more significantly and without ideological bias. However, this did not happen without a significant delay. Explicit references to Schmitt's publications can be found essentially only after 2001 (Přibáň 2001).⁷³ A more serious interest in Schmitt's thinking emerged in political science and philosophy only after 2007 in the form of publications (Barša 2007, 160ff; Gumplová 2007a; 2007b; Přibáň 2007; Dobeš 2009) and various research seminars. Since 2007, several of Schmitt's writings have also been translated into Czech.⁷⁴ However, the first Czech monograph devoted solely to Schmitt did not appear until 2016 (Slováček 2016).

⁶⁹ See, e.g., Krejčí's criticism of Schmitt's argument on the unamendability of the fundamental political decisions (i.e. constitution in the positive sense) via constitutional statutes as having no foundation in positive law and mixing legal and political perspectives (Krejčí 1931, 52–53).

⁷⁰ Knapp's criticism of Schmitt is paradoxical, as it can also be applied to Knapp himself. He joined the Communist Party and actively helped to build its totalitarian regime.

⁷¹ See, e.g., (‘Leninská Kritika Buržoazní Politické Ideologie.’ 1970).

⁷² Publications that reflect on Schmitt's ideas are often translations of articles by foreign authors. See, e.g., (Lachs 1951; Winkler 1985). The impact of translations of foreign secondary literature remained significant even after 1989. See (Ballestrem et al. 1993; Kervégan 2015).

⁷³ The overview text by Pavel Lukeš is an exception. See (Lukeš 1999).

⁷⁴ Especially through the merit of Aleš Havlíček, the following books have been translated and published to date: *Der Begriff des Politischen* (2007), *Theorie des Partisanen* (2008), *Politische Theologie* (2012), *Römischer Katholizismus und politische Form* (2013) and *Glossarium* (2024).

Nevertheless, the blanket condemnation of Schmitt's work remained influential. As early as 2009, political theorist and lawyer Vojtěch Belling, an expert on Schmitt's writings who works with them regularly, pointed out, with a touch of sadness, that '*in polite society, however, Schmitt's name is mentioned only with the utmost caution, if at all.*' (Belling 2009) In this context, two cases in particular can be cited in which academic work with Schmitt led to the relevant academic being essentially labelled a fascist or a totalitarian.

The first case is the controversy between Moravian lawyer Zdeněk Koudelka and Pavel Holländer, a legal theorist and long-time influential judge of the CCC. Holländer, a proponent of the theory of unconstitutional constitutional amendments and the judge-rapporteur in the CCC's decision in the Melčák case (see below), was criticised by Koudelka for his citation and use of Schmitt. Koudelka did not hesitate to write that the theory of unconstitutional constitutional amendments is undemocratic, as evidenced by the fact that proponents of this theory were associated with undemocratic political parties (Schmitt, a member of the Nazi Party, and Holländer, a former member of the Communist Party before 1989) (Koudelka 2010, 261).⁷⁵ Holländer's response was very brief, referring not only to the extensive literature on the issue of the unconstitutional constitutional amendments but also to Koudelka's possible revenge for Holländer's unfavourable reviews of his work (Holländer 2010). The second case concerns criticism faced by Jan Kysela, one of today's most prominent constitutional theorists and public intellectuals (and one of the leading Czech experts on Carl Schmitt). Kysela was heavily criticised for using Schmitt's writings during the proceedings for his appointment as a full professor of constitutional law in 2016, primarily by Professor Václav Pavlíček, former head of the Department of Constitutional Law in Prague.⁷⁶ For these reasons, it has become something of a tradition in the Czech Republic to begin publications that deal with Schmitt by distancing oneself from him, condemning his life and career and basically stating that the author in question 'is not a fascist himself.'⁷⁷

⁷⁵ Paradoxically, Koudelka's criticism is reminiscent of Schmitt himself in its style, with its esoteric arguments based on passages from the Bible.

⁷⁶ Although Schmitt is not explicitly mentioned in the minutes of the Scientific Council's meeting on the professorship procedure, he is indirectly referenced through references to Kysela's studies and Knapp's critical book, mentioned above. See ('Zápis z Jednání Vědecké Rady Právnické Fakulty UK Dne 24. 11. 2016' 2016). The author was also told about the course of the debate by its participants.

⁷⁷ See, e.g., (Kysela 2014, 23; Belling 2014, 348ff; Slováček 2016, 9; Dienstbier 2024, XXIV; Kollert 2025, 78ff).

2. Czech reflections of Carl Schmitt's works – key topics

2.1 Schmitt as a useful thinker

Despite all the condemnation, the Czech intellectual scene ultimately started to work more with Schmitt's writings; this direction, which considers Schmitt a useful thinker, can thus be described as the second line of Czech reflection.

First and foremost, it concerns the concept of the constitution and its substantive content, which cannot be altered by mere constitutional statutes, specifically the theory of unconstitutional constitutional amendments. Although we can see hints of Schmitt's ideas being used earlier, Pavel Holländer explicitly builds on them in his seminal 2005 article, in which he distinguishes between constitutional change and the abolition, removal, suspension, and breaking of the constitution (Holländer 2005, 318ff). These theoretical considerations found practical application only four years later. In response to a vote of no confidence in the Government and the ensuing political crisis, the Czech Parliament passed a single-use constitutional statute shortening the term of office of the Chamber of Deputies and allowing snap elections to be held. However, this constitutional statute was challenged in the CCC by MP Miloš Melčák. The CCC repealed this constitutional statute for being contrary to the 'substantive core of the constitution', with explicit reference to Schmitt's *Verfassungslehre* and the concept of *Verfassungsdurchbrechung*.⁷⁸ This judgment not only caused the elections to be postponed for a year but also elicited a very furious reaction from political and academic circles (Kosař and Vyhnánek 2021, 91). As a result, however, the CCC strengthened its position vis-à-vis the political branches of government, while also contributing to the redrawing of the Czech political landscape and party system (Kosař and Vyhnánek 2023). In terms of the use of Schmitt's opinions, there was nothing particularly unusual about the CCC's approach. Its case law includes at least 10 references to Schmitt. Examples include the importance of proper parliamentary debate in addressing the issue of legislative riders and fast-track procedures for passing statutes, as well as postulating the primacy of the individual over the state (Kysela 2023, 119ff).

Dissenting opinion of the constitutional judge Jan Filip also mentioned Schmitt in the context of reviewing the state of emergency declared due to the COVID-19 pandemic (Kysela 2023, 122). This leads to another area, namely the problem of sovereignty, guardianship of the constitution and emergency governance. Leaving aside the texts that merely present Schmitt's ideas in this area (Belling 2014, 348ff; Kysela 2014, 148ff; 2016; Kollert 2017; Ondřejek 2017; Bílková 2017), it is worth mentioning criticism of the concept of pooled sovereignty in relation

⁷⁸ See (Roznai 2014).

to European integration inspired by Schmitt (Belling 2016) or, conversely, the critical reflection on Schmitt's or Schmitt-influenced theories of commissarial dictatorship or legality in times of emergency (Géryk 2015; Belling 2018; Dienstbier 2024, 58ff). Last but not least, mostly left-wing authors refer extensively (but not exclusively) to the *Begriff des Politischen* when analysing, i.a., the topics of depoliticisation and globalisation in the Anthropocene (Bělohradský et al. 2010; Bělohradský 2021).

2.2 Current Schmittian debates

However, the most interesting work is probably the recent Czech scholarship on Schmitt, represented primarily by Jan Buráň, Petr Slováček, and Lukáš Kollert. Each of these authors approaches Schmitt's work from a distinct perspective and examines it in a unique way.

Buráň, a political theorist, presents an uncompromising critique of Schmitt in his monograph. Drawing on the views of Jan-Werner Müller, Karl Popper, Ian Shapiro, and Philip Pettit, he presents Schmitt's thinking as a mixture of straw men and banalities, wrapped up in grandiose language and associated with a dangerous anti-democratic message (Buráň 2024). His book is readable and raises many problematic points about Schmitt's thoughts. However, it must be noted that even this book is far from free of distortions of Schmitt's claims (Koloušek 2025), as well as employing highly expressive language that often resembles the aforementioned trend of condemnation without consideration.⁷⁹ However, his book is very valuable in that, in his polemic with Schmitt, Buráň conceptualises his own alternative answer in the form of a 'republic of interconnected accountability' based on non-dominance and sober reflection of practical reality. Particularly noteworthy is his use of the ideas of the Czech democratic public intellectual and journalist Ferdinand Peroutka in his criticism of Schmitt's approach to democracy and equality, which requires the homogeneity of the political community. Let us hope that the use of Czech democratic thinkers (for example, those from the dissident movement of the 1970s and 1980s) will continue, as it offers many potentially interesting possibilities regarding concepts such as political friendship versus enmity, or constituent power, among others.

Slováček, a philosophical anthropologist, attempts to vividly capture and explain Schmitt's critique of modernity and modern man (Slováček 2016; 2017; 2021). As Schmitt's leading idea, he deduces the dialectical relationship between the time of immediacy (characterised by the pre-modern role of theology, the church, and infallibility) and the time of mediacy (characterised by the modern role of law, the state, and sovereign decision) (Slováček 2017,

⁷⁹ Nevertheless, Buráň no longer labels those who refer to Schmitt's work as Nazis (although he takes Koudelka's criticism seriously) (Buráň 2024, 102, 286).

120). Based mainly on an analysis of Schmitt's early writings and his diaries, Slováček suggests Schmitt's main intention – to promote the seriousness of human life (Slováček 2017, 164). Finally, Kollert, a legal philosopher, shares with Slováček his focus on Schmitt's early writings. In his interpretations, he attempts to distance himself from the context of Schmitt's life and provide as objective a reconstruction as possible of the essence of Schmitt's decisionism. Schmitt's legal theory is presented in opposition to both statutory positivism and natural law (Kollert 2025, 83). According to Kollert, the decisive issue for Schmitt's theory is the problem of the realisation of law. A sovereign decision is always related to the preceding idea of law, and its role is to mediate between normativity and factuality and to realise the law in empirical reality. It is not a matter of defending arbitrary power, but instead of making a fundamental contribution to legal certainty and, by extension, justice (Kollert 2025). Kollert places *Der Wert des Staates und die Bedeutung des Einzelnen* at the centre of his analysis, arguing that in this book, Schmitt offers arguably his most comprehensive presentation of his view of the relationship between law, the state, and factual reality, which is also relevant to his later writings. He thus figuratively returns to the very beginning of Czech reflection on Schmitt's work, 111 years ago.

Conclusion

This chapter presented the development of the study of Carl Schmitt's thinking in the Czech intellectual milieu from 1914 to the present. Attention was paid to both the initial contact with Schmitt, when, paradoxically, his ideas were incorporated into the then-emerging Pure Theory of Law, and to the subsequent development during the interwar period, especially after the fall of the communist regime in 1989. In modern Czech academia, there has been a growing interest in Carl Schmitt since around 2007, with two distinct lines of engagement with his ideas. The first is characterised by condemnation without any real effort to analyse his work, pointing to his very problematic life and personal attitudes. Its proponents often resorted to labelling the supporters of the second line, who try to work with Schmitt more productively.

Schmitt's ideas have undoubtedly influenced not only Czech academic discourse but also the public sphere, as the Czech Constitutional Court draws on them in its case law, most intensively in its 2009 judgement, when it repealed a constitutional statute. However, intensive work has only begun recently, and we must still await an analysis of Schmitt's claims and arguments within the Czech domestic intellectual tradition.

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Introduction

Carl Schmitt was known in Hungary before 1945, though his works were not widely read. Hungarian legal philosophy at the time leaned more towards Neo-Kantianism, and even conservative constitutional scholars were often critical of Schmitt's decisionist concept of politics. Additionally, his *Grossraum*-theory was seen as a potential threat to Hungarian sovereignty within a German-dominated Europe. Nevertheless, there was some theoretical engagement with his writings before 1945. After 1949, Georg Lukács's interpretation of Schmitt became influential. According to Lukács, Schmitt was essentially a theorist of fascism, though he acknowledged that some of Schmitt's critiques of Neo-Kantianism were valid. Following Lukács's critique, however, there was little further scholarly discussion of Schmitt for several decades. It was only after 1990 that his work attracted renewed attention in Hungary. Translations of Schmitt's writings, along with monographs and essays, brought his ideas into debates on legal and political theory. This engagement was largely theoretical; unlike in other countries, there was relatively little public concern over the political implications of Schmitt's work.

This paper explores the reception of Carl Schmitt in Hungary – sporadic before 1945, largely absent during the communist period, and systematically revived after 1990 – while shortly examining how his ideas have informed both scholarly analyses and, to some extent, the ideological justification of the Orbán government after 2010.

I. Before 1945

I will first examine the sporadic references to Carl Schmitt in Hungarian legal scholarship during the interwar period and the Second World War. A few of Schmitt's books and ideas were discussed at the time, albeit without being systematically received or integrated. Particular attention was paid to the theory of *Großraum*, which was widely regarded as a theoretical justification of German foreign policy; interest in this doctrine was therefore primarily political rather than scholarly in nature. Nevertheless, some Hungarian authors already recognized the imperialist character of the *Großraum* theory and warned that it could also prove dangerous for Hungary. The brief overview of Schmitt's reception in Hungary before 1945 demonstrates that his theories and concepts were indeed known but scarcely engaged with, attracting attention—and even rejection—primarily for political reasons.

Schmitt visited Hungary on two occasions (1942 and 1943), delivering several lectures on both visits. The first version of his essay about European jurisprudence—on which he also lectured in Budapest—was initially published in a Hungarian journal as a Hungarian translation of the lecture text. Although the understanding of law presented in these lectures displayed certain affinities with historical-conservative strands of Hungarian legal thought, Schmitt's legal and state theory proved to be only weakly compatible with the Hungarian intellectual context. On the one hand, Hungarian legal philosophy operated largely within neo-Kantian categories; on the other hand, Hungarian legal history and constitutional theory, while conservative in orientation, were neither statist nor decisionist–voluntarist in character.

I. 1. Academic reception of Carl Schmitt

Hungarian legal philosophy in the interwar period was strongly influenced by neo-Kantianism,⁸⁰ which tended to favour engagement with Kelsen's Pure Theory of Law. At the same time, however, certain legal positivist theses—such as the separation of 'is' and 'ought' and the autonomy of law—were interpreted and reformulated differently by Hungarian legal positivists like Gyula (Julius) Moór and Bódog (Felix) Somló. These debates, however, unfolded entirely within the frameworks of legal positivism and neo-Kantianism, with Schmitt playing only a minor role.

I. 1. A. Sporadic reception before 1945

Schmitt's well-known concepts—such as sovereignty as the power to decide on the state of exception or the friend–enemy distinction as the primary criterion of the political—became widely recognized in Hungary as well.

The reviews acknowledged Schmitt's originality and importance, but they also raised criticisms. In one of the earliest reviews, the conservative historian Gyula Miskolczy critiqued Schmitt's Political Romanticism for the imprecision of its concepts: "[Schmitt] repeatedly refrains from precise and clear definitions... [...] On the one hand, he fails to explain serious claims; on the other, he unnecessarily repeats those that are self-evident."⁸¹

In the Catholic journal *Pannonhalmi Szemle* (1926), Schmitt's book on Catholicism was reviewed positively. The review emphasized that Schmitt had correctly recognized the representative function of the Catholic Church, which was highly relevant for the search for state and church identity in post-Habsburg Hungary: "The ideas represented by the [Catholic]

⁸⁰ For an introductory analysis on this topic, see András Jakab, Neukantianismus in der ungarischen Rechtstheorie der ersten Hälfte des XX. Jahrhunderts, in: Archiv für Rechts- und Sozialphilosophie 2008, pp. 264–272.

⁸¹ Gyula Miskolczy, Carl Schmitt-Dorotić: Politische Romantik. Munich and Leipzig: Verlag von Duncker und Humblot, 1919. VI + 162 pp, in: Egyetemi Filológiai Közlöny, 1923, 111 (113ff.) [Translated by the author – P.T.]

Church also indicate a clear direction for politics. The preservation of the Hungarian state ideal is possible only through the consistent safeguarding of legal continuity.”⁸² The reviewer agreed with Schmitt that the Catholic Church was challenged both by liberalism and socialism, and that in an economy-based society, it seemed to be losing its former role. The Church could hardly fulfill its representative function because “the factory cannot be reconciled with the altar in the same way as the throne and altar [were previously] allied.”⁸³

Schmitt’s other works were not reviewed before 1933, although they were sporadically cited in relevant legal or political science articles. The conservative jurist László Ottlik (1929) analyzed the relationship between democracy and dictatorship based on Schmitt’s corresponding book. He argued that a dictatorship could also be democratic, and a liberal system was not necessarily possible only in a democracy.⁸⁴ If democracy meant rule by the majority, it was in fact a majority dictatorship,⁸⁵ as evidenced—according to Ottlik—by the program of the Social Democratic Party.⁸⁶ By understanding democracy as a majority or party dictatorship, Ottlik was able to justify why Hungary, compared to neighboring countries, did not follow this path.⁸⁷

The Catholic priest and cultural politician Gyula Kornis devoted an analysis (1933) to Schmitt’s friend–enemy distinction in his two-volume work *Az államférfi* (The Statesman). In this book, Kornis also cites Schmitt’s critiques of parliamentarism and of Romanticism,⁸⁸ without engaging with them in greater detail. In his analysis of the Schmittian concept of political, Kornis observed that “the political revolves around the possession of power, and all power is, to some degree, experienced as violence and therefore as something hostile. [...] It is always some form of opposition that ignites politics and condenses people into political groups and parties, which then struggle against one another with varying degrees of intensity”.⁸⁹ Kornis is thus in agreement with Schmitt in understanding politics as grounded in hostility and, as its consequence, in processes of group formation.

Among Hungarian philosophers of the period, Budapest-born Aurél Kolnai offered a systematic critique of Carl Schmitt’s *Concept of the Political* in a German-language essay (1933). He argued that Schmitt, like many figures in German philosophy, was committed to a view that foregrounded the “irrationality of life and power.”⁹⁰ Kolnai maintained that Schmitt defines

⁸² r.f., *Katholicizmus és politikai forma* [Catholicism and Political Form], in: *Pannonhalmi Szemle*, 1926, 260, 262. [Translated by the author – P.T.]

⁸³ *Ibid.*, p. 261. [Translated by the author – P.T.]

⁸⁴ László Ottlik, *Diktatúra és demokrácia* [Dictatorship and Democracy], in: *Társadalomtudomány* 1929, 74, 76.

⁸⁵ *Ibid.*, p. 88.

⁸⁶ *Ibid.*, pp. 83f.

⁸⁷ *Ibid.*, p. 86.

⁸⁸ Gyula Kornis, *Az államférfi* [The Statesman], Vol. 1, Budapest 1933, pp. 18, 287.

⁸⁹ Gyula Kornis, *Az államférfi* [The Statesman], Vol. 2, Budapest 1933, p. 175. [Translated by the author – P.T.]

⁹⁰ Aurél Kolnai, *Der Inhalt der Politik*, in: *Zeitschrift für die gesamte Staatswissenschaft* 94, 1933/1, p. 2. [Translated by the author – P.T.]

politics solely in terms of the intensity of conflict, rather than with reference to the nature or object of that conflict.⁹¹ This approach, he suggested, leads Schmitt both to collapse politics into warfare and to neglect altogether the more peaceful sphere of domestic politics.⁹²

Pál Bíró was even more critical of Schmitt's conception of politics. In the left-liberal journal *Huszadik Század* (1933), the Social Democratic author accused Schmitt of a "militant attitude to life."⁹³ Bíró argued that Schmitt's *Concept of the Political* described a pre-civilizational human nature without considering civilizational progress, i.e., the decline of violence.⁹⁴ This critique appeared after the National Socialist seizure of power, and Schmitt's book was reviewed under the title "Hitler's Forerunner".

Schmitt's idea about the politics was also rejected in an article of the philosopher József Halasy-Nagy (1939). He argued that Schmitt's conception of politics as an autonomous sphere was mistaken, reducing politics to mere conflict. He emphasized that Schmitt's understanding of politics also misrepresented the state: if the state represented the defining form of the political as the friend–enemy distinction, its organizational and community-building roles were neglected in favour of a combative concept of the state.⁹⁵ At the same time, Halasy-Nagy accused Schmitt of an excessive, one-sided statism. He argued that politics should not be equated with the state, since political activity could also be discerned within different social groups of a state: "Even if we admit that the politics of the state is the truest politics *par excellence*, it cannot be denied that every group of people forming an institutional unit is already engaged in politics."⁹⁶ The combative, statist, and exclusive conception of politics, he argued, was a modernist idea in Schmitt. By attempting to define politics as an autonomous sphere, Schmitt separated it from morality and religion. The article thus represented a conservative critique of Schmitt.⁹⁷

On the conservative side in Hungary, Schmitt's other ideas were seen as successful antitheses to legal positivism but as failing to achieve an institutionalist synthesis. József Ruber discussed Schmitt's book on the three types of legal thinking as an attempted return to the Historical School of Law. Although Schmitt saw such a synthesis in National Socialist law, Ruber argued that "[Schmitt's] intuitions concerning the essence and significance of institutions, despite all the author's protests, are closer to traditional conservatism [...], such as Savigny's historicism,

⁹¹ Ibid, p. 10.

⁹² Ibid, pp. 11f.

⁹³ Pál Bíró, Hitler szálláscsinálói. Két könyv a tegnap Németországából [Hitler's Forerunners: Two Books from Yesterday's Germany], in: *Huszadik Század*, 1933, 154–155. [Translated by the author – P.T.]

⁹⁴ Ibid., p. 155f.

⁹⁵ József Halasy-Nagy, Politika és erkölcs [Politics and Morality], in: *Budapesti Szemle* 1939, 129, 142ff.

⁹⁶ Ibid., p.144. [Translated by the author – P.T.]

⁹⁷ Ibid., pp. 142, 144f.

than to the radicalism of the new Germany.”⁹⁸ Schmitt’s ethnonationalist order thinking was thus rejected as a modern idea: the concept of the ‘people’ itself was a revolutionary idea, which had entered legal science through the Free Law School. Ruber even argued that National Socialist Germany rested on free-law foundations, which, due to the absolutization of the unity of the ‘people’ and the political, ultimately produced unlimited state power.⁹⁹ The theory of order, Ruber contended, should instead restrain these modernist and totalitarian tendencies. The goal of the analysis was thus to *read Schmitt against Schmitt*, revealing the historical-conservative, Savigny-influenced elements of Schmitt’s thought against his openly National Socialist political commitment.

The famous private law scholar Endre Nizsalovszky also located Schmitt’s legal theory within the conservative Historical School of Law. He welcomed Schmitt’s critique of codification, which “comes closest to justifying the anti-codification position developed in our [Hungarian] context.”¹⁰⁰ However, Nizsalovszky argued that Schmitt’s critique of legal positivism challenged not only codification but the entire notion of legal certainty as the foundation of law. In Nizsalovszky’s view, Schmitt replaced “the distrust of judges characteristic of the liberal era” with “trust in the omniscient being of the judge” in the spirit of the Free Law School, thereby exposing law to total unpredictability.¹⁰¹

I. 1. B. Reactions to Schmitt’s Großraum theory before 1945

Schmitt’s theory of the *Großraum* was both anti-statist and anti-universalist.¹⁰² The aim of Schmitt’s *Großraum* theory was thus to account, in an anti-universalist sense, for global political changes in which individual—even larger—European states were increasingly losing significance;¹⁰³ that is, to establish larger political units without having to conceive of the world as a single entity. The *Großraum* theory is simultaneously a theory of empire: the *Großraum* was to establish itself as a new political unit in the world order around a hegemonic empire¹⁰⁴ to exclude the interventions of foreign powers.¹⁰⁵ Although Schmitt’s geopolitically oriented

⁹⁸ József Ruber, A jogi gondolkodás új útjai [The New Paths of Legal Thinking], in: Társadalomtudomány 1936, 145, 150. [Translated by the author – P.T.].

⁹⁹ Ibid., p. 153.

¹⁰⁰ Endre Nizsalovszky, Magánjogi kodifikáció. Illés József jubileumi alkalmából [Private Law Codification: On the Occasion of József Illés’ Jubilee], in: Gazdasági Jog 1942, 321, 325. [Translated by the author – P.T.]

¹⁰¹ Ibid., p. 325. [Translated by the author – P.T.]

¹⁰² About Schmitt’s theory see Péter Tschet, Carl Schmitt against World Unity and State Sovereignty. Schmitt’s Concept of International Law, in: Revista da Faculdade de Direito da Universidade de Lisboa – Lisbon Law Review 42, 2021/2, pp. 447–465..

¹⁰³ Carl Schmitt, Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte. Ein Beitrag zum Reichsbegriff im Völkerrecht [1939], Berlin 1991, p. 55.

¹⁰⁴ Ibid., p. 51.

¹⁰⁵ Ibid., p. 49.

Großraum theory was considered by many Nazi jurists as insufficiently biopolitical,¹⁰⁶ it can nevertheless be read as a justification of German imperialism; its primary purpose was the elimination of the sovereignty of smaller states in favour of a space-dominating empire.¹⁰⁷

The *Großraum* theory, however, sparked a certain fascination—accompanied by hopes or fears—within Hungarian legal scholarship and broader intellectual circles. For this reason, György Parragi, a politician of the anti-fascist conservative Independent Smallholders' Party after 1945, criticized those “who, even in our country, had read the book by the Nazi jurist Carl Schmitt on the German-oriented *Großraum* order”; according to Parragi, Schmitt's book “left no space for the independence or autonomy of small nations.”¹⁰⁸

After 1933, general interest in Schmitt's theories intensified, as he was regarded as the foremost representative of the new German legal science and politics. In 1936—incidentally, the same year Schmitt was attacked in the SS journal *Schwarzer Korps*—József Ruber observed that “the new German legal science stands under the suggestive influence of C. Schmitt.”¹⁰⁹ During the Second World War, Schmitt's *Großraum* theory was discussed in several essays and newspaper articles as a possible reordering of world politics and a solution to the minority question as well. Schmitt's *Concept of the Political* was also read in the context of Hungarian minority policy: interwar minority politics was represented as a ‘politics of winners’, aimed at bringing together friends and enemies within the same state and playing them off against one another. Accordingly, the minority question could not be resolved through minority rights alone, because the majority–minority relationship followed the logic of the friend–enemy distinction and thus could not be resolved within a single state.¹¹⁰

The contemporary interest in Schmitt's theory was explained by the view that the *Großraum* theory “constitutes one of the foundations of the [German] Reich's foreign policy”.¹¹¹ As the administrative lawyer János Martonyi remarked in 1941 regarding Schmitt's book on the *Großraum*, “reading Schmitt's work is useful because it acquaints us with the intellectual tools forged by German legal scholars to support the foreign policy objectives of the [German] Reich.”¹¹² However, the international law scholar László Buza pointed out that a *Großraum*

¹⁰⁶ For the ethnonational counter-concepts, see Péter Tschet, Carl Schmitts *Großraumlehre* im Kontext des Nationalsozialismus, in: *Historia Constitucional* 2021, pp. 924ff.

¹⁰⁷ Schmitt, *Völkerrechtliche Großraumordnung*, p. 63.

¹⁰⁸ György Parragi, *Szociáldemokrácia és a magyar külpolitika* [Social Democracy and Hungarian Foreign Policy], in: *Magyar Nemzet*, 21. 10. 1945, p. 1. [Translated by the author – P.T.].

¹⁰⁹ Ruber, *A jogi gondolkodás új útjai*, p. 163. [Translated by the author – P.T.].

¹¹⁰ Gergely Késmárki, *Kisebbségi sajtópolitika* [Minority Press Policy], in: *Magyar Kisebbség* 1932, 121, 121f.

¹¹¹ József Ruber, *Carl Schmitt: Der Leviathan in der Staatslehre des Thomas Hobbes. Sinn und Fehlschlag eines politischen Symbols*. Hamburg: Hanseatische Verlagsanstalt, 1938, 132, in: *Társadalomtudomány* 1941, 233, 233. [Translated by the author – P.T.]

¹¹² János Martonyi, *A „Grossraum“ és a „Volksgruppenrecht“ fogalma. Két alapvető német államjogi tanulmány* [The Concept of “Grossraum” and “Volksgruppenrecht”: Two Fundamental German Studies in Constitutional

eliminates the sovereignty of peoples, insofar as it does not resolve the minority question but instead extends it to all peoples except the people of the Reich.¹¹³

György Torzsay-Biber, Schmitt's Hungarian doctoral student in Berlin, by contrast denied the danger that the *Großraum* would leave smaller peoples without space. Since the cooperation of peoples and states within the *Großraum* occurs based on their interests, their sovereignty within the *Großraum* would not be eliminated. Precisely the exclusion of foreign realizes true sovereignty, because the *Großraum* protects the internal states from external interference, thereby securing their sovereignty.¹¹⁴

The 'Hungarian' hope, held by some authors, was that the *Großraum* would form a protective unit externally while internally allowing for diverse forms of cooperation, and perhaps even internal *Großräume* centred around regionally leading peoples. Naturally, this notion was closely tied to Hungary's role in the territory of the former historical Hungary – as Árpád Török analysed the 'Axis Europe' in the conservative journal *Magyar Szemle*.¹¹⁵

Consequently, parallels between the more conservative currents of Hungarian legal scholarship and Schmitt can primarily be observed in specific foreign policy goals—such as criticism of the Paris Peace Treaties, the League of Nations, and liberal universalism. In this respect, Schmitt already praised Hungarian policy in 1934, because it had opposed the new peace order earlier than Germany:

“With a few exceptions, one cannot, unfortunately, say that the entirety of German international legal scholarship, with the same certainty of unwavering legal intuition, immediately defended itself in genuine intellectual self-preservation [against the Paris Peace Treaties] as smaller nations did, for example, the particularly outstanding Hungarians in this regard.”¹¹⁶

However, Schmitt's *Großraum* theory, invoked against a universalist-liberal world order, implied a rejection of the sovereignty of smaller peoples. If Europe were to be organized as a *Großraum* around a Greater German Reich, as Schmitt demanded in line with Nazi foreign policy, Hungary's 'historical sovereignty' would also be eliminated. For this reason, even conservative Hungarian jurists read Schmitt with caution and reservation.

I. 2. Carl Schmitt's visits to Budapest

Law], in: Közigazgatástudomány 1941, 283, 287. [Translated by the author – P.T.]

¹¹³ László Buza, A nemzetközi kisebbségi jog jövője [The Future of International Minority Law], in: Kisebbségi Körlevél 1940/1, 1, 6.

¹¹⁴ György Torzsay-Biber, A nagytér fogalma az újabb német jogtudományban [The Concept of the *Großraum* in the Latest German Legal Science], in: Gazdasági Jog 1943, 140, 147f.

¹¹⁵ Árpád Török, Tengely-Európa [Axis Europe], in: Magyar Szemle 1940, pp. 309–314.

¹¹⁶ Carl Schmitt, Nationalsozialismus und Völkerrecht, Berlin 1934, p. 11.

Schmitt's name was known—and relevant—in Hungary primarily because of his *Großraum* theory. The theory was understood as a theoretical summary of the new German foreign and European policy, to which Hungarian politics and scholarship were also expected to respond. This explains, among other things, why the Faculty of Law and Political Science of the Royal Hungarian Péter Pázmány University—the predecessor of today's ELTE University—invited Schmitt to Budapest in the spring of 1942 for a guest lecture.

Schmitt's first trip to Hungary took place in May 1942. The invitation came from the University of Budapest, but the German Scientific Institute also participated in organizing the visit, and Schmitt delivered a lecture there as well. In a letter to Greta Jünger, the wife of Ernst Jünger, Schmitt described the trip as a “fairy-tale-like and beautiful stay.”¹¹⁷ At the University of Budapest, he lectured on administrative law on 4 May 1942. The Hungarian political scientist Móric Tomcsányi, then dean of the faculty, also attended the event.¹¹⁸

In the second lecture, on 6 May 1942 at the German Scientific Institute, Schmitt addressed the international law, a topic that was politically more relevant for Hungary. Some politicians, including the former far-right, antisemitic Prime Minister Béla Imrédy, were present. After his resignation in 1939, Imrédy had increasingly positioned himself as a far-right opponent within the ruling elite. By the time he attended Schmitt's lecture in 1942, he was thus a failed politician, drifting ever further to the right.

In his conversations in Budapest, Schmitt believed he could gain the impression that there was a willingness among the Hungarian elite to accept the idea of *Großraum*.¹¹⁹ Whether Schmitt was able to convince his audience of the necessity of a German-dominated *Großraum*, however, is doubtful, especially since the idea in many respects conflicted with conservative Hungarian foreign policy (preservation of sovereignty, protection of Hungarian minorities, revisionism). Even conservative jurists, such as the administrative lawyer Zoltán Magyary or the legal historian Ferenc Eckhart, were politically and academically less oriented toward Germany. However, Magyary—like Schmitt—was critical of liberalism and parliamentarism, viewing the administrative state as a response to the challenges of modern societies.¹²⁰

During his 1942 visit, Schmitt met with Magyary, where he was also able to get in touch with international law scholar László Gajzágó, as well as with German representatives such as Hans

¹¹⁷ Letter (22. 05. 1942), in: Ingeborg Villinger / Alexander Jaser (eds.), *Briefwechsel Gretha Jünger – Carl Schmitt (1934–1953)*, Berlin 2007, p. 61. [Translated by the author – P.T.].

¹¹⁸ Christian Tilitzki, *Die Vortagsreisen Carl Schmitts während des Zweiten Weltkriegs*, Schmittiana 1998, p. 191, 203f.

¹¹⁹ *Ibid.*, p. 205.

¹²⁰ Alex Pongrácz, *Az államelmélet válsága Carl Schmitt és Magyary Zoltán munkássága alapján* [The Crisis of Political Theory in the Works of Carl Schmitt and Zoltán Magyary], in: *Államtudományi Műhelytanulmányok* 2017/3, 1, pp. 6ff.

Freyer and the German envoy, SA-Obergruppenführer Dietrich von Jagow.¹²¹ Gajzágó made a very positive impression on Schmitt. Although Gajzágó's book on the origins of international law—which emphasized the Christian roots of the discipline, particularly through the Spanish school around Francisco de Vitoria¹²²—was available only in Hungarian, Schmitt later referenced the work in his postwar book *Nomos of the Earth*.¹²³ In 1942, Schmitt was also able to speak with the legal historian Eckhart, who had previously written a book on the doctrine of the Holy Hungarian Crown as the foundation of statehood and legal continuity.¹²⁴ The Hungarian idea of legal continuity, however, was not underpinned by ethnonationalist or etatist ideology.

Schmitt returned to Hungary in November 1943.¹²⁵ This time, the initiative came from the German Scientific Institute. The University of Budapest agreed that Schmitt could once again deliver a lecture at the university. Schmitt arrived in Budapest on 5 November 1943. His first lecture took place on 9 November 1943 at the German Scientific Institute, on the transformations of the concept of war in international law. At the university, Schmitt spoke on 11 November 1943 on “The Current Situation of European Legal Science.” This lecture had previously been delivered in Bucharest, and later in Madrid, Coimbra, Leipzig, and Barcelona, in German, French, and Spanish.¹²⁶

The text was originally intended as a contribution to a *Festschrift* for Johannes Popitz; however, it was never published.¹²⁷ Accordingly, the text first appeared in Hungarian translation in the journal *Gazdasági Jog*,¹²⁸ while the German-language version was published only after the end of the war.¹²⁹ The Hungarian text is considerably shorter than the later German version, which also shows that the Hungarian text follows the lecture (with very few footnotes) and is not an expanded version of it. No substantial differences in content can be observed; even in the Hungarian text, the focus is on how and why positivism had degraded European legal science into a technical-formal jurisprudence, and why the European spirit should be rediscovered

¹²¹ Tilitzki, *Die Vortragsreisen Carl Schmitts*, pp. 207f.

¹²² László Gajzágó, *A nemzetközi jog eredete annak római és keresztény összefüggései, különösbbe a Spanyol Nemzetközi Jogi Iskola* [The Origins of International Law, Its Roman and Christian Contexts, Particularly the Spanish School of International Law], Budapest, 1942.

¹²³ Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* [1950], Berlin 1997, p. 88.

¹²⁴ Ferenc Eckhart, *A szentkorona-eszme története* [The History of the Doctrine of the Holy Crown], Budapest, 1941.

¹²⁵ Tilitzki, *Die Vortragsreisen Carl Schmitts*, 209 ff.

¹²⁶ Carl Schmitt, *Die Lage der europäischen Rechtswissenschaft*, in: Carl Schmitt, *Verfassungsrechtliche Aufsätze*, Berlin 1958, 426, 427.

¹²⁷ Reinhard Mehring, Carl Schmitts Schrift “Die Lage der europäischen Rechtswissenschaft”, in: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 2017, 853, 857.

¹²⁸ Carl Schmitt, *Az európai jogtudomány mai helyzete* [The Current Situation of European Legal Science], in: *Gazdasági Jog* 1944, pp. 257–270.

¹²⁹ Carl Schmitt, *Die Lage der europäischen Rechtswissenschaft*, Tübingen 1950.

within a historical understanding of law. The Hungarian text, however, ends with a critical reflection on the world war, which is absent from the German version:

“Even amid the suffering and horrors of the present world war, the scientific spirit germinates. Even in the noise of battles and air raids, it will find the mysterious silence in which it can develop and one day blossom. I hold this belief because of Savigny’s call to legal scholarship. Yes, the European spirit will be rediscovered with greater intensity, and the genius that has not abandoned us—lawyers—even amid so many trials over the past centuries, will also rescue us from today’s crisis.”¹³⁰

II. After 1989

After 1949, Schmitt was known in Hungary primarily through Georg (György) Lukács’ analyses. Lukács argued that Schmitt’s theories were characterized by “an extremely meager, contentless abstraction” or “an irrationalist arbitrariness.”¹³¹ In this way, Lukács—whose philosophy also strongly influenced legal debates in Hungary after 1949¹³²—set the interpretive framework: Schmitt was regarded as the theorist of German fascism and imperialism. Although Schmitt, as a reference author, therefore appeared only rarely in the Marxist writings of Hungarian legal scholarship, the Marxist critique of neo-Kantianism and Kelsenian legal positivism bore similarities to the Schmittian criticisms articulated during the Weimar period: both rejected understanding law as an autonomous ‘ought’-phenomenon, and both, for example, accused Kelsen’s Pure Theory of Law of adopting a one-sided, anti-political, ‘socially blind’ stance.¹³³

The reception of Schmitt in Hungary, however, was both delayed and—remarkably—largely depoliticized. It was only after the transformation of 1990 that a sustained engagement with his work emerged. This shift coincided with a reorientation of legal scholarship which, on the one hand, sought to marginalize Marxist frameworks and, on the other hand, opened itself to intellectual trajectories beyond the neo-Kantian tradition that had long shaped Hungarian legal thought.

II. 1. Carl Schmitt as classical of the legal and political philosophy

In present-day Hungary, Carl Schmitt is recognized as a canonical figure in legal and political philosophy, and his writings constitute required reading at several universities as well as a

¹³⁰ Schmitt, *Az európai jogtudomány mai helyzete*, p. 270. [Translated by the author – P.T.].

¹³¹ Georg Lukács, *Die Zerstörung der Vernunft*, 2. edition, Neuwied am Rhein / Berlin 1962, p. 573. In Original: “eine äußerst magere, inhaltslose Abstraktheit”, “eine irrationalistische Willkür”.

¹³² For Lukács’ legal philosophy, see Csaba Varga, *The Place of Law in Lukács’ World Concept*, Budapest 1986.

¹³³ Lukács, *Die Zerstörung der Vernunft*, p. 568f.

frequent point of reference in scholarly debate. After the political transition, Hungary had to catch up on the reception of several Western European authors (not only Carl Schmitt, but also Hans Kelsen). Therefore, the first phase of reception primarily consisted of translating important works of Carl Schmitt into Hungarian as well as presenting Schmitt's key concepts monographically.

The political issues of his biography and parts of his oeuvre were mentioned but less thematized. Even the scholarly – mainly descriptive – reception occurred without political debates, which was rather atypical, not only considering Schmitt's Nazi biography and pro-Nazi ideas¹³⁴ but also the highly polarized Hungarian society and academia.¹³⁵ The goal of introducing Carl Schmitt, who had been hardly – or only negatively – mentioned during Communism, into Hungarian legal or political sciences, and philosophical debates was, however, accepted by all, which is also evident from the fact that scholars of different political persuasions participated in the reception and translation work.

After 1990, the reception of Schmitt in Hungary began with three important works: Péter Paczolay, the later president of the Hungarian Constitutional Court, translated Schmitt's *Politische Theologie* (Political Theology) in 1992.¹³⁶ Since Schmitt there already developed elements of his concept of the political, the essay (1993) by the post-Marxist philosopher Ágnes Heller on the need to rethink the political was also significant,¹³⁷ especially as Heller had previously belonged to the Schmitt-critical Lukács School. Tibor Pethő published in 1993 the first Hungarian-language monograph on Schmitt, addressing key aspects of Schmitt's legal theory—still revolving around the core concepts of *Political Theology*, namely norm and exception.¹³⁸ Further translations and a more intensive engagement with Schmitt followed in the 2000s, when Lajos Cs. Kiss translated Schmitt's *Begriff des Politischen* (Concept of the Political) along with several shorter Schmitt essays,¹³⁹ and published a substantial anthology bringing together the *crème de la crème* of Hungarian legal and political science, philosophy,

¹³⁴ For the relationship of Carl Schmitt to National Socialism (in Hungarian), see Péter Tschet, Carl Schmitt és a nemzetszocializmus [Carl Schmitt and National Socialism], in: Politikatudományi szemle 21, 2012/1, pp. 133–152.

¹³⁵ Lajos Cs. Kiss, Carl Schmitt-recepció és a demarkációprobléma [Carl Schmitt Reception and the Problem of Demarcation], in: Politikatudományi Szemle 30, 2021/3, 85 (87).

¹³⁶ Carl Schmitt, Politikai teológia, Budapest 1992.

¹³⁷ Ágnes Heller, A „politikai” fogalmának újragondolása [Rethinking the Concept of the Political], in: Politikatudományi Szemle 2, 1993/2, pp. 5–18.

¹³⁸ Sándor Pethő, Norma és kivétel. Folyamatosság és megszakítottság Carl Schmitt államelméletében 1910–1933 [Norm and Exception: Continuity and Discontinuity in Carl Schmitt's Theory of the State, 1910–1933], Budapest 1991

¹³⁹ Carl Schmitt, A politikai fogalma. Válogatott politika- és államelméleti tanulmányok, Budapest 2002. (The anthology also includes additional essays by Schmitt in Hungarian.)

and theology.¹⁴⁰ The philosophical journal *Világosság* published a special issue on Carl Schmitt in 2010.¹⁴¹ Cs. Kiss also continued his reception work with another anthology on Carl Schmitt.¹⁴²

So far, some other important books and essays by Schmitt have been also translated into Hungarian, published by the Catholic publisher Szent István Társulat, or the conservative publisher Attraktor: *Legalität und Legitimität* (2006; *Legality and Legitimacy*),¹⁴³ *Politische Theologie II* (2006; *Political Theology II*),¹⁴⁴ *Ex captivitate salus* (2010),¹⁴⁵ *Römischer Katholizismus und politische Form* (2023; *Roman Catholicism and Political Form*).¹⁴⁶ This means that many major works – especially on constitutional law and international law – are still not available. This also shows that interest in Schmitt is stronger in political science and political or legal theory than in legal studies.¹⁴⁷ Carl Schmitt was also discussed several in the Hungarian philosophy of religion¹⁴⁸ – sometimes critically, such as by György Geréby, who emphasized Schmitt’s non-Catholic aspect due to his anti-universalist orientation.¹⁴⁹

II. 2. Carl Schmitt as ‘ideologue’ of illiberalism?

Since 2010, Hungary has undergone a further systemic transformation, comparable to the transition of 1989/1990, which, like its predecessor, occurred through entirely legal means. After Viktor Orbán’s Fidesz party secured a two-thirds majority in parliament, the constitution and key elements of the constitutional framework were amended. The aim was to establish what

¹⁴⁰ : Lajos Cs. Kiss (ed.), Carl Schmitt jogtudománya. Tanulmányok Carl Schmittől [The Legal Theory of Carl Schmitt: Studies on Carl Schmitt], Budapest 2004.

¹⁴¹ Lajos Cs. Kiss / Péter Tschet (eds.), Carl Schmitt. Világosság 51, 2010/3.

¹⁴² Lajos Cs. Kiss (ed.), Carl Schmitt fogadtatása a társadalomtudományokban. Harc a szavakért: politikai korrektség és recepció [The Reception of Carl Schmitt in the Social Sciences. Struggle over Words: Political Correctness and Reception], Budapest 2023.

¹⁴³ Carl Schmitt, *Legalitás és legitimitás*, Máriabesnyő-Gödöllő 2006.

¹⁴⁴ Carl Schmitt, *Politikai teológia II: Legenda minden politikai teológia elintézéséről*, Máriabesnyő-Gödöllő 2006.

¹⁴⁵ Carl Schmitt, *Ex Captivitate Salus: Egy német fogoly vallomásai 1945/47-ből*, Máriabesnyő-Gödöllő 2006.

¹⁴⁶ Carl Schmitt, *Katolicizmus és politika*, Budapest 2023. (The anthology also includes additional essays by Schmitt in Hungarian.)

¹⁴⁷ As monographs on Schmitt see Péter Tschet, Carl Schmitt. Egy szellemi kalandor [Carl Schmitt: An Intellectual Adventurer], Gödöllő–Máriabesnyő 2013; Imre Tódor, A politikai konstitutív a(nta)gonisztikus dimenziója: Carl Schmitt konfliktusos politikai filozófiájáról [The Constitutive A(nta)gonistic Dimension of Politics: On Carl Schmitt’s Conflictual Political Philosophy], Budapest 2015; András Karácsony, A jogtudomány teológusa. Carl Schmitt politikai teológiája [The Theologian of Legal Science: Carl Schmitt’s Political Theology], Gödöllő–Máriabesnyő 2016; and Péter Tschet, Jog mögötti akarat. Metapozitivist kísérletek a német jogtudományban: Carl Schmitt és Ernst Forsthoff [The Will Behind the Law. Metapositivist Experiments in German Legal Scholarship: Carl Schmitt and Ernst Forsthoff], Budapest 2023.

¹⁴⁸ Balázs Mezei, Carl Schmitt teológiai felfogásáról [On Carl Schmitt’s Theological Conception], Századvég 8, 2003/28, pp. 97-111; Gábor Borbély / György Gábor / György Geréby / Veronika Szántó (eds.), „Királlyá lett a te Istened”. Fejezetek a politikai teológia történetéből [“Your God Has Become King”: Chapters from the History of Political Theology], Budapest 2008.

¹⁴⁹ György Geréby, Isten és birodalom. Politikai teológia [God and Empire. Political Theology], Budapest 2009.

Orbán described in a summer speech in 2014 as an “illiberal state”, intended as an alternative to a liberal-democratic model.¹⁵⁰

In April 2020, Donald Tusk, then president of the European People’s Party (EPP), remarked that “Carl Schmitt would be very proud of Viktor Orbán.” With this statement, Tusk alluded both to Orbán’s extensive reliance on emergency powers (since the refugee crisis) and to his ambition to reshape a political model what he described as “authoritarian”.¹⁵¹

Scholars have debated how best to characterise this system. Political scientists have employed concepts such as ‘hybrid regime’ (a mixture of democratic and semi-authoritarian features).¹⁵²

Sociologists, by contrast, have emphasised neo-feudal structures and systemic corruption, often referring to Hungary as a ‘mafia state.’¹⁵³ At the same time, the notion of a ‘leader democracy’, drawing on Carl Schmitt, has been advanced to describe a system in which the people primarily serves an acclamatory function and pluralism is subordinated to the authority of a charismatic leader.¹⁵⁴

Although a comprehensive theory of illiberal democracy in Hungary has not been developed, Carl Schmitt’s ideas have indirectly shaped elements of the Hungarian government’s ideology through their reception among Fidesz-affiliated intellectuals, who, drawing on Schmitt, criticise parliamentarism, liberalism, unipolarism, and multiculturalism.¹⁵⁵ Balázs Orbán, the political director of the Orbán government (not related to Viktor Orbán) and a key ideologue of the regime, has emphasised, for example, that “the anti-liberal attitude of Hungarian conservatism is undeniable from this point on. In the West, only Carl Schmitt and Leo Strauss formulated a

¹⁵⁰ A munkaalapú állam korszaka következik. Orbán Viktor beszéde a XXV. Bálványosi Nyári Szabadegyetem és Diáktáborban [The Era of the Work-Based State Is Coming. Viktor Orbán’s speech at the 25th Bálványos Summer University and Student Camp], 26. 07. 2014; URL: <https://2015-2019.kormany.hu/hu/a-miniszterelnok/beszede-kulaskok-interjuk/a-munkaalapu-allam-korszaka-kovetkezik>

¹⁵¹ Interview with EPP President Donald Tusk: What the Economy Needs Is a Blitzkrieg, in: Spiegel, 21. 04. 2020; URL: <https://www.spiegel.de/international/europe/donald-tusk-what-the-economy-needs-is-a-blitzkrieg-a-382b2e03-3f48-412c-9973-9a883e913f5e>; for Tusk’s remark, see Péter Techet, Carl Schmitt nácsága és büszkesége [Carl Schmitt’s Nazism and Pride], in: Élet és Irodalom 64, 2020/20, 15. 05. 2020; URL: <https://www.es.hu/cikk/2020-05-15/techet-peter/carl-schmitt-nacisaga-es-buszkesege.htm>

¹⁵² András Bozóki / Dániel Hegedűs, An externally constrained hybrid regime: Hungary in the European Union, in: Democratization 25, 2018/7, pp. 1173–1189.

¹⁵³ Bálint Magyar (ed.), Post-Communist Mafia State: The Case of Hungary, Budapest / New York 2016.

¹⁵⁴ András Körösnéyi / Gábor Illés / Attila Gyulai, Az Orbán-rezim. A plebiszciter vezérdemokrácia elmélete és gyakorlata [The Orbán Regime: The Theory and Practice of Plebiscitary Leader Democracy], Budapest 2020.

¹⁵⁵ For a critical discussion of Carl Schmitt’s role in understanding the Orbán regime, see, among others: Attila Antal, The Political Theories, Preconditions and Dangers of the Governing Populism in Hungary, in: Politologický časopis – Czech Journal of Political Science 24, 2017/1, pp. 5–20; Áron Buzogány / Mihai Varga, The Ideational Foundations of the Illiberal Backlash in Central and Eastern Europe: The Case of Hungary. In: Review of International Political Economy 25, 2018/6, pp. 811–828; Zoltán Bretter, Carl Schmitt – Az illiberális demokrácia kottája [Carl Schmitt – The Score of Illiberal Democracy], in: Politikatudományi Szemle 30, 2021/4, pp. 109–128; Ville Suuronen, Antiliberalism and Counter-Enlightenment for the 21st Century: Viktor Orbán’s Illiberal Political Ideology, in: Government and Opposition 60, 2025/4, pp. 1136–1156; Péter Techet, Andersheit à la carte. Über rechte Widersprüche, in: Neue Zürcher Zeitung, 08. 08. 2025, p. 19; URL: <https://www.nzz.ch/meinung/andersheit-a-la-carte-fuer-die-rechte-soll-die-welt-aus-klar-getrennten-homogenen-nationalstaaten-bestehen-innerhalb-des-eigenen-staates-aber-sehen-sie-differenzen-als-gefahr-ld.1889321>

similarly impactful critique, and a good half-century later.”¹⁵⁶ A central figure within the regime’s intellectual milieu is the historian Márton Békés, who seeks to construct a New Right (*Nouvelle Droite*) ideological framework for the government which is explicitly Schmittian, anti-liberal, and fundamentally opposed to parliamentary democracy.¹⁵⁷

Summary

Carl Schmitt has arrived in Hungary. Following an initially sporadic and often conservative-sceptical engagement with the German author, and after a prolonged silence during the communist period, Schmitt has since been widely received in Hungary. Several of his books and essays have been translated, and he has become a reference author in scholarly debates.

In the context of the ‘illiberal turn’ after 2010, Schmitt’s anti-liberal, anti-pluralist, and populist-democratic ideas gained renewed relevance. They have been employed both as critical reference points for analysing the ideological background of the new regime and, albeit neither primarily nor explicitly, as sources of positive inspiration for it. At the same time, academic engagement with Schmitt remains independent of this political context or any potential political reappropriation: within academia, Schmitt continues to be treated as a classic of political philosophy (rather than of legal sciences).

¹⁵⁶ Balázs Orbán, Hungarian Conservative Thought: A Competitive Advantage, in: Hungarian Conservative, 04. 01. 2022; URL: <https://www.hungarianconservative.com/articles/philosophy/hungarian-conservative-thought-a-competitive-advantage/>

¹⁵⁷ As summary of his ideas regarding the Orbán-regime see Márton Békés, Nationaler Block. Das System der Nationalen Zusammenarbeit, Dresden 2023.

Carl Schmitt in the Land of Instructive Example

Abstract. This chapter traces how Carl Schmitt was read and used in Poland in academic and political discourse from the late 1920s to the present. It argues that in Poland Schmitt's work was mobilised for shifting ends: first as secondary literature clarifying concepts, then as an object of condemnation and gradual 'uncrowning' as the Third Reich's *Kronjurist*, and after 1989 as a normative instrument in public debates. After 2015, Schmitt reappears both as an analytic framework for democratic backsliding and as a contested name in partisan struggles.

1. Introduction

Carl Schmitt was not interested in Poland, in this respect constituting no exception either among German jurists and political thinkers of his generation or among Germans more generally. In his public writings he cursorily discussed only two Poles: Józef Piłsudski, whom he sought to inscribe into the figure of the *katechon* (Schmitt 1995a: 436), and Czesław Miłosz, whose *Native Realm* he treated as grounds for recognising him as telluric in a partisan mode (Schmitt 2007: 21). Poland also served him as an “instructive example” (Schmitt 2005: 731) of a political organism that, at the appropriate historical moment, failed to attain the level of modern statehood (Schmitt 2006: 166). In works oriented more toward jurisprudence, he addressed legal issues contemporary to him in relations between Poland, Germany, and the League of Nations—above all those concerning the Treaty of Versailles, the legal status of Danzig, and the *Polnischer Korridor* (Schmitt 1995b: 224, Schmitt 1995c: 295, 334, Schmitt 1995d: 452); these matters, however, did not become the seedbed of any of his theories. In his diaries, Poland-related themes appear even more rarely: Schmitt reflects on the significance of the category of the nation in Chopin's mazurkas and alludes to problems of medieval Polish criminal law (Schmitt 2014a: 146, 463). Some scholars (Wudarska 2016) describe as a Schmittian *polonicum* his lover and doctoral student from Katowice (from 1922 within the borders of Poland), Johanna Kendziora; it is difficult, however, to regard her figure as anything more than a biographical footnote.

Asked to account for Schmitt's attitude toward Poland—once national and generational determinants have been acknowledged—one may advance the following hypothesis: in none of the areas of his intellectual enquiry did Poland appear to him as analytically indispensable. As a repository of historical examples for his theoretical

constructions, Poland's past competed with the histories of other states; as for his contemporary Poland, Schmitt did not consider it politically inspiring. He tended instead to view it as a non-democratic state—comparable to Yugoslavia and Turkey—seeking its models in Germany and Italy, yet unable to serve as a source of inspiration for them (Schmitt 2021: 209). Schmitt did not engage with contemporary Polish jurists, even where their work was available in German publication. In Poland, however—both during his lifetime and after his death—Schmitt was read.

Yet the relationship between Schmitt and Poland was not entirely asymmetrical. In Poland, the reading and interpretation of his works resembled, in a certain sense, his own recourse: Polish interpreters turned to his theories and persona in order to put them to their own ends. What changed, depending on the moment at which Schmitt was read, were those ends themselves. This chapter is devoted to the transformations of these ends, traced across the map of Polish history from the second half of the 1920s to the present day.

2. Schmitt as a Magnifying Lens

The earliest deployment of Schmitt in Polish scholarship can be described as the use of his work as a magnifying lens. What his writings were meant to render visible were two concepts with which Polish researchers were grappling; Schmitt thus functioned for them as a stimulating author of secondary literature. Yet the divergent intellectual dispositions of these scholars entailed divergent ways of appropriating Schmitt's reflections.

The concepts in question were Romanticism and dictatorship. The former was taken up in 1928 by the Lwów-based philologist Jan Bronisław Richter, who observed that “the enormous richness of Romanticism's manifestations produced no small difficulties whenever one attempted to capture, in a brief formula, its most characteristic features ... the elucidation of these contradictions has been undertaken in recent years by Karol Schmitt” (Richter 1928: 129). Richter then offered a discussion of 1919 *Political Romanticism*, supplementing it with a thread concerning the poetry of Mickiewicz and Krasiński. He ignored Schmitt's references to the political situation of his own time, asserting that Schmitt wrote exclusively about a “powerful spiritual current in the first half of the nineteenth century” (Richter 1928: 138).

It is precisely in such acts of disregard that the first disposition manifests itself: it consists in reading Schmitt in an ahistorical key, that is, as a thinker describing ostensibly timeless phenomena. A further representative of this stance is Kazimierz Kumaniecki, who in 1928, in a study devoted to extraordinary offices, drew on Schmitt's 1919 treatise (appearing in his text under the name Schmitt-Dorotić) as one of his sources. Kumaniecki cites Schmitt as

an interpreter of classical philosophers and political actors, and he points to Schmitt's concept of sovereign dictatorship as one that "aims at removing the existing legal state of affairs, at creating such a situation as would justify the introduction of such a form of state order as the dictator, at a given moment, considers most expedient" (Kumaniecki 1928: 10). He does not, however, deploy this concept with reference to their shared political reality—something striking not only given the timing of both works (after Piłsudski's 1926 overthrow of the lawful government), but also in view of his political past, unsympathetic to the Marshal.

The core of the second disposition in the reception of Schmitt as an author of secondary literature lies in treating him as a thinker who, in his writings, addresses phenomena that were contemporary both to himself and to his interpreters. An instance of this approach is Władysław Jaworski's reading of *Political Romanticism*. Jaworski—a conservative politician and jurist with a marked attraction to fascism (Tomasiewicz 2012: 94)—focuses, unlike Richter, on what Schmitt identifies as the foundation of Romanticism and, consequently, the source of its antipolitical character: "feeling, fantasy, intuition" (Jaworski 1929: 181). For Jaworski, these are also the foundations of fascism; hence, he argues, Schmitt's assessment of Romanticism's antipolitical nature cannot be accepted. "Schmitt's charges and critique lose their footing ... [for] Schmitt claims that the essence of Romanticism is passivity. We certainly cannot say this of fascism" (Jaworski 1929: 182). A similar orientation informs Konstanty Grzybowski, who in 1930 turned to Schmitt's *Dictatorship*. Grzybowski is interested in the institution's contemporary dimension, remarking that "the time for the dictator arrives when the existing constitutional order no longer satisfies—no longer suffices for—the state ... and then one applies to him Carl Schmitt's apt and elegant description of the dictator's role as the spokesman of the elite" (Grzybowski 1930: 7). This second disposition in reading Schmitt as a producer of secondary literature became sufficiently established in interwar Poland that even Kumaniecki, in a subsequent text in which he again invoked the concept of sovereign dictatorship, did so in order to contrast Mussolini's and Hitler's constitutional position with the shape of the executive under Poland's 1935 constitution (Kumaniecki 1935: 91).

Kumaniecki's 1935 text, however, is an exception—not merely because he continues to refer to Schmitt by the outdated appellation "Schmitt-Dorotić," but rather because he still treats him solely as an author of secondary literature. Polish scholarship assimilated the fact of Schmitt's involvement in the Nazi movement rapidly enough that, immediately after 1933, it ceased to regard him as a partner in inquiry and began instead to make him the object of inquiry.

3. The Slow Uncrowning

“It is necessary to show that Hitlerism did not arise in the minds of a few maniacs ... one thing from Carl Schmitt’s past must be recalled: he was the first to ‘scientifically’ substantiate the claim that Hitler possessed the ‘right’ to murder people” (Grzybowski 1946: 83–89). This is how Grzybowski—cited above—wrote in 1946 in *Twórczość*, a leading intellectual periodical operating under communist authorization. What stands out in this passage by the Jagiellonian University professor of law, who had studied with Schmitt in Berlin in the 1920s (Świąćicki 2014: 106), is the unmistakably prosecutorial register: it crystallises the shift in Polish engagements with Schmitt from the later 1930s to the first years of communist Poland.

Between 1933 and 1939, Polish legal writing turned to Schmitt primarily by construing him as a jurist wielding meaningful influence within the German political establishment. For Polish interpreters, the entanglement of law and politics appeared structurally unavoidable they argued that “German legal scholarship has fundamentally changed its face. ... since the Hitlerite coup it has decisively embarked upon the path of purely political considerations. ... Professor Schmitt’s works provide an exceptionally vivid example of this sudden turn” (Miller 1935: 10). Therefore, Schmitt attracted Polish attention above all as an intellectual inspirer of Nazism—alongside Ernst Jünger and Moeller van den Bruck (Grzybowski 2005: 66–67)—and as “to the greatest extent the creator of that constitutional doctrine and practice which triumphed in the state life of Germany” (Grzybowski 1934: 10). From this perspective, even those elements of Schmitt’s theoretical corpus that failed to achieve institutional traction under National Socialism could nevertheless be read as articulations of an official Nazi philosophy of law. Tadeusz Bigo’s (1936: 313) article provides a revealing example: he treats Schmitt’s concrete-order thinking as emblematic of a Hitlerite mode of legal reasoning. Nazism served as the point of reference for Schmitt’s thought also when scholars, noting that the jurist had become an “official protagonist of the doctrine of National Socialism” (Rundstein 1935: 6), described his international-law concepts as being at odds with Hitler’s doctrine (Rundstein 1935: 10)

On the basis of the foregoing analysis, it may be contended that Polish writing of the 1930s largely consolidated Schmitt’s image as the Third Reich’s *Kronjurist*. In the early years of the Polish People’s Republic this designation was entrenched still further, though now in the service of aims distinct from those animating interwar scholarship. Whereas Grzybowski had previously turned to Schmitt in an attempt to elucidate the conceptual architecture of the emergent regime, his 1946 essay is oriented toward explaining the conditions under which so many German intellectuals came to acquiesce in it. However, his article is predominantly scholarly rather than programmatically political—not least because, in 1946, Polish legal academia had not yet been thoroughly permeated by the idiom of propaganda (Kuisz 2020: 24).

The situation is different in Jerzy Wróblewski's study on Kelsen, published a decade later, in which he casts Schmitt as an adversary of the book's protagonist, yet at the same time a representative of a "common political platform—the bourgeoisie" (Wróblewski 1955: 295). By identifying his thought with Nazism, he seeks to discredit the position Schmitt occupied in the period when "he was a representative of the 'conservative center' (his career is characteristic of deciphering the political function of the so-called 'center')" (Wróblewski 1955: 297).

Regardless of idiom, however, Grzybowski's and Wróblewski's works may be described as animated by a shared objective: to posit an equivalence between Schmitt and the Third Reich. In Polish People's Republic scholarship after 1956, this objective largely receded. Beyond the historical factors of the West German *Ostpolitik*, one plausible explanation is generational change. Schmitt was now taken up by thinkers who, if they experienced the Second World War at all, did so in early youth, and whose formative years, careers, and intellectual agendas were predominantly shaped by the subsequent period.

The most significant figure in this reorientation was Franciszek Ryszka, who began systematic work on Schmitt in Wrocław in the late 1950s. Ryszka does not treat Schmitt as an object of accusation or as the principal intellectual architect of the Nazi regime. He situates him, rather, as a jurist with a determinate place in the history of the Third Reich, while foregrounding Schmitt's status as "a theorist of penetrating intelligence" (Ryszka 1959a: 102) whose concepts could illuminate the *Reich's* political-constitutional order (Ryszka 1959b: 361–363). However, he is convinced that jurist's theories were "vulgarised" (Ryszka 1985: 270) and even though in that state "the place of the legal order was to be taken by a system which Carl Schmitt described as a concrete order ... was this in fact the case? It seems that the conclusions flowing from our argument contradict this entirely" (Ryszka 1985: 499). (It is worth noting that, as Świąćicki writes [2014: 122], Ryszka was the only post-war Polish scholar to have met Schmitt in person.)

Works by such scholars as Edward Jędrzejewski (1975: 20–21) and Marek Maciejewski (1986: 112–139) remain broadly within the paradigm developed by Ryszka. A more accusatory register characterises the writings of Karol Jonca, Maciejewski's teacher, who underscores the significance of Schmitt's antisemitic texts within the overall cartography of his *œuvre* and points to the linkages between his *Großraum* theory of international law and the Third Reich's conquests (Jonca 1977a: 83–103; Jonca 1977b: 7–18). They, however, do not alter a more general tendency: the further removed Polish scholarship became from 1945, the more the diadem of the Third Reich's *Kronjurist* loosened on Schmitt's head. Schmitt continued to be associated with the Nazi state, but that association no longer served as a basis for accusing him

of having constructed it. At the same time, it still functioned as an impediment to mobilising Schmitt for reflection on Poland's own present. This changed after 1989.

4. Schmitt as a Hammer

"Let us try to follow the path of Carl Schmitt's thought when speaking of martial law in Poland in 1981", wrote Ryszka (1995: 97–102) fifteen years after the events of 13 December. He added that, during a personal meeting with Schmitt, the latter had sought to demonstrate the correctness of his *Großraum* theory by invoking the Czechoslovak events of 1968. Ryszka does not, however, treat the Polish imposition of martial law as evidence for the theory's validity; rather, he suggests that Schmitt's concepts may facilitate an understanding of it. At first glance, Ryszka's essay might therefore appear to mark a return to Schmitt as a producer of secondary literature; yet it does not fully do so, functioning instead as a primarily descriptive mobilisation of Schmitt. It differs from the interwar uses in two respects: first, it is burdened by the weight of controversies concerning Schmitt's relation to the Third Reich; and second, it concerns events about which Schmitt himself never wrote. This is the first salient feature of Ryszka's text. The second is its venue: it appeared in a newspaper, thereby inaugurating Schmitt's Polish afterlife not only in academic discourse but also in public commentary. Over time, Schmitt's presence within Poland's newly reconstituted public sphere became increasingly visible.

That this development occurred was made possible by several factors. The first was the appearance in Poland of the substantial monographs devoted to Schmitt as such, authored by the political scientists Ryszard Skarżyński (1992) and Paweł Kaczorowski (1998). The second was that, for the first time, Schmitt's writings—previously cited primarily from German originals—began to appear in Polish translation. Initially, these were publications in intellectual periodicals such as the conservative-liberal *Stańczyk*, where Schmitt was introduced by Tomasz Gabiś (1994), as well as in an anthology of German thinkers associated with the Conservative Revolution (Kunicki 1999). Then, in 2000, the publishing house Znak issued the first book-length Polish edition of Schmitt, containing *Political Theology* and *The Concept of the Political* in Marek Cichocki's translation, as part of a series published under the patronage of the Batory Foundation (the Polish branch of the Open Society Foundation). A year before this publication, Cichocki remarked: "According to Schmitt, the world of every idea is simply more real than the world at the level of choosing between laundry detergents" (Cichocki 1999: 217). The metaphor is crucial for thinking about Schmitt's reception in Poland after 1989.

If, in the essay cited above, Ryszka had mobilised Schmitt in an exclusively descriptive register, subsequent Polish appropriations increasingly acquired a normative inflection. After

2000, Schmitt was no longer merely a provider of a useful conceptual grid; to invoke him also implied a substantive evaluation of the phenomenon under discussion, together with an implicit claim about how it ought to be configured. The reasons for this increasingly normative inflection become clearer once we underscore that this phase of Schmitt's reception coincided with a period of intense economic development in Poland and with the triumph, within mainstream discourse, of the liberal "end-of-history" ideology. The bulk of Polish translations of Schmitt appeared between 2007 and 2015, during the governments of the Civic Platform, which proclaimed an ideological minimum. When, in that context, conservatives—within the academy and beyond it (notably in the circles around the *Teologia Polityczna* and *Kronos* intellectual journals)—reached for Schmitt, he served them as a normative remedy for what they perceived as a "refutation of the concept of the state. ... It is worth looking at Polish political reality through Schmitt's theories ... Together with Schmitt we are participants in the same stream of life, which we create and which carries us along" (Kaczorowski 2005: 383–384), and as a conceptual underpinning for a claim to repoliticise the public sphere. We should also note his use as a shield against what these interpreters took to be an erosion of the concept of sovereignty associated with Poland's membership in the European Union, as well as attempts to read the 1997 Constitution of the Republic of Poland in the spirit of Schmitt's remarks on Article 48 of the Weimar Constitution—an interpretive strategy intended to make possible a strengthening of the Polish president's constitutional position (Wielomski and Bała 2008).

Schmitt was appropriated in an equally extra-academic and explicitly normative register by a post-communist generation of Polish left-wing intellectuals associated with *Krytyka Polityczna*. Yet the normativity of this reception differed from its conservative counterpart in one important respect: its interpretive horizon extended beyond Poland. This was largely because Schmitt entered Polish leftist debates through the mediation of Western interlocutors—Giorgio Agamben and Chantal Mouffe, a volume on Schmitt under whose editorship *Krytyka Polityczna* published in 2011. Five years later, in an introduction to *Theory of the Partisan*, a left-wing intellectual argued that "the concepts Schmitt develops there seem particularly useful for understanding the world in which we now find ourselves. ... This is precisely why the work ... has experienced a renaissance of interest after 11 September 2001 [when] ... the American state created a kind of legal vacuum" (Majmurek 2016: 5–18). He subsequently mobilised Schmittian categories to criticise Barack Obama's policy on the use of drones.

In retrospect, we may say that between 1989 and 2015 Schmitt was invoked in Poland chiefly in order to challenge—normatively—the conceptual foundations of the Western liberal

order as it was being consolidated in the country. Once those foundations had been substantially destabilised in 2015, a new aim for which Schmitt could be deployed came into view.

5. After 2015

„The thought of Carl Schmitt has been enjoying a revival among public law scholars since they realized that it had quite a lot to say that could be applied to the current political reality. There are some who believe that the recent developments in the region, and especially in Poland, can be best described by adopting Schmitt’s theoretical framework” (Brzozowski 2021: 189-190), observed a Polish public-law scholar in 2021. However, this passage captures only one of the two uses of Schmitt in Poland after 2015: the one that replicates the descriptive mode discussed above, therefore treating Schmitt’s categories as analytically useful for interpreting the processes taking place at the time. A second use, developing what was earlier characterised as the normative mode, consists in invoking Schmitt within Polish public discourse—after 2015 encompassing not only the academy and the public sphere but also the political arena, which in the age of digital communication has increasingly fused with both—as an intellectual inspirer of a new wave of Central European, and especially Polish, populism. The claim at stake is thus not merely that “Schmitt would be proud of Orbán” (Applebaum and Tusk 2021: 10), but rather the stronger contention that “[Law and Justice] approach is not, in principle, a-legalistic ... it is constructed precisely so as, at the outset, to produce the appearance of legalism, and at a later stage a new type of legalism, which Schmitt described as decisionism” (Zajadło 2015), together with the supposition that an engagement with Schmitt—direct or indirect—has exerted a significant influence on Jarosław Kaczyński and the Law and Justice milieu.

This thesis had already been advanced in 2006—during Law and Justice first period in government—by Adam Leszczyński (2006). After 2015, however, it became markedly more prominent. I locate the reasons for this amplification in several factors: first, that by 2015 most of Schmitt’s works were already available in Polish translation (with *Constitutional Theory* [2014b] and *Dictatorship* in 2016, appearing in close proximity to that date); second, the increasing readiness with which Anglo-American legal and political scholarship on democratic backsliding invoked Schmitt; and third, the emergence in Poland of a political-legal conjuncture whose analogue Schmitt himself had theorised—a conflict over which institution occupies the position of guardian of the constitution, and whether that guardianship is political in character. Proponents of the claim that Schmitt influenced the political practice of Law and Justice argued that the party’s conduct in relation to the Constitutional Tribunal in 2015, and to the Supreme Court in 2017, expressed a Schmittian conviction that every legal decision is, at bottom, a

political decision, and that politics stands above law. They further argued that this conviction was also endorsed by the Polish jurist Stanisław Ehrlich, the supervisor of Jarosław Kaczyński's doctoral dissertation (Ehrlich himself never wrote on Schmitt, and his theory of law converges with Schmitt's rather in the register of pluralism and institutionalism).

Having entered the centre of Polish public debate, Schmitt's thought was frequently distorted, above all by the critics of Law and Justice. In assessing this phenomenon, it should be noted that while certain developments in Polish politics after 2015 do lend themselves to description in Schmittian categories (Engelking 2019), it cannot be asserted with full confidence that Schmitt inspired Law and Justice's actions. What the post-2015 moment did, however, was to complete a process through which the name "Schmitt" became familiar in Poland beyond academic circles. Yet it seems that this familiarity remains, for the most part, familiarity with a name rather than with the actual theses of its bearer.

6. Conclusion

Responding in 2010 to the question of how Carl Schmitt ought to be read, Adam Sitze (2010: 32) cautioned against enlisting Schmitt in the service of the reader's and interpreter's present-day purposes. In this sense, the Polish reception of Schmitt amounts to a radical departure from that injunction. In Polish writing—despite the presence of scholarly studies whose authors meticulously reconstruct and analyse Schmitt's positions—Schmitt has been treated above all as a resource: first for clarifying particular concepts, then for elucidating political phenomena, and finally for evaluating them and advancing normative prescriptions. Each of these deployments was bound up with the broader problem-situations of the historical moment in which it occurred, and each entailed a kind of rediscovery of Schmitt by its users, who only rarely engaged with appropriations from other periods. How the most recent, post-2015 deployment will affect Schmitt's name in Poland, and whether it will shape subsequent uses, remains difficult to assess at present.

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Non-typical encounters in the field of constitutional law and beyond: Carl Schmitt and Romania

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Abstract

The constantly expanding and reevaluating sphere of concern of an investigative mind such as Carl Schmitt's also included Romania for certain periods of time. His interest was sparked by biographical circumstances that brought him closer to Southeast Europe, or by certain research topics, which he discussed with Romanian scholars.

The early reception of Carl Schmitt in Romania coincided with the rise of the National Socialist threat. However, most of the time his dialogue partners in Romania distinguished between his work (sometimes criticized) and the National Socialist regime.

After a fairly prompt reception in the years 1930-1943, marked by translations and reviews, but also by the publication of a doctoral thesis by a Romanian student of Schmitt, there followed a period of almost total ignorance for several decades. Interest in Carl Schmitt was revived after the watershed year of 1989, and this was particularly noticeable in the field of political science, while a certain inertia remained in the legal literature.

In the broad spectrum of Carl Schmitt's friendly encounters ("freundschaftliche Begegnungen") with intellectuals or personalities who aroused his interest, there are also several Romanians. The reason lies both in his penchant for novel ideas, original approaches, or unexplored cultural spaces, as well as in biographical circumstances. These circumstances played a decisive role in the first stage of Carl Schmitt's reception in Romania. Another factor was the rise of National Socialist Germany as a dominant actor in Central and Eastern Europe (in the late 1930s), which attracted the attention (and concern) not only of politicians but also of the academic world. The academic and professional interest of Romanian lawyers was attracted more by Schmitt's personality, whose familiarity with the French-speaking world—in contrast to most prominent lawyers of the regime—seemed to provide the necessary bridges for a sustainable dialogue.

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As a family friend of the economist Werner Sombart, Schmitt maintained extensive correspondence with the Berlin professor's second wife, Corina Sombart (née Leon), who was Romanian.¹⁵⁸ She is the author of one of the early translations of Schmitt's texts.¹⁵⁹ After Professor Sombart's death (1941), Schmitt and his wife maintained close ties with his family. Nicolaus Sombart offers us a vivid and evocative picture of the informal but intimate master-disciple relationship he had with the Berlin professor during the war years.¹⁶⁰

Schmitt had a significant meeting with the historian of religions Mircea Eliade (1907-1986), who was Romania's cultural attaché in London from 1940 to 1944 and later in Lisbon.¹⁶¹ Their first contact took place in 1940, mediated by Mircea Goruneanu.¹⁶² Schmitt's interest - who was in the process of developing works such as *Land und Meer* and *Der Nomos der Erde* - focused primarily on the mythical-religious dimensions of the perception of maritime space. His well-known curiosity and appetite for myths meant that he did not limit himself to these aspects. Eliade told him about the ballad „Miorița” – an essential reference point in Romanian folklore – and its main theme, the serene acceptance of imminent death, made a strong impression on Schmitt.¹⁶³

According to Eliade's diary, discussions with Schmitt also focused on the philosophy professor Nae Ionescu (1890-1940), a controversial and fascinating personality, the most influential mentor of Eliade's generation (which also included personalities such as E.M. Cioran and Eugène Ionesco). In the latter's opinion, Schmitt has traits that remind him of his mentor's

¹⁵⁸ See Martin Tielke, Gerd Giesler (eds.), *Schmitt und Sombart: Der Briefwechsel von Carl Schmitt mit Nicolaus, Corina und Werner Sombart*, Berlin: Duncker & Humblot, 2015. Corina Sombart was the daughter of Romanian biologist Nicolae Leon, rector of the University of Iași.

¹⁵⁹ Lecture *Staatsethik und pluralistischer Staat* (delivered in 1929 at a session of the Kant Society, later published by Schmitt in *Positionen und Begriffe*, Duncker & Humblot, 2014, pp. 151-165), translated into Romanian as *Morala statului și statul pluralist (State Morality and the Pluralist State)* in the journal of the Society of Philosophy and Social Sciences in Iași, Minerva, Vol. III, no. 1 (1930), pp. 1-15. Schmitt was already well known in academic circles in Iași; his work *Politische Romantik* is cited in two articles (from 1928 and 1930) in the same journal.

¹⁶⁰ Nicolaus Sombart, *Jugend in Berlin 1933-1943 – Ein Bericht*, Frankfurt: Fischer, 1991, pp. 249-276.

¹⁶¹ See Cristiano Grotanelli, *Mircea Eliade, Carl Schmitt, René Guénon*, in *Revue d'histoire des religions*, vol. 219, no. 3, 2002, pp. 325-356.

¹⁶² Romanian press attaché in Berlin, he translated one of Schmitt's works in 1939.

¹⁶³ The image of man as the „shepherd of being” is passionately embraced by Schmitt, who considered himself relentlessly pursued and persecuted by his political and professional enemies: „Die Mörder suchen den Hirten zu töten. Was soll ich tun? Ich bleibe der Hirte. Ich werde zum Träger des Miorița-Schicksals. Vielen Mördern bin ich entgangen. Immer war ich weiter als dort, wohin sie schossen. Im Augenblick ihrer Aktivität haben sie mich nicht einmal bemerkt. Gott hat mich unsichtbar, unscheinbar gemacht. Der Hirte des Seins ist unscheinbar”. See Carl Schmitt, *Glossarium. Aufzeichnungen aus den Jahren 1947 bis 1958*, Erweiterte, berichtigte und kommentierte Ausgabe, hrsg. von Gerd Giesler und Martin Tielke, Berlin: Duncker & Humblot, 2015, p. 201. See also the notes dated 16.11. 1949; 6.3.1950 and 14.10.1955, (at pp. 211-212, 270 and 325).

personality.¹⁶⁴ Through Carl Schmitt, Eliade met Ernst Jünger, who would become his partner in a fruitful and fairly long collaboration in journalism.¹⁶⁵

Mircea Goruneanu, the diplomat who facilitated Mircea Eliade's contact with Carl Schmitt, translated Carl Schmitt's work *Staat - Bewegung - Volk. Die Dreigliederung der politischen Einheit* in 1939.¹⁶⁶ The 1944 reversal put an end to his diplomatic career, and under the regime established by the Soviet occupation, although he was able to return to academic research at one point, he had to abandon his research on Carl Schmitt and his work.

In terms of academic and institutional relations with Romania, it is worth mentioning that Schmitt came into contact with the professor of legal philosophy Mircea Djuvara (1886-1945), whom he met in April 1939 during a working session organized on the 25th anniversary of the Institute for Politics and International Law at the University of Kiel. Here Schmitt presented the first version of his work *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremden Mächte*.¹⁶⁷ Mircea Djuvara was one of two foreign participants at this conference.¹⁶⁸ His paper, devoted to a subject not exactly related to the general theme of the conference (the Romanian Constitution of 1938) was part of the general Romanian media offensive aimed at legitimizing the authoritarian regime recently established by King Carol II.¹⁶⁹ Without totally denying continuity with the liberal constitutional tradition of modern Europe, Djuvara emphasized the authoritarian, communitarian, and „national” features of the new Romanian fundamental law, which, in his opinion, suggested certain affinities or lines of convergence with the new political order in Germany.¹⁷⁰

¹⁶⁴ M. ELIADE, *Jurnal*, vol. 1, București: Humanitas, 1993, pp. 18-19, 21, 24 and 26.

¹⁶⁵ The two (Jünger and Eliade) will edit the magazine *Antaios*, dedicated to the theory of symbols, which will appear in 12 substantial volumes between 1959 and 1971.

¹⁶⁶ Hamburg: Hanseatische Verlagsanstalt, 1933. Romanian version: Carl Schmitt, *Stat - mișcare - popor. Despre întreita articulare a unității politice*, Constanța: Tipografia Modernă, 1939.

¹⁶⁷ The work appeared separately (Berlin: Deutscher Rechtsverlag, 1939), as well as in the volume that brought together the papers presented in Kiel: Paul Ritterbusch (Hrsg.), *Politische Wissenschaft*, Deutscher Rechtsverlag, Berlin, 1940, pp. 27-69. For an overview of the reactions to Schmitt's study and the debates surrounding it, see Günther Maschke, *Zur unmittelbaren Diskussion und Rezeption der "Großraumordnung"*, in Carl Schmitt, *Staat, Großraum, Nomos. Arbeiten aus den Jahren 1916-1969*, herausgegeben von Günter Maschke, Duncker & Humblot, Berlin, 1995, p. 341-370; See also Dirk Blasius, *Carl Schmitt, April 1939: "Der Reichsbegriff Im Völkerrecht"*, in *Der Staat*, Vol. 60, No. 3 (2021), pp. 455-472; T. Avriganu, *Carl Schmitt și Mircea Djuvara: spațiu și idee politică în dreptul internațional*, in „Studii și Cercetări Juridice”, Vol. 5 (61), No. 1/2016, pp. 27-38.

¹⁶⁸ The other foreign participant was Polish professor Cezary Berezowsky, with his paper *Die Minderheiten als Rechtsproblem* (P. Ritterbusch, *op. cit.*, pp. 111-144).

¹⁶⁹ Within a year of the adoption of the authoritarian Constitution of February 27, 1938, it was praised and defended in countless monographs, brochures, studies, articles, and conferences, authored by almost all the leading specialists in the field of public law or legal theory in Romania. See Tudor Avriganu, *Carl Schmitt și Mircea Djuvara: spațiu și idee politică în dreptul internațional*, in „Studii și Cercetări Juridice”, Vol. 5 (61), No. 1/2016, pp. 27-38, at p. 34.

¹⁷⁰ Mircea Djuvara, *Die neue rumänische Verfassung*, in Paul Ritterbusch, *op. cit.*, pp. 145-172.

Schmitt's *Völkerrechtliche Großraumordnung* was promptly reviewed by Djuvara, who dedicated a meticulous review to it, in which he rejected his arguments and conclusions. Two remarks should be made here. The Romanian professor's attention was drawn to Carl Schmitt himself and less to his supposed position of prestige and authority in the academic hierarchy of Germany in 1939. This is evidenced both by the examination in the same review of two Schmittian works on different topics and by the reviewer's explicit mention of the fact that Schmitt's opinions are not unanimously accepted by German lawyers and are not the official position of the German state.¹⁷¹ Djuvara is familiar with doctrinal developments in German law, as can be seen from another study of his devoted to this subject.¹⁷² The second clarification concerns the position maintained by Mircea Djuvara: with tactical caution and certain rhetorical and terminological adaptations, he continues to defend the interwar international order that allowed for the establishment of the unitary Romanian nation state and to reject attacks on the system instituted by the League of Nations. He either does not truly perceive the fundamental paradigm shift in German political and legal thinking after 1933, or rather stubbornly refuses to adjust to the new *Zeitgeist*.

Mircea Djuvara also gave two lectures at the Romanian Institute in Berlin (January 17, 1942) and at the University of Berlin (January 18, 1942). The dated, accurate, erudite but dry academic content of the lectures earned him the malicious characterization of “Museumsstück” from Schmitt.¹⁷³ He expounds ideas and concepts from the ideological heritage of an era considered obsolete by the new rulers, contenting himself with a few mimetic adaptations to the external forms of discourse of the new regime.

During his conference tour of several European capitals (as part of National Socialist Germany's cultural propaganda effort, which led to the „mobilization” of several academic figures), Schmitt visited București in February 1943.¹⁷⁴ He gave two lectures: on the current state of European legal science and on „land and sea” (*Land und Meer*). He was welcomed by

¹⁷¹ Mircea Djuvara, review of Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremden Mächte*, Berlin: Deutscher Rechtsverlag, 1939, and idem, *Über die drei Arten des rechtswissenschaftlichen Denkens*, Hamburg: Hanseatische Verlagsanstalt, 1934, in “Analele Facultății de Drept din București” (1939), pp. 377-389, at p. 383.

¹⁷² See Mircea Djuvara, *Le nouvel essai de philosophie politique et juridique en Allemagne*, in “Revue de Droit Public” [Public Law Review], Year XIV (1939), no. 1-2, pp. 97-156. In this study, in the context of examining the works of a large number of relevant authors of the time (K. Larenz, R. Höhn, G.A. Walz, N. Gürke, H. Raschhofer, E. Tatarin-Tarnheyden etc.), a dozen of Schmitt's works are briefly surveyed (pp. 137-142).

¹⁷³ According to the account of Romanian diplomat Dumitru Cristian Amzăr, in *Jurnal berlinez*, București: Editura România Press, 2005, p. 283. See also Marius Balan, *Germany and Romania – Legal Encounters on Constitutional Realm*, in Tudor Avriganu (ed.), *German Influences on Romanian Law: A Comparative Approach*, București: Universul Juridic, 2017, pp. 33-60; at pp. 50-51.

¹⁷⁴ Christian Tilitzki, *Die Vortragsreisen Carl Schmitts während des Zweiten Weltkrieges*, in „Schmittiana – Beiträge zu Leben und Werk Carl Schmitts,” Band V 1998, Duncker & Humblot, Berlin, pp. 191-271, at pp. 212-225.

the dean of the Faculty of Law and by Mihai Antonescu, deputy prime minister and Minister of Foreign Affairs, but also a professor of international law.¹⁷⁵ Contacts with the professors in charge of the Faculty of Law were cordial, correct, and polite, but not particularly lively. Schmitt was much more interested in discussions with the young Romanist and legal historian Valentin Al. Georgescu and with the historian Gheorghe Brătianu.¹⁷⁶

Mihail Fărcășanu, one of the future leaders of the youth wing of Romania's National Liberal Party, had a much closer relationship with Carl Schmitt. Under his guidance, he wrote a doctoral thesis, which he defended in 1938.¹⁷⁷ In his capacity as leader of the liberal youth movement between 1944 and 1947, he organized an important pro-monarchist rally,¹⁷⁸ he became one of the public figures most hated by Romania's communist leaders. He managed to avoid arrest and leave the country, and in exile he continued his political and journalistic activity against the communist regime. At first glance, it seems surprising that a young liberal would defend a doctoral thesis on a consistently and categorically anti-liberal thinker such as Carl Schmitt. In this case, the incompatibility is not so great. Romanian liberalism was marked by a strong national agenda, statism, and an adherence to Western powers dictated primarily by *raison d'état* and cultural affinities and less by doctrinal or ideological adherence.

Fărcășanu's doctoral thesis is a radical apology for monarchy and a fierce criticism of „abstract democracy,” a product of 18th-century rationalism, through a „brutal attack of abstract ideas on concrete realities.”¹⁷⁹ It can be subsumed rather to the fields of political science and the history of ideas than to that of public law. The extensive bibliography and frequent forays into theology and history attest to the doctoral student's vast erudition, but his style is polemical. In an era still dominated by the paradigm of liberal democracy, Fărcășanu casually states, as if

¹⁷⁵ After this visit, Schmitt received three volumes by Mihai Antonescu, which were “boring” but published (at the expense of the state) in luxury editions and bound in leather (which, we assume, did not impress him very much). See Chr. Tilitzki, op. cit., p. 221, note 95.

¹⁷⁶ See Tudor Avrigeanu, *Identitate socială și istorie conceptuală în Drept – Scurte marginalii la o întâlnire între Carl Schmitt și Gheorghe Brătianu*, in “Pandectele Române,” No. 12/2016, pp. 149-154.

¹⁷⁷ Mihail Fărcășanu, *Über die geistesgeschichtliche Entwicklung des Begriffs der Monarchie*, K. Triltsch, Würzburg, Inaugural-Dissertation Berlin, 1938.

¹⁷⁸ Under Soviet occupation, when any public protest was automatically labeled „fascist” and „anti-democratic”, paying homage to the King - from whom, for tactical reasons, the communist leaders had not yet distanced themselves - was an indirect but transparent way of criticizing the regime imposed and supported by the occupier.

¹⁷⁹ For a more detailed presentation of the augmented version of the work in Romanian, see Marius Balan, *Germany and Romania – Legal Encounters on Constitutional Realm*, in Tudor Avrigeanu (ed.), *German Influences on Romanian Law: A Comparative Approach*, București: Universul Juridic, 2017, pp. 33-60, at pp. 44-47.

self-evident, theses such as the irrelevance of the separation of powers, the oligarchic (or plutocratic) nature of modern democracy, or the antinomy between republicanism and the people.

The first chapters of the work provide a brief overview of the history of political ideas and institutions from the perspective of the monarchy. The seventh and longest chapter is devoted to the actual subject of the thesis—the social monarchy—and focuses on presenting the ideas of Lorenz von Stein¹⁸⁰, with references to the work of Rudolf Gneist. In Fărcășanu's view, Lorenz von Stein's concept is the antithesis of the brutal imposition of abstract ideas on social reality.

The institutional theory of law, illustrated by authors such as Maurice Hauriou, Santi Romano, and Georges Renard, and positively received by Carl Schmitt¹⁸¹ plays an important role in Fărcășanu's interpretation of Lorenz von Stein's conception. Monarchy is the institution par excellence. It ensures the neutral character of the state, which stands above particular interests - especially those of the property-owning class - and watches over the realization of the common good and the general interest. The achievement of social reforms in the interest of the majority is therefore the major political objective of a viable monarchy.

The Romanian version of the thesis,¹⁸² is considerably expanded, especially through the inclusion of a voluminous critical apparatus. Published during the royal dictatorship of Carol II, it pursued - beyond a certain opportunism of which the author may be suspected - an undeniable political objective: to capture the attention of the ruling class and even the king and to channel political decisions in the direction considered beneficial by Schmitt's disciple. The king's abdication and the abrupt end of the royal dictatorship (September 6, 1940) thwarted such unrealistic plans and pushed this original and well-documented work into obscurity. On the other hand, for Fărcășanu, this precipitous course of events was rather favorable. The end of the royal dictatorship prevented his name from being associated with the already compromised regime of King Carol II, who was detested both by the new rulers of 1940 and by the leaders of the democratic parties, which had been formally dissolved but continued to adopt

¹⁸⁰ Especially his work *Geschichte der sozialen Bewegung in Frankreich von 1789 bis auf unsere Tage* (1850), hrsg. von Gottfried Salomon, Bd. 1-3, Munich, Drei Masken Verlag, 1921.

¹⁸¹ Carl Schmitt, *Über die drei Arten des rechtswissenschaftlichen Denkens*, Hamburg, Hanseatische Verlagsanstalt, 1934. For a critical assessment at the versatility of institutional thinking, including its possible instrumentalization in the hands of a totalitarian regime, see Bernd Rüthers, *Institutionelles Rechtsdenken im Wandel der Verfassungsepochen*, Bad Homburg v.d.H. / Berlin / Zürich: Gehlen Verlag, 1970; in an expanded version entitled: *Wir denken die Rechtsbegriffe um... Die Weltanschauung als Auslegungssprinzip*, Zurich: Edition Interfrom, 1987.

¹⁸² Mihai Fărcășanu, *Monarhia socială* (The Social Monarchy), Editura Fundației pentru Literatură și Artă „Regele Carol II“, București, 1940. It was republished after more than half a century: *Monarhia socială*, edited by Marin Diaconu and Ion Papuc, Romania Press, București, 2008.

certain symbolic acts of opposition and would resume their activity after the reversal of August 1944.

Carl Schmitt is also evoked by Fărcașanu in a novel he published under a pseudonym, which became a bestseller in 1946-1947.¹⁸³ Carl Schmitt, to whom he attributes the fictitious, not entirely transparent name of „Michael Göring”, a fact that escaped the attention of his contemporaries.¹⁸⁴ At first glance, Schmitt's image is not particularly favourable, as was to be expected in the early post-war years, when the horrors of the war that had just ended were fresh in the public's memory and the propensity for retroactive anti-fascist and anti-German attitudes was widespread. Carl Schmitt, alias Michael Göring, appears as „an important factor in the circles preparing the new ideology”; they „cannot do without his sharp intelligence and fertile imagination. He provided most of the intellectual slogans of any interest in current politics”.¹⁸⁵ Between the lines, however, one can notice a certain affection for the novelist's academic mentor, a special respect for his culture, his intellectual curiosity, and his openness to dialogue.¹⁸⁶ The totally unfavorable postwar ideological climate obviously forced the author to exercise certain precautions and reservations regarding the overly overt expression of his admiration for Schmitt.

As for the choice of the fictitious name given to Schmitt in the novel, I believe it is very likely that Fărcașanu was aware of his situation in December 1936, when he was subjected to virulent attacks by the SS newspaper „Das Schwarze Korps” and was stripped of his political functions. The abrupt end of Carl Schmitt's career in the National Socialist regime and his political disgrace could have had more serious consequences (removal from his professorship or even internment in a camp), but Hermann Göring's intervention led to the attacks ceasing.¹⁸⁷ Göring had promoted Schmitt to Prussian state counsellor („preußischer Staatsrat”), and reprimanding one of his protégés would have diminished his authority and prestige. This link, perhaps circumstantial, was the factor that led Fărcașanu to choose such a jarring pseudonym for Carl Schmitt.

¹⁸³ Mihai Villara, *Frunzele nu mai sunt aceleași* (The Leaves Are No Longer the Same), Bucharest: Cultura Națională, 1946, republished in 1997 (edited and with an introductory study by Adrian Anghelescu), București: Editura Fundației Culturale Române). The following quotations refer to this latest edition.

¹⁸⁴ For the correct attribution of the identity of the novel's character, see Ion Papuc, *Un elev român al lui Carl Schmitt*, in „Convorbiri literare”, June 2006, no. 6 (126), pp. 113-117, and July 2006, no. 7 (127), pp. 97-102.

¹⁸⁵ Mihai Villara, *Frunzele nu mai sunt aceleași*, p. 101.

¹⁸⁶ *Ibid.*, pp. 102 ff.

¹⁸⁷ Günther Mascke, *Zum „Leviathan” von Carl Schmitt, Nachwort zu Carl Schmitt, Der Leviathan in der Staatslehre von Thomas Hobbes. Sinn und Fehlschlag eines politischen Symbols*, 2nd ed., Köln: Hohenheim Verlag, 1982, pp. 192-193.

The postwar reception of Carl Schmitt's work in Romanian legal and political literature was largely belated¹⁸⁸ and without any direct connection to the literature of the 1930s and 1940s. Interest in Carl Schmitt initially appeared mainly in the literature of political science or cultural history, gradually spreading to the legal sciences. It was sparked mainly by the intensity of his reception in English-language literature (but also in works from the Francophone world and Hungarian literature), with earlier contributions in Romanian literature only being discovered later.

A translation of *Political Theology* was published in 1996,¹⁸⁹ in excellent printing quality, with an afterword by a prestigious professor. The translation is probably based on the English version (translated from the adapted 1934 edition) of *Political Theology*, published by MIT Press,¹⁹⁰ although the authors claim that the original 1922 edition was taken into account.¹⁹¹ The translators probably fell into the trap of a misleading statement by Schmitt in the preface to the 1933 edition (taken into account by the American translator): it would reproduce the text of the first edition, from 1922, without any changes. In fact, Schmitt tacitly removed the rather extensive references to the „non-Arian” legal scholar Erich Kaufmann, whose evocation was not particularly appropriate or „politically correct” after the National Socialists took power. These references, which are no longer found in the 1933 edition, do not appear in the 1985 English translation or in the 1996 Romanian version.

Some shorter works have also been translated,¹⁹² and a Romanian translation of The Theory of the Constitution is currently being published by Alexandru Ioan Cuza University Press in Iași. Romanian readers are familiar with the themes and arguments of Carl Schmitt's thinking also through the translation of Bernd Rüthers' work, *Entartetes Recht*, where the thinking of "concrete order" (konkretes Ordnungsdenken) is examined critically and rigorously.¹⁹³

¹⁸⁸ One of the very few exceptions: the neutral and expeditious citation of Schmitt's *Verfassungslehre* in a course from the communist era: Ichil Benditer, *Curs de drept constituțional* (Course on Constitutional Law), Iași: Universitatea „Alexandru Ioan Cuza”, vol. I, 1973, p. 2.

¹⁸⁹ Carl Schmitt, *Teologia politică*, transl. by Lucian Turcescu and Lavinia Stan, Bucharest: Universal Dalsi, 1996.

¹⁹⁰ Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, Translated by George Schwab, MIT Press, 1985.

¹⁹¹ See Marius Balan, review of Carl Schmitt, *Political Theology*, in „Analele științifice ale Universității «Alexandru Ioan Cuza» din Iași”, Vol. XLVI-XLVII, 2001-2002, pp. 184-194.

¹⁹² Carl Schmitt, *The Age of Neutralization and Depoliticization*, (=Das Zeitalter der neutralisierung und Entpolitisierung), trans. by Marius Balan, in „Idei în Dialog,” Vol. 4, No. 10 (October 2008), pp. 34-36. The same issue of the aforementioned journal also includes a collection of articles, coordinated by Bogdan Iancu, dealing with the personality and impact of Carl Schmitt's work.

¹⁹³ Bernd Rüthers, *Dreptul degenerat. Teorii ale dreptului și juriști ai coroanei în cel de-al Treilea Reich*, Editura Universității „Alexandru Ioan Cuza”, 2005 (2nd edition, 2016; see especially pp. 119-142).

Perhaps the most important work by a Romanian writer devoted to Carl Schmitt is the doctoral thesis of philosopher and liberal politician Theodor Paleologu (born in 1973), *Sous l'oeil du grand inquisiteur*.¹⁹⁴ From a perspective that is easy to understand for an Eastern European and Greek-Orthodox intellectual, Paleologu asserts and argues the thesis of a similarity between Schmitt's attitude and that of the Grand Inquisitor in Dostoevsky's famous novel *The Brothers Karamazov*. The choice of the Inquisitor, who would have accepted the devil's second offer in the famous scene of Jesus' temptation in the desert (Matthew 4:1-11), that of absolute power, provides us with the key to understanding Carl Schmitt's position.

From a political science perspective, an important monograph dedicated to the Plettenberg lawyer has been published: *Carl Schmitt and his political concepts*.¹⁹⁵ In an essayistic manner, but with rigorous references to sources, where appropriate, Ion Papuc summarises the basic theses of several of Schmitt's major works (*Politische Theologie*, *Der Begriff des Politischen*, *Der Nomos der Erde*) or autobiographical notes (*Ex captivitate salus*, *Glossarium*), without omitting references to his contacts with personalities in Romania.

In legal scholarship, citations of Schmitt's works have multiplied considerably over the past two decades and can be found in leading law journals: *Dreptul*, *Studii și Cercetări Juridice*, *Pandectele Române*, *Revista de Drept Public*, *Revista Română de Drept European*, *Revista Română de Dreptul Afacerilor* (Romanian Business Law Review), *Revista de Drept Social* (Social Law Review), *Analele științifice ale Universității «Alexandru Ioan Cuza» din Iași* (Scientific Annals of the Alexandru Ioan Cuza University of Iași), and *Law Series of the Annals of the West University of Timișoara*.¹⁹⁶ References - positive or negative - to Carl Schmitt are frequent and sometimes even inevitable when dealing with topics such as sovereignty and European integration, constituent power, states of emergency, militant democracy, the role of the head of state, the *Rechtsstaat*, or the role of law and lawyers in a totalitarian regime.

On the whole, it is fairly easy to see that, unlike the first period of Carl Schmitt's reception (1930-1944), which was immediate and based primarily on personal contact with the German constitutionalist, the second period - which can be said to have begun in the early years after the fall of the Berlin Wall - is largely filtered through secondary literature, primarily in English or French. The temptation to use Schmitt's profound insights and sometimes

¹⁹⁴ Théodore Paléologue, *Sous l'oeil du grand inquisiteur. Carl Schmitt et l'héritage de la théologie politique*, Paris: Les Éditions du Cerf, 2004.

¹⁹⁵ Ion Papuc, *Carl Schmitt and his political concepts*, 2nd ed., Cluj-Napoca: Argonaut, 2023 (1st ed.: București: Lumea Magazin, 2011).

¹⁹⁶ Among the authors who use - with due discernment - references to Carl Schmitt's work and concepts: Tudor Avrigeanu, Bogdan Iancu, Marius Balan, Elena-Simina Tănăsescu, Dan Cărmidaru, Mircea Duțu, Andreea Alexe, Ionuț Tudor, Iulia Antonella Moțoc, Horațiu Alexandru Rusu, Dan Claudiu Dănișor, Nicolae Scutea, Luca Ciubiotaru, etc.

provocative but always incisive formulations in legal and political literature remains almost unabated.

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Oleg Aronson

The Magical Political: Russia and Carl Schmitt

Schmitt's Children

To the Soviet ear, the phrase "Schmitt's children" almost reflexively evokes an episode from Ilf and Petrov's popular novel The Golden Calf, which describes the characters' attempt to profit from their fictitious kinship with Lieutenant Schmidt, a hero of the 1905 revolution canonized in Bolshevik Russia. These "false pretenders," each in their own way, come to grief when they collide with the machinery of the state.

When discussing Carl Schmitt, one inevitably has to deal with the fact that he was not only the author of brilliant theoretical works of the Weimar Republic era, in which he criticized parliamentarism and pointed out the positive legal aspects of dictatorship, but also the person who became the official high-ranking lawyer of the Third Reich, put his own ideas into practice, justifying and legitimizing the unlawful actions of the authorities. This biographical detail inevitably leaves its mark on the perception of Schmitt's concepts. The question remains open as to whether Schmitt's personal connection to National Socialism and its crimes can be reduced from his political philosophy at all.

In Russia over the past couple of decades, Schmitt's popularity has been unmatched by anyone else in this field. Almost all works have been translated and annotated, his legacy is the subject of ongoing debate, and political scientists draw on his ideas to justify Russia's current foreign policy. Yet not long ago, it seemed that there were only two approaches to Schmitt's legacy. One approach, despite the extremely unattractive historical and biographical details, allows these texts to be dealt with within the framework of academic strategies for interpretation. The other is ideological, in which Schmitt's views serve as a kind of political guide, and the author's collaboration with the Hitler regime turns out to be nothing more than a random historical misunderstanding. And although many works are now appearing in Russia devoted to specific themes in Schmitt's work, his reception in the West, and in the local context, the names of the poles can quite possibly remain the same. In fact, these are the names of those who introduced Schmitt as a scientific and political figure back in 1992, namely Alexander F. Filippov (his translation of "The Concept of the Political," with detailed commentary, was published in an academic journal¹⁹⁷) and Alexander Dugin (his notes "Five Lessons of Carl Schmitt for Modern Russia" were published in the conservative literary journal "Our Contemporary"¹⁹⁸). Academic and political reception ran parallel for a long time, until at the beginning of the new century, Schmitt became almost a cult figure among the political strategists of the new president. Quotes

¹⁹⁷ Schmitt, K. The Concept of the Political // Questions of Sociology. 1992, vol. 1, No. 1, pp. 35–67.

¹⁹⁸ Dugin, A. Carl Schmitt: Five Lessons for Russia // Our Contemporary, 1992, No. 7.

from the German theorist became commonplace, his name was heard on television political talk shows, and his ideas resonated with those who saw Yeltsin's Russia as analogous to the Weimar Republic, those who were captivated by anti-Americanism and geopolitics, and, finally, all those who longed for the "Great Country," no longer shy of the word "Empire."

Thus, a multitude of "Schmitt's children" gradually emerged in Russia. Devoid of any Oedipal complex, they simply repeated the key theses of the German jurist, which seemed strikingly and discouragingly simple: at the heart of politics lies the division between friend and foe; the sovereign is the one who decides on a state of emergency; dictatorship is not lawlessness, but the protection of law... Schmitt's idea of the confrontation between the civilizations of Land and Sea was particularly popular (and not only among supporters of Russian nationalism), in which Russia instantly gains its greatness simply by virtue of its involvement in an ample space that also includes the Heartland — a kind of European Shambhala of geopolitics. This idea turned the whole of world politics into fiction in the spirit of Tolkien or George R. R. Martin, and it was here that the scientific and ideological poles converged, with both sides revealing their uncritical attitude towards Schmitt as a theorist, or becoming hostages to their admiration for him. And although Professor Filippov may speak and write about the "controversial," "provocative," and even "questionable" ideas of the author he analyzes, he himself does not dispute any of them. Still, he simply expounds on them, observing the ritual of academic neutrality. However, isn't it strange that in his opus magnum, *Sociology of Space*¹⁹⁹, Filippov relies on Simmel, Schmitt's antagonist, while the latter is absent from the book, as if he had never developed the concept of *Grossraum*? One can only assume that when the book was written, even on pages devoted to large (expanding) political spaces (empires), the mere mention of this concept still caused discomfort. At the same time, when Filippov attempts to scientifically rehabilitate the idea of the Empire immediately after the collapse of the Soviet Union, one cannot help but notice the use of Schmitt's vocabulary, which seems to be imbued with a longing for the German Empire.²⁰⁰ All these nuances in academic writing seemed insignificant until the ideas of the German lawyer began to take on material force. It was not just a demarcation of friends and enemies. In the political rhetoric of the Russian authorities, it was carried out in a Schmittian manner: existential enemies (certain "Anglo-Saxons" and "globalists") began to be interpreted as bandits and pirates within world politics; "internal enemies" appeared, plotting the collapse of the country; the presidential administration coined the term "sovereign democracy," behind which it was not difficult to recognize an awkward

¹⁹⁹ Filippov, A. *Sociology of Space*. St. Petersburg: Vladimir Dal, 2008.

²⁰⁰ Filippov, A.F. Observer of the Empire (Empire as a Concept in Sociology and a Political Problem) // *Questions of Sociology*, 1992, vol. 1, no. 1, pp. 89–120.

mix of sovereign and commissarial dictatorships (in Schmitt's view, they are opposed to each other)... And finally, on the eve of the Russian invasion of Ukraine, Vladislav Surkov (credited with coining the term "sovereign democracy") published an article arguing that Russia needs a vital living space (read: Lebensraum) essential to its survival.²⁰¹

It seems that Schmitt's concept of Grossraum has an excessive complexity, which is why it inevitably takes the form (and practice) of Lebensraum in real politics, thereby requiring war. Complex ideas are almost always simplified and misunderstood within specific policies. But perhaps there is no complexity in the ideas that are appropriated by politics? Perhaps Schmitt's theoretical positions are so strong in the modern world because their brilliant formulation, aphorism, beauty, and simplicity of intellectual construction are akin to a political slogan, practically *an order*.

It is no coincidence that in the presentation of Schmitt by such different people as Filippov and Dugin, there are almost no differences in interpretation, but only different forms of acceptance: passive and active.

What Dugin calls "the lessons of Carl Schmitt" is, in fact, a set of aphoristic constructions to which all the diversity of the German theorist's texts can be reduced. And when they are tightly framed by quotations from Haushofer, Heidegger, Jünger, and Evola and given the status of visionary revelations, then there is no need even to hear the "command," because they simply need to be memorized and repeated like "mantras."

Dugin is often seen as an autochthonous Russian fascist, but he is more of an enthusiastic reader and admirer of Western philosophy. Perhaps the only thing that distinguishes him from the refined Professor Filippov is the way he conveys the same information to readers and listeners. It turns out that the contradiction between them is merely "stylistic." Today, we see them, as well as many other children of Schmitt, in the same ranks of defenders of the state and apologists for its foreign policy.²⁰²

Dugin is a fascinating figure not only because he serves as a conduit for the ideas of Western traditionalists and far-right theorists, but also because of how he presents his material. It is not just the style of a pamphlet, but rather *an incantation*, a convulsive outpouring of words, metaphors, and enthusiastic poeticisms, somewhat reminiscent of the ecstatic lamentations of believers, clamorers, or propagandists of the media age.²⁰³ This is noticeable even in his texts,

²⁰¹ Surkov, V. The Foggy Future of an Indecent Peace // Current Comments. 15.02.2022. - <https://actualcomment.ru/tumannoe-budushchee-pokhabnogo-mira-2202150925.html>

²⁰² Criticism of Carl Schmitt's ideas can be found not among sociologists and political scientists, but among lawyers (P. Kostogryzov P.) and theologians (V. Senderov).

²⁰³ For more details on the structural correspondence between media propaganda and mental epidemics of the past, see Aronson O. Epidemiology of Politics // New Literary Review, 2015, No. 6.

but much more so in his public speeches, where he sometimes seems possessed, in urgent need of an exorcist or at least a village healer who still remembers how to cure such conditions. Dugin himself may see in himself the potential of a shaman²⁰⁴, who, instead of a tambourine, has the books of Schmitt and Heidegger. But in doing so, he simultaneously exposes the radical contradiction between the secularized political "miracle" produced by Schmitt's sovereign power and *the* non-religious *magic* created outside any dogmas or social institutions.

Brothers and sisters

After the war with Germany began, Stalin fell silent, and only 10 days later did an editorial appear in the newspaper Pravda in which he addressed the people with the words "Brothers and sisters!" This call for unity was so unexpected from the mouth of a fearsome tyrant and Kremlin deity that a completely ordinary phrase became an ironic equivalent not just of false kinship, but of something incredible, practically a miracle.

It is worth remembering that the very young Dugin, back in Soviet times, was a member of the so-called Yuzhinsky Circle, where he first encountered the Western traditionalism of Yevgeny Golovin, who promoted the books of Guénon and Evola, and the metaphysical Eurasianism of Yuri Mamleev, a writer who, in his novels, took the inextricable link between lawless violence and the search for God (undoubtedly originating from Dostoevsky) to the point of absurdity. Why is this association of "underground people," which emerged in the 1960s and lasted almost until the collapse of the USSR, so significant? Most likely, they did not even know about Schmitt by hearsay. Still, their fascination with religious mysticism, esotericism, and conservative ideas unwittingly gave rise to a peculiar variation of political theology, which in some ways resulted in Mamleev's book²⁰⁵ (Eternal Russia), a kind of unattainable horizon of the political imagination of the Russian patriot.²⁰⁶

As a secret society, the Yuzhinsky Circle was a little-known right-wing of Soviet dissidence, where it was not the rights and freedoms of the Western world that were cultivated, but a return to the imperial and monarchical order.

When reading Schmitt, we should not forget the time when his ideas were formed. Back then, at the turn of the 19th and 20th centuries, both racial theory and geopolitics were highly

²⁰⁴ It is characteristic that Dugin himself interprets the shaman as a necessary complement to the warrior-leader (Dugin A.G. *Ethnosociology*. Moscow: Academic Project, 2011, pp. 246-247), which, from the point of view of anthropological and ethnographic research, does not stand up to criticism.

²⁰⁵ Mamleev, Yu. *Russia Eternal*. Moscow: Eksmo, 2011.

²⁰⁶ The functioning of Yuzhinsky's circle and Mamleev's concept are described in sufficient detail, albeit not without a touch of dark irony, in: Lukoyanov, E. *Father of Connecting Rods. The Life of Yuri Mamleev Before and After the Grave*. Moscow: Individuum, 2023.

respected scientific disciplines, which still have their adherents today. It seems that Schmitt's political anti-Semitism, his concept of the existential enemy, and, of course, his theory of Grossraum, all belong to this intellectual field, the very one that fueled the Yuzhinsky circle. It is now clear how much the scientific works of the German classic of legal thought resonate not so much with Dugin's political revelations as with Mamleev's abstract and absurd "eternal Russia." In a sense, both develop their own versions of necropolitical theology²⁰⁷, where the death of enemies and imperial conquest of space, as a model of religious missionary work, become the basis for intellectual speculation (Schmitt) and metaphysical fantasies (Mamleev). Only Mamleev's Russia appears as a space too ample to be perceived as Grossraum. For him, it is not a moment in time, but space itself that plays the role of a state of emergency. This is not a space-for-life, but a space-for-death, in which the very idea of life may be absent, yet the idea of Russia continues to live on. It is no coincidence that Mamleev writes about the ideal "lunar Russia" that it will become when the whole Earth perishes in another war. And in this poetic utopia, the connection between the Empire and the land is radically questioned. It is not surprising (no wonder) that Schmitt, although he characterizes Russia as a land empire, sees it as a clear threat. The point is that the land on which Russia was formed is not entirely land (especially in Schmitt's understanding).

This was emphasized by ethnologist and historian Lev Gumilev (another spontaneous Schmittian of the Soviet era). He argued that Russia was formed not in the logic of settlement and cultivation of the soil, but in the logic of nomadism, as an effect of the Great Steppe²⁰⁸, and continues to exist in it to this day. Gumilev's theory of ethnogenesis essentially repeats Schmitt's basic tenets in structure. Only in his "universe" it is not states and empires that operate, but sub-ethnos and super-ethnos do, not sovereigns, but passionaries.²⁰⁹ And, of course, there is no "nomos of the Earth," but rather the anomie of the Great Steppe, a space that produces not law, but always lawless freedom. The Steppe, abandoned by nomads, became a refuge for fugitive serfs and convicts, Cossacks, and other anarchic elements who had left the Empire's jurisdiction. These criminal and semi-criminal elements are much closer to sea pirates than to

²⁰⁷ These reflections, in which metaphysics is born from the union of power and death, largely correlate with the necropolitics of A. Mbembé, for whom sovereignty consists in the power to prescribe who lives and who dies (see Mbembé J.-A. *Necropolitics // Public Culture*. 2003. Vol. 15(1), p. 11), and the necroeconomics of V. Inozemtsev, who analyzes death as a new economic resource.

²⁰⁸ Gumilev L. *Ancient Rus and the Great Steppe*. Moscow: Kalashnikov, Komarov and Co. Partnership, 1992.

²⁰⁹ Gumilev's theory of ethnogenesis (see Gumilev L. *Ethnogenesis and the Biosphere of the Earth*. L: Leningrad University Press, 1989) was not accepted by the scientific community, but proved to be in demand in conservative political circles, along with the conspiracy theories of I. Shafarevich (Russophobia) and A. Fomenko (New Chronology). All these theories became massively popular (especially among the technical intelligentsia) in the 1970s and 1980s, along with a fascination with parascience, mysticism, ufology, yoga, and Orthodox Christianity, which constituted a "magical" backdrop to the political existence of late Soviet man (for more details, see Konakov, A., *The Waning World: A History of the "Incredible" in the Late USSR*. Moscow: Garage, 2022).

partisans. In this sense, all of Siberia and the Far East are a continuation of the Steppe: the forests²¹⁰ and even the Gulag system, designed to give this space social (repressive) and economic functions.

Gumilev, who himself spent 14 years in Stalin's camps, relied on the works of Russian anthropologists and ethnographers such as Grum-Grzhimailo, Shirokogorov, and Ksenofontov, who were primarily influenced by the scientific tradition of primordialism, to which Gumilev himself also belonged. However, it is much more important that he came up with his own concept of enmity and friendship between ethnic groups, his own version of political theology. Only the religion, on which this theory is based (or pure fiction, as many of Gumilev's colleagues believe), is not Christianity, but the pagan cults of the peoples of Siberia, where *action* as a means of communication with the gods is essential as opposed to logic. As a result, it is not the sovereign who embodies power as domination, but the shaman who becomes the key figure. He acts as the guardian of the ethnic group's territory, ensuring the continuity of its ethnic and organic structure. He surrounds the ethnic group's territory with an invisible fence of rivers, hills, and thickets (incidentally, modern geopolitics and political geography follow the same archaic ritual, but without the consent of the spirits of the Earth). For the shaman, there is no difference between people, animals, and ancestral spirits (more precisely, he knows how to overcome them in his ecstatic states), and there are certainly no differences in the social hierarchy. In this, he opposes the passionarian, who is always present when an ethnic group transforms into a people or a political nation.

The enormous importance of shamans to the lives of the peoples inhabiting the endless space from the Volga to Chukotka, from Altai to the Far North, was evident to almost all ethnographers. Although D. Zelenin and V. Bogoraz saw them as mentally ill, similar to Christian saints and holy fools, and Mircea Eliade emphasized trance and the practice of altered states of consciousness, contemporary research is increasingly focused on the social role of shamans and their opposition to Orthodox Christian missionaries.²¹¹

Shamanism draws a fundamental line between the political and the socio-organic. The "political" (like political theology) is associated with Christianity (in Schmitt's case, Catholicism) and monotheism. In the case of shamanism, we are dealing with paganism, which

²¹⁰ In the 19th century, S.M. Solovyov's historical-geographical theory about the formation of Rus in the confrontation between the Steppe and the Forest, nomadism and sedentarism, in great demand. In our own time, one of Russia's best translators and interpreters of Heidegger, V.V. Bibikhin, sees in the forest not so much matter (hyle) and the technical aspect of existence, but rather the element of organic life (see Bibikhin V. *Forest (hyle)* (the problem of matter, the history of the concept, living matter in ancient and modern biology). St. Petersburg: Nauka, 2011). And the taiga is the indistinguishability of the Steppe and the Forest, a place of "symbiosis between humans and animals" (Shirokogorov), where the social and the organic constantly duplicate each other.

²¹¹ See, for example: Znamenski, A. *Shamanism and Christianity: Native Encounters with Russian Orthodox Missions in Siberia and Alaska, 1820-1917*. Bloomsbury Academic, 1999.

refers us to the world of natural forces. In this sense, shamanism correlates with ancient Greece, not the one that was appropriated by Christian culture, but the "dark" antiquity that Nietzsche discovered literally "at the tip of his pen."

In this sense, Schmitt can be characterized as a thinker of the polis, and his idea of the "political" can be interpreted as the opposition of the polis (the unity of citizens) to external enemies.

However, in addition to the polis (where law and order reign), Plato also noted the territories adjacent to it, which he called khôra (the place of chaos), those "dark territories" that are increasingly making themselves felt in the modern world.²¹²

Schmitt's logic, thus, is structured as a separation of the world of nomos (order as the harbinger of law) from the world of physis (not to be confused with "nature" of the modern era), protection (through the state) from territories inhabited by an existential enemy who cannot be converted to your faith (cannot become a friend) and must therefore be destroyed. Reflecting on a global world where nation states and empires are losing ground, Schmitt also finds his polis and khôra –namely Land and Sea.

Well acquainted with the works of Schmitt (and his predecessor, political geographer H. Mackinder), Russian scholar of antiquity Vadim Tsymbursky, perhaps even polemically, proposed a geopolitical interpretation of Russia as an island, that is, an extraterritorial entity that combines the elements of land and sea. According to Tsymbursky, the island of Russia, surrounded by neighboring states, cannot become a state itself, but can only be an empire of constantly fluctuating space. This huge non-place requires a different understanding of politics.²¹³

However, this different understanding can also be found in Schmitt himself. Thus, P. Kostogryzov notes that Schmitt's sovereign is immanent to the political cosmos and devoid of transcendence, which makes Schmitt's "theology"²¹⁴ a methodological device that "charms the reader" and "allows one to introduce into political science the incontestability of dogmas inherent in theology," which, according to the author, leads the German jurist to *paganism* through the deification of the worldly, namely state and power.²¹⁵

²¹² For more details, see Nadtochiy E. Khôra, Snaff, Dark Territories (Theses) // Sinii divan. Philosophical and Theoretical Journal. Edited by Helen Petrovsky. Issue 20. Moscow: Three Squares, 2015.

²¹³ See Tsymbursky, V. Island Russia: Geopolitical and Chronopolitical Works 1993-2006. Moscow: ROSSPEN, 2007, as well as Petrovsky, H. The Viscosity of Russian Space: An Essay in Structural Analysis. – In: At the Vanishing Point in History. Critical Perspectives on the Russia–Ukraine War. Marina F. Bykova (ed.), London: Bloomsbury Academic, 2025, p. 235-247.

²¹⁴ Kostogryzov P. Op. cit. // // Scientific journal Discourse-Pi. 2021, No. 2, p. 43.

²¹⁵ Ibid.

We, in turn, can observe that Schmitt's decisionist "miracle" is not so much Christian as it is magical, gaining access to the change of right through the incantation of the legal universe, which can justifiably be called *legal shamanism*.

The Wanderer, or The Ghost of the Father

In Pushkin's novel The Captain's Daughter, a young nobleman, setting off for his military service and getting lost in a snowstorm in the snow-covered Volga steppe, meets a lone traveler who shows him the way and who later turns out to be the leader of the popular uprising, Emelyan Pugachev. In this fragment from Pushkin, he appears as an agent of boundless space, as someone who is immanent to this very space, which carries a constant threat and an excellent chance for salvation.

The appearance of Schmitt's texts in the Russian context makes one wonder how free political science is from the political situation and political position of the recipient, and how politics itself is free from an almost religious worship of power. Perhaps the most serious lesson from Schmitt (and it is not on Dugin's list) is the denial of the possibility of political philosophy and political science in general, and of their inevitable existence as exclusively political theology. However, it is precisely "political theology" that is perhaps the key problem of Schmitt's legacy. Although it is difficult to trace the genealogy of this term in Schmitt's own work, many researchers agree that it was borrowed from the title of Mikhail Bakunin's book, *The Political Theology of Mazzini and the International*, in which the phrase was used sarcastically in reference to his comrade-in-arms in revolutionary activity. Although Schmitt never mentions this book, his interest in the Russian anarchist's works is well known. In the same *Political Theology*, speaking of Bakunin as a "naive berserker" for whom "faith in God is only evidence of slavery" and any intellectualism (even that of Marx and Engels) is "the enemy of life," Schmitt nevertheless examines his concept. He remarks: "Bakunin dared to see the lumpenproletariat as the bearer of the future"²¹⁶, while characterizing it as rabble. Fascinated by Bakunin's barbaric decisionism, which relied not on citizens but on the lumpenproletariat and the "peasant rabble" (it particularly annoyed Marx), Schmitt extends this attitude to Russia as a space of the *khôra*.

The figure of Bakunin compels Schmitt to draw attention to that external element of barbarism (alongside the internal aspect of the urban proletariat) which poses a threat to civilization, and which he refers to as "Russians turning away from Europe": "The fact that these two currents met on Russian soil, in the Russian Soviet Republic, is deeply correct in an ideological and

²¹⁶ Schmitt, K. *Political Theology*. Collection. Moscow: KANON-Press-C, 2000, p. 152.

historical sense."²¹⁷ Thus, as early as the 1920s, Schmitt began to develop a geopolitical fear that would condition his reflections from *The Age of Depoliticization and Neutralization* to *The Nomos of the Earth*. In the latter Schmitt writes that "Leviathan has now turned from a huge fish into a machine," which "changed man's relationship to the sea," and "the courageous type of personality that had hitherto determined the size of a maritime power lost its old meaning"²¹⁸, however, the specter of Bakunin and the space-as-agent behind him, threatening Europe with its unpredictability and anomie, remained intact.²¹⁹ And the fact that the problem of the revolutionary nature of the proletariat has been solved taken off the table, while Russia continues to manifest itself as an existential "enemy", makes his "political theology" a permanent hostage to "political atheism." That is to say Bakunin's atheism,²²⁰ and not simply because of the origin of the term, but as the only way to resist the immanent politics of Nature, which lies at the foundation of anarchism as such.

But if we do not focus on the elements of Land and Sea (and even Air, which Schmitt pointed to in his apparent anticipation of Russia as lunar), and see in this concept the potential to describe the elements as types of global social connectedness, then today what Schmitt described as the element of Sea is closer to the element of information, and more specifically, to Big Data, where AI draws its incredible resources. It is no coincidence that virtually all right-wing thinkers and champions of the machine known as Leviathan reveal their technophobia precisely in relation to AI, which is nothing more than an inhuman space of modern nomadism. Its prototype for Europe was the Great Steppe and the Permafrost, where survival is associated not with the state and the church with their institutions of power and violence, but with the immanence of anarchic Nature itself, embodied in the figure of the shaman.

Bakunin's anarchism and his idea of freedom are nothing more than a mirror of Schmitt's decisionism. All theoretical disputes with debaters from "political romanticism" pale in comparison—not with theory! — but with political revolutionary action, which opposes Schmitt's magical collective connectedness to the metaphysical political subject, chained in the triad of death-state-sovereign and supposedly finding in these chains a phantom *kathekon*,

²¹⁷ Ibid.

²¹⁸ Schmitt, C. *The Nomos of the Earth in the the International Law of the Jus Publicum Europaeum*. St. Petersburg: Vladimir Dal, 2008, p. 633.

²¹⁹ And in this sense, for Schmitt's understanding of the state (and the resulting ideas about politics and geopolitics), Bakunin (along with Spinoza) plays the role of the rejected father who revealed to him the indecent secret of human slavery and forced him to seek salvation in political theology.

²²⁰ Bakunin's "political atheism" is clearly not limited to a secular version of political theology (see Flohr M. *Political Atheism: Towards a Profane Reconceptualization of the Modern State*. – In: *Political Theology Today: 100 Years After Carl Schmitt*. Dean, M., List, L. & Schwarzkopf, S. (eds.). London: Bloomsbury Academic, pp. 45-59). The activities of the Russian anarchist as a European wanderer, a kind of Ahasuerus of the revolution, his constant imprisonment and death sentences in various countries, suggest not so much the possibility of political theology as *political shamanism*.

constantly undermined by enemies. It is precisely this lack of lawless freedom, manifested not in decision but in action, and organic solidarity, alien to any type of mobilization, that settles like a virus in Schmitt's concept and requires a religious miracle for its self-justification. But at the same time, this virus of global khôra indicates that non-religious magic, as one of the ways of the survival of an archaic community, can be an alternative model of politics — without an enemy and possibly even without politics itself.

P.S. In one of her essays, Zinaida Gippius recounts an encounter between her husband Dmitry Merezhkovsky and the government official statesman Pobedonostsev, who uttered a phrase that has been repeated many times and in many different ways ever since: "Russia is an endless frozen desert, and a dashing man walks across it."²²¹ In some versions of this line, the words "with an axe" are sometimes added. In this context, Pushkin's famous maxim (from a letter to Chaadaev) that the Russian government is 'the only European' takes on additional meaning. The government turns out to be precisely that machine of violence that is forced to constantly increase this violence in order to cope not with the people, but with the very space that offers resistance to the state. And today, Carl Schmitt's intellectual legacy is, alas, one of the instruments of this violence.

²²¹ Gippius, Z. Words and People (notes on St. Petersburg in 1904-1905) // Latest News. 1932. May 27. No. 4083, p. 3.

Carl Schmitt in Serbia

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1. Serbia in Schmitt

For a reconstruction of the history of the reception of Carl Schmitt in Serbia, it is indispensable to begin by examining how Carl Schmitt first came into contact with Serbia. After his quickly failed marriage to an Austrian dancer who had presented herself to him as a Croatian noblewoman (Mehring 2009, 57–58), Schmitt fell in love with the Serbian student Dušanka (Duška/Duschka) Todorović from Croatia and married her in 1926 (Mehring 2009, 153–155, 195).

From the very beginnings of their relationship, Duška introduced Schmitt to Serbian poetry and history; together they translated poems by the Serbian poet Milutin Bojić (1892–1917) (Schmitt 2014, 203–204). From her, he learned “the Russian [i. e., presumably: Serbian Cyrillic] letters” (Schmitt 2014, 225). Schmitt held Bojić’s work in very high esteem; he even quotes Bojić’s poem “Bez uzvika” (rendered by Schmitt as “Bes uswika,” roughly ‘Without an Exclamation’ in English) at the end of his 1925 essay “Illyria—Notes from a Dalmatian Journey” (Schmitt 1995a, 483–488).

Through his exchange with Duška and other individuals from the “Kingdom of Serbs, Croats, and Slovenes,” Schmitt had been familiar, since the mid-1920s, with the political, historical, and constitutional reality of the new state and was aware of the historical, cultural, and religious differentiations running through it. In the 1930s, the Schmitts regularly hosted guests from Yugoslav circles in their Berlin apartment; Schmitt supervised dissertations by Croatian and Serbian students. He developed a particularly close relationship with the Serbian doctoral student Sava Kličković (1916–1990), for whom he served as best man at his wedding in Berlin in 1943. Kličković remained in close contact with Schmitt after the war. Writing from internment in 1946, Schmitt told Duška: “I believe that Sava has understood me most deeply and purely, and that my thoughts will live on and continue to grow most fruitfully in him” (Schmitt 2020, 185).

Until the start of Nazi Germany’s war against Yugoslavia in April 1941, a frequent guest in the Schmitt household was the Yugoslav ambassador in Berlin, Ivo Andrić. The future Nobel laureate was already an internationally renowned writer at the time, whose novellas—available to Schmitt in German translation (cf. Schmitt 2012, 98)—made a profound impression on him (Schmitt 2007, 40). Presumably through his wife’s mediation, Schmitt was also well informed about Andrić’s work not available in German (Schmitt 2012, 89). Shortly before his forced

departure from Berlin, Andrić received a Luther Bible with the dedication: “To Ivo Andrić, from an admirer of his art and a friend of his humanity, in deep gratitude!” Today, based on graphological analyses, it is assumed that this gift came from Schmitt, who had preferred not to sign the dedication (Glišović 2012, 760–761).

The period following the beginning of Germany’s war against Yugoslavia was politically difficult for the Schmitts, since Germany, together with the allied fascist Ustaša regime in Croatia, pursued a brutal policy of repression against Serbia. “My heart ached with compassion for the Serbian people,” Schmitt noted in his diary in 1943 (1943b, 152).

In an essay written in the internment camp in 1946, Schmitt recalls a conversation with “the Serbian poet” Ivo Andrić, who in 1940, after France’s defeat against Nazi Germany, had told him a Serbian “legend” about Marko Kraljević: after the Serbian hero had killed a powerful Turk following an intense struggle, a snake rose from the latter’s heart and said, “It was your good fortune that I slept during your fight.” Kraljević then exclaimed in shock: “Woe is me, I have killed a man stronger than myself!” (Schmitt 2015a, 32; cf. Schmitt 2012, 104–105). Andrić was clearly recounting to his German acquaintance the Serbian epic song “Marko Kraljević and Musa Kesedžija.” The immediate context was a conversation between Schmitt and Andrić about Alexis de Tocqueville and the French defeat; yet the legend acquires an additional dimension due to the moment of its recording, for now Schmitt himself was the defeated one.

2. The Reception of Schmitt in the 1930s

Đorđe Tasić (1892–1943), a renowned legal scholar and professor at the University of Belgrade, had already begun engaging with Schmitt’s thought from the perspective of political science in the mid-1930s and emphasized the strong conceptual similarities between German National Socialism and Italian Fascism (Tasić 1934). The Serbian legal scholar Slobodan Đokić defended a dissertation in Paris in 1940 on the relationship between National Socialism and international law, in which he addressed the neutrality concept of Nazi Germany, advocated primarily by Schmitt (Djokitch 1940a). This concept rested on an absolutization of state sovereignty and a strict rejection of supranational regulatory systems. Đokić identified remarkable parallels between Schmitt’s theoretical groundwork and the subsequent foreign-policy declarations of Hitler (Djokitch 1940a, 114–115). Schmitt’s concept of “völkerrechtliche Großraumordnung” (the Großraum order of international law; Schmitt 1939), which amounted to little more than a blank check for German expansion in Europe (cf. Mehring, 394), was denied by Đokić “any juridical and scientific character whatsoever” (1940b, 541). By contrast, Ilija A. Pržić (1899–

1944), professor of law at the University of Belgrade, who in the late 1930s engaged with Schmitt's concepts of "Großraum" and "Reich" (1939), adopted an apologetic stance toward National Socialism; in 1944 he was executed by the new authorities as a collaborator.

3. Schmitt in Socialist Yugoslavia

Sava Kličković, who earned his doctorate under Schmitt in 1940 with a dissertation on the legal problems of expropriation and later served Tito's Yugoslavia as a foreign trade representative in various countries, maintained close contact with his mentor after the war as well (cf. Van Laak, Villinger 1993, 91). He even contributed a piece to the debate on the constitution of socialist Yugoslavia that was clearly underpinned by Schmittian arguments: against liberal parliamentary democracy and in favor of a "true and immediate rule of the people"—of course, without naming Schmitt explicitly (Kličković 1946). His contribution to the 1968 Schmitt *Festschrift* likewise testifies to his continued allegiance to his mentor; following Schmitt, he interprets Herman Melville's story "Benito Cereno" as a "modern myth" (Kličković 2002, 271; cf. Höfele 2022, 306–308). During the war and afterward, Schmitt had identified with the fate of the deposed Spanish captain, whose command authority survives only as a simulacrum carefully maintained by the mutineers (Schmitt 2015b, 513). Kličković expands this "personal myth" by reading Cereno as a "symbol of the situation of the intelligentsia in a mass system" (2002, 268). For him, the narrative expressed Europe's historical fate between revolution and tradition. In his reading, he transforms Schmitt's dominant confrontation between America and Europe into a global-historical interpretation in which, in the face of an impending "world civil war," humanity as a whole is tasked with finding a "new order of earth and space" (2002, 272–273). Kličković also drew on Schmitt in his reflections on the theory of the fable and Schmitt's thesis concerning the universal validity of the political situation depicted in this genre (Kličković 1988, 292); to illustrate his point, Schmitt had explicitly cited a fable "from Yugoslavia" (1995b, 533).

Generally, references to Schmitt were extremely rare in socialist Yugoslavia. Ljubomir Tadić (1972) treated him only superficially, while Todor Kuljić provided the first well-informed and bibliographically grounded intellectual-historical introduction to Schmitt's thought in the context of German conservatism of the 1920s, along with a concise biobibliographical sketch, in a book on theories of totalitarianism (1983, 35–66). Only from the second half of the 1980s onward were positions on Schmitt and Schmitt's own works gradually made accessible to readers in Yugoslavia. An important mediator in this process was the journalist and philosopher Slobodan Divjak, who, as editor of the Third Program of Belgrade Radio and the journal of the

same name, introduced Yugoslav audiences to contemporary debates on Schmitt through a translation of a “Special Section on: Carl Schmitt and the Frankfurt School” from the journal *Telos* (71/1987), albeit from a left, unorthodox Marxist perspective (Divjak 1988). A few years later, the journal published a Serbian translation of *The Concept of the Political* (Divjak 1995); the publication was accompanied by a transcript of a debate among prominent Serbian philosophers on the text (Samardžić et al. 1995). The beginning of the more recent reception of Schmitt in Serbia thus coincides, not accidentally, with the onset of Yugoslavia’s disintegration and the reconstitution of the Republic of Serbia.

4. Zoran Đinđić: With Schmitt Against Socialist Yugoslavia

The later Serbian prime minister Zoran Đinđić, who studied and earned his doctorate in West Germany in the 1970s, recounted in an interview that he had purchased books by Carl Schmitt in a Frankfurt antiquarian bookstore run by the future German foreign minister Joschka Fischer (Djindjic 2002). Although his doctoral dissertation dealt with Marxism, Đinđić took an interest in the Catholic-conservative constitutional lawyer who was widely shunned in the liberal *juste milieu* of the Federal Republic of Germany. When Schmitt died in 1985, the young philosopher—by then returned to Belgrade—published an obituary in the magazine *NIN*, describing Schmitt as the “last dialectical-diabolical thinker of the era of the world wars” (Đinđić 1985, 35). In his article, Đinđić briefly outlined Schmitt’s surprising renaissance in French and Italian debates of the 1970s, traced Schmitt’s contradictory position in the Federal Republic—oscillating between fascination and demonization—and offers a well-informed overview of the development of Schmitt’s key concepts and his entanglement with the Nazi regime.

Three years later, Đinđić published a book addressing the political and constitutional situation of the Yugoslav state. He opened the chapter “Who Is Sovereign in Yugoslavia” with a quotation from Schmitt’s famous dictum on sovereignty and the state of exception (2010, 111). His Schmitt-inspired reflection on when a state can no longer fulfill its function of guaranteeing security for its citizens and slides into a state of exception is, in hindsight, particularly striking because he developed it against the background of political tensions that would soon tear Yugoslavia apart. The focal point of these reflections was Kosovo: Đinđić showed that the sovereign dictatorship—apart from its highly questionable democratic and constitutional legitimacy—is ineffective, since it cannot achieve the goal of ensuring the validity of the legal order (2010, 122). In this way, Đinđić exposed with remarkable clarity the irresolvable contradictions of Yugoslav (in fact: Serbian) Kosovo policy. Schmitt’s theory of sovereignty thus became, in Đinđić’s work, a weapon in the struggle against the socialist system in

Yugoslavia. Đinđić's analysis of Yugoslavia's constitutional crisis in the 1980s likewise employed Schmittian formulas (2010, 152), for instance when—stretching Schmitt's secularization theorem in a remarkable way—he wrote of the “secularization” of the communist party (2010, 143), by which he described its de facto renunciation of the role assigned to it within Yugoslav statehood as an instance standing above the contracting parties to the constitution. The reference to Schmitt is obvious here, not least through the term “čuvar konstitucije” (“guardian of the constitution”).

In debates about Đinđić's political activity and his legacy, repeated attempts have been made to read his political actions through the prism of Schmittian concepts and even to postulate a clear line of influence. These range from the concept of the political as a precondition of statehood (Gligovorov 2006, 148) to the allegation of an allegedly Schmitt-inspired dictatorial model of politics (Molnar 2010, 250–280). The latter thesis in particular is substantively misguided (Pešić 2010), yet it nevertheless attests to the suggestive presence of Schmitt's thought in contemporary intellectual Serbia.

5. Schmitt and Deconstruction

The philosopher and student of Derrida, Petar Bojanić, discussed the friend–enemy concepts of Schmitt and Derrida in his book *Friend-Enemy: Carl Schmitt and Jacques Derrida* (1995), taking the Marko Kraljević legend (see above) as his point of departure. Bojanić retraces how Derrida reads Schmitt, starting from the observation that Schmitt made the enemy—“and not the friend” (1995, 74)—the foundation of his conceptualization of the political. Bojanić seeks to refute Derrida's reestablishment of the “friend” and does so with the full arsenal of deconstructionist, deliberately obfuscating wordplay. With his conceptual work on the “enemy,” Schmitt, according to Bojanić, laid the groundwork for a “politics of negotiation” (1995, 173). For Schmitt, the “precondition” of politics is war—yet, Bojanić argues, this entails no militarism, since war does not become an end in itself but follows from enmity (1995, 167–169). Only through the enemy, Bojanić contends with Schmitt, do we gain insight into our own identity in concrete form (1995, 195; 2007, 12, 30). Bojanić, who later published further works revolving around the same problem (2007), is today one of the most prominent experts on Schmitt in Serbia. At the same time, he remains a controversial figure; in his younger years, in 1996, he participated in a conference in Cetinje, Montenegro, at which the genocidal war against the Bosnian people was theologically justified—among the speakers was also Radovan Karadžić.

6. Schmitt in Post-Yugoslav Serbia

Already during World War II, some of Schmitt's writings had appeared in Zagreb, then the capital of the fascist Ustaša state, above all *The Concept of the Political* (1943a). With the volume *Norm and Decision: Carl Schmitt and His Critics*, published in 2001, Schmitt's most important works became accessible in Serbian for the first time. 2001 was also the year in which the former Serbian and later Yugoslav president Slobodan Milošević—overthrown by a popular uprising on October 5, 2000—was arrested and transferred to the International Criminal Tribunal for the Former Yugoslavia in The Hague. The Yugoslav remnant state was a country in permanent crisis, in which the question of sovereignty arose with particular urgency. Until his assassination on March 12, 2003, the Serbian prime minister was the Schmitt reader Zoran Đinđić. The editor of *Norm and Decision* and author of its introduction, which explained Schmitt's key concepts to a Serbian readership, was Slobodan Samardžić, a Belgrade political scientist who later became a close associate of the last Yugoslav president, Vojislav Koštunica, and for a time served as Serbian minister for Kosovo (2007–2008). It was also Samardžić who, already in the mid-1990s, applied Schmitt's formula of decision-making authority over the state of exception to Serbia's geopolitical situation in its confrontation with the United States (Molnar 2010, 236).

The keen interest in Schmitt in late and post-Yugoslav Serbia is likely due, not least, to an analogous situation in which some Serbian intellectuals saw themselves: Serbia was, at the latest after the NATO intervention of 1999, effectively in the position of a defeated party, brought to its knees by a coalition of Western powers. An article published in English in 2002, in which the Greek political scientist Grigoris Ananiadis—drawing primarily on Schmitt's *Nomos of the Earth* (1974)—questioned the legitimacy of a war framed as a “humanitarian intervention,” was immediately published in Serbian as well (2003) and widely discussed.

In 2005, the then moderately right-leaning journal *Nova srpska politička misao* devoted a special issue to Carl Schmitt (vol. xii, nos. 1–4), opening with a documentation of Schmitt's Nuremberg hearings (translation: Petar Bojanić) and an analysis of the intellectual and biographical situation in which Schmitt found himself at the time (Bojanić 2005). The analysis of Serbia's political situation through key concepts from Schmitt's work (the political, decisionism, secularization, the state) proved highly productive, while some authors simultaneously emphasized—from liberal and democratic perspectives—the partly problematic consequences of these concepts for the constitutional structure of the state (Belančić 2005; Cvetićanin 2005).

Slobodan Divjak, who had co-initiated the Serbian reception of Schmitt since the late 1980s, criticized the antiliberal thrust of right-conservative adaptations of Schmitt in Serbia—ultimately directed against the parliamentary system—which could draw on the German legal theorist’s critique of representative democracy. Divjak saw a fundamental incompatibility between the universalist rationalism of the Enlightenment, which underpins the liberal model of politics, and Schmitt’s antimodernism. He also identified affinities between advocates of a multicultural society and Schmitt’s culturalist, fundamentally identitarian thinking, and demonstrated the risks this poses for a liberal democracy with a diversity of ethnic minorities such as Serbia (Divjak 2012).

7. Conservative and Nationalist Receptions of Schmitt in Contemporary Serbia

Since the early 2000s, Schmitt has been an important point of reference and source of influence in Serbian political-philosophical discourse, particularly for conservative critiques of liberal parliamentary democracy. In recent years, this critique has increasingly taken on an identitarian nationalist character. Violeta Beširević (2019, 199) shows that Serbia’s current populist-authoritarian model of governance—with its refrain-like appeal to a virtual “will of the people” and the periodic reactivation of a latent state of exception triggered by Kosovo’s declaration of independence—strongly resembles Schmitt’s antiparliamentary model of democracy. Representatives of an affirmative reception of Schmitt as a critic of liberalism include, for example, Neven Cvetićanin (2004, 2008) and Dušan Dostanić. The former is president of the Belgrade think tank *Forum for Strategic Studies* and analyzes international relations in terms of spheres of influence. The latter also espouses a clearly right-conservative approach in societal matters and openly cultivates contacts with international right-wing intellectual networks. In the Schmitt reception of right-leaning journals and online portals in contemporary Serbia, the transition from scholarly discussion to propaganda is fluid. Schmitt’s concepts are no longer used as stimuli for thought and analytical tools, but as propaganda formulas—for example on the right-wing, Russia-friendly portal *Novi Standard* (standard.rs).

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Kaitlyn Sorenson

Schmitt in Slovenia

Abstract:

This paper traces an elliptic history of the uneven reception of Carl Schmitt's work in Slovene-language thought. This reception history begins with a 1925 review of *Roman Catholicism and Political Form* in the newspaper *Slovenec*, in which an interlocuter engages "Schmitt-Dorotič," before moving on to the mid-century reception epitomized by thinkers like Milan (Emilio) Komar, who, in 1957, was writing from exile in Argentina. Finally, it concludes with an analysis of the ways in which philosophers associated with the Ljubljana School engaged with Schmitt's thought in the early 1990s before considering Gal Kirn's recent analysis of how Schmitt conceptualizes the figure of the Partisan. In many ways, this history reflects broader trends in the reception of Schmitt's work, and yet this essay attempts to focus on moments in which the particularities of the Slovene context offer a distinct take on Schmitt's broader legacy.

Article:

As Ulrich Schmid has noted in the beginning of this volume, Schmitt's personal connection to the Yugoslav lands—via a succession of South Slavic wives, Pauline Carita 'Cari' Dorotić and Duška Todorović—makes for a curious starting point for considering the legacy of Schmitt's thought in these philosophical traditions. Indeed, the Slovene language reception of Schmitt's thought begins with some confusion on this point. In a 1925 article in the political newspaper *Slovenec* that is the first reference to Schmitt in Slovene-language discourse, an anonymous author reviewed *Roman Catholicism and Political Form* and somewhat misrendered Schmitt's regional connection: while Schmitt, impressed by his first wife's (false) claims to South Slavic nobility, had published this text under the name "Schmitt-Dorotić," the author of the *Slovenec* article 'Slovenized' the spelling to "Schmitt-Dorotič." It is a small orthographic slip, and it is hard to determine whether this is merely a (repeated) typographical error, or a more intentional attempt to claim Schmitt as a Slovene-adjacent (as the hard č is more commonly associated with Slovene surnames, while the soft ć is more typical for other South Slavic surnames). Yet whatever implicit claims on national identity may or may not lurk in this typographical error, the anonymous author of this article arguably places more stock in Schmitt's identity as a scholar and jurist. This is how the author introduces Schmitt to Slovene audiences:

In 1923, the booklet “Roman Catholicism and Political Form” by Carl Schmitt-Dorotič, a jurist and professor at the University of Bonn, was published in a rather unknown shop window of a certain Hegner in Hellerau. At first, it was not widely noticed, as so often happens to publications that are deeply thoughtful but not suitable for the average bourgeois mind. Today, however, its extraordinary value is generally recognized, and the booklet, whose author is neither confessionally nor politically identified, but counts himself among strict scholars, has just been published by a reputable Catholic publishing house. In this small work — regardless of some minor errors — the author has decisively dealt with the political side of Catholicism as few others have done before. It is obvious to him that Catholicism is not some feeble pietistic confession that does not care about the political and social shaping of the world, but rather that it is the most powerful public edifice in the world, which will also defeat Russian Bolshevik barbarism as it defeated liberal bourgeois enlightenment. This is not claimed by a “clerical agitator,” but by a cold jurist from a neutral university lectern.

L. 1923 je izšla v precej neznani izložbi nekega Hegnera v Hellerau-u knjižica “Romischer Katolizismus und politische Form” od bonnskega profesorja, jurista Carl Schmitt-Dorotiča, ki je spočetka niso veliko opazili, kakor se to jako rado zgodi globokozamišljenim, pa povprečni meščanski pameti nepogodnim publikacijam. Danes pa je njena nenavadna vrednost splošno spoznana in knjižica, koje avtor ni niti konfesionalno niti politično opredeljen, ampak se prišteva med stroge znanstvenike, je izšla pravkar v ugledni katoliški založbi. Avtor je v tem majhnem spisu — neoziraje se na te ali one pogrške — tako izborno pogodil politično stran katolicizma kakor doslej malokdo drugi. Zanj je očitno, da katolicizem ni kakšna omledna pietistična konfesija, ki se za politično in socialno oblikovanje sveta ne meni, marveč da je najmogočnejša javna stavba na svetu, ki bo tudi ruski boljševiški barbarizem premagala kakor je premagala liberalno meščansko prosvetljenstvo. Tega ne trdi »klerikalni agitator«, ampak hladen jurist z nevtralnega vseučiliškega katedra. (unknown author, signed “Lajik”— ‘layman,’ Slovenec 1)

The rest of the article makes it clear that the author view’s Schmitt’s dispassion—that of the ‘cold jurist’— is a key, if somewhat surprising, component of his moral authority, as the author distinguishes Schmitt’s view from a contemporary trend in which Slovene Catholic leaders

advocated for apolitical stances. The author writes, “it is not the height of all wisdom if someone says that as a Catholic priest, one stands above all parties,” and finds, in Schmitt, a more viable form of political engagement. He claims that Schmitt shows that “the Church is indeed above all parties because it cannot identify with the relativities that are naturally present in each of them, but this does not in any way follow that it itself does not have any political ideal to which this or that party can come closest.” He concludes his discussion of Schmitt by advocating for Catholic leaders to more strongly embrace the SLS (the historical form of the Slovene People’s Party, which is a predecessor but distinct entity from the current party of the same name). He signs his brief review merely “a layman.”

Other corners of Slovenian-language Catholic thought took different approaches to Schmitt’s work. In an article in the exilic journal “*Meddobje*” (“Interregnum”)—published in Buenos Aires starting in 1954—Schmitt is identified as a “national-socialist writer” by Milan Komar, a thinker who himself had collaborationist ties and emigrated to Argentina after the war.²²² Komar’s essay, entitled “Reflections on Discussions” (“*Razmišljanja ob Razgovorih*”) is positioned as a response to the following scenario: “A friend writes to a friend: ‘We have no critics.’” Komar’s text proceeds to reflect on the nature of critique through a series of essayistic, fragmented observations that somewhat obliquely skip around various theoretical touchstones of the Slovene Catholic intellectual tradition. Schmitt appears in a section entitled “Kant, the Slovenian Church Father,” which briefly references his notion of decisionism:

A person cultivates the will, the will is an energy that can be accumulated and then used for any purpose. [...] Children need to be educated in will. One must learn to will. What to will? To will, nothing more and nothing less. To will, to be energetic, resolute. This reminds me of Carl Schmitt, the National Socialist writer who coined the word “decisionism,” which means determination for the sake of determination.

Voljo si človek privzgoji, volja je energija, ki se da kopičiti in nato uporabiti za kateri koli namen. [...] Otrokom je treba vzgajati voljo. Človek se mora naučiti hoteti. Kaj hoteti? Hoteti, kratko in malo. Hoteti, biti energičen, odločen. To me spominja na Carla Schmitta, nacionalsocialističnega pisca, ki je skoval besedo "decizionizem", ki pomeni odločnost zaradi odločnosti. (Komar, 239)

²²² For more on the history of *Meddobje*, see: Lev Detela, “Pet Desetletij Slovenske Zdomske Kulturne Revije Meddobje,” in *Dve domovini* 14 (ZRC SAZU: 2001), 103-110.

One could argue that this glossing of decisionism strips Schmitt's concept of its jurisprudential, procedural dimension, borrowing it rather inaptly for a discussion of Catholic doctrine of will. (Indeed, the essay quickly moves to an engagement with the "Austro-Hungarian schoolchildren who had Kant in their blood and drilled him into all of our heads" before setting off on a meandering discussion of Augustine's prudent love.) In any case, the reference is glancing, and does not offer a substantive engagement with Schmitt's intellectual production.

Thus, as these two introductory touchstones have revealed, the early Slovene-language engagement with Schmitt's thought was not particularly robust. Invoked in fairly marginal Catholic political discourses, the references to Schmitt are relatively fleeting and rather undeveloped. Yet, as with broader trends surrounding the reception of Schmitt's thought, a more enduring Slovene-language legacy can be found toward the end of the 20th century, where the renaissance of interest in his work in opened it up to new theoretical usage.

Arguably the first significant development in this arena was Jelica Šumič-Riha's 1992 essay, "Carl Schmitt: An *occasio* and a warning." This text appeared in *Problemi*, a Slovene language journal that had, by that point, become essentially the publication arm and institutional home of the Ljubljana School. Yet it is worth noting that in the early 1990s *Problemi* (which had a long history of different structures and partitions) was divided into two sections: *Essays* and *Debates*. The editorial board for the latter was coterminous with the Ljubljana School (featuring amongst its ranks Mladen Dolar, Rastko Močnik, Slavoj Žižek, Rado Riha, Miran Božovič and others). The editorial board of *Essays*, however, was populated by thinkers of a more diverse theoretical backgrounds, and was devoted to cultural analysis more broadly, although it still featured a predominantly Ljubljana School-related discourse. Šumič-Riha participated in that discourse, although this text appeared in *Essays*, alongside one piece by Alenka Zupančič that explored classic film noir, as well as another by Renata Salecl that critiqued the Western gaze on the wars of Yugoslav dissolution.

Šumič-Riha's essay begins with a thorough accounting of Schmitt's legacy in a global context. Citing treatments of Schmitt in English (Joseph W. Bendersky) and French (Luc Ferry) Sumič-Riha summarizes:

The irony of fate is...that Schmitt, who was labeled a decisionist—the pathos of fateful, existential decisions*— had to bear the burden of his own decision for almost forty years, because due to his three-year (1933-1936) active participation in the Third Reich or at least flirtation with Nazism, he was

practically excommunicated from the intellectual milieu, even though he wrote until he was almost ninety. The anathema also fell on his work, and not only on the works that were created during the reign of Nazism, but suspicion fell on both the previously celebrated Weimar period of constitutional theory and on post-war discussions, especially on international law. Schmitt's negative political image ('the crown jurist of the Third Reich', an advocate of authoritarianism or even dictatorship, a reactionary anti-liberal, etc.) also tainted the discussion of his work. It is true that even the most ardent anti-Schmittians who took their work seriously did not deny the penetrating power of Schmitt's analysis and criticism of the weaknesses of parliamentary democracy and legal positivism, but they did reject the consequences that Schmitt drew from his analyses. The problem was that in the post-war period it was by no means self-evident to discuss Schmitt's work. In order to be able to criticize Schmitt's theory, it was first necessary to grant it the status of a subject worthy of discussion.

Ironija usode je [tudi] to, da je moral Schmitt, ki se ga je oprijela nalepka decizionista, patosa usodnih, eksistencialnih odločitev skoraj štirideset let nositi breme svoje lastne odločitve, saj je bil zaradi svojega triletnega (1933-1936) aktivnega sodelovanja v Tretjem Reichu ali vsaj spogledovnja z nacizmom tako rekoč izobčen iz intelektualne srenje, čeprav je pisal skoraj do svojega devetdesetega leta. Anatema pa je zadela tudi njegovo delo, in to ne le del[a] (sic), ki so nastala med vladavino nacizma, marveč je sum padel tako na prej slavljenno weimarsko obdobje konstitucionalne teorije, kakor tudi na povojne razprave, zlasti o mednarodnem pravu.*

Schmittova politična negativna podoba (»kronski jurist Tretjega Reicha«, zago vornik avtoritarnosti ali celo diktature, reakcionarni antiliberalec itn.) je omadeževala tudi razpravljanje o njegovem delu. Res je sicer, da niti zagrizeni protischmittovci, ki so se resno lotih svojega dela, niso zanikali prodornosti Schmittove analize in kritike slabosti parlamentarne demokracije in pravnega pozitivizma, zavračali pa so seveda konsekvence, ki jih je Schmitt potegnil iz svojih analiz. Problem pa je bil v tem, da v povojnem obdobju nikakor ni bilo samoumevno razpravljati o Schmittovem delu. Zato, da bi Schmittovo teorijo

lahko kritizirali, ji je bilo treba poprej podehti status predmeta, o katerem se spodobi razpravljati. (Šumič-Riha, 136)

In fact, the question of Schmitt's 'discussability' is a particularly notable focus of this text. At this point, it is worth considering the historical context of Šumič-Riha's essay. Elsewhere, one could argue that the late 20th century renaissance of interest in Schmitt's work (born out of the scholarly interest in his invocation by Walter Benjamin and chiefly, though not exclusively, championed by Agamben) coincided—more or less— with the 'end of history.' This is how Šumič-Riha chronicles the development (in broader Continental discourse) of this post-historical treatment of Schmitt:

A significant positive shift in the treatment of Schmitt's work could therefore only occur in the mid-1980s, when Schmitt's interpreters broke free from the compulsion to judge the work according to the moral qualities of its creator, in short, when they somehow tore the product from the producer. This operation of separation also had certain consequences for the treatment of the work: together with the author, the historical and political context in which the work was situated was somehow erased, but interpreters did not hesitate to intervene even in the integrity and internal structure of Schmitt's oeuvre. In other words, Schmitt's work was treated as a more or less amorphous substance, a raw material, suitable for the most diverse uses, in accordance with any of the political, ideological or even personal preferences of individual authors.

Do pomembnega pozitivnega premika v obravnavi Schmittovega dela je zato lahko prišlo šele sredi osemdesetih let, ko so se Schmittovi interpreti iztrgali prisili, da delo presojujejo glede na moralne kvalitete njegovega tvorca, skratka, ko so na neki način odtrgali produkt od producenta. Ta operacija ločitve je imela določene posledice tudi za obravnavo dela: skupaj z avtorjem je bil na neki način izbrisan tudi historični in pohtični kontekst, v katerem je delo naslajalo, a interpreti se niso obotavljali poseči niti v celovitost in notranjo strukturiranost Schmittovega opusa. Z drugimi besedami, Schmittovo delo so obravnavali kot bolj ali manj amorfnó snov, surovino, pripravno za najrazhčnejše rabe, pač v skladu s pohtičnimi, ideološkimi ali tudi osebnimi preferencami posameznih avtorjev. (Šumič-Riha, 136)

Of course, it is worth noting that Ljubljana in 1992 was a context in which history was still very much unfolding. Šumič-Riha's essay is written in the first years of Slovenian independence, with violence erupting elsewhere in (former) Yugoslavia. Indeed, towards the end of the essay, Šumič-Riha turns towards this more local context. This discussion comes after a long discussion in which Šumič-Riha emphasizes the activity that animates Schmitt's constitutional theory, noting that he "bases the legal order not on a norm, but on a decision. It is only in this light that the constitution is not just a text, but has a real life."²²³ (Šumič-Riha, 144). She goes on to note:

It is clear that Schmitt's political theory, which highlights the decision and its bearer as the decisive factor of political life — which in itself presupposes a single thinking, willing and acting subject, one could say a revolutionary subject — is not compatible with the currently dominant paradigm, based on reason and discussion, in short, a paradigm in which politics is no longer the empty space of an undomesticated existence in an otherwise rational world, to use Habermas's vocabulary. But regardless, Schmitt is still 'useful' and extremely contemporary in today's world, because he faced similar problems that we face today: how to achieve unity and wholeness of the community, if its frame of reference is the contradiction of differentiation and functional specialization of technological and economic social systems, their increasing rationalization and modernization. In short, how to grasp a collective identity that is not contained in the constitution as a written document.

Jasno je, da Schmittova politična teorija, ki izpostavi kot odločilen dejavnik političnega življenja odločitev in njenega nosilca — kar samo na sebi predpostavlja enega samega mislečega, hotečega in delujočega subjekta, lahko bi rekli revolucionarnega subjekta —, ni kompatibilna z danes prevladujočo paradigmo, opirajočo se na razum in razpravljanje, skratka, para digmo, v kateri politika ni več belina nedomesticirane eksistence v sicer racionalnem svetu, če uporabimo Habermasov besednjak. A ne glede na to, je Schmitt vseeno »uporaben« in izjemno sodoben v današnjem svetu, ker se je soočal s podobnimi problemi, s kakršnimi se soočamo tudi danes: kako doseči enotnost in celost skupnosti, če pa je njen referenčni okvir protislovje

²²³ Original: "Schmittova novost je v tem, da pravnega reda ne utemljuje na normi, marveč na odločitvi. Edino v tej luči ustava ni zgolj tekst, marveč ima dejansko življenje."

diferenciacije in funkcionalne specializacije tehnoloških in ekonomskih družbenih sistemov, njihova vedno večja racionalizacija in modernizacija. Skratka, na kakšen način zapopasti kolektivno identiteto, kije ne obsega ustava kot zapisan dokument. (Šumič-Riha, 144)

There is a move that happens halfway in the middle of this passage, a split-screen that is somewhat common for Ljubljana School. On the one hand, Šumič-Riha seems to be addressing a global theoretical discourse; the ‘current dominant paradigm’ points in this direction. And yet, in the discussion of the attempt to ‘grasp a collective identity that is not contained in the constitution as a written document,’ one can hear the immediacy of the post-Yugoslav context. After all, the new constitution of the independent state of Slovenia was, at the time, less than a year old, and the state was grappling with the political question of how to treat the newly stateless residents who would become known as “the Erased” (*Izbrisani*). So Šumič-Riha’s concern with “a collective identity that is not contained in the constitution as a written document” has a specific political echo, one that recovers Schmitt as a helpful touchstone in critiquing the nationalist discourse of the 1990s.

This local reference is also present, though fainter, in Slavoj Žižek’s later engagement with Schmitt, in the English-language volume *The Challenge of Carl Schmitt* (published by Verso in 1999, and edited by Chantal Mouffe, and who, incidentally, played a pivotal role in Žižek’s rise to prominence). The majority of this essay is devoted to supplementing the “theological background” that Žižek claims is missing from “Schmitt’s assertion of political antagonism” (which wanders fairly liberally from direct engagement with Schmitt). However, like Šumič-Riha, Žižek also frames Schmitt’s thought with regard to “the ‘foreigner’ whose status is never properly ‘regularized’”—whom he identifies as “the indivisible remainder of the transformation of democratic political struggle into the post-political procedure of negotiation and multiculturalist policing (Žižek, 38). Seeing this development as a consequence of “post-politics,” Žižek goes on to claim:

the reference to Schmitt is crucial in detecting the deadlocks of post-political liberal tolerance: Schmittian ultrapolitics—the radicalization of politics into the open warfare of Us against Them discernible in different ‘fundamentalisms’ - is the form in which the foreclosed political returns in the post-political universe of pluralist negotiation and consensual regulation. (Žižek, 43)

Thus, Schmitt proved to be a useful touchstone for both Šumič-Riha and Žižek in navigating the general trends in late twentieth-century political dynamics as well as the particular debates that animated the Slovene post-Yugoslav context.

More contemporary engagements with Schmitt's thought include examples such as Gal Kirn's *Partisan Ruptures: Self-management, Market Reform and the Spectre of Socialist Yugoslavia*.²²⁴ This text critiques Schmitt's figure of the partisan for its failure to consider the Yugoslav Partisan movement (which, he notes, is cited only once in Schmitt's text—in a footnote). As such, he argues that Schmitt fails to recognize the Partisan as an anti-colonial figure, which Kirn claims as the defining feature of Yugoslav partisans. He writes:

...the key problem of Schmitt's partisan figure lies in the last characteristic: the supposed 'telluric character' of the struggle ...[Schmitt's vision of the] partisan's adherence to the land points out the exceedingly conservative character of Schmitt's deliberations. (Kirn, 34)

In framing the Yugoslav People's Liberation Struggle as the "name for a revolutionary project that severed the bindings of European colonialism," Kirn argues for a new understanding of partisan that is grounded in Yugoslavia's "path of international struggle alongside the oppressed and colonized nations," foreshadowing its involvement in founding the Non-Aligned Movement. (Kirn, 32)

This brief review of several moments of engagement with Schmitt's thought in Slovenia has tried to show a complex and multifaceted reception history. Early support from a Slovene Catholic intellectual tradition was supplanted by a primarily anti-nationalist post-political application that contributed to both global and local political discourse of the 1990s. Finally, contemporary historical accounts contrast Schmitt's understanding of the partisan with its Yugoslav iteration, making the case that—to mix Schmittian metaphors—the Yugoslav partisan was an exceptional partisan.

Works Cited

²²⁴ The Slovene version—*Partizanski prelomi in protislovja tržnega socializma v Jugoslaviji*—was published in 2014 by Založba Sophia, while an English edition appeared in 2019 by Pluto Press. The latter is the version I cite here.

Unknown author writing under the pseudonym “Lajik” (layman), “Na napačni poti” (“On the wrong path”), *Slovenec*, Sept. 19, 1925, 1.

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States of Exception: Carl Schmitt in and on Ukraine

Mykhailo Minakov

This paper traces a dual trajectory of Carl Schmitt's influence in Ukrainian intellectual history. First, it explores how Ukraine and the Eastern European borderlands are portrayed—either directly or indirectly—in Schmitt's writings on sovereignty, the *nomos* of the earth, and the politics of enmity. Second, it examines how Ukrainian thinkers have engaged with Schmitt's conceptual toolkit across four distinct periods: the Soviet era and Western emigration (pre-1991), early independence (1991-2013), the post-Euromaidan period (2014-2021), and the era of full-scale war (2022-present). By contrasting Schmitt's depiction of Ukraine as a paradigmatic frontier with Ukrainian adaptations of his ideas, this analysis demonstrates how theoretical traditions migrate and evolve under conditions of geopolitical pressure.

Ukraine as Schmitt's Unspoken Frontier

Although Carl Schmitt never devoted a systematic study to Ukraine, his writings repeatedly engage the political, legal, and territorial problems that have defined the country's modern trajectory. Ukraine emerges obliquely within Schmitt's reflections on *Großraum* order, European *nomos*, and partisan warfare—less as a sovereign subject than as a paradigmatic object-space where competing empires tested their claims and where his categories of sovereignty, exception, and enmity found their sharpest empirical edge.

In *Der Nomos der Erde*, Schmitt situates Eastern Europe as a frontier of the *jus publicum Europaeum*, analyzing the Crimean War settlement of 1856 and the rearrangements of the Black Sea-Danube corridor as pivotal moments in reshaping European order (Schmitt, 1950/1974). While Ukraine is not foregrounded as an actor, its territories emerge as key sites of geopolitical contestation—a borderland where the balance between Russia, the Ottoman Empire, and Western powers was perpetually renegotiated.

Völkerrechtliche Großraumordnung makes Eastern Europe a paradigmatic example of large-space organization. Schmitt critiques Versailles for producing “senseless and disorderly” borders while highlighting minority problems (*Volksgruppenrecht*) as central destabilizing factors (Schmitt, 1939/2009). Ukrainian populations in Galicia, Volhynia, and the Black Sea hinterland fell squarely within this framework. Though not named directly, Ukraine appears structurally implicated in Schmittian analysis—a territory absorbed into competing large-space

orders, oscillating between *Reichsbildungen* and the interventions of “space-alien powers” (*raumfremde Mächte*).

Theorie des Partisanen offers a different lens, tracing the genealogy of irregular warfare from Spanish guerrillas to Soviet partisan mythology during World War II. The Eastern Front, encompassing much of Ukraine, serves as a central theater of the partisan type. Schmitt explicitly references Russian resistance in 1812 and Stalin’s mobilization of the partisan image in 1941-45 (Schmitt, 1963/1975). Although subsuming Ukrainian experience under “Russia/USSR,” it was precisely Ukrainian territory that became a principal battlefield of partisan warfare. Ukraine thus enters Schmitt’s thought as the implicit locus of his theory of territorialized resistance, total enmity, and the blurring of combatant and civilian.

Schmitt’s constitutional and political-theological writings contain no explicit Ukrainian references, yet their categories later traveled into Ukrainian debates. *Verfassungslehre* articulated the distinction between *pouvoir constituant* and constituted powers alongside democratic homogeneity principles (Schmitt, 1928/2017). *Der Begriff des Politischen* elevated the friend-enemy distinction as the political essence (Schmitt, 1932/2015). Although Ukraine is rarely mentioned directly or is absent from these texts, its categories would later provide Ukrainian theorists with powerful tools for analyzing post-Soviet constitutional crises, martial law, and Russia’s identification as an existential enemy.

Ukraine thus figures in Schmitt’s writings as an exemplary object of the dynamics he analyzed: a territory subject to great-power *nomoi*, a minority problem within unstable settlements, a battlefield of partisan warfare, and a quasi-state manipulated in international law. Ukraine’s significance lies in its role as the *unspoken frontier* of Schmitt’s thought—the borderland exemplifying how sovereignty, enmity, and order are constituted and contested in Europe.

Four Periods of Ukrainian Reception

Soviet Era and Western Emigration (Pre-1991)

During the Soviet era, Schmitt was known—perhaps surprisingly—but mainly through negative filters. Legal scholars in the USSR and Ukrainian SSR engaged with him through Marxist critique, where his sovereignty theory and constitutional criticism were recognized as theoretical challenges but were ultimately labeled “bourgeois,” “fascist,” or ideologically dangerous (Kiselev, 2020). His works were neither published nor stored in the closed

collections of Soviet libraries; they were filtered through ideological frameworks that highlighted his dangerous potential.

Simultaneously, émigré Ukrainian thinkers developed concepts resonant with Schmitt without explicit reference. Figures like Dmytro Dontsov and Viacheslav Lypynsky defended voluntarism, elite decision, and national unity—ideas mapping onto Schmitt’s emphasis on the political and decisionism (Motyl, 1980). Although direct publications were scarce, these currents laid the groundwork for later reception.

Ukrainian reception of Schmittian ideas in this period was indirect, ideological, and usually negative. Schmitt served primarily as a foil rather than a tool, though his categories lurked in nationalist thought and suppressed debate.

Ukraine 1991-2013: Recovery and Canon Formation

The USSR’s collapse opened space for engagement with Western political theory, including Schmitt. Ukrainian political science and philosophy began recovering Schmitt’s texts, translating and referencing them while maintaining critical distance.

Scholarly appropriation emerged clearly in works like Yuriy Sheyko’s 2012 analysis of political reductionism in German thought, which drew explicitly on *Der Begriff des Politischen* to argue for political autonomy and the friend-enemy distinction as analytical tools for Ukraine (Шейко, 2012). This transcended mere historical-theoretical work, attempting to show how Schmittian framework could diagnose local political depoliticization.

Cultural mediation emerged in Mykhailo Sobutsky’s essays, which explored Schmitt’s presence in popular culture, marking a turning point where Schmitt moved beyond specialist philosophy and law departments into broader cultural forums (Собуцький, 2011). Encyclopedic inclusion through entries like Demyanenko’s “Schmitt, Carl” in the *Political Encyclopedia* (2011) demonstrated canonization—Schmitt becoming officially part of reference literature (Дем’яненко, 2011).

Works by Yermolenko (2011, 2018) and Kebuladze (2020) brought Schmitt through the lenses of ideology, myth, political theology, and phenomenology, exploring deeper legitimacy structures in modern politics beyond legal doctrine. Studies of responsibility and securitization have shown that Schmittian ideas are beginning to influence Ukrainian political science in areas of risk, emergency, and state legitimacy (Горчаков, 2004; Зелінський, 2016).

Crucially, this period also witnessed the underground circulation of Schmittian ideas through political movements. During the 1990s, seminars on Schmittian concepts were

organized by the Social-Nationalist Party (later Svoboda Party) in Lviv, while pan-Slavist far-right groups conducted similar readings in Kyiv and Kharkiv from the late 1990s through the 2010s. These seminars, though often ideological rather than scholarly, created alternative channels for disseminating Schmittian thought on sovereignty, decisionism, and the political.

This period was marked by translation, curricular uptake, and selective appropriation, with scholars treating Schmitt as an analytical resource rather than a mere ideologue—though frequently with caveats and critical distance.

Ukraine 2014-2021: Crisis and Geopolitical Deployment

The 2014 revolution and subsequent Russian aggression marked a turning point. Schmitt ceased being merely an academic object and became a lens through which Ukrainian thinkers interpreted the real political crisis. Acceptance of Schmitt's relevance accelerated, especially regarding war, sovereignty, exception, and threat.

Ukrainian scholars began mapping Schmitt's *Großraum* ideas onto Russian foreign policy, describing Russia's behavior as emblematic of Schmittian large-space logics, spheres of influence, and anti-interventionism. Vasyl Osin's 2021 study of political knowledge communities examined how "classical" texts, including Schmitt's works, circulated in Kharkiv, Simferopol, Lviv, and Chisinau, revealing regional variations in reception (Осін, 2021).

The notion of exception (*винятковий стан*), martial law, and constitutional suspensions appeared prominently in Ukrainian legal scholarship. Mykhailo Savchyn's 2020 comparative constitutional law analysis incorporated Schmittian perspectives on emergency powers (Савчин, 2020), while doctoral research like Leonid Shumskyy's 2018 dissertation on the rule of law in Schmittian political theory showed institutional embedding of these ideas (Шумський, 2018).

The 2021 Ukrainian annotated edition of *The Concept of the Political* (bit reproducing the Russian edition)²²⁵ became central, allowing journal articles, student theses, and public commentary to reference Schmitt directly in Ukrainian. Cultural studies, journalism, and philosophy magazines began referencing Schmitt in essays about ideology, war, and values. Oleg Khoma's 2015 analysis of contemporary challenges to political theology and Andrey Rakhmalov's 2015 dissertation on the philosophical preconditions of fascist ideology in

²²⁵ So far, none of Carl Schmitt's major works have been translated into Ukrainian. Whether scholars and intellectuals, or political activists, they all rely on Russian translations (sic!), or some on English translations, and rarely consulting the original texts.

German social philosophy revealed a growing scholarly engagement (Хома, 2015; Рахмайлов, 2015).

During this period, Schmitt became a tool of interpretation for Ukraine's existential situation, enabling scholars to make sense of the political crisis, the Donbas War, the constitutional fracture, and Russian geopolitical encroachment.

Since 2022: War and Global Visibility

Russia's full-scale invasion created a surging intellectual demand for frameworks that account for exceptional war conditions, existential threats, emergency powers, and civilizational rhetoric. Schmittian ideas moved into both academic and public-political discourses with unprecedented visibility.

Academic research since 2022 has explicitly reconstructed the Schmittian state of exception and friend-enemy dichotomy to analyze Ukrainian wartime governance. President Zelensky's decree imposing martial law from February 24, 2022, suspended key constitutional rights and converted civilian authorities into military administrations—a transformation that Ukrainian legal scholars increasingly analyze through Schmittian lenses of emergency powers and sovereign decision (Chernovol, 2022). The prolonged nature of martial law—extended quarterly through 2025—has prompted scholarly debate about democratic legitimacy under exceptional conditions.

Ukrainian intellectuals have engaged in extensive public discourse about the meaning of the Russo-Ukrainian War. Through platforms like the “Dialogues on War” project, organized by Ukrainian PEN in partnership with Harvard University's Ukrainian Research Institute, scholars such as Vakhtang Kebuladze and Konstantin Sigov, among others, have reflected on the transformative effects of war on Ukrainian political identity—discussions often invoking Schmittian themes of existential politics, *Großraum*, and civilizational conflict.

Roman Demchuk's 2024 analysis of neo-Eurasianism as necropolitics in the civilizational context of the Russo-Ukrainian War exemplifies how Ukrainian scholars deploy Schmittian conceptual frameworks to interpret Russia's imperial project (Демчук, 2024). The “Sustainable Peace Manifesto: Never Again 2.0,” produced by a group of Ukrainian intellectuals, explicitly rejects territorial concessions and neutrality concepts—positions that implicitly engage with Schmittian critiques of liberal internationalism while affirming Ukraine's democratic aspirations.

Critical posture remains prominent. While usage of Schmittian thought increases, Ukrainian scholars warn about normative dangers: Schmitt's association with authoritarianism, Nazi involvement, and anti-liberalism. Many employ his concepts descriptively rather than prescriptively, using Schmittian analysis to critique Russia's behavior while defending, at least rhetorically, democratic values.

Several patterns emerge from this trajectory. First, Schmitt's work shifted from being mostly banned to becoming a cornerstone of Ukrainian intellectual life, driven by key events like Ukraine's independence in 1991, the Euromaidan uprising, Russian aggression in 2014, and the full-scale war that began in 2022. Second, each period of existential crisis accelerated the adoption of Schmitt's work as crises demanded new categories and relaxed institutional restrictions on referencing "dangerous" theorists. Third, Ukrainian authors practiced selective appropriation, repeatedly adopting the friend-enemy distinction, *nomos*/territorial order, exception/sovereignty, and *Großraum* analysis, while avoiding his legal positivism, Nazi-period justifications, or extreme decisionist projects. Fourth, institutional forms mattered greatly—scholarly articles, activists' materials for partisan discussions, annotated editions, encyclopedic inclusion, dissertations, and university courses—all played crucial roles alongside public intellectual venues. However, Schmitt's major writings remained untranslated into Ukrainian during these developments. Finally, Schmittian ideas were consistently employed to interpret Russia's imperial doctrine and Ukraine's borderland position, with Ukrainian sources utilizing Schmitt to identify the "enemy," frame existential politics, or critique liberalism's inability to respond to aggressive powers.

Conclusion

By 2025, Schmittian thought is embedded across multiple layers of Ukrainian intellectual life: as an analytical toolkit, a moral warning, a public memory, and a conceptual vocabulary. The normative assessment of his legacy remains contested—Ukrainian thinkers adopt some concepts while refusing others. Yet Schmitt's theories of exception, sovereignty, political identity, and enmity have undeniably become part of how Ukraine understands itself in crisis.

This trajectory reveals neither simple admiration nor wholesale rejection, but an evolving set of mediated appropriations, transformations, and resistances conditioned by historical rupture, violence, and geopolitical exposure. The dialectic between Schmitt's objectification of Ukraine and Ukraine's active reinterpretation of Schmitt underscores how

theoretical traditions migrate and mutate under geopolitical pressure, and how a thinker once hostile to liberalism has become a critical—if ambivalent—resource for a society fighting for its democratic future.

While Schmitt himself rarely granted Ukraine direct agency—casting it instead as part of contested borderlands in larger European orders—Ukrainian intellectuals have persistently turned to his categories to articulate their position in moments of crisis. From émigré echoes of decisionism through Soviet polemics to post-independence theoretical uptake and wartime language of exception and enmity, Schmitt's legacy has served less as a doctrinal model than as a conceptual apparatus for diagnosing vulnerability, sovereignty, and survival in Europe's contested periphery.

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Ulrich Schmid

Eastern Europe in Carl Schmitt's Writings

Carl Schmitt was a man of the Western hemisphere as he would put it. He was not an avid traveller and preferred to stay at his homes in Düsseldorf, Munich, Bonn, Berlin and, of course, Plettenberg. During World War II, he supported the German Propaganda in allied (Italy, Spain, Portugal, Hungary, Romania) or occupied European Countries (France, Belgium).²²⁶ He had a good command of French, Italian, Spanish and English, but did not master any East European language. One notable exception is his interest for Yugoslavia. He visited his Serbian relatives (Duschka Todorović's family) in 1925 and 1935. The first trip to what he anachronistically called "Illyria" is documented in a short essay for the catholic journal *Hochland*. Schmitt's intellectual curiosity was directed mainly towards Western European cultural history with a focus on the 18th and 19th century.

Schmitt chose to speak about "Illyria" on purpose. He scorned the name of the "S.H.S." kingdom after World War I that was as "ugly as a modern brand name". He did not like either the subsequent name of the "Kingdom of Yugoslavia", because "Yugoslavia" was in his view a political term that had been turned into a geographical one. Schmitt actually never elaborated on his predilection for the name "Illyria". However, two reasons may be surmised: First, Schmitt stressed the profoundly European nature of the South Slavs. At the same time, he pointed to the threat of Islam that kept challenging the local culture. "Illyria" symbolizes the heritage of the ancient Greek colonies that gave way to South Slavic settlements. Ultimately, he maintained that "the Balkans are in a much more intense sense than Russia the boundary between Europe and Asia".²²⁷ Second, Schmitt probably hides his admiration for Napoleon in the reminiscence of the "Illyrian provinces" – a short lived republican project from the years 1807–1809 that in Schmitt's view certainly once again stressed the European dimension of the Balkans. Very much in line with this travelogue is Schmitt's appreciation of Ivo Andrić who masterfully depicted the encounter of the European and Oriental worlds in the Balkans. In fact, the epic novels "Bridge over the Drina" and "Wesirs and Consuls" can aptly be interpreted in Schmittian terms of self assertion, political fight and eventual establishment of rule of law. On 29 June 1940, Schmitt wrote to Gretha Jünger, Ernst Jünger's wife: "I am falling more and more in love with Andrić's novellas, especially 'The Bridge on the Zepa'." There is only one known letter by

²²⁶ Christian Tilitzky: Die Vortragsreisen von Carl Schmitt während des Zweiten Weltkriegs. In: Piet Tommissen (ed.): Schmittiana. Beiträge zu Leben und Werk Carl Schmitts. Band VI. Berlin 1998, 191-270.

²²⁷ Carl Schmitt: Illyrien – Notizen von einer dalmatischen Reise. In: Staat, Großraum, Nomos. Arbeiten aus den Jahren 1916-1969. Berlin 1995, 483-490, 484, 487.

Schmitt to Andrić from 4 November 1940 in which Schmitt sends "with sincere admiration" a Shakespeare quote about which they had talked the evening before.²²⁸

"Illyria" entered the Carl Schmitt's biography in the guise of his two wives. In 1916 he married Cari Dorotić who was born as an illegitimate child in Vienna and grew up in Munich. Cari pretended to be a Croatian duchess who had escaped into a artistic existence as a "Spanish dancer". Only in 1922, when Schmitt already had filed for divorce, he found out about her fake aristocratic descent.²²⁹ He argued that he had been deceived, but it is probably more correct to talk about Schmitt's self-deception in this case. In hindsight, Schmitt would qualify this episode as "a pathetic marriage story" (erbärmliche Ehegeschichte).²³⁰ Later on, Schmitt purged all traces of Cari Dorotić from his personal archive.²³¹ He quarrelled with the Catholic church about the divorce which he was ultimately denied. In a civil ceremony, Schmitt married in 1926 "Duschka" Todorović, a Serbian student who belonged to the Serbian minority in Croatia. Her Serbian origins also directed Schmitt's sympathies towards the Serbs during World War II. On 13 November 1943 he noted in his diary: "My heart ached with compassion for the Serbian people."²³² Duschka remained the object of Schmitt's dear affection until her untimely death, caused by tuberculosis and cancer.

It is quite surprising how little attention Carl Schmitt paid to the Russian revolutions, the foundation of the Soviet Union and the establishment of the Communist regimes in Eastern Europe after World War II. As an eminent political mind, Schmitt was more interested in theoretical than the practical side of the historical developments. In 1921, when the Russian civil war was still in full swing, Schmitt wrote a treatise on "Dictatorship". He already anticipated the probable establishment of the Bolshevik regime in Russia. Schmitt was interested in dictatorship exclusively as a deviation from the norm of constitutional democracy. However, The Soviet case was special. Because communist ideology presents not only the form of government that has to be fought against, but also the form of government that is yet to be established as a dictatorship, "dictatorship" appears here as a separate "historical-philosophical" category and is therefore of no interest to Schmitt. The dictatorial Soviet regime is in this sense an exception to the exception.²³³

²²⁸ Dušan Glišović: Ivo Andrić, kraljevina Jugoslavija i Treći rajh 1939 - 1941, T. 1. Beograd 2012, 501.

²²⁹ Reinhard Mehring: Schmitt Aufstieg und Fall. München 2009, 57.

²³⁰ Carl Schmitt Tagebücher 32 oder 39

²³¹ Mehring, 16.

²³² Carl Schmitt: Tagebücher März bis September 1943. <https://www.carlschmitt.bio/RW-0265-19618/#d1e27893>

²³³ Carl Schmitt: Die Diktatur. Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf. Berlin 2006, XVI.

Occasionally, Schmitt mentions Lenin, but neither Trotsky nor Stalin really became persons of interest for him. Even Lenin does not appear as a historical figure in his own rights but as a radical continuator of the Prussian school of political thought (Scharnhorst, Gneisenau, Clausewitz). Schmitt points to the typological similarities between Napoleon's management of the wars against various coalitions and Lenin's grip to power: Both the French and the Russian dictator based their power by preaching absolute enmity and both overcame military inferiority. In a conversation from 1969, Schmitt criticized the Prussians for never really implementing their own theory of the "absolute enemy"; only Lenin "understood" this strategy. Schmitt explained this Prussian shortcoming by pointing to the status of military professionals such as Gneisenau and Clausewitz. Only Lenin who considered himself a professional revolutionary was able to combine the limited state power with the unlimited power of the partisan. Lenin combined all legal and illegal means in order to destroy his enemies. Schmitt acknowledges in full admiration what Lenin writes about revolutionary violence:

“Revolutionaries who do not understand how to combine illegal forms of struggle with all legal ones (underlined by Lenin himself) are extremely poor revolutionaries.” That's it. Famous philosophers and writers of Leninism and Stalinism have made these theses of Lenin the subject of their exegesis, with the result that all legality becomes a tactical tool, while for them there is only one type of historical legitimacy, that of the communist revolution. For them, this legitimacy justifies every measure and every form of legal and illegal terror.²³⁴

Already in his essay on "Dictatorship" (1921), Schmitt had explained the radicality of the Bolsheviks with the lack of Western European traditions that had been binding both for the Prussian war theorists and the founders of the Communist ideology: "Perhaps Marxism appeared so unrestrained on Russian soil because here proletarian thinking was finally freed from all ties to Eastern European tradition and all the moral and educational ideas in which Marx and Engels still lived quite naturally."²³⁵

Still, Schmitt was fascinated with the totalitarian claim of the Bolshevik party. Schmitt astutely observes an internal contradiction in the ideological self understanding of the Soviet government that acts like a partisan who is free from all legal constraints and purports to create his own laws. Schmitt highlights the etymology of "partisan" as "member of a party". At the same time, the Bolshevik party claims to represent the "total". This is, of course, an oxymoron: The part cannot be at the same time the whole.²³⁶ The Russian case, however, represented in Schmitt's view only a first stage which was eventually brought to perfection in communist

²³⁴ Carl Schmitt: Das Problem der Legalität (1950). In: Carl Schmitt: Verfassungsrechtliche Aufsätze aus den Jahren 1924–1954. Materialien zu einer Verfassungslehre Berlin 2003, 440-452, 448.

²³⁵ Schmitt, Die Diktatur, 77

²³⁶ Joachim Schickel: Gespräche mit Carl Schmitt. Berlin 1993, 22-24.

China. Schmitt claims that Lenin's partisanship was by far surpassed by Mao's creation of a "partisan elite".

There is a second aspect of the Bolshevik totalitarian claim. Obviously, Schmitt was no friend of the League of Nations. This internationalist project contradicted Schmitt's deepest beliefs about statehood in general and German statehood in particular. In 19xx, he wrote apodictically about Germany's right to a sovereign state:

"So we are talking again about fundamental rights, about the fundamental rights of peoples and states, and in particular about the fundamental rights of those states that have put themselves in order internally, reflecting on their own nature.

One such state is the National Socialist state, which has led the German people to reflect on themselves and their nature. We start from the most self-evident of all fundamental rights, the right to one's own existence. It is an inalienable, eternal fundamental right that includes the right to self-determination, self-defense, and the means of self-defense.

This provides a simple and clear basic legal position, on the recognition of which not only the fate of Germany but also the fate of a European community based on international law and of international law itself depends. Our legal position is therefore clear and secure. We have a legal basis that has been tested in legal science, the likes of which no other people on earth has ever had in a better or more solid form."²³⁷

Schmitt did not only not lament that Germany was not part of the league of nations. In the contrary, he welcomed the sovereign position of Nazi-Germany in world politics. German membership in the League of Nations would have meant an infringement in the free exercise of state power on the international arena. Precisely this aspect becomes important in Schmitt's interpretation of the Bolshevik state. He points to the inherent incompatibility between the Bolshevik ideology and the institutionalization of international law as represented by the League of Nations:

The Bolshevik theory contrasts the universality of a League of Nations of bourgeois states with the universality of the proletarian world revolution and communism. This most clearly illustrates the problem of objective universality. Bolshevik Russia could belong to a universal postal union, a purely administrative and technical organization for combating the opium trade, an office, or even a political alliance. In a real League of Nations, on the other hand, it would necessarily have to play the role that anti-parliamentary parties play in parliament today, i.e., it

²³⁷ Carl Schmitt: Nationalsozialismus und Völkerrecht (1934). In: Carl Schmitt: Frieden oder Pazifismus? Arbeiten zum Völkerrecht und zur internationalen Politik 1924-1978. Berlin 2005, 391-423, 393.

would consciously use the institution in which it participates to dissolve and eliminate its foundations.²³⁸

This is, of course, not a critique of Bolshevik Russia, but of the League of Nations. Ultimately, Schmitt admires the decisionist stance of the Bolshevik government. The ideological identity of the Russian Bolsheviks dominates all foreign policy decision making. It is remarkable, that Schmitt never pointed to an apparent dilemma of Russian Bolshevism that arises in front of his own value system. On the one hand, Russia is a viable state only because it has a strong Bolshevik ideology. On the other hand, Bolshevism must strive to destroy Russian statehood in a world revolution that will inevitably come in the near future. Maybe Schmitt turned a blind eye towards this dilemma because he instinctively feared that his praise of the German Nazi state could suffer from a similar contradiction. Certainly, Schmitt advocated in the 1930s the German expansionism. He considered Hitler to be an Anti-Katechon. The Katechon is in Schmitt's philosophy an important notion.²³⁹ Schmitt borrowed this principle from the New Testament, where apostle Paul uses it to denote the force that prevents the Antichrist from coming and ruling the world. For Schmitt, history made only sense as history of salvation, and the Katechon is a decisive factor in the metaphysical antagonism between good and evil in earthly history. For Schmitt, Hitler embodied a metaphysical force that opened the way for historical developments that had been artificially held back. In 1949, Schmitt characterized Hitler "as executor, as collector of unpaid debts; unleasher of backward stagnation; executor of overdue idealizations" ("als Vollstrecker als Einkassierer unbeglichener Forderungen; Entfesseler rückständiger Stauungen; Exekutor fälliger Idealverwirklichungen").²⁴⁰

Possibly, also Lenin fulfilled in Schmitt's historical interpretation the same role of an Anti-Katechon. Lenin, as a predecessor of the revolutionary Hitler, had freed all the historical energies in Russia that had accumulated in a wrongful halting of history in the late Tsarist Empire. Conversely, the shortlived independent states in interwar Eastern Europe were governed by Katechon rulers. Schmitt mentions explicitly Józef Piłsudski and Tomáš Garrigue Masaryk as Katechon figures. Both leaders guaranteed the existence of Poland and Czechoslovakia although it was already clear during their lifetime that these states were doomed. After the war, Schmitt stated in his diary with bitter irony, that Germany was not a sovereign state anymore (Glossarium 2, 310) and that he himself had become "more than Masaryk" (Glossarium 118). Obviously, Schmitt cast now himself in the role of the Katechon – powerless

²³⁸ Carl Schmitt: Die Kernfrage des Völkerbundes (1924) In: Carl Schmitt: Frieden oder Pazifismus? Arbeiten zum Völkerrecht und zur internationalen Politik 1924-1978. Berlin 2005, 1-25, 22. See also 126.

²³⁹ Felix Grossheutschi: Carl Schmitt und die Lehre vom Katechon. Berlin 1996.

²⁴⁰ 4.3.49 Glossarium 223

as he was, he still had the power to keep the dwindling German state alive. In a comment on the Pasternak affair from 12 November 1958, Schmitt went as far as to propose to rename Germany as "Pasternakistan". The Russian writer Boris Pasternak had been awarded the Nobel prize for his novel "Doctor Zhivago" but was forced by the Soviet authorities to turn down the distinction. The Western countries protested against this propaganda move, Germany joined the protests against the Soviet government. Schmitt felt that German "Pasternakistan" had aligned with its powerful Western allies, "because this will greatly facilitate recognition of our advancement into humanity and significantly promote our chances of being accepted into the UN."²⁴¹ (

Ultimately, Schmitt had nothing but dire forecasts for the Germans: Die Deutschen können nicht wie Rom zu einem Reich gelangen, nicht wie die Franzosen eine Nation bilden und nicht wie die Polen oder Tschechen zu einem Volk werden 28.10.57 Glossarium 2, 366f. Interestingly, the Poles and the Czechs become here a role model for a "Volk" that is able to survive under foreign (in this case: Soviet) domination. Conversely, the Germans have to live under US-American domination. But unlike the Poles and the Czechs who preserved their national cultural foundation, the postwar Germans lost not only their sovereignty but also their national identity.

In "The Sea against the land", one of the first preparatory essays that would later evolve into Land and Sea (19xx), Carl Schmitt equalled Great Britain with Leviathan and Germany with Behemoth. The fight between the leading sea power and the leading land power acquired a mythological dimension. This was in Schmitt's view even more significant as the Jews watch the fight and eventually eat the meat of the two beasts that kill each other. For Schmitt, the war between Germany on the one hand side and France and Great Britain could be legally justified. He constantly mocked the notion of an "aggressive war" (Angriffskrieg) and maintained that from an international law perspective the war parties in World War II had equal rights. However, already in 1938 Schmitt observed a "turn towards a discriminatory notion of war" which introduced a moral judgement into the war situation and discriminated one war party over another. Obviously, Schmitt criticizes the treaty of Versailles in which the German Kaiser is indicted because of his "most grave violation of the international moral law and the sanctity of covenants".²⁴²

While Schmitt saw the confrontation between Great Britain and Germany as a natural consequence between "sea and land", Russia occupied another place. Schmitt considered both

²⁴¹ weil so die Anerkennung unseres Aufstiegs in die Menschheit wesentlich erleichtert und die Chancen unserer Aufnahme in die UNO bedeutend gefördert werden." Glossarium 2 376 12.11.58)

²⁴² Carl Schmitt: Die Wendung zum diskriminierenden Kriegsbegriff. Berlin [1938] 2003, 52.

Russia and Germany as telluric powers and hence as natural allies. Consequently, Schmitt welcomed the Hitler-Stalin pact as a first step towards a new "Nomos of the earth". After the "total war" he expected a "total peace" Zeitlin. In a personal conversation with Nicolaus Sombart, Schmitt even went a step further and compared Great Britain to a pirate vessel:

The island of England suddenly breaks away from the mainland and becomes a ship sailing out onto the oceans. 'A ship,' he said mysteriously, 'a pirate ship.' The island of England and its world-conquering seafaring did not need an absolute monarchy, a standing army, or a legal system, as became necessary for continental Europe. Thoughtfully, he added, 'The English people simply did not need a state, and yet they became a world power. . . . The English people, you see, chose against the state—for the free sea!'²⁴³

One precondition for this second step that would turn England from a simple political enemy into a total enemy would be the radicalisation of German politics. Germany would have to superate its self inflicted imperative of legality and draw a new "amity line" that would stop short of the Channel and exclude England from the legal space dominated by Germany.

While England was to be fought first as a political adversary and ultimately as an absolute enemy, Russia represented another "Reich" that just needed to be delineated and separated from the expanding German "Reich".

In his war treatise "International Law and the Order of the Greater Region with a Prohibition on Intervention by Foreign Powers," written in 1939 before the German invasion of Poland, Schmitt focuses primarily on the Monroe Doctrine as an example of a successful order of the "big space" (Großraum). For Germany, he calls for a reorientation as an "empire" that asserts its own "big space". The Soviet Union is mentioned only twice in passing in this paper. The Protectorate of Bohemia and Moravia had been established two weeks before the Kiel conference, at which Schmitt presented his concept of the "big space". Schmitt considered this step legitimate because it had led to further integration of the German "big space". He welcomed the German invasions in Czechoslovakia, Austria, Denmark, Poland, Belgium or France because these states allegedly belonged to the German "big space". However, it was not until long after the war, in 1957, that Schmitt seemed to realize that aggression against Czechoslovakia based on a "big space" order could also come from the "opposite side."²⁴⁴

The German invasion of the Soviet Union in June 1941 reduced Schmitt's ideas about the order of "big spaces" to absurdity. Now it was precisely the new German "Reich" that, as a "foreign power," attacked the Soviet "big space". In his apology for the concept of "big space", Schmitt had prophesied in dramatic words the dawn of a new era in international law:

²⁴³ Sombart, *Jugend in Berlin*, S. 256.

²⁴⁴ Carl Schmitt: *Verfassungsrechtliche Aufsätze aus den Jahren 1924 - 1954*. Berlin 2003, 7.

But as soon as big spaces under international law with a ban on intervention by foreign powers are recognized and the sun of the concept of the Reich rises, a definable coexistence on a sensibly divided earth becomes conceivable and the principle of non-intervention can unfold its ordering effect in a new international law.²⁴⁵

Consequently, Schmitt held that the operation Barbarossa in June 1941 contradicted international law. Schmitt considered the German assault on the Soviet Union as both a political mistake and a violation of international law. Several times, he returned to this topic in his notebooks. 25.9.47: "The compulsion to find a total enemy, but only one, not two: East and West at the same time, Russians and Anglo-Saxons, Communists and Jews at the same time, that was too much." He went as far as calling Hitler a "blunderer" (Tölpel) for this decision to attack the Soviet Union.²⁴⁶

Ultimately, Schmitt's intellectual tragedy lies in the fact that he developed Friedrich Naumann's musings about a German dominated "Mitteleuropa" into an illiberal political vision but did not account for the military greed of the decisionist dictator who overstretched his "Reich".

²⁴⁵ Carl Schmitt: Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte. Ein Beitrag zum Reichsbegriff im Völkerrecht. Berlin 1991, 49.

²⁴⁶ Carl Schmitt, Glossarium. Aufzeichnungen der Jahre 1947-1951. Berlin 1991, 18, 117.

Carl Schmitt and Russian Authoritarian Constitutional Discourse

Caroline von Gall

Introduction

Contemporary Russian constitutional and international legal policy is often interpreted through the lens of Carl Schmitt's legal theory. Indeed, a significant proportion of Carl Schmitt's theoretical concepts are particularly well-suited as a framework to explain the underlying logic of Russian legal policy, e.g. with regard to sovereignty, presidential powers or the idea of a foreign policy within the greater space.

At the same time it is noteworthy that notwithstanding the fact that Carl Schmitt might occupy a substantial position within the conservative discourse of the Russian elite,²⁴⁷ Carl Schmitt is almost never referenced or discussed in contemporary *Russian legal literature*. While in the early years of the Soviet Union, there was a marked interest in the legal theory of Carl Schmitt, particularly with regard to the concept of decisionism and dictatorship, from the 1940s onwards, Schmitt's work as a "fascist author" became taboo and he was no longer cited in Soviet legal discuss. This phenomenon persists until today.

The article argues that because of his pervasive reputation as one of the most prominent anti-liberal legal thinker using Carl Schmitt's ideas as an explanation for authoritarian constitutionalism may prove both eye-opening and illuminating to explain the politics of the Russian authoritarian state. However, labelling Russian constitutional policy as "Schmittian" may also risk obscuring the complex developments, the differences from Schmitt, and the independent intellectual history of Russian authoritarian constitutional law. In this respect the label "Schmittian" for Russian constitutional policy should be used with caution.

Carl Schmitt as an Explanation for Putin's legal politics

Since at least 2012, there has been a marked shift towards a more autocratic political system in Russia, characterised by increasing repression and aggression. Concurrently with the repression of internal resistance, the Putin regime has adopted a more aggressive stance in its foreign policy. This development is frequently explained in the English-language literature with reference to Carl Schmitt.²⁴⁸ A comprehensive analyses of the influence of Schmittian thought

²⁴⁷ On Putin's ideology: Fiona Hill / Clifford G. Gaddy, *Mr. Putin. Operative in the Kremlin*, Washington 2013; Masha Gessen, *Der Mann ohne Gesicht. Waldimir Putin. Eine Enthüllung*, München 2012; Michel Eltchaninoff: *In Putins Kopf. Logik und Willkür eines Autokraten*, Stuttgart 2022; Brian Taylor, *The Code of Putinism*, Oxford 2018.

²⁴⁸ Stefan Auer, *Carl Schmitt in the Kremlin: The Ukraine Crisis and the Return of Geopolitics*, *International Affairs* 2015, 91(5), David G. Lewis, *Russia's New Authoritarianism: Putin and the Politics of Order*. Edinburgh:

in Russia has been presented by David Lewis in his 2020 book “New Authoritarianism”.²⁴⁹ Lewis argues that Putin's Russian authoritarian regime can be best understood through several conceptual pillars that underpinned the Russian political system during the years 1999–2019 and are reflected in Schmittian thinking.

The first pillar is the concept of sovereignty. Lewis shows that Putin's search for sovereignty first aims at the question of decision-making, “defined as the freedom from both domestic and international constraints on political action.”²⁵⁰ For Schmitt, sovereignty is the highest power. The defining act of sovereignty, asserts Schmitt, is the decision to declare the exception that is made by the sovereign without constitutional or legal constraints. Schmitt argues that it is *Entscheidungsmonopol*, the “monopoly of decision”, that defines the essence of the sovereign state. Therefore, the sovereign is legitimized to act outside the law and to decide on the state of emergency (“Souverän ist, wer über den Ausnahmezustand entscheidet”).²⁵¹ Lewis writes that there is a simple answer to why Putin annexed Crimea: “Because he could, or, more accurately, because the annexation declared that Russia's sovereignty, embodied in its president, had finally been regained.”²⁵²

Second, Lewis examines the experience of a weak, flawed democracy in Russia in the 1990s contributed to a distrust of political pluralism, and its replacement by a form of authoritarian politics. Lewis convincingly shows that the point of departure for both Schmitt and the Putin regime is the search for order, that is more important than individual freedom and democracy.²⁵³ Lewis identifies chaos and order as central paradigm of contemporary Russian elites.²⁵⁴ In this regard Putin searches for rule of law (*верховенство закона*) in the Russian sense of legality: of being bound by the law established by those in power. Lewis recollects that when Vladimir Putin won his first presidential elections in 2000, he promised voters a revolution in legality, the creation of a law-based state.²⁵⁵ This demand was less about

Edinburgh University Press 2022, Paweł Ireneusz Karolewski, Xie Libin, Haig Patapan, Gábor Halmai, Acar Kutay, Petra Guasti, and William E. Scheuerman. Carl Schmitt and Democratic Backsliding’. *Contemporary Political Theory* 2023. Peter Hilpold, Justifying the Unjustifiable: Russia's Aggression against Ukraine, International Law, and Carl Schmitt's “Theory of the Greater Space” (“*Großraumtheorie*”), *Chinese Journal of International Law*, Volume 22, Issue 3, September 2023, p. 409–433, Socher, Russia and the Right to Self-Determination in the Post-Soviet Space, *Mälksoo*, Russian Approaches to International Law.

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²⁵⁰ Lewis, Russia's New Authoritarianism.

²⁵¹ Lewis, Russia's New Authoritarianism, p.123; C. Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (trans. by G. Schwab, 1985) [1934], p. 5.

²⁵² Lewis, Russia's New Authoritarianism, p.143.

²⁵³ Lewis, Russia's New Authoritarianism, p. 8.

²⁵⁴ Lewis, Russia's New Authoritarianism, p. 7.

²⁵⁵ Putin, *Televizionnoe obrashchenie k grazhdanam Rossii*, Moscow, 17 May 2000, <http://kremlin.ru/events/president/transcripts/21440>.

safeguarding human rights and a pluralistic democratic order, and more about establishing a robust state capable of enacting and enforcing legislation. Lewis shows how Putin as the sovereign leader monopolised decision-making power to the detriment of other institutions.

Third, Lewis discusses the Russian use of the Schmittian friend–enemy distinction.²⁵⁶ Indeed, since 2008 anti-Westernism became a constitutive discursive element in a new state identity project for Russia, which also produced an internal politics of division and marginalisation of political opponents, at times expressed in extreme terms as a ‘fifth column’. Here, the necessary homogeneity in politics is achieved through demarcation.

Fourth, Russian foreign policy search for great status at the centre of a wider region contributed to a succession of spatial projects in Eurasia, which often demonstrated affinity with aspects of Schmitt’s theory of *Großraum* geopolitics.

Lewis justifies the comparison with growing attraction of Schmitt's political thinking among Russia's intellectuals, including Alexander Dugin, who according to Lewis has influenced the country's political establishment. Carl Schmitt is the “the theorist of choice” for conservative Russians.²⁵⁷ Lewis argues that Carl Schmitt became “one of the most important influences in Russian conservatism in the 2000s.”²⁵⁸ Lewis admits that Schmittian thinking was not directly borrowed but identifies a “*Weltanschauung*”, that was strongly influenced by “various tenets of a Schmittian paradigm of illiberal thought.”²⁵⁹

Carl Schmitt in Early Soviet Legal Thought

It is interesting to see that Schmitt enjoyed great recognition already in Soviet legal theory in the 1920s and 1930s. Mikhael Kiselev²⁶⁰ has shown that early Soviet legal scholarship was still very much shaped by the intensive engagement with contemporary Western legal theory. The intensive reflexion on Western legal thought had characterised Russian theory in the Tsarist period and was still alive in early Soviet scholarship. Against this backdrop, Kiselev points out that during the pre-revolutionary era Schmitt's work was read with a largely critical reception. Examples of can be found in review articles about Schmitt’s 1912 book “*Gesetz und Urteil*” by prominent Russian lawyers Max Laserson²⁶¹ and Iosif Prokovsky.²⁶² Prokovsky, in particular,

²⁵⁶ Lewis, *Russia’s New Authoritarianism*.

²⁵⁷ Lewis, *Russia’s New Authoritarianism*, p. 30.

²⁵⁸ Lewis, *Russia’s New Authoritarianism*, p. 29.

²⁵⁹ Lewis, *Russia’s New Authoritarianism*.

²⁶⁰ Kiselev, *Carl Schmitt v SSSR [Carl Schmitt in the USSR]*. *The Russian Sociological Review* 2020, vol. 19, no 2, pp. 276-309 (in Russian).

²⁶¹ Лазерсон М. Я. (1912). Рец. на: С. Schmitt. «*Gesetz und Urteil*». Eine Untersuchung zum Problem der Rechtspraxis, Berlin, 1912 // *Право*. 23 сентября. № 38. Стб. 2041–2043.

²⁶² Покровский И. А. (1916). «Прагматизм» и «релятивизм» в правосудии // *Вестник*

criticises the realistic view of the judge's role, instead opting for an idealistic approach that was prevalent in Russian jurisprudence at the time.

Kiselev demonstrates that after the Bolshevik revolution 1917 approval in Schmitt's positions grew rapidly. Soviet authors appreciated Schmitt's criticism of parliamentarianism, liberalism and normativism.²⁶³ Schmitt is praised for his realistic view of law, which focuses on the issues of power, sovereignty, revolutionary dictatorship, and states of emergency.²⁶⁴ Both Schmitt and Marx see law as the result of actual power. Reference is made here to the Hobbes quote cited by Schmitt: "Auctoritas, non veritas facit legem" ("Authority, not truth, makes the law"), with the addition that the essence of authority lies in the monopoly of decision-making. Therefore, it depends on who exercises coercion. Law is not made by truth, but by power.

Peteris Stuchka (1865-1932), who occupied the positions of both Chairman of the Supreme Court of the RSFSR and Head of the Department of General Legal and State Theory at the Socialist Academy of Science, has expressed a keen interest in Schmitt's examination of the question, "When is a judicial decision right?", as presented in Schmitt's 1912 book "Gesetz und Urteil".²⁶⁵ The work criticises legal positivism, emphasising the importance of judges' decisions as norms must be interpreted and applied. Therefore, the decision itself is not contingent upon the norm and is deemed necessary. It was Schmitt's belief that judges base their reasoning on real world and power relations, and in particular, on the higher courts as the paramount legal authority. It was essential that the judges convince the higher courts. Stucka concurred with Schmitt's assertion that legal decisions should be grounded on real power. As a Marxist, however, he advanced a divergent perspective, proposing that sound judgment ought to be informed by the convictions of the masses, specifically the working people, as the paramount legal authority.²⁶⁶

Soviet theory found Schmitt quite helpful to overcome the considerable challenge it faced at the time.²⁶⁷ In Marx' perspective, the law and the state are considered redundant under a communist system, as both are predicted to ultimately dissipate. The issue that arises in the

гражданского права. № 5. С. 18–39.

²⁶³ Бухарин Н. И. (1933). Учение Маркса и его историческое значение // Бухарин Н.И., Деборин А.М. (ред.). Памяти Карла Маркса: сборник статей к пятидесятилетию со дня смерти. 1883–1933. Л.: Издательство АН СССР. С. 7–99. Бухарин Н. И. (1918). Рец. на: В. Ильин (Н. Ленин). Государство и революция // Коммунист. № 1. С. 19

²⁶⁴ Kiselev, Karl Shmitt v SSSR, p. 282.

²⁶⁵ Стучка П. И. (1927). Курс советского гражданского права. Ч. I. Введение в теорию гражданского права. М.: Коммунистическая академия.

²⁶⁶ Стучка П. И. (1927). Курс советского гражданского права. Ч. I. Введение в теорию гражданского права. М.: Коммунистическая академия.

²⁶⁷ Kieselv , p. 279.

aftermath of the Bolshevik Revolution is to elucidate the function of the law in the transition to communism. Lenin described this transition as the "dictatorship of the proletariat". Schmitt is where they find the argumentative support and justification for the role of the law under dictatorship. In 1933, Soviet theorist Nikolai Bukharin explicitly refers to Carl Schmitt when discussing the concept the dictatorship of the proletariat. "Dictatorship in general, and the dictatorship of the proletariat in particular, besides the autocracy of a class, implies a special factor of disconnection even in its own laws. In accordance with the "dictates of the moment" it lays down what must be the suitable actions from the standpoint of its tasks. "It *decides*, above all" Bukharin argues, quoting Schmitt. For Bukharin the power to decide regardless of the laws is particularly characteristic of the dictatorship of the proletariat.²⁶⁸ He takes over from Schmitt the reduction of the law in favour of the primary importance of the decision.

Soviet debate about Schmitt continues in the 1930s,²⁶⁹ but subsides in the 1940s. The reason for this is the war with fascist Germany, but also a change in legal theory under Stalin, led by Stalin's lawyer and diplomat Andrei Vishinsky (1883-1954), which placed greater emphasis on the law as an instrument of socialism consequently leading to the recognition of normativism.²⁷⁰ Interestingly, in his rejection of the concept of dictatorship, Vyshinsky equates Bukharin with the "fascist author" Schmitt: "Take the writings of the newly minted fascist "theorist" Carl Schmitt with his "theories" about the politicization of law, that law is a form of politics, and so on. If you look closely at these writings, you will see that the Trotskyists and Bukharinists pursued the same positions in our theoretical sphere."²⁷¹ He accuses both of them of undermining the role of the law.

At the same time, Vyshinsky as Stalin's prosecutor who led Stalinist terror and Carl Schmitt as "Kronjurist des Dritten Reiches", obviously share many similarities. This includes the continuous adherence to decisionism, that prioritises political expediency over written law (even if Vishinsky now, in theory, attaches more importance to the law than Bukharin); the rejection of bourgeois parliamentarianism; the importance of the state; the functionalisation of the judiciary for the interests of the state and the friend-enemy scheme.

²⁶⁸ Nikolai Bukharin, *Marx's Teaching and its Historical Importance* (1933)

²⁶⁹ Полак К. (1940). Учение о составе преступления в буржуазной уголовно-правовой литературе // Советское государство и право. № 12. С. 70–79, Поллак К. (1935). Теория государства и права германского фашизма // Вестник

Коммунистической академии. № 8. С. 75–81, Поллак К. (1935). Карл Шмитт как теоретик государственного права германского фашизма // Советское государство. № 4. С. 126–135.

²⁷⁰ Денисенко В. В., Сухинин А. Ю. (2017). Советский нормативизм как теоретико-правовая парадигма // Вестник РУДН. Серия: Юридические науки. Т. 21. № 3. С.380–395.

²⁷¹ Вышинский, Основные задачи науки советского социалистического права: Доклад на I Совещании по вопросам науки советского государства и права.

In 1993 the influence of Soviet law formally came to an end. The new liberal Russian constitution with its emphasis on human rights, its orientation towards universal international law, the separation of powers and parliamentarism comes into force. This was seen as a clear shift towards European constitutionalism and an entrance ticket to European institutions, particularly the Council of Europe. In practice the implementation of the 1993 constitution failed. While until 2020 the liberal constitution of 1993 remained largely unchanged, the power of the president continued to expand. More and more federal laws were passed that served to centralised power and legally persecute civil society (for example of the law extremism the foreign agent law or the law terrorism). These laws largely violated the text of the constitution. Even though the violation of human rights by these laws was obvious from the perspective of the European Court of Human Rights and human rights defenders, leading state officials and jurists attempted to establish supposed legality through a soft interpretation of the constitution in doing so they acted as “managers of duality” (Lewis) between the liberal text of the constitution and growing authoritarianism. The chairmen of the Russian Constitutional Court, Valery Zorkin, played a key role in this discourse, attempting in numerous essays to “mediate” between the constitution and increasingly authoritarian politics. This is achieved through a broad interpretation of the constitution and by invoking overarching principles such as sovereignty and the necessity of a strong state.

The president as guarantor of the constitution

Already in the liberal Russian constitution of 1993, the president's executive and legislative powers had been extensive. According to Article 80 Para 2 of the constitution, the president serves as the “guarantor of the constitution”. Despite the text of the constitution already conferring extensive powers on the president, since 2000 a considerable number of Federal laws were enacted that further expanded these powers and reduced the scope for opposition and the separation of powers. The Constitutional Court did not voice any objections to this course of action, despite the fact that it represented a clear violation of numerous restrictions on power that are enshrined in the constitution. The expansion of powers was based in particular on article 80. From this, it was deduced that the president has all powers that are not explicitly mentioned in the constitution and acts as a quasi-neutral arbiter over the other branches of government. This interpretation contradicts the classic concept of separation of powers which is based on

checks and balances according to which the branches of government should limit each other.²⁷² The role of the guarantor of the constitution reminded some of Carl Schmitt,²⁷³ but can be also explained as reminiscent of central role of party leadership in the Soviet Union.

Sovereignty

A central component to implement Putin's authoritarianism against the text of the 1993 constitution is indeed a strong emphasis on the concept of sovereignty, which Valery Zorkin and Vladislav Surkov, Putin's first deputy chief of staff from 1999-2011, had been promoting in Russia since 2005 and that shows various similarities between Schmitt's thinking on sovereignty and contemporary Russian literature.²⁷⁴

Unity of the state (edinstvo gosudarstvo)

The emphasis on sovereignty in the Russian discourse clearly aims to overcome restrictions on power imposed by domestic and international law. In the ongoing legal discourse concerning this mounting of domestic restrictions since the year 2000 the notion of state unity has been brought into fore. In his essays, Zorkin is stressing the need "to save Russia" from chaos and disorder". Zorkin uses the need for a strong state and the danger of chaos to condemn protests and to justify draconian punishments for protesters at Moscow's Bolotnaya Square known as "bolotnoe delo". According to Zorkin, the protesters threatened the Russian state and thus the very basis of their right of free assembly. This was an "unlawful position" (nepravovaya pozitsiya) and on the same level with "antistatism" (antigosudarstvennost).²⁷⁵ In alignment with Schmitt's perspective, Zorkin underscores the state's role as the custodian of political cohesion, tasked with a responsibility of countering chaos to avert societal dissolution. For Carl Schmitt, too, the political unity of the state is precondition.

Another common feature elaborated by Zorkin is the united supreme power of the state (edinaya verkhovnaya vlast) as a precondition for further development towards freedom.²⁷⁶ Other leading authors such as constitutional judge B.S. Ebzeev also advocate state unity and the unity of state

²⁷² William Partlett, Separation of Powers without Checks and Balances: The Failure of Semi-Presidentialism and the Making of the Russian Constitutional System, 1991-1993 in: Tatiana Borisova and William B. Simons, *The Legal Dimension in Cold-War Interactions*, Brill, 2012, p. 105-140.

²⁷³ Vladimir Gligorov, Benjamin Constant and Carl Schmitt Go to Russia, *Constitutional Political Economy* 1997, Volume 8, p. 271-282.

²⁷⁴ *Socher*, Russia and the Right to Self-Determination in the Post-Soviet Space. p. 223.

²⁷⁵ Valery Zorkin: "V khaose net morali. Smuta osnovana na lzhi i rozhdaet lozh. Etim ona otlichaetsia ot pozitivnikh revolyutsii," *Rosyiskaia gazeta*, December 11, 2012, www.rg.ru/2012/12/10/zorkin-site.html; "Verkhovenstvo prava i imperativ bezopasnosti," *Rossiyskaia gazeta*, May 16, 2012, www.rg.ru/2012/05/15/zorkin-poln.html.

²⁷⁶ Valery Zorkin, B.N. Chicherin (*Iuridicheskaja literatura*, Moscow, 1984), 41.

powers: In 2005 Ebzeev published a comprehensive monograph on the subject.²⁷⁷ The book is written at the height of the centralisation of state power under the heading of vertical power. In the context federalism and separation of powers are violated. The principle of unified powers was evoked by the constitutional court to justify the strengthening of vertical power.²⁷⁸ The court argument is that a strong state is necessary to overcome problems such as terrorism and separatism as well as the states paralysis in the 1990s. This is justified by the direct election of the president the unity of interest between the president and the people and the concept of popular sovereignty.

However, neither Zorkin nor Ebzeev cite Carl Schmitt. Instead Ebzeev references primarily to Hegel as well as to Soviet thinkers and Marx and Lenin.²⁷⁹ Indeed, sovereignty, state unity and unified powers juxtaposed to separation of powers were central themes of Soviet constitutional law. Likewise pre-revolutionary constitutional theory emphasised the importance of state unity as a prerequisite. Ebzeev and Zorkin also refer to liberal Russian constitutional scholar Boris Chicherin (1828-1904). For Chicherin, state unity was central to the development of freedom. Like Chicherin, Zorkin views the authoritarian state as a “travel companion” on the journey towards freedom. For Chicherin and other leading Russian state school decisionism, the idea that the state’s decision-making power is fundamental, is key.²⁸⁰

Legality vs Legitimacy

While Lewis convincingly argues that Putin deliberately breaks the law at the political level, scholars did not develop a theory of a state of exception openly justifying the violation of the law. Instead there was the attempt to conceal these blatant breaches of the law by legalistic arguments. On the contrary, Zorkin's analysis is marked by persistent criticism of Yeltsin's actions during the constitutional crisis of 1993, especially the open breaches of the old Soviet constitution in order to bring the new “Yeltsin constitution” into force. Zorkin has persistently denounced this, continuing to regard it as the primary transgression of the Russian state and the catalyst for the political turbulence of the 1990s. Zorkin fundamentally strives to base state policy on the constitution rather than on a state of emergency beyond the constitution that would

²⁷⁷ Ebzeev B. S., Krasnoryadtsev S. L., Levakin I. V., Radchenko I. V. Gosudarstvennoe edinstvo i tselostnost' Rossiiskoi Federatsii (konstitutsionno-pravovye problemy) [State unity and integrity of the Russian Federation (constitutional problems). ZAO «Izdatel'stvo «Ekonomika», 2005 [in Russian].

²⁷⁸ Caroline von Gall, Die Konzepte »staatliche Einheit« und »einheitliche Macht« in der russischen Theorie von Staat und Recht, Berlin 2010.

²⁷⁹ Ebzeev B. S., Krasnoryadtsev S. L., Levakin I. V., Radchenko I. V. Gosudarstvennoe edinstvo i tselostnost' Rossiiskoi Federatsii (konstitutsionno-pravovye problemy) [State unity and integrity of the Russian Federation (constitutional problems). ZAO «Izdatel'stvo «Ekonomika», 2005 [in Russian].

²⁸⁰ Костогрызов П. И., Децизионизм в России: дореволюционные предшественники и современные интерпретаторы Карла Шмитта. Часть I // Научный журнал «Дискурс-Пи». 2021. № 1 (42). p. 62–76.

render the constitution powerless. In doing so he does invoke considerable dangers such as terrorism separatism and hostility from the West, but he tries to argue on the basis of the constitution when he says that after weighing up the options it is legally acceptable to interpret the freedoms enshrined in the constitution narrowly because of the considerable dangers. At the same time he gives the president broad discretion of the basis of the constitution.²⁸¹

Universalism vs concrete order

The emphasis on sovereignty also serves to ward off restrictions on power imposed by international law, in particular international human rights protection. In this regard, Russia is once again juxtaposing its particular order with the universal protection of human rights. In recent years, Zorkin has become increasingly critical of European human rights protection in his essays, declaring that Russian identity must be protected from the influence of liberal human rights: He asserts that the protection of human rights should not compromise the moral foundations of a society or result in the destruction of its religious identity. Russian constitutional policy argues that Russia's traditional values must be defended against the influence of the Council of Europe.

This approach appears to align with Schmitt's concept of "concrete-order thinking." Schmitt advocates a jurisprudence that is firmly rooted in the existing "concrete order," a specific socio-political environment in which judicial decisions are taken with regard to shared cultural, social, and "democratic" imperatives, eschewing reliance on a free-floating normativism. In other words, universal norms, divorced from a specific political or historical context, and established as a system of domestic legal norms, would undermine, rather than reinforce, political order. Schmitt voiced disapproval of the League of Nations, characterising it as a "positivist-normativist network of coercive norms", a form of oppression. International law, according to Schmitt cannot be developed in an abstract manner; rather, it must be developed as a concrete order based on the concrete characteristics of the legal systems of its members. However, this rejection of Western legal thought was its emphasis on the necessary protection of Russian culture transparent as a classics theme of Russian legal discourse since the 19th century, interpreted by Russians Slavophiles, later by the representatives of the idea of a "socialist international law" and today again by Russian Conservative elites. Carl Schmitt himself has been intrigued by the Bolsheviks' repudiation of Western international law as mere façade for the universality of international law. He agrees with the Soviets that due to the differences

²⁸¹ Caroline von Gall, From "Living Constitutionalism" to "Zombie Apocalypse". Valery Zorkin, the Constitutional Court and Russian Authoritarianism." Russian History 2024.

between the western “democratic-bourgeois states and the “proletarian-peasant Soviet Union”, there can be no true universality of international law.²⁸²

Großraum

The concept of the *Großraum*, the supremacy of a state in the region with the limited serenity of the neighbouring states as described in Russian foreign policy addiction is often called Schmittian. However, the idea of Russia’s supremacy over the neighbouring states has always shaped Russian imperialist and Soviet international law. Schmitt acknowledged this and admired that “Russia understood the significance of large states”.²⁸³ And finally Schmitt’s *Großraum*-theory, much like the Monroe doctrine stipulates that the dominant states will seek to exercise the influence over the peripheral nations rather than brutally invading and occupying them as Russia currently does in its war of aggression against Ukraine.²⁸⁴ Schmitt’s theory included the recognition of the leading position of the imperial centre and analogously the principle of non-intervention in the relations between states across the boundaries of such species that would be based on formal equality.²⁸⁵

Conclusion

Schmitt’s political theory can serve as a useful framework of analysis to better understand the political processes and political decisions in praxis.²⁸⁶ However, labelling Russian constitutional policy as “Schmittian” may also risk obscuring the complex developments, the differences from Schmitt, and the independent intellectual history of Russian authoritarian constitutional theory. Thus, while Russia today parallels some of Carl Schmitt’s principal beliefs, to say that the regime is “Schmittian” would not only be false but potentially misleading.²⁸⁷

In current Russian constitutional discourse, as in the Schmittian theory, the principle of sovereignty is strongly emphasised. In addition, as with Schmitt, the importance of a strong state is underlined. There is a shared sympathy for strong, unified power. Similarly, there is an

²⁸² Carl Schmitt, *Die Kernfragen des Völkerbundes* (1926), in: Günter Maschke (Hrsg), *Frieden und Pazifismus, Arbeiten zum Völkerrecht und zur internationalen Politik 1924-1978*, p. 126, *Sowjet-Union und Genfer Völkerbund* (1934), p. 424.

²⁸³ Carl Schmitt, *Briefwechsel mit Rudolf Smend, 1921-1961*, Berlin 2012, see Ulrich Schmid...

²⁸⁴ Erik Piccoli, *Carl Schmitt and the Putin Regime*, *Illiberalism Studies Program Working Papers Student Papers Subseries* no. 7 January 2024, https://www.illiberalism.org/carl-schmitt-and-the-putin-regime/?utm_source=chatgpt.com.

²⁸⁵ Martti Koskeniemi, in: Meierhenrich, Jens; Simons, Oliver. *The Oxford Handbook of Carl Schmitt* (Oxford Handbooks) p. 600.

²⁸⁶ Karolewski u. a., *Contemp Polit Theory* 2023. 407.

²⁸⁷ Erik Piccoli, *Carl Schmitt and the Putin Regime*, *Illiberalism Studies Program Working Papers Student Papers Subseries* no. 7 January 2024, https://www.illiberalism.org/carl-schmitt-and-the-putin-regime/?utm_source=chatgpt.com.

emphasis on the identity of the people and their leader in contrast to a common enemy, which creates identity. The critical view of international law is also similar in Russian and Schmittian theory. However, no reference to Schmitt is made in legal scholarship. At the same time, these concepts were already central pillars of Soviet constitutional law, as well as Tsarist authoritarian constitutional law. Therefore, it appears that these concepts constitute common characteristics of an illiberal, authoritarian constitutional law that is not grounded in the principles of pluralism, democracy and human rights.

Ultimately, current Russian legal theory shows no particular fascination with a theoretical examination of the state of emergency. Instead, adherence to legality and the written law continues to be of great importance to leading jurists, even if this means that, out of loyalty to the regime, they are ultimately establishing a façade of constitutionalism designed to conceal the actual breach of law in practice.

Carl Schmitt's Geopolitics in Eastern Europe:

Dugin, Putin, Trump, and the Schmittian “Großraum Order”

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Abstract

The reception of Carl Schmitt's political theories in East-Central and South-Eastern Europe, on the one hand, and Russia, on the other, has been widely overlooked in Western research. When zooming in, a stark contrast emerges between the East-Central and South-Eastern European reception and the Russian debates that adopt different theorems from Carl Schmitt's thinking for contrary purposes: in East-Central and South-Eastern Europe, Schmittian ideas have predominantly been applied *intranationally* to criticize illiberalism, whereas in Russia, Schmitt has mostly been weaponized by anti-liberalists from an *international* perspective for the sake of escalating global confrontation. In the latter vein, the strong Russian reception of Schmittian macro-concepts of spatiality (*Großraum*; *planetarische Spannung*; *Land und Meer*) has been almost monopolized by Aleksandr Gel'evich Dugin, a political philosopher, eclecticist graphomaniac, fascist geopolitician, resentful hater, and militarist propagandist with apocalyptic inclinations. I distinguish three periods in Dugin's selective adoption of Schmittian concepts: 1) from 1991 to 2013, when Dugin drew “lessons” and distilled canonical textbook “truths” from Schmitt, especially in his most popular compilation, *Osnovy geopolitiki*, 1997/2000 [*The Foundations of Geopolitics*]; 2) Dugin's post-2014 instrumentalization of Schmitt's friend/enemy binary for genocidal anti-Ukrainian polemics; 3) the period that began when his customary binaries were challenged by the Russian pro-Trump turn in 2025 when Schmitt's concept of “Grossraum” suddenly appeared as a line of consensus between Putinism and Trumpism. Dugin's reception of Schmitt from the 1990s on was based on decontextualizing Schmitt from his apology of National Socialism and stuck in Cold War binaries. In 2025, Dugin's and Trump's parallel reference to the Monroe doctrine suddenly made a planetary coexistence of distinct spheres of influence of great powers in the sense of Schmitt with a ban on transregional intervention thinkable (but hardly practicable, as the historical experience with Hitler's expansionism proves).

0. Carl Schmitt

Let me start with a quote from 2013, the year before Russia's (para-)military infiltration of Eastern Ukraine and the annexation of Crimea. It begins with a longish title, but quickly moves on to a bold appropriation:

“В своей работе 1939 года «Порядок большого пространства в правах народов и запрет на интервенцию пространственно чуждых сил. Введение в понятие «рейх» в правах народов» Карл Шмитт излагает основы концепции, которая легла в основу неоевразийского проекта в России начала XXI в.”

[“In his 1939 work ‘The Großraum Order of International Law with a Ban on Intervention for Spatially Foreign Powers: A Contribution to the Concept of Reich in International Law,’ Carl Schmitt expounds the basis of a concept which became the foundation of the Neo-Eurasian project in Russia at the beginning of the 21st century.”] (Dugin 2013, 479²⁸⁸)

How is this work with the bulky title by Carl Schmitt that contains ideas about the “Reich” historically situated? The quote openly acknowledges that it comes from the year of Hitler’s occupation of Czechia and the Third Reich’s attack on Poland, which started WWII (“1939”). Given this damning context, how can it serve as a basis (“легла в основу”) for an ominous Russian 21st century “project”? Is it that the Russian Federation’s foreign politics shall—in analogy to Hitler in 1939—claim a “Eurasian great space” (Schmitt’s “Großraum”) while prohibiting foreign interventions?

For more than four post-war decades, Carl Schmitt (1888–1985) was ostracized as “crown jurist of the Third Reich” [“Kronjurist des Dritten Reiches”] (cf., among others, Rüthers 1988). Schmitt was not only an acclaimed professor of law and outspoken representative of realism in political philosophy—among other things, the founder of the academic field of constitutional law (*Verfassungslehre*, 1928)—but also a trenchant stylist (cf. Hooker 2009, 26–27) and connoisseur of modernist literature (Theodor Däubler). From an ardent critic of Weimar parliamentarism, Schmitt evolved into an officious advocate of Nazi crimes (“Der Führer schützt das Recht” [“The Führer Protects the Law”]; Schmitt 2014, 227–232; Eng. Schmitt 2013), maturing as a racist and Antisemite. Arrested in 1945, but acquitted and spared from prison at the Nuremberg trials, from 1947 on Schmitt lived as an independent scholar in his hometown of Plettenberg, haunted by paranoia about conspiracy. Since his death in 1985 his writings have exerted a global, often indirect influence, fueling colloquial sayings such as “Freund-Feind-Unterscheidung” [“friend-enemy-distinction”], which were applied across several disciplines of social and cultural studies. While the ban on his oeuvre because of his complicity with National Socialism was rather effective in Socialist Eastern Europe, Schmittian concepts returned there in the 1990s and 2000s, ranging from critical reception to extremist adoption.

²⁸⁸ Here and further, if not stated otherwise, trans. mine, DU.

The text by Schmitt quoted above is *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte. Ein Beitrag zum Reichsbegriff im Völkerrecht* [“The Großraum Order of International Law with a Ban on Intervention for Spatially Foreign Powers: A Contribution to the Concept of Reich in International Law”]. It was released by Schmitt’s customary publisher Duncker & Humblot in Berlin in 1941 (Schmitt 1941; with comments in Schmitt 2014 [1942], 335–343; Eng. Schmitt 2011, 75–124). *Großraumordnung* is the most prominent of Schmitt’s “internationally” or “externally” oriented works after his geopolitical turn around the year 1937 (Hooker 2009, 69, 95). The essay goes back to a lecture delivered at Kiel University from April 1, 1939. The German keyword “Reich” in the essay’s subtitle marks the National-Socialist connections of Schmitt, who enjoyed bathing in the “Sonne des Reichsbegriffs” [“sun of the concept of *Reich*”] (Schmitt 1941, 49; Eng. Schmitt 2011, 101). Given this unmistakable time context, Schmitt’s arguments from 1939 cannot be abstracted without force or deliberate trivialization: “Der neue Ordnungsbegriff eines neuen Völkerrechts ist unser Begriff des Reiches [...]” [“The new concept of order of a new international law is our concept of the *Reich*” (...)] (Schmitt 1941, 63; Eng. Schmitt 2011, 110). The backdrop, the implicit reference, and the object of Schmitt’s justification is Adolf Hitler’s occupation of the ethnically Czech parts of Czechoslovakia, which retained short-lived independence after the annexation of Sudeten-German territories in the wake of the Munich Agreement of September 1938: in Nazi terminology, the “Erledigung der Resttschechei.” William Hooker stresses “the evidently unsettling self-identification Schmitt makes here with bellicose German foreign policy” (Hooker 2009, 133, cf. Majer 2002). The same referentiality to immediate political context applies to the second part of Schmitt’s title: it was American President Franklin D. Roosevelt’s resistance against Hitler’s expansionist politics that prompted international law scholar Schmitt to claim a rule of prohibition on “Intervention for Spatially Foreign Powers,” as reconstructed by Brendan Simms (Simms 2023, 22–23).

Schmitt himself formulates both his opportunistic thesis of an alleged right of regional expansion and a ban on intervention for his construct of “spatial foreigners” like this:

“Reiche in diesem Sinne sind die führenden und tragenden Mächte, deren politische Idee in einen bestimmten Großraum ausstrahlt und die für diesen Großraum die Interventionen fremdräumiger Mächte grundsätzlich ausschließen.”

[“*Reichs* in this sense are the leading and bearing powers whose political ideas radiate into a certain *Großraum* and which fundamentally exclude the interventions of spatially alien powers into this *Großraum*.”] (Schmitt 1941, 49; Eng. Schmitt 2011, 101)

The Nazis' expansive understanding of "Reich" relies on the imagined trans-border community of "the people" (*Volk*) instead of a constitutionally defined state with internationally accepted borders. What Schmitt conceives for Hitler is the juridic foundation of an "ethnopolitische Großraumordnung Europas" ["ethno-political Großraum order of Europe"], as Samuel Salzborn puts it (Salzborn 2008, 150). Schmitt sells this order as an allegedly tolerant, but clearly invasive

"[...] große[] politische[] Idee, der Achtung jedes Volkes als einer durch Art und Ursprung, Blut und Boden bestimmten Lebenswirklichkeit, eine Ausstrahlung in den mittel- und osteuropäischen Raum hinein zu verschaffen und Einmischungen raumfremder und unvölkischer Mächte zurückzuweisen."

"[(...) its great political idea, the respect of every nation as a reality of life determined through species and origin, blood and soil, with its radiation into the Middle and East European space, and to reject the interference by spatially alien and unvölkisch powers.]" (Schmitt 1941, 63; Eng. Schmitt 2011, 111)

Every reader familiar with the history of the Third Reich will recognize the Nazi propaganda formula of "Blut und Boden" and doubt Schmitt's pseudo-Herderian "respect of every nation." And indeed, the homogenization allegedly achieved by a "Reich" in "its great space" comes at the price of exclusion (extermination) of internal "foreigners," in Schmitt explicitly: the Jews, and, as history showed, the enslavement of the Slavs.

"Das ist die politische Idee, die für den mittel- und osteuropäischen Raum, in dem viele, aber – von den Juden abgesehen – einander nicht artfremde Völker und Volksgruppen leben, die hier entwickelte, spezifische Bedeutung eines völkerrechtlichen Großraumprinzips hat."

"[(...) the political idea for the Central and East European space in which there live many nations and national groups that are, however, not—apart from the Jews—racially alien from one another.]" (Schmitt 1941, 47; Eng. Schmitt 2011, 99)

As an underpinning from the history of international law, Schmitt refers to American President James Monroe's Doctrine from 1823 (Schmitt 1941, 22; Eng. Schmitt 2011, 83)—valuing it as the first truly planetary concept of international law (Schmitt 1941, 28; Eng. Schmitt 2011, 87). To disperse any lingering doubts about the damning alliance between Schmitt's construct of a few "Reiche" with their separate claims to "their" regional "Großräume," let us compare this with the manner in which Hitler—already 16 years before Schmitt, but explicitly again on April 28, 1939, four weeks after the latter's Kiel lecture (Simms 2023, 19, 28)—referred to Monroe: "Genau die gleiche Doktrin [wie Monroe] vertreten wir Deutsche nun für Europa, auf alle Fälle aber für den Bereich und die Belange des Großdeutschen Reichs." ["We Germans now pursue

the same doctrine (as Monroe) for Europe, in any case for the space and concerns of the Great German Reich.”] (Domarus 1965, 1173). While Hitler’s statement betrays his sole interest in the Third Reich’s expansion, Schmitt, as an international lawyer, felt compelled to construct a general rule in his plea for a pluriverse of distinct (and thus peacefully coexisting; Schmitt 1941, 49; Eng. Schmitt 2011, 101) “Reiche,” arguing for transhistorical and transregional generalization: their regional “radiation” and the ban on foreign intervention are “auch für andere Lebensräume und andere geschichtliche Situationen fruchtbar zu machen” [“fruitful for other living spaces and other historical situations”] (Schmitt 1941, 23; Eng. Schmitt 2011, 84). Why, in 2026, is it worth recalling this sinister chapter of opportunistic solidarization of a leading law scholar with Hitler’s imperialism toward Central and Eastern Europe? It is not only because, after attacking Venezuela, American President Donald Trump voiced a similar reference to Monroe on January 3, 2026, claiming the Americas or the “Western hemisphere” as the US’s sphere of influence with a ban on foreign interference. It is also because—and this is the topic of my paper—Russia’s preceding claims to the post-Soviet space as its own Near Abroad, from which foreign intervention should be banned, were reinforced by references to Schmitt and his “Großraum Order of International Law.” It appears that both—indirect as well as direct—references contribute to a broader “return of Carl Schmitt” (Minca, Rowan 2016, 41), comprising what Brendan Simms, more specifically, diagnosed as a “Return of the Greater Space” [“Rückkehr des Großraums”, 2023], especially in contemporary Russian thought (Simms 2023, 38, 59). Thus, the initial quote in Russian can serve as a kind of indicator for the fact that the most militant among those advocating the return of Schmittian “great spaces” are to be found among Russian propagandists of neo-imperialist (“Neo-Eurasian”) geopolitics.

1. Research on Carl Schmitt in Eastern Europe and Russia

The Russian specifically imperialist reception of Schmittian geopolitics is at odds with the broad neglect of Eastern Europe and Eurasia in the study of the reception of Schmitt’s political philosophy. The index of the *Oxford Handbook of Carl Schmitt* subsumes the entry “Russians” under “Soviet Union” which, in turn, consists of no more than four brief mentions (Meierheinrich/Simons 2016a, 820, 825). The *Oxford Handbook* of 2016 lacks entries for specialized Russian Schmitt scholars such as Aleksandr Filippov or political philosophers of the region like Zoran Đinđić, Aleksandr Dugin or Ivan Krastev. Apart from the ancient ignorance *Slavica non leguntur*, let alone *Finno-Ugrica*, there might be a second reason for this absence of even the strong Russian reception from the *Handbook*—the latter’s underexposure of the recent boom in the reception of Schmittian geopolitics. In the *Oxford Handbook of*

Carl Schmitt only Benno Teschke's entry "Carl Schmitt's Concept of War" (Teschke 2016) discusses this issue at length. This finding is puzzling because, in the wake of a general lifting of the ban on geopolitics after National Socialism, both the paradigm shift of the spatial turn and the novel approach of Critical Geopolitics triggered new readings of Schmitt's geopolitics in the 21st century (Ronge 2008), encompassing also critical, left-wing, anti-imperialist delineations (Elden 2010; Jurkevics 2016, 6),

Against this backdrop, the recent, post-Soviet Russian reception of Carl Schmitt is specific—and different from other Central and East European "Schmittianisms"—in that it concerns mainly international issues (cross-reference Aronson, "Russia"), adopting Schmitt's infamous geopolitical claims. Or inversely: Schmittian ideas have proven to be most "fruitful" for Russian right-wing thinking in its international dimension. Russian scholars and propagandists not only added to the global topos of Schmitt's topicality after his death in 1985, but performed an affirmative right-wing facet of Schmitt's reception (Mehring 2017, 357–358) as not a pessimist of lost order and imminent irregular conflicts, but rather as a positive guide for spatial reordering.

2. East-Central Europe: Talking about Schmitt and Illiberalism

For the sake of locating this within a broader picture of East European reception, I briefly premise the diverging trajectories of discussing Schmittian thought between those in Central and Eastern Europe, on the one hand, and in Russia, on the other. In contrast to the Russian New Right's focus on Schmitt's geopolitics, we can diagnose an intranational focus of the reception of Schmitt in Eastern Europe where academic research is predominantly critical of the populist illiberal reception of Schmitt (Halmai 2019; Krastev/Holmes 2019), focusing on (un)democracy. Here are two exemplary quotes from Ivan Krastev and Stephen Holmes seminal book *The Light that Failed* from 2019:

"The Orbán-style illiberal regimes that are on the rise in Eastern Europe thus combine Carl Schmitt's understanding of politics as a melodramatic showdown between friends and enemies and the institutional façade of liberal democracy." (Krastev/Holmes 2019, 76)

And:

"Both Orbán and Kaczyński, in fact, present themselves to their publics as what Carl Schmitt called 'forestallers': heroic resisters against a looming Islamic takeover of Europe. The illiberal democrats of Central and Eastern Europe are now prepared, they say, to take up the historic anti-Muslim mission so recklessly abandoned by Western Europeans." (Krastev/Holmes 2019, 46)

Although the triad of Islam, Western Europe, and East-Central Europe points in an international direction, the scholars dismantle the dominant internal vector of this propagandistic scheme aimed against liberal democracy.

When Schmitt is discussed in Central Europe with regard to international law, a sober academic tone prevails, for example in Poland with the translation of Carl Schmitt's *Nomos ziemi w prawie międzynarodowym* [*The Nomos of the Earth in International Law*] (trans. Kinga Wudarska, 2019) and balanced critical studies by Górniewicz 2019 and Kaczorowski 2021.

The only extra-Russian exception is a specific branch of the Serbian reception of Schmitt (cross-reference Herlth, "Serbia") which poses an emphasis on Schmitt's anti-interventionism.

Given the utmost international military topicality (Ukraine, Venezuela, Greenland), in the following my focus will be on the Russian reception with regard to geopolitics:

3. The Russian Anti-liberal "Translation" of Schmitt

Comparable to Western diagnoses of a return of Schmitt, scholars in Russia observed a Russian "ШМИТТОВСК[ий] ренесанс[]" ["Schmittian renaissance"] (Kil'diushov 2009; Zhikharev, Mazzucchi, Ganeeva, Gavrilov 2015, 41). The first proof of this is the comprehensive translation of Schmitt's monographs into Russian. The first wave of book translations from the 2000s is to the personal credit of sociologist Aleksandr Fridrikhovich Filippov (b. 1958, acknowledged even by his rival "in Schmittiana," Dugin; Lewis 2020, 35) and his "small industry of Schmittiana in Russia" (Lewis 2020, 31; cf. Mikhailovskii 2008, 160). These monographs comprise *Politicheskaia teologiia* (Shmitt 2000a), *Diktatura* (Shmitt 2005), *Leviafan v izuchenii o gosudarstve Tomasa Gobbsa* (Shmitt 2006a), *Teoriia partizana* (Shmitt 2007), and *Nomos zemli* (Shmitt 2008). Oleg Vasil'evich Kil'diushov later continued this translatory work with *Gosudarstvo i politicheskaia forma* (Shmitt 2010) and *Tiraniia tsennostei* (Shmitt 2025). The book-length monographs usually come with long prefaces or afterwords, which contextualize Schmitt's thought in a relatively calm and moderately critical way.

The translating of Schmitt's major books into Russian was, however, preceded by that of his geopolitical essays. In contrast to the balanced prefaces and afterwords accompanying the books, the translations of Schmitt's occasional geopolitical texts were embedded in an affirmative setting. This starts from the appendix of Aleksandr Dugin's *Osnovy geopolitiki* [*Foundations of Geopolitics*] in 1997 (Eng. 2022; for more on this, see below). Part 7 of this textbook, "Teksty klassikov geopolitiki" ["Texts from the Classics of Geopolitics"] consists of four texts by Halford Mackinder, Petr Savitskii, and Jean-François Thiriart, culminating in a fragment of Carl Schmitt's "Die planetarische Spannung zwischen Ost und West" (Schmitt

1991) in Dugin's own Russian translation from German. The Russian title goes "Planetarnaia napriazhennost' mezhdru Vostokom i Zapadom i protivostoianie Zemli i Moria," its clumsy English translation from 2022 "Planetary East-West Tension and Land-Sea Confrontation"] (Dugin 1997, 526–549; Dugin 2022, 515–540²⁸⁹). The second edition of Dugin's *Foundations of Geopolitics* from 2000 adds another text by Schmitt, "Zemlia i More" ["Land and Sea"] from 1942 (Dugin 2000, 840–883; Schmitt 1942, not included in the English translation from 2022). Dugin promoted his textbook, among other moves of self-marketing, via reprints of Schmitt's geopolitical essays in journal publications like "Planetarnaia napriazhennost' mezhdru Vostokom i Zapadom i protivostoianie Zemli i Moria" in the journal *Elementy* (Schmitt 2000b), which Dugin edited from 1992 to 2000, followed by minor related essays such as "Novyi nomos zemli" (Schmitt 2004) and "More protiv zemli" (Schmitt 2006b).

The general picture shows that only a minority of the Russian translations of Schmitt were made by ideologue Aleksandr Dugin himself; quantitatively more important are Iurii Korinets's translations, supplemented by Oleg Kil'diushov's from 2010 on. Thus, the bibliographical findings concerning Russian translations of Schmitt only partially confirm Dugin's claim that it was he who pioneered the reception of Western right-wing figures of the 20th century such as Schmitt in Russia and prepared the ground for their further appropriation (Salzborn 2014, 240–241).

When looking into the explicit adoption and media promotion of Schmitt by Russians in their own words, Dugin's self-attestations of a pioneering role are more substantiated. There is a marginal Russian left-wing reception, represented by Artemii Magun's diagnosis of an international crisis "Novyi stroi Zemli" ["A New Order of the Earth"] in the footsteps of Giorgio Agamben's and Jacques Derrida's readings of Schmitt (Magun 2003). Chantal Mouffe, who is the leading political theorist when it comes to a left-wing approach to Schmitt in the West, made a modest entry into the Russian debate with Artem Smirnov's translation of a fragment of the English *The Democratic Paradox* (Muff 2004). The Russian left was bewildered by the massive antiliberal adoption of Schmitt by thinkers of the New Right in Russia such as Mikhail Vital'evich Remizov (b. 1978). Former Soviet dissident and GULag prisoner Valerii Anatol'evich Senderov (1945–2014) was appalled by the Russian nationalist appropriation of Schmitt as part of "эволюция тоталитаристского мышления в России" ["the evolution of totalitarian thought in Russia"] (Senderov 2014, 167). After Vladimir Vladimirovich Putin's (b. 1952) ascent to power in the Russian Federation in 1999/2000, the

²⁸⁹ The Russian translation was not made from the German version contained in the Festschrift for Ernst Jünger (Schmitt 1955a), but from the German original manuscript of the substantially differing Spanish edition "La tensión planetaria entre Oriente y Occidente y la oposición de Tierra y Mar" (Schmitt 1955b), published in German by Piet Tommissen in *Schmittiana III* (Schmitt 1991).

pressure to conform with the right-wing chorus in Schmittiana became palpable over the 2000s. Those Russian scholars who feel discomfort with drawing affirmative lessons from Schmitt's antiliberalism and his apology of Hitler's expansive actions found themselves in a defensive position (see Filippov 2000a; Filippov 2000b; Dmitriev 2007; Senderov 2014; Filippov 2025). To be sure, Artem Smirnov, member of the editorial board of the philosophical journal *Logos*, reminded Russian readers of Schmitt's damaging closeness to Hitler (Smirnov 2012). Aleksandr Filippov, who warned of uncritically actualizing Schmitt in an erroneous manner (Filippov 2000a, 313–314; cf. Lewis 2020, 31), complained that his warning went unheard and that simplifying appropriations of Schmitt for the misuse of power prevailed (Filippov 2000b; cf. Mikhailovskii 2008, 161). Artem Smirnov also saw Filippov's vagueness with regard to criticizing Schmitt as problematic (Smirnov 2009).

The lion's share of critical voices, however, stems from Western scholars. Sketching the sheer mass of critical confluences of Dugin and Schmitt in liberal Western print and online media would go far beyond the scope of this entry. For the purpose of this handbook entry, it must suffice to point to two voices representative of the broadly alarming evaluations: French-American political scientist Marlene Laruelle, who traced the way in which the reception of Schmitt contributed to the evolution of Dugin's own fascist thinking (Laruelle n.d.), and former German diplomat Johannes Regenbrecht, with his recent thesis of a problematic convergence of Putinism and Trumpism over the tertium Schmitt (Regenbrecht 2025).

4. Schmittian Geopolitics for Eurasia: Dugin and “Schmittdugin”

And indeed, in Russia the overarching return of Schmitt's thinking under a specific disguise, as “a new ‘spatial’ Schmitt” (Minca, Rowan 2015, 53), implied—this is my first thesis—the normalization of fascist thinking via rehabilitating Schmittian great-space geopolitics. Schmitt's alignment with German National Socialism appears to be downplayed even in the usually-critical Filippov when the sociologist talks about *The Großraum Order of International Law* as the “едва ли не наиболее одиозное сочинение Шмитта” [“virtually the most odious work by Schmitt”] which “в высокой степени отражает знаменитый оппортунизм автора” [“to a high degree reflects the author's opportunism”] (Filippov 2008, 649), trivializing the text's clear antisemitism (Filippov 2008, 650) and accepting part of Schmitt's (neo-Hegelian) imperialistic arguments:

“На самом деле есть государства, которые лишь по видимости являются таковыми и не могут удержать свой суверенитет над территориями, есть великие державы [...]”

[“There are indeed states which only seem to be such and cannot sustain their sovereignty over territories, and there are great powers (...)”] (Filippov 2008, 655)

Whereas Filippov refrains from giving examples (Ukraine?) and practical geopolitical recommendations, geopolitician Aleksandr Gel’evich Dugin (b. 1962) is an infamous propagandist of hate and advocate of genocide. Dugin went as far as enthusiastically welcoming the Russian military assault on Donbas in 2014, demanding “убивать, убивать, убивать [Украинцев]” [“kill, kill, kill (the Ukrainians)”] (cf. Clover 2022, 327). It is this same Dugin, whom I quoted at the outset of my paper, who pathetically exclaimed “Карл Шмитт, это наше все” [“Carl Schmitt means everything to us”] (Dugin 2006, 01:55). How true is this claim from an impromptu popular lecture by Dugin, held over a bonfire with Russian nationalist youth in 2006?

In late Soviet times, young Dugin emerged from the underground with artistic rebellion and occultist fantasies to soon join fascist underground organizations such as Pamiat’ and later Eduard Limonov’s National Bolshevik Party before founding various “Eurasian” organizations (for Dugin’s biography see Clover 2022). The ultra-nationalist Dugin is an erudite reader as well as a prolific graphomaniac, often publishing more than 3 (only partially new) books per year. While being extremely eclectic, Dugin has managed to convert the concepts of geopolitics and Eurasia into his personal brands on the Russian intellectual market, connecting them with Schmitt’s “great space” and imbuing them with aggressive advocacy of war.

In June 1990, 28-year-old Dugin traveled to Paris, where he met French New Right philosopher Alain de Benoist who, according to Dugin, introduced him to Schmitt. Benoist himself, however, denies that this introduction included geopolitics because he himself was never preoccupied with geopolitics (Clover 2022, 178, 181). Notwithstanding this correction, Dugin later set out to open the Russian intellectual market for Benoist by translating his book on Schmitt into Russian while slipping Benoist credit for an overview of Russian translations which the Frenchman, due to a lack of proficiency in Russian, simply cannot have authored himself (Benua 2016, 7).

Relatively soon after his return from Western Europe, Dugin formulated “lessons” from his recent acquaintance with Schmittian ideas—“Karl Shmitt, 5 urokov dlia Rossii” [“Carl Schmitt’s 5 Lessons for Russia”]. Dugin wrote this essay in 1991, the last year of the Soviet Union, but published it soon after its dissolution in 1992 (Eng. Dugin 2016). In the “5 Lessons” Dugin provides a relatively broad overview of Schmitt’s intellectual development from *Begriff des Politischen* to *Theorie des Partisanen*. While Dugin’s lessons one to three and five contain scattered nationalistic polemics against human-rights universalism, against Marxism, and

against the US, the fourth lesson, titled “Imperativy Bol’shogo Prostranstva” [“Imperatives of Great Space”], ignores the context of Hitler’s expansionist activities in the direction of Eastern Europe when outlining the emergence of Schmitt’s concept of “great space.” Here Dugin rather zooms out to the vast “сухопутные территории, континентальные массы” [“tellurocratic entities, continental masses”] of Eurasia (Dugin 1992, 132; Dugin 2016²⁹⁰). He argues for transregional analogies and the transhistorical applicability of Schmitt’s thought:

“Резюмируя теорию "Больших Пространств" Карла Шмитта применительно к ситуации в современной России, можно сказать, что разъединение и распад "Большого Пространства", называемого некогда СССР, противоречит континентальной логике Евразии [...]"

[“Summarizing Carl Schmitt’s theory of “Great Spaces” with regards to the situation in today’s Russia, we can say that the separation and disintegration of the ‘Great Space’ once called the USSR contradicts the continental logic of Eurasia (...)”] (Dugin 1992, 133; Dugin 2016)

The lesson that Dugin draws from Schmitt’s 1939 lecture (not from Hitler’s military failures) is the possible—and collectively desirable—restitution of the “Russian imperial spaces”:

“[...] может привести (и приведет в нормальном случае) к спонтанному и страстному, силовому воссозданию Восточного Евразийского Блока, поскольку такое воссоздание соответствует интересам всех органичных, автохтонных этносов русских имперских пространств.”

[“(...) can lead and will lead if allowed to a spontaneous, passionate restoration of the Eastern Eurasian Bloc, since such a reconstruction accords with all the organic, native ethni (sic) of the Russian imperial space.”] (Dugin 1992, 133; Dugin 2016)

In 1993/1994 Dugin was summoned to prepare a textbook for the Academy of the General Staff of the Russian Army, where he taught as a freelancer back then, and which was a stronghold of nationalist opposition to President Boris El’tsin (Clover 2022, 204–205). The outcome, Dugin’s *Osnovy geopolitiki* [*Foundations of Geopolitics*], appeared in its first edition in 1997 and saw three more editions until 2000 (Eng. 2022). Although Aleksandr Dugin himself is most eager in calling his book a bestseller, critical authors such as Charles Clover cannot but agree about the status of a “blockbuster” (Clover 2022, 205). Dugin’s *Foundations* was used as a textbook for the military and diplomatic service of the Russian Federation, and his biased, to say the least, insinuations were also adopted in other customary textbooks (Lewis 2020, 38–39).

Among other things, the various editions of Dugin’s *Foundations* were instrumental in canonizing Schmittian geopolitics in Russia. While the appendix of the 1997 edition featured

²⁹⁰ Rephrasing in the later English translation sic. Analogous terminological changes are made in the following republications of Dugin’s “5 Lessons.”

only Schmitt's "Planetary East-West Tension and Land-Sea Confrontation," the 2000 edition of *Osnovy* added two more essays by Schmitt, "Land and Sea" and "Theory of the Partisan"] (see above).

In the main text of the editions of *Osnovy geopolitiki* from 1997 and 2000, Dugin reads and translates Schmitt with an emphasis on texts from the time of the Second World War and the Cold War period, pinpointing *Land and Sea*, *Nomos der Erde* [*The Nomos of the Earth*] (1950), and "Planetary Tension" (1955; Dugin 1997, 74, 77, dating it to 1959). From the latter Dugin adopts Schmitt's historical expectation about an allegedly inevitable "planetary" conflict of Anglo-American liberal thalassocracy and Eurasian conservative tellurocracy (Dugin 1997, 80; Eng. Dugin 2022, 79).

Four epistemic moves are decisive for Dugin's adoption of Schmitt, two constitutive and two decorative: the constitutive ones are spatial rhetoric (Simon 2016) and numerical mechanics, the decorative are mythological personification and religious overtones (see Höllwerth 2007). At the center of Dugin's spatial vocabulary is Schmitt's notion of "Großraum" ("greater space"²⁹¹ or "greater sphere of influence"), and the geopolitical philosopher appears obsessed with the figure 2. Dugin elevates the latter into a thetic chapter heading: "Цивилизационных стихий есть только две" ["There are only two civilisational elements"] (Russ. Dugin 1997, 553; Eng. Dugin 2022, 541). Among other inspirations,²⁹² Schmittian binaries transpire from the alleged "basic law" which Dugin erects in the introduction: "главн[ый] закон[ы] geopolitiky — закон[ы] дуализма стихий (Суша против Моря)" ["the main law of geopolitics, the law of dualism of the elements (Land versus Sea)"] (Dugin 1997, 19; Eng. Dugin 2022, 22). With this elevation of the geographical binary to the status of an eternal geopolitical law, Dugin ignores the fact that Schmitt in 1955 explicitly cautioned that the recent dualism of East and West was historically contingent and anything but an eternal determinant (Schmitt 1991, 29; cf. Mehring 2017, 363).

Dugin makes an effort to integrate Schmitt's binaries, such as land vs. sea and friend vs. enemy, into his own even more simplistic binarism of tellurocracy vs. thalassocracy. He piles up the Schmittian binaries in a mechanically structuralist way and identifies them with one another: "данный дуализм имеет качество враждебности" ["this dualism has the quality of hostility"]

²⁹¹ Because this term is also the—neutral, non-geopolitical—English term for city agglomerations such as "Greater Los Angeles," many scholars chose to opt for the German calque "Großraum" or "Grossraum" in their English-language considerations.

²⁹² It is debatable whether, in the case of Dugin, this binary routine so heavily criticized by poststructuralist thinkers is rather a late repercussion of structuralism (in the Soviet context: the Mosco-Tartu school of semiotics) or whether it was induced by Schmittian binary oppositions.

(Dugin 1997, 15; Eng. Dugin 2022, 19).²⁹³ Until 2024 (see below), the “thalassocratic” powers of the UK and the US formed the absolute enemy for Dugin. Against their backdrop, continental Europe, including the Third Reich and its advocate Carl Schmitt, appear to “binarist” Dugin as a possible ally of Russia—despite Hitler’s 1941 aggression against the Soviet Union.

Both Dugin’s provenance from the artistic underground and Schmitt’s literary interests resonate in Dugin’s inclination to literary personifications. When discussing Schmitt in chapter 8 of Part 1 of his *Foundations*, “Karl Shmitt – ‘Begemot versus Leviafan’” [Karl Schmitt “Hippo versus Leviathan”] (Dugin 1997, 74–81; Eng. Dugin 2022, 73–80, sic), Dugin follows in Schmitt’s footsteps when personifying the maritime powers with Hobbesian Leviathan and the terrestrial ones with the behemoth (hippo) of the Old Testament (Dugin 1997, 77; Eng. Dugin 2022, 76). In the 1997 edition of Dugin’s *Foundations*, the appendices are followed by a rambling chapter “instead of a conclusion.” There the emerging geopolitician struggles to come to terms with the catastrophe of the recent disintegration of the Soviet Union (10 years before Putin’s speech at the Munich Security Conference) and the “полн[ая] побед[а] номоса Моря” [“total victory of the nomos of the Sea”] (Dugin 1997, 565; deservedly not included in Dugin 2022). These considerations come under the heading “Apokalipsis stikhii (Ot geopolitiki k filosofii istorii—razmyshleniia o teorii elementov Karla Shmitta)” [“Apocalypse of the Elements (From Geopolitics to Philosophy of History: Reflections on Carl Schmitt’s Theory of Elements)”] (Dugin 1997, 553–567; Eng. Dugin 2022, 540–555). Both in this pseudo-religious outlook and in the footnotes to the text by Schmitt in the appendix, Dugin must concede several features in Schmitt’s thought that contradict his own Russia-apologetic stance—Schmitt’s only implicitly “антиталассократические симпатии” [“anti-thalassocratic sympathies”], the Catholic Rhinelander’s defense of the Western church’s *filioque*, and his “руссофоби[я]” [“Russophobia”] (Dugin 1997, 554, 575–576 fn 8 and fn 12; missing in Dugin 2022). To repress these deviations in “our everything” Schmitt, Dugin returns to his favorite essentialist global binarism toward the end of “Apocalypse...”: he enriches Schmitt’s “theory of elements” with racist overtones and supplements it with an allegedly missing²⁹⁴ transcendent “Nomos of

²⁹³ As noted earlier, there is a reductionist move implied in Dugin’s tactical talk about multipolarity: accusing the US of monopoly, Dugin projects Schmitt’s binarism of friend and enemy onto the simplistic opposition of West (monopoly) and East (multipolarity) which is only yet another construct of bipolarity (cf. Uffelman 2007, 28). When Jens Meierheinrich and Oliver Simons assume that the Cold War context signals a major shift in Schmitt’s thought away from “unity” to “plurality” (Meierheinrich/Simons 2016b, 37), I venture that this needs a correction, too: like Dugin later, Schmitt, in reality, shifts not to multiplicity, but to binarity!

²⁹⁴ This claim is utterly inconsistent because in contrast to *Der Nomos der Erde*, which ends with air war (Schmitt 1950, 293–299). In *Land und Meer*, Schmitt briefly elaborates upon fire as an element of emerging future technology (combustion engines, Schmitt 1942, 74–75), too.

Fire”²⁹⁵ yet to emerge (Dugin 1997, 565–567; Dugin 2022, 843)—most likely a metaphor of war.

After the fourth edition of *Foundations* of 2000, Dugin kept promoting Schmitt’s notion of “great space” with little alteration until 2013. In the book which can be seen as the second cornerstone in Dugin’s oeuvre, *Chetvertaia politicheskaiia teoriia* [*The Fourth Political Theory*] (Dugin 2009; Eng. Dugin 2012), Dugin includes a dozen references to Schmitt’s anti-liberal political theory, this time, however, given the context of discussion of political systems, mostly concerning Schmitt’s concept of political theology. This is why, in the Russian original of his *The Fourth Political Theory*, Dugin touches only in passing upon geopolitics and integration projects called “large spaces.” The English edition, however, applies the magical figure of this work, 4, to a “Fourth Nomos of the Earth,” allegedly envisioned by Alain de Benoist (who disagrees with this attestation, see above), as a follow-up to Schmitt’s three nomoi, and refers to Schmitt (Eng. Dugin 2012, 116 fn 15 and 43 fn 37; missing in Dugin 2022).

Schmittian geopolitics is more present again in Dugin’s *Teoriia mnogopoliarnogo mira* [*The Theory of a Multipolar World*] from 2013. Here Dugin essentializes the distinction of East vs. West into something based on the stable and practically unalterable givens of space, of the Schmittian binary of Land and Sea (Schmitt 2013, 359, 361). This book features another purported Benoist quote about a future fourth, Eurasian nomos which shall emerge after the bipolar order of the Cold War (Dugin 2013, 270–271). In fact, however, Dugin misattributes to Alain de Benoist. The quote in question turns out to be taken from a Russian translation of *Contre le libéralisme* (Benua 2009, 18). The French original (Benoist 2019), however, *does not contain* such a chapter, while the Russian translation, edited and prefaced by Dugin, lacks a list of source materials. The same mechanism of subsuming others under his own ideology is at work in relation to Schmitt—who, to be sure, passed away in 1985—as a mouthpiece of Dugin’s fourth political theory (Dugin 2013, 492). This double manipulation gives rise to the suspicion that Dugin quotes himself in the name of Schmitt and Benoist, mystifying a kind of International of right-wing (neo-Eurasian) thought that agrees (and always agreed) with him. These acts of philological dishonesty obviously betray rather the opposite: neither in Schmitt’s lifetime, nor in 2013 was there any international right-wing consensus about Dugin’s trademark of neo-Eurasianist geopolitics, not even in Russia.

More transparency is at work when Dugin explains his own formula of a “multipolar world” with the help of Schmittian terms (the footnote explicitly refers to Schmitt’s *Großraum Order of International Law*) as follows: “Многополярный мир, основанный на балансе сил

²⁹⁵ For the fact that this claim of absence is textually clearly wrong for Schmitt, see below.

составляющих его цивилизаций, можно будет назвать, вслед за К. Шмиттом «*порядком больших пространств*».” [“A multipolar world, built on the balance of the civilizations which form it, can be called after Carl Schmitt an ‘order of great spaces’.”] (Dugin 2013, 128).

In chapter 5 of part III of his *Theory of a Multipolar World* (“Глава 5. Принцип «Империи» у Карла Шмитта и Четвертая Политическая Теория” [“Chapter Five: The Principle of ‘Empire’ in Carl Schmitt and the Fourth Political Theory”]; Dugin 2013, 479–494), Dugin casuistically attempts to cleanse Schmitt of his closeness to Hitler’s imperialism and to convert his “great space” into a “harmonious” pan-European “Reich” (Dugin 2013, 488), which coexists in symphony with two more “Reiche”, the American and a Eurasian one (Dugin 2013, 493). David Lewis observes: “Dugin is at pains to differentiate Schmitt from the racist model of expansion espoused by Hitler.” (Lewis 2020, 169). For this purpose, Dugin—like Schmitt— inverts the Monroe Doctrine of 1823, taken as a point of departure and turned around by Schmitt (Schmitt 1941, 22; Dugin 2013, 480), against any transcontinental influence of the USA (Dugin 2013, 493). To this end, Dugin takes Schmitt’s apology of regional expansion out of the Nazi context of 1939 (Dugin 2013, 479, 486) and declares both Schmitt’s concept of great space and his anti-interventionism as recipes for Russia in the 21st century (as quoted in the introduction to this entry):

“В своей работе 1939 года «Порядок большого пространства в правах народов и запрет на интервенцию пространственно чуждых сил. Введение в понятие «рейх» в правах народов» Карл Шмитт излагает основы концепции, которая легла в основу неоевразийского проекта в России начала XXI в.”

[“In his 1939 work ‘The Großraum Order of International Law with a Ban on Intervention for Spatially Foreign Powers: A Contribution to the Concept of Reich in International Law,’ Carl Schmitt expounds the basis of a concept, which became the foundation of the Neo-Eurasian project in Russian at the beginning of the 21st century.”] (Dugin 2013, 479)

Lesser philological sins than selling one’s own ideas under the name of foreign or even deceased “authorities” are the widespread techniques of self-repetition, self-rewriting, self-quoting, self-referencing, and self-copy-pasting applied by Dugin. A good part of the rambling outlook of his *Foundations* of 1997, “Apocalypse of the Elements (From Geopolitics to Philosophy of History: Reflections on Carl Schmitt’s Theory of Elements)” (Dugin 1997, 553–567) was remade 18 years later into the subchapter “Shmitt o tipakh tsivilizatsii” [“Schmitt on the Types of Civilizations”] of *Russkaia voina* [*The Russian War*] of 2015 (Dugin 2015d, 45–49). Dugin repeated his “5 Lessons” after the journal publication of 1992 in slightly altered, more idio-terminological (“tellurocratic”) form. A—non exhaustive—list of self-repetitions

comprises Dugin's books *Konservativnaia revoliutsiia* [*Conservative Revolution*] (Dugin 1994), *Russkaia veshch'* [*The Russian Thing*] (Dugin 2001, I 152–170), *Filosofia politiki* [*Philosophy of Politics*] (Dugin 2004), and *Russkaia voina* [*The Russian War*] (Dugin 2015d, 26–44). Cases of literal copy-pasting and thus self-plagiarism include the practically identical biographical footnotes about Schmitt in the English editions of Dugin's books such as *Putin vs. Putin: Vladimir Putin Viewed from the Right* and *Last War of the World-island: The Geopolitics of Contemporary Russia*. (Dugin 2014b, 154 fn 19; Dugin 2015b, 34 fn 58). An indirect variety of self-quote can be found in Dugin's references to "SchmittDugin," i.e. to Russian translations of Schmitt translated by Dugin himself for the second edition of the appendix of his *Foundations* from 2000, for example in Dugin's *Noomakhiiia: voiny uma* (Dugin 2014a, 689). The Russian annexation of Crimea and the para-military infiltration of Eastern Ukraine since March 2014 heralded the fulfillment of Dugin's neo-imperialist expansionist vision at the cost of Ukrainian lives. The diary *Ukraina: moia voina* [*Ukraine: My War*] (Dugin 2015a), in which Dugin documented his emotions about news from the Ukrainian "front," is based on the hegemonic assumptions of Schmittian "great space." Like Putin in his 2021 article "On the Historical Unity of Russians and Ukrainians" (Putin 2021), Dugin just replaces "great" by "joint" (entry of March 3, 2014):

“Мы имеем уникальный шанс вернуть братскую православную славянскую Украину в наше общее пространство, создав тем самым Новую Страну, Вечную Державу.”

[“We have the unique occasion to return our brotherly Orthodox Slavic Ukraine into our joint space, thus building a New Country, An Eternal Great State.”] (Dugin 2015a, 43)

5. Dugin's Trump Turn

Unexpectedly for scholars like Andreas Umland who had spent decades—correctly—accusing Dugin of fascism and imperialism, Dugin changed his customary binaries in 2025, which I propose to call his “Trump turn.” While it seemed safe to predict that Dugin would never abandon his endlessly repeated anti-Americanism because of his geodeterminist binary of thalassocracy vs. tellurocracy, the rapprochement of Russia and the US at the beginning of Trump's second presidency in 2025 challenged Dugin's imagined land–sea split of the world—and with it the Schmittian binary reduction of friend and enemy. In line with Russian propaganda's renewed comparisons of present-day Germany with the Third Reich, Dugin retreated from his Cold War opposition of East vs. West to the strategic alliance of the Second World War from 1941 to 1945.

As early as mid-March 2025, when Donald Trump's imperial aspirations were still merely rhetorical, Dugin published his book *Revoliutsiia Donal'da Trampa. Poriadok Velikikh Derzhav* [*The Revolution of Donald Trump: The Order of Great Powers*] (2025a) which proved to be self-fulfilling prophecy. Dugin's book-related article "Tramp stroit mirovoi poriadok velikikh derzhav" ["Trump Builds a World Order of Great Powers"] (Dugin 2025b) from March 18, 2025, constructs a geopolitical consensus with the US regarding Schmitt's "great space":

“Вот такой миропорядок, основанный на отношениях всего нескольких государств-цивилизаций, и признает Трамп как дорожную карту для своей геополитической революции. Это [...] вектор на региональную интеграцию "больших пространств", что необходимо для самостоятельности и автаркии великой державы.”

["Trump also recognizes such a world order, based on relations between a few state-civilizations, as a roadmap for his own geopolitical revolution. This trajectory leads to the regional integration of 'great spaces,' which is required for the autonomy and autarky of a great power."] (Dugin 2025b)

The surprisingly-found consensus with the former geo-determined enemy comprises the right to regional expansion (Dugin mentions Trump's neocolonial aspirations toward Canada and Greenland) in analogy to Russian claims to the near abroad:

“Приблизительно в таком же ключе мы сами используем термин "Русский мир", существенно выходящий за границы Российской Федерации с неопределенными границами. Русский мир — это синоним русского государства-цивилизации, то есть Великой России.”

["Roughly in the same sense we use the term 'Russian World,' which substantially exceeds the borders of the Russian Federation with undefined borders. The Russian World is a synonym for the Russian state-civilization, i.e. Great Russia."] (Dugin 2025b)

Even if not explicitly mentioned in this article, the godfather of both the ideas of "great space" and "non-intervention" is Carl Schmitt with his 1941 treatise *The Großraum Order of International Law with a Ban on Intervention for Spatially Foreign Powers*. One might wonder if it is a mere coincidence that the "Donroe Doctrine," which Trump announced after the US's attacks on Venezuela and the abduction of sitting President Maduro on January 3, 2026, goes back to the same inspiration as Dugin's reception of Schmittian "great space" hegemony and non-intervention claims—the Monroe Doctrine of 1823. Speaking in Kiel on April 1, 1939, Schmitt could have foreseen but not yet actually *known* that in a global world, virtually all attempts at separating great-space unities inevitably lead to major conflicts. After Hitler's attack on the Soviet Union of June 1941, however, it requires a conscious decision to *repress* this

historical knowledge, as displayed by Dugin in his decontextualization of Schmitt's *Großraum Order*. One who fails to forget the lesson of World War Two, however, will hardly dare predict a clear dividing line and harmonious coexistence between the "great space" claims of Putinism and Trumpism.

6. From Dugin to Putin through Schmitt

Given Russian President Vladimir Putin's well-documented endeavors to strengthen and expand the sphere of influence of the Russian Federation (Chechnya, Abkhazia, South-Ossetia, Crimea, Donbas, entire Ukraine), which geographically coincide with Dugin's yearning for a Greater Eurasia in the footsteps of Carl Schmitt "Großraum," the question as to whether there exists a dyadic nexus Dugin–Putin or a triadic connection Schmitt–Dugin–Putin, appears more than pressing. This question has been answered with a long tradition of suggesting a connection, including both Dugin's own contested claims about his role as an advisor to the Kremlin, made for marketing purposes (Auer 2015, 954 fn 9), and no less marketable scholarly, journalistic, and diplomatic critique (Münkler 2023; Regenbrecht 2025, and many others). Charles Clover, who worked in Moscow as a journalist and interviewed members of the Russian New Right, is most outspoken in this respect despite his critique of Dugin's own claims of influence (Clover 2022, 296): Clover argues that Dugin met Putin first in 2000 and that after that meeting Putin soon adopted Duginian phrasing such as "Eurasia" (Clover 2022, 255). However, it has been astonishingly difficult to substantiate this nexus to the present day. This has led to the emergence of a considerable number of deconstructions of such connections, speaking about an "unwitting" coincidence rather than an arrival of "Carl Schmitt in the Kremlin" (Auer 2015, 956–957). Other corrections maintain rather an evolution of the mainstream of Russian politics toward Dugin versus of his influence on Russian politics (Sedgwick, Birger 2025) or a linguistic questioning of the suggestive power of the conjunction "and" in "Putin and Dugin" (Mehring 2024, 130).

Even if similar suggestions lack documentary proof, they are indicative of a telling closeness between Russian 21st-century political theory and its "Schmittianism," on the one hand and the Russian Federation's aggressive foreign policy on the other: the instrumentalization of Carl Schmitt for the sake of Russian expansionist geopolitics, which began in a right-wing oppositional niche in the 1990s that set out to anticipate future Russian state politics, after 2000 evolved into growing dependency (in the sense of a mathematical function) of the belligerency of Russian foreign politics against Russia's Near Abroad on the anti-Western rhetoric that coats Russia's aggression, be this anti-American (until 2024) or anti-West-European.

7. Summary

In sum, the reception in Eastern Europe of the geopolitical facet of Carl Schmitt's political thinking was dominated by Aleksandr Dugin, who sold his own imperialist ideas as acclaimed concepts of others, including Schmitt. In doing so, Dugin subsumed the more opaque and more contradictory Schmitt (cf. Mehring 2017, 7–8) under his own reductionist binaries. Dugin essentialized Schmitt's relativistic statements about specific historical constellations, including the transformations of perceptions of space due to technological developments (Schmitt 1942) and the relative newness of the dualism of West and East (Schmitt 1991), to geo-deterministic transhistorical "laws." By decontextualizing Schmitt's concept of "great space" from its Hitlerian context of 1939, Dugin transferred Schmitt's theoretical justification of the Third Reich's interest in the USA's non-intervention in Europe before and during the Second World War onto Russia's expansive "Eurasian" imperialism under Putin. From 1991 until 2024 Dugin's reception of Schmitt combined Schmittian geopolitical terms from his National-Socialist period with his later dualism of East and West in the Cold War. Over the more than two decades since 1991, there was little change in Dugin regarding his essentialization of binaries of Land and Sea and Friend and Enemy, only increasing explicitness in the interpretation of the metaphor of Fire as war of aggression or even nuclear aggression. This aspect, however, marks a blatant difference between Dugin's pathos for multipolar great spaces and Schmitt's *Theory of the Partisan* (1963), where Schmitt pessimistically declares a fatal nuclear war between countries declared as "absolute enemies" as inevitable (Schmitt 1963, 95), while Dugin yearns for it with apocalyptic²⁹⁶ oxymoronic joy.

All the geopolitical Schmittians—or should we rename them into "Grossraumians"?—give the dramatic impression of having unlearned the crucial lesson that post-war historians drew from Schmitt's intellectual complicity with Hitler's politics of spatial expansion: once "great space" aspirations are implemented in allegedly "inner-regional" military actions, transregional war is imminent.

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²⁹⁶ Another convergence of Schmitt and Dugin, their conspiracy theories, the demonization of the enemy, and Dugin's resacralization of Schmitt's secular *katechon* (cf. Lewis 2020, 201–202; Byrd 2025), cannot be investigated here further.

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Carl Schmitt and the Enlargement of the European Union

‘Extraordinary times call for extraordinary measures ... We are not undermining enlargement. We’re enlarging the concept of enlargement’ (*FT* 17/1/2026). A senior EU diplomat channeled Carl Schmitt when justifying that the rules that have governed EU enlargement for decades be bent. The challenges that Europe and Ukraine are facing are indeed unprecedented. Whether and how Europe will succeed in addressing them will tell us a great deal about the European Union as a unique political project. Normality is boring, Schmitt famously argued.²⁹⁷ To understand the nature of power and the location of sovereignty we need to pay attention to extraordinary challenges. ‘Sovereign’, in Schmitt’s most famous dictum, ‘is the one who decides on the exception’.

The aim of my paper is to discuss EU enlargement from a Schmittian perspective. By doing so, I hope to shed light on three questions that have animated European studies for some time. First, how does enlargement work as the EU’s ‘foreign policy’ tool? Second, what does it tell us about what the EU is and what it might become? Third, how can Europe adjust to the world that’s emerging under Donald Trump’s second administration? That is a world that is moving away from the vision of a liberal rule-based international order to the one divided into distinct great spaces (or *Grossräume* to use Schmittian terminology developed in the *Nomos der Erde*, that is the *Nomos of the Earth*).

In advancing my argument I will draw on three aspects of my research. I turned to the ‘crown-jurist of Nazi Germany’ to better understand contemporary European politics well before it became fashionable. The result was ‘Carl Schmitt in the Kremlin’ (Auer 2015) – an essay the central argument of which was vindicated in the way no decent reader (let alone the author) would have wanted. I warned there that the threat of revanchist Russia was very real and urged Europe to use ‘Schmitt against Schmitt’ (Mouffe 1997) and equip itself so that it can stand up to its values. 8 years later I came to a realization that this task was both necessary *and* unattainable, as I discussed in a short book chapter entitled ‘Carl Schmitt in Brussels’ (Auer 2024). Necessary, because Europe must contain Russian imperialism, and unattainable because the EU could only turn itself into a credible geopolitical actor of Schmittian kind if it abandons

²⁹⁷ ‘The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: It confirms not only the rule but also its existence, which derives from the exception. In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition’ (Schmitt 1985: 15).

its normative commitments, which justify its very existence. Which takes me to the third aspect that I am working on right now. For the sake of symmetry and coherence I can call it ‘Carl Schmitt in Washington’ (or ‘Carl Schmitt in Mar-a-Lago’?) to capture the new phenomenon that is the source of hope and thread in equal measure. If Europe has no power to stop Russia, the only remaining actor to do so is the United States, which is unafraid to threaten and even use force in dealing with its global competitors, including Putin’s Russia. Yet, the second Donald Trump administration is rightly seen not merely as a threat to rule-based international order, but also to the American republic and *its* foundational values. At the time of writing, it seems that Trump’s erratic behavior helps Putin’s imperial ambitions vis-à-vis Ukraine and Europe, rather than helping to contain them. Instead of using Schmitt against Schmitt, Trump appears to live up to Schmitt’s ideal of an authoritarian leader who does not shy away from calling the exception as he sees fit (Schmid 2025).

This is the international context in which the EU enlargement can no longer be seen as Europe’s ‘most successful foreign policy tool’ (Moravcsik and Vachudova 2003, cf. Scicluna and Auer 2023). First, it was the full-scale Russian invasion of Ukraine in 2022, which exposed the EU’s limitations vis-à-vis Russia. Second, it was the US threat to take control over Greenland, which will test Europe’s ability to defend the territorial sovereignty of one of its members, Denmark vis-à-vis its most powerful Western ally. In response to both, numerous earlier calls for EU’s ‘strategic autonomy’, ‘EU sovereignty’, or even ‘a European army’ (e.g. Manfred Weber) have become more urgent. The next round of EU enlargement – if it ever happens – will be the result of the Union’s ‘geopolitical turn’, the aim of which is to turn the EU into ‘a more effective and capable global actor’ (Tonra 2025). In that sense, the enlargement can be seen as a litmus test of Europe’s geopolitical ambitions, which have been discussed by leaders, policy-makers, analysts and academics for at least a decade.

The historic irony is that Europe appears powerless partly because of the early success of geopolitics as an intellectual construct that shaped the policies of imperial powers, including Nazi Germany. This makes engagement with Schmitt’s political thinking both controversial and even more worthwhile. The post-war European project was constructed explicitly as *anti*-geopolitical and, in that sense, also anti-Schmittian (Müller 2000). In fact, it was not long ago that geopolitics in Europe was the concept that did not dare to speak its name (Behnke 2012; Auer 2015).²⁹⁸ Though its return is widely acknowledged and discussed, it is little understood.

²⁹⁸ Until recently, academic debates about geopolitics were viewed mainly through a constructivist prism. This gave rise to critical geopolitics that sought to interpret foreign policy choices as functions of ontological insecurity.

Geopolitics is used for conflicting purposes, exacerbating confusion rather than contributing to clarity. As Carsten Nickel recently observed, ‘the western debate tends to equate geopolitics with its worst outgrowths since around 1990, while simultaneously propagating an arbitrary geopolitics-of-everything and calling for more of it in western strategy’ (Nickel 2024: 222).

While in early 2000s scholars warned against ‘geographic and cultural otherings’, which marked ‘a return of geopolitics in European identity constructions’ (Diez 2004: 319), more recently the term has often been used in a positive way. Exemplary of this approach is the scholar turned politician, Finland’s president Alexander Stubb, who contrasts multilateralism with multipolarity to argue that geopolitics can be good, or bad. If it’s informed by ‘values-based-realism’, Stubb argues, it leads to multilateralism. If, by contrast, ‘countries eschew cooperation for competition, a world of even greater conflict looms’. Geopolitics, according to Stubb, can thus lean ‘toward cooperation, fragmentation, or domination’ (Stubb 2025).

In a similar vein, EU enlargement has been framed as a win-win scenario, in which the admission of Ukraine would strengthen both Ukraine’s territorial sovereignty and independence *and* contribute to the EU’s quest for ‘strategic autonomy’, or even ‘European sovereignty’. As the EU’s representatives never tire of stressing, ‘EU enlargement is a driving force for long-term stability, peace and prosperity across the continent. EU membership is a geostrategic investment in a strong, stable and united Europe’ (*European Commission* 2023: 2 cited in Anghel 2025). What the statement obscures is the fact that the unity required for such a geopolitical gesture to be credible is not there. In fact, the European Commission which pursues this rhetorical strategy does not have the institutional standing to enforce it. Though the Commission is often viewed as the EU’s de facto government, the EU is not a state and instead of a government it merely has a *system of governance*. The Commission has considerable power, but only in areas, such as international trade and the single market, that do not require unanimity. In foreign affairs and security policies, member states remain in the driving seat. The questions about war and peace, for example, cannot be decided by a technocratic body, however much that body self-describes as geopolitical. As Veronica Anghel acknowledges, ‘the EU lacks the fundamental state-centric features typically associated with geopolitical actors capable of unilateral power projection. It is not a state and it lacks a singular, unified “national

Uncertain of their changing identities, in this reading, political communities use external threats – real *and* imagined – to enhance their national unity. However, a research agenda driven by a search for ‘imagined’ threats can be misleading. For example, it led some scholars to downplaying the role of geopolitical thinking in Russia (e.g. Astrov and Morozova 2012), while belittling Estonia’s fear of Russian domination (e.g. Kuus 2012).

interest” to guide its actions’ (Anghel 2025: 2863). Nevertheless, Anghel remains optimistic about the EU’s geopolitical agency. She theorises ‘the relational geopolitics’, arguing that,

wartime conditions have revealed how the EU navigates multiple geopolitical logics, blending classic strategies of deterrence and power projection with critical geopolitical insights that challenge the notion of geopolitics as a zero-sum contest among great powers. This hybrid approach reflects the EU’s incomplete statehood and diffuse identity – and underscores the centrality of enlargement in its mode of external engagement (Anghel 2025: 2864).

This is the win-win strategy that the likes of Stubb, Commission President Ursula von der Leyen, and numerous scholars advocate. There is no need to be a Schmittian to see its limitations. An incomplete state cannot develop credible military capabilities, and in the age of fierce great power competition, there is no geopolitical power without military power. In fact, in a more traditional understanding of geopolitics, a world that’s ruled by geopolitics is multipolar, rather than multinational. Multipolarity is its defining feature. And it is this world that the EU believed to have left behind when its cheerleaders proclaimed that Europe would ‘run the 21st century’ (Leonard 2006). As a pioneer of the concept of ‘civilian power Europe’, François Duchêne, argued already in 1972,

Lacking military power is not the handicap it once was. We may well be witnessing the end of history ... But where history ends, administration begins; and there is an extraordinary amount of administration required in the world looming ahead of us (Duchêne 1972: 47).

Remarkably, Duchêne wrote about ‘the end of history’ more than quarter of a century before Francis Fukuyama (1989). And both Duchêne and Fukuyama imagined that conflictual politics would be replaced by ‘the administration of things’ (Fukuyama 1989). But while Fukuyama saw this dramatic change occurring worldwide owing to the then imminent demise of communism, Duchêne focused on (western) Europe, which in his view benefited from the pacification of the world thanks to the doctrine of mutually assured destruction. ‘By becoming the first major area of the world pacified by superpower control without, at least in the West, being colonized’, argued Duchêne, Europe could ‘be the first continent where the ‘technical’

nuclear peace is transmuted into the ‘political’ peace ... of a not purely military form of international security’ (Duchêne 1972: 47).

Both these ‘endisms’ (cf. Huntington 1989) proved profoundly wrong. The end of communism in Europe did not bring about a world in which liberal democracy no longer has a credible competitor. And nuclear power did not prevent major military conflicts in Europe forever. In fact, the wide-spread confidence about the age of major military conflicts in Europe being a thing of the past facilitated Ukraine giving up on its own nuclear capabilities, safeguarding its security with an international treaty instead – the Budapest Memorandum of 1994. The Treaty did not abolish the possibility of conflict, just as no legal guarantees can ever abolish enmity from human affairs. How likely is it then that Ukraine will accept merely another treaty to reach a peace agreement with Russia and to become a member of the EU?

EU membership would have to be preceded by a viable military strategy, which in turn can only be safeguarded by a military superpower – that is not Europe on its own. And this in turn will reinforce Europe’s self-inflicted vassalisation to the United States (Morgan 2026). Contra Duchêne, Europe’s independence is threatened both in the East and the West. But this is partly the result of the popularity of his own analysis. Studies endorsing the idea of civilian power Europe for more than half a century are too numerous to cite. A couple of illustration should suffice. Kalypso Nicolaidis, for example, celebrated ‘the power of the superpowerless’, contrasting ‘the U.S. story of liberal imperialism’ with Europe’s alternative way of being a global actor. ‘What if *not to be the superpower*—or even *a superpower*—was itself the key to Europe’s international influence?’ (Nicolaidis 2004: 95). As we now know, this was instead ‘the key’ to Europe’s international marginalization. In a similar vein, Andrew Moravcsik asked as recently as 2020 ‘Why Europe Wins?’ in order to argue that ‘Brussels is smarter than Beijing, London, Moscow, and Washington’, and that ‘nowhere is Europe’s ability to confound the sceptics clearer than in foreign policy’ (Moravcsik 2020: 47). He wrote, ‘Europe’s distinctive pragmatic use of civilian power may be too dull, slow-moving, and technocratic to attract attention. Yet in the end, it gets the job done’ (Ibid: 48). Remarkably, Moravcsik cited Ukraine as one of the EU’s foreign policy success stories. In his view, Europe alone possessed ‘the nonmilitary instruments needed to prevail against Russian President Vladimir Putin’ (Ibid: 49). Now we know: it doesn’t.

Similarly, Timothy Garton Ash declared Europe victorious already in December 2014, as it was in that year that ‘Angela Merkel has faced down the Russian bear in the battle for Europe’ (Garton Ash 2014). Clearly, Merkel was civilian power Europe incarnate. In this whiggish narrative, Europe’s victory was all but preordained. While at the beginning of 2014, the Russian ‘bear was making the running’, Garton Ash wrote, towards the end of the same year ‘with the Russian economy close to meltdown, it seem[ed] the tortoise may be winning after all’ (Garton Ash 2014). Fast forward to 2023, when Garton Ash contemplated a future in which ‘the EU as a postimperial empire, in strategic partnership with an American postimperial empire, [would] prevent the comeback of a declining Russian empire and constrain a rising Chinese one’ (Garton Ash 2023a). The formulation is pleasing, but it obscures the simple reality that the EU will either be post-imperial, or an empire — it cannot be both. If it is to be post-imperial, it will lack the hard power to sustain itself in a hostile world; if it is to be an empire, it would by necessity acquire capabilities that will make it imperial. In support of his argument, Garton Ash cited Dmytro Kuleba, Ukraine’s then foreign minister, who described the European Union as a ‘liberal empire’ that keeps its different nations together ‘not by force but by the rule of law’. This is in stark contrast to ‘Putin’s attempt to restore Russia’s colonial empire by military conquest’. What such an account underplays, however, is the challenge this military conquest represents. How can the EU’s ‘post-imperial empire’ be created and sustained without a credible threat (and even use) of force?

This takes us back to Schmitt and his concept of the political, which is defined by conflict. As he noted,

It would be a mistake to believe that a nation could eliminate the distinction of friend and enemy by declaring its friendship for the entire world or by voluntarily disarming itself. The world will not thereby become depoliticized, and it will not be transplanted into a condition of pure morality, pure justice, or pure economics. If a people is afraid of the trials and risks implied by existing in the sphere of politics, then another people will appear which will assume these trials by protecting it against foreign enemies and thereby taking over political rule. ... If a people no longer possesses the energy or the will to maintain itself in the sphere of politics, the latter will not thereby vanish from the world. Only a weak people will disappear (Schmitt 1995: 51-53).

What does it tell us about what Europe is and what it might become? Of course, the EU is not based on a unity of its people. It is not a nation state. There is a rich scholarly debate spanning decades and celebrating the European Union as an ‘experimental polity’. It is *sui generis*, unique. It is ‘unsettled and unsettling’ (Laffan 2002). We are reminded that ‘EU agency ... is not given but performed’ (Garančovská and Brusenbach-Meislová 2026), whether through practice as in ‘doing Europe’, or through discourse, as in ‘speaking Europe’ (Diez 1999). Schmitt would accept none of this. For the EU to become a state-like polity in its own right, it would require unity of purpose that is simply unattainable. As Schmitt put it,

The political entity is by its very nature the decisive entity, regardless of the sources from which it derives its last psychic motives. It exists or does not exist. If it exists, it is supreme, that is, in the decisive case, the authoritative entity (Schmitt 1995: 43-44).

It is worth noting that the term Schmitt used in the German original is *Einheit*, that has the double meaning of ‘unit’ and ‘unity’, while ‘entity’ merely captures the first meaning. As much as the federalist dream of the *United States of Europe* continues to exist in the heads of many commentators (e.g. Robert Menasse 2025 and Jan Werner Sinn 2025) and some past and present political leaders (e.g. Mario Draghi, Martin Schulz and Kaja Kallas), pursuing it against the resistance of the peoples of Europe has generated more division, not unity (Auer 2022). The inclusion of Ukraine would further hinder that movement. For the EU to be more united, it would have become less democratic. And as Schmitt also understood well, a polity evolves either towards more unity, or its dissolution.

Whether we like it or not, the most likely consequence of the next round of enlargement is further fragmentation. There are serious divisions within and between member states about the rationale for Ukraine’s membership and the ways to achieve it. ‘Accession through war’ (Petrov and Hillion 2022) is thus unlikely to succeed. The problem is that enlargement by war stops when the war stops (Kochenov 2025). Once the fighting stops, the sense of urgency would be greatly reduced and the formal obstacles that are seen as irrelevant in times of emergency will be given more weight. Furthermore, if a new set of procedures were to be followed, as the report cited in the opening of this chapter envisages, this would create a new set of problems. The prospect of a quick, but incomplete membership for Ukraine pursued through such a policy would amount to disenfranchising Ukrainians – the very nation that has recently made enormous sacrifices to maintain self-government. Thus, though there are compelling

‘geopolitical’ arguments in favour of speedy enlargement, the promise of bringing ‘stability to and foster reform in bordering countries’ (Anghel and Jones 2024), such as Ukraine and Moldova, remain elusive.

Concluding remarks

The combined impact of Russian military aggression and the second Trump administration has significantly altered the EU’s posture in the world. Both political actors and scholars have focused on ‘European sovereignty’, urging a transformation of Europe into a geopolitical project – terms which were frowned upon until recently. Yet, while European leaders spoke increasingly the Schmittian language of geopolitics, they continued to behave as liberal internationalists would. In response to military escalations, the EU issued statements, condemnations and sanctions. The EU is thus facing an impossible dilemma: to attain a more muscular commitment to its liberal values, it would need to embrace a more traditional understanding of power, which it had long considered obsolete. And yet, if it continues to shy away from massively increasing military assistance to Ukraine and re-building its own military capabilities both at national and European levels, it will have little say in shaping its own future, or indeed its very survival. The EU thus must and yet cannot become truly sovereign.

From Political Theology to Political Demonology: Values and the Sacred in Polish Conservative Readings of Carl Schmitt

They say imitation is the sincerest form of flattery. If this is true, it is hard to find a twentieth-century German thinker more flattered by the contemporary participants of Polish conservative discourse than Carl Schmitt. This applies in particular to two intellectual circles: the annual *Teologia Polityczna* (*Political Theology*) and the quarterly *Kronos*, which since the early twenty-first century have consistently shaped Polish reception of Schmitt's thought, making him the patron of their own philosophical and political projects.

Although these circles position themselves at opposite poles of Polish conservatism—from the republican Christian conservatism of *Teologia Polityczna* to the more revolutionary and tradition-ambivalent conservatism of *Kronos*—both adopt Schmittian concepts, while assigning them different meanings. These divergences do not stem solely from differing interpretive sensibilities - Schmitt's writings are known to contain claims that appear mutually contradictory, prompting radically different readings.

This tension certainly concerns an issue central to Polish conservatism: values and their codified form—morality. Schmitt's ambiguity on this issue is already evident in the 1920s. In *Political Theology*, he formulates a moralizing critique of leftist emancipatory ideologies, arguing—after Donoso Cortés—that “All moral valuations lead to theology” (Schmitt 2005, 64), but in modern times, “the moral vanished with the theological, the political idea with the moral,” because the core of the political idea is “exacting moral decision” (Schmitt 2005, 65). A similar tone appears in *Roman Catholicism and Political Form*, where liberal economic rationalism is opposed to the “rationalism of Roman Church,” which “morally encompasses the psychological and sociological nature of man and, unlike industry and technology, is not concerned with domination and exploitation of matter” (Schmitt 1996b, 13). In *The Concept of the Political*, however, Schmitt draws a radical distinction between the political and the moral: the friend–enemy distinction is defined as strictly existential, since “there exist no rational purpose, no norm no matter how true [...], no legitimacy nor legality which could justify man in killing each other” (Schmitt 2007, 49). Moralism is instead attributed to liberalism and deemed dangerous, as it leads to the demonization of the enemy who becomes “a monster that must not only be defeated but also utterly destroyed” (Schmitt 2007, 36).

Schmitt develops this anti-moralist strand after the Second World War. In *The Nomos of the Earth* (1950), he argues that moralization of war—even in the name of religious values—fostered an escalation of violence. He contrasts this with the European *jus publicum europaeum*, which recognized the enemy as a *justus hostis*, rather than a criminal to be annihilated (Schmitt 2006, 142). And in *The Tyranny of Values*, he claims that values possess no ontological being: “Value is not, rather it *holds*” (Schmitt 2018, 27) which leads to violence, because, deprived of being, “it is values that stroke the battle and keep enmity awake” (Schmitt 2018, 30). Consequently, in the political sphere “there are [...] only annihilator and annihilated” (Schmitt 2018, 39).

The differences in Schmitt’s approach to values and morality cannot be reduced to an evolution of views, because even in his writings from the 1930s Schmitt was at times affirmative toward values. In *On the Three Types of Juristic Thought*, for example, he grounded the new, nazi political order in traditional Germanic values, opposing it to the liberal state existing outside the sphere of values— “without territory, without a state, and without a church [...] only in ‘law’” (Schmitt 2004, 45). If this inconsistency is not reduced to sheer opportunism, it appears as a structural rupture inscribed in the very architecture of Schmitt’s thought. Around this rupture crystallize the divergent readings of *Teologia Polityczna* and *Kronos*: the former presents Schmitt as a Christian conservative who grounds the political community in values and a theological foundation, while the latter highlights his anti-moralist, revolutionary potential. The circles thus position themselves on opposite sides of this rupture, which, surprisingly or not, concerns the understanding of the sacred—and thus the very core of Schmittian political theology.

The category of the sacred constitutes the prism through which the *Teologia Polityczna* milieu—above all in the interpretations of Marek Cichocki and Dariusz Karłowicz—reads Schmitt’s thought. The political theology they practice entails “viewing political matters from the perspective of ultimate things” (Cichocki, Karłowicz 2003-2004, 3). The authors invoke the words of John Paul II—“Poland cannot be understood without Christ”—which function here as a “methodological directive” for their reflection on Europe and its crisis (Cichocki, Karłowicz 2003-2004, 4). Schmitt, too, is said to have pursued such a Christian reflection on Europe. Cichocki presents him as a Catholic who only “clothed” his fundamental intuitions “in the language of historical-sociological analysis,” concealing the “deeper, Christian motives of his political theology” (Cichocki 2012c, 7). According to Cichocki, “the conclusion of Schmitt’s thought [...] is the Christian’s engagement on behalf of order as such in the perspective of

salvation,” (Cichocki 2004-2005, 302) understood primarily as the salvation of Europe, which lost its Christian foundations with the adoption of the liberal politico-legal form. The decline of sovereignty in the liberal state is seen as a consequence of the rejection of God, since the problem of sovereignty is “structurally identical with the Christian theological problem of God’s presence in the historical reality of man” (Cichocki 2012c, 9).

Schmittian political theology appears here as a project of salvation of Europe’s Christian heritage and the restoration of its lost order. Inspired by this line of thought, *Teologia Polityczna* undertakes an analogous task. In the issue “Forgotten Europe,” drawing on *The Nomos of the Earth*, Cichocki diagnoses Europe’s illness, whose symptom he identifies in integration processes, understood as “the effect of a clear weakening of Europe, of the loss by European states of the capacity to conduct politics on a global scale.” (Cichocki 2006-2007, 229). The response to this crisis is to be a return to the continent’s Christian and Latin roots, more precisely to the Schmittian notion of a Christian political “Roman form” as the proper European model. Cichocki and Karłowicz develop this thesis in the issue “We, the Romans,” emphasizing that Rome as a form “shaped Europe spiritually and politically,” (Cichocki, Karłowicz 2015-2016, 9) and that Polish identity “was formed as a result of the decision to adopt the Roman form of existence” (Karłowicz 2015-2016, 15-16).

In this view, the struggle for the salvation of Europe and Poland entails the restoration of the Roman form, and with it the “tragedy of existence,” drawing on Schmitt’s concept of tragedy from *Hamlet or Hecuba*. As Cichocki emphasizes, the existential plane makes it possible to “once again reveal what’s been lost to modernity: the meaning of human existence and its tragic dimension,” (Cichocki 1999, 183) whose essence is the ineradicability of conflict, translated into the language of politics as the friend–enemy distinction. “The permanence of this distinction,” Cichocki writes, “endows existence with a strong charge of dramatic intensity: there will always be conflicts, there will always be wars,” (Cichocki 1999, 187) yet it is precisely what gives existence meaning, enabling people to unite around causes and ideas. The problem is that the tragedy of existence has been lost by liberal modernity in the process of secularization. As Karłowicz notes, “to fall into conflict requires courage—and religious courage at that,” (Karłowicz 2004-2005, 178) and it is this courage that is the condition for the preservation of the political. Schmitt thus appears as a courageous thinker who sought the justification of ineradicable differences “in Christianity, and above all in the Bible” (Cichocki 2012b, 35) since, when he spoke of the “evil” nature of man, he meant a “nature corrupted by original sin.” (Cichocki 1999, 192).

From this perspective, Schmitt's critique of liberalism and economic thinking acquires an unequivocally religious meaning: Schmitt's "terror of the secularized world" stemmed from the conviction that the meaning of human existence is rooted in faith, and that its privatization and neutralization amount to turning away from God. The liberal project of a conflict-free society thus proves theologically unacceptable: the possibility of a "paradise on earth" would invalidate the narrative of the Fall and original sin. For this reason, Schmitt cannot accept modern economic thinking, which is "contrary to the eschatological foundations of his religion" (Cichocki 1999, 188).

The authors of *Teologia Polityczna* read Schmitt in a manner close to Leo Strauss's interpretation, which emphasized that Schmitt rejects the vision of evil as "animal and thus innocent evil" in favor of understanding it as "moral baseness," (Strauss 2006, 110) which means that "the position of the political can be traced back to the position of the moral." (Strauss 2006, 115). In this view, Schmitt appears as a Christian moralist defending the distinction between good and evil—a distinction effaced in liberalism. The sharp separation of the political from morality does not signify anti-moralism here, but rather opposition to a secularized "humanitarian morality," set against the "transprivate obligation" postulated by Schmitt (Strauss 2006, 115-116). Analogously, *Teologia Polityczna* interprets his critique of morality as a critique of secularization, directly linking political theory with axiology: for Schmitt—as Cichocki puts it—no form of political order is acceptable "behind which there stands no idea, no value" (Cichocki 1999, 217).

Such an order is also unacceptable to *Teologia Polityczna*, which identifies it with the liberal state. According to Karłowicz, Polish liberals have "reduced the essence of their mission to economic issues," treating axiological questions as "illusory topics" (Karowicz 2005-2006, 45). As a result, political conflict in Poland takes the form of an "existential conflict," fought over the community's "spiritual culture, axiology, political habits, and imageries" (Cichocki, Karłowicz 2019-2020, 9). The political is here linked to the horizon of death: politics is a "matter of life and death," (Cichocki, Karłowicz 2012) and the relation to death "opens us to the possibility of the political," (Cichocki 2012a, 48) because the stake of the political is salvation—the overcoming of mortality through the endurance of the community. This is why the Church—as the guardian of salvation—should participate in political life, setting the "axiological boundaries within which politics may operate." (Karłowicz 2005-2006, 46). It was precisely such axiological boundaries of the political that Schmitt sought in the view of *Teologia Polityczna*. As Cichocki emphasizes, the core of his thought lies in the search for the foundations of political order in existence, "which always has its religious and communal

horizon,” (Cichocki 1999, 184) and in the “defense of the meaning of human existence against a world that is devoid of such meaning” (Cichocki 1999, 188).

In this view, value and meaning prove to be two names for the same existential experience, which can also be described in terms of being and form. Cichocki and Karłowicz illustrate this using an example of the secularized Polish political community: Polishness deprived of its Christian and Latin roots “does not understand itself,” loses the capacity for self-interpretation, and “falls into non-being,” becoming an “amorphous [...] material that still needs to be formed.” (Cichocki, Karłowicz 2015-2016, 9). The absence of meaning thus signifies at the same time the absence of being and form, which disappeared along with the loss of the perspective of salvation. This is how liberalism operates, according to the authors of *Teologia Polityczna*: it replaces the “gravity of human existence and the dramatic character of human fate” with “play (Spiel) and a sense of security (Sekurität),” (Cichocki 1999, 188-189) depriving life of tragedy and, with it, of meaning, value, being, and form.

Once again, *Teologia Polityczna* reads Schmitt in a way close to Leo Strauss’s interpretation, according to which Schmitt’s affirmation of the political was based in the resistance to the liberal erosion of the seriousness of human life and to the threat of reducing the world to entertainment. According to Strauss, Schmitt’s fear was that culture “*can* become entertainment” (Strauss 2006, 111). And, in the eyes of *Teologia Polityczna*, this is exactly what happened to liberal culture: Karłowicz describes liberalism as a “cheerful version of nihilism,” (Karłowicz 2003-2004, 199) and together with Cichocki portrays its Polish proponents as apologists of “frivolity,” “non-being,” and an “amorphous pulp,” (Cichocki, Karłowicz 2012, 5) “who in this part of Europe do not want a serious state.” (Cichocki, Karłowicz 2012, 7). In contrast to them *Teologia Polityczna* follow the path set by Schmitt, who is read as a true Catholic and a defender of Christian values, for whom the stake is not merely political order but Being in the absolute sense—the Christian God, who creates the order of the world and the distinction between good and evil.

The Schmittian category of the sacred and the understanding of morality associated with it take a different form in *Kronos*, especially in the writings of Piotr Nowak—the principal interpreter of Schmitt in this milieu, who shapes the *Kronos*’s reading of his thought. While consistently drawing on Schmittian concepts, Nowak rarely reconstructs them in a systematic manner; the boundary between interpretation and original authorship remains blurred, and the appropriated

categories—above all the friend–enemy distinction and the notion of existential conflict—acquire a morally ambiguous character.

This is not obvious at first glance, since Nowak appears to share some intuitions also present in *Teologia Polityczna*. One subtle premise indicating a different understanding of Schmitt’s moral thought is *Kronos*’s consistent focus on the anti-moralizing dimension of his theory. It was in *Kronos* that the only Polish translation of *The Tyranny of Values* to date was published, and Schmitt’s critique of morality constitutes a significant inspiration for Nowak’s own writings, in which he attacks the liberal moralizing discourse identified with political correctness. As Nowak writes, “ethics and its younger and uglier sister, political correctness [...] constitute a desacralized form of religion,” being “degenerate” as well as “temporary and to a great extent revocable” forms (Nowak 2010, 3).

At the same time, Nowak does not seem to treat Schmitt as an axiological nihilist. What is subjected to critique are the values specific to liberal moral reflection. Like *Teologia Polityczna*, *Kronos* appears to interpret Schmitt’s critique of morality primarily as a critique of liberal morality. In the introduction to an issue devoted to John Stuart Mill, Nowak describes political correctness as a mechanism of real symbolic and institutional violence comparable to those present in the Soviet Union. According to Nowak, a “negative comment on aunt’s age” or a “remark about someone’s sexual orientation” can today be “punished in court” (Nowak 2021, 4). Using the Schmittian language of “tyranny,” Nowak presents liberalism as an order that conceals repression beneath the rhetoric of care, equality, and tolerance. At this level, his position thus appears convergent with the reading of *Teologia Polityczna*: Nowak seems to advocate a different form of morality—durable and universal, yet free from the violence of liberal moralism.

This impression is reinforced by the fact that for Nowak as well the key category in Schmitt’s thought is the tragedy of existence. In the introduction to a *Kronos* issue devoted to Schmitt, he emphasizes that “the tragedy of history is something that human beings do not create,” because tragedy “is inherent in life itself” and “precedes and transcends all culture” (Nowak 2008b, 3-4). The tragedy of existence is inseparably linked to the inevitability of conflict and war and—as Nowak notes—has a religious source. In the afterword to the Polish edition of *The Leviathan in the State Theory of Thomas Hobbes*, following Leo Strauss, Nowak indicates that the fundamental difference between Hobbes and Schmitt concerns the concept of sin: Hobbesian evil, as the “evil of an innocent beast,” “is not evil in the moral sense,” whereas Schmitt connects it with “moral baseness” and a “corrupted will”. The disappearance of the concept of sin in Hobbes leads to the disappearance of the “moral difference” between good

and evil—a difference of which Schmitt was, as Nowak emphasizes, a “strong supporter” (Nowak 2008a, 179). Schmitt thus appears in Nowak’s account—similarly to the interpretation of *Teologia Polityczna*—as a Christian moralist for whom the source of evil is original sin, and whose conception of the political refers back to the category of Christian sacredness.

At this point, however, the paths of *Kronos* and *Teologia Polityczna* begin to diverge, because *Kronos*’s attitude toward the sacred and Christianity is quite ambivalent. Christianity does not appear here as a stable normative order, but as a revolutionary project. This is expressed in Nowak’s reading of the figure of Saint Paul. Paul is presented as an “archetype of the revolutionary who liberates the world from the shackles of the old—and then the new—order” (Nowak 2007c, 169). As Nowak emphasizes, Paul teaches that “no form of tradition is fixed once and for all,” and that it always becomes oppressive toward those who “try, beneath the shell of dogma and rituals, to dig up some traces of life—the life of God.” (Nowak 2007c, 171). Yet the Christian order established by Paul is itself not free from the mechanisms of oppression. Christianity too—even though founded on a revolutionary act— requires revolution, understood as the restoration of the lost power of the sacred. This can occur only through the recovery of repressed Judaic elements and a retreat from religion understood as a set of abstract beliefs in favor of magic and cult, that is, material and collective forms of engagement with the sacred. Drawing on the thought of Oskar Goldberg, Nowak invokes a vision of primordial reality as an arena of “wars of the gods,” “holy war,” and “holy play,” opposed to modern religion as a collection of “empty gestures directed at an abstract [...] God” (Nowak 2015, 3-4). From this perspective, it is not magic but religion that inscribes itself into a “history of godlessness,” producing a “void left by an absent God.” The recovery of the sacred therefore requires— as Nowak puts it after Goldberg— a “regression toward the most primordial principles of existence” (Nowak 2015, 4).

One of those principles for *Kronos* is the material presence of the sacred in historical reality, which entails a transformation of its form: the Christian God gives way to Yahweh, and with this the relation between the sacred and history is transformed. In the introduction to the issue *The Politics of Yahweh*, Nowak outlines an image of a deity revolutionary toward Christianity and rooted in Judaism. In the Jewish tradition, revelation has a public and historical character—“its stage is human history,” and God “comes from the side of history” (Nowak 2010, 3). Christianity, by contrast, reduces revelation to the spiritual and private sphere, rendering it essentially apolitical. The Messiah, however—as Nowak writes—“does not come in order to laboriously transform individual hearts,” but to encompass revelation over “the entire sublunary world” (Nowak 2010, 3) and bring about its radical transformation. The Christian

God, according to Nowak, is incapable of real transformation of the world, because Christians have “banished God to heaven,” turning him into an abstract symbol: “someone in whom one believes, but whom one does not trust” (Nowak 2010, 3). The sacred thus loses its historical agency. Salvation, however, must happen and it must take on an absolute and brutal character: “the salvation of the world here simultaneously means the end of its existing form: the Parousia takes place as the Apocalypse” (Nowak 2010, 3).

The use of the present tense is significant here—the Parousia and the Apocalypse take place “here and now,” which signifies the presence of the sacred in the historical world. This presence manifests itself in the “effects of transcendental-dynamic discharges,” referred to in *Kronos* as the “politics of Yahweh” or—after Schmitt—the “‘third’ nomos of the Earth” (Nowak 2010, 4). Yahweh does not function here as the guarantor of an order of good opposed to evil: his activity is revealed in the most tragic experiences of the twentieth century—“the Shoah, the world wars, global dehumanization, Tutsi–Hutu are the mad St. Vitus’s dance into which ‘Yahweh’ has launched himself” (Nowak 2010, 4). The sacred thus is a morally ambivalent figure, one who “will come, though it is not certain as whom: enemy or friend” (Nowak 2010, 4).

This sacred ambivalence is also present in Schmitt, most fully revealed in *The Leviathan*. Analyzing the failure of the Hobbesian project of the state, Schmitt turns to sacred figures, balancing between different traditions of their religious interpretation. The myth of the Leviathan has biblical origins: it is the “sea monster” of the Old Testament, identified in medieval Christian exegesis with Satan, “caught by the cross as if by a fishhook” (Schmitt 1996a, 7). Superimposed on this interpretation, however—according to Schmitt—is an earlier, Jewish-Kabbalistic one, in which Leviathan and Behemoth appear as battling beasts, while the Jewish people remain external to their struggle. It was precisely this interpretation that was to contribute to the collapse of the Hobbesian state: in a depoliticized society, various groups of interest “were suddenly in agreement and coalesced to ‘catch the huge whale’. They have killed and eviscerated him” (Schmitt 1996a, 82). Schmitt emphasizes that the images of Leviathan and Behemoth belong to the sphere of demonology, in which “mere ‘values’ do not ‘hold true’; what effectively govern are force and power” (Schmitt 1996a, 81). Employing them is dangerous, because whoever invokes them “easily glides into the role of a magician” exposing himself to contact with “a heartless demon” (Schmitt 1996a, 81). Hobbes thus failed because he unknowingly made use of a figure of an ambivalent, demonic character.

Schmitt himself, however, repeats this gesture, and in his case the demons are not merely a conventional nod to the fashionable discourse of the period. As Jan-Werner Müller notes, “the

belief in demons constituted a not-so-secret substratum of Schmittian thought” (Müller 1999, 78). The appeal to demons was a logical consequence of operating with myths, since—as Ernst Cassirer pointed out—“even the political myths were incomplete so long as they had not introduced demonic power” (Cassirer, cited in Müller 1999, 78). It is therefore unsurprising that in *Kronos* the significance of myth in Schmitt’s thought is particularly emphasized. As Nowak writes, “Schmitt explains to us why it is impossible to live without myth; why it is only through myth that we can have friends and enemies; enemies with whom one is permitted to wage war, and—if necessary—to kill them” (Nowak 2008b, 4).

The category of myth is of key importance for the *Kronos*’ project, grounded in the Schmittian friend–enemy distinction and the idea of existential conflict. As Nowak writes, “at the basis of wars there is always myth,” because tragedy—the essence of human existence—is a “war of myths” (Nowak 2008b, 4). This war, however, unfolds in an axiologically ambiguous space, which is revealed in the figure of the Antichrist. According to Nowak, the Antichrist is “the situation in which we have found ourselves and to which we consent. For those not religiously inclined, it is enough to call it ‘Leviathan’” (Nowak 2007b, 268). The identification of the Antichrist with the demonic Leviathan points to the ambiguity of the sacred: it is not the Christian God, but the wrathful, unpredictable Yahweh, who brings death to all—friends and enemies alike—since “God reveals himself only where man perishes” (Nowak 2007b, 269).

It is difficult to resist the impression that the *Kronos*’ sacred somewhat assumes the features of an Antichrist, in comparison to which Leviathan as a symbol of evil appears rather pale, making the moral distinction between good and at least blurred. This does not seem accidental. *Kronos* anchors its understanding of the sacred in the demonological strands of Schmitt’s thought, in which there is no place for unambiguous moral resolutions. The character of this reading was aptly captured by the prematurely deceased member of the *Kronos* editorial board, Janusz Ostrowski, who described Nowak’s philosophy as “political demonology” (Ostrowski 2007, 144–146). Indeed, in *Kronos* Schmittian political theology appears as political demonology. Schmitt is presented here in the way in which—according to Leo Strauss—he would appear if stripped of his hidden moral agenda. As Strauss wrote, “the affirmation of the political as such is the affirmation of fighting as such, wholly irrespective of what is being fought for” (Strauss 2006, 116). An affirmation of the political detached from morality thus leads to the acceptance of any “serious” decision, so long as it is oriented toward the real possibility of war. It therefore takes the form of existential-political nihilism, which also seems to characterize *Kronos*’ project. The affirmation of conflict is pushed so far here that the Parousia ceases to mean salvation of mankind. According to Nowak, “Being [...] has frozen,

history has come to a standstill, time has ended, the human being has died,” and this event may herald “a radically new world. Perhaps a world without *homo sapiens*” (Nowak 2007a, 201). Salvation thus appears as profoundly ambivalent: not as the salvation of Christian Europe, nor even the salvation of men, but as crossing over them—for “where the human being disappears, there is, at least perhaps, an opening onto something entirely new” (Nowak 2007a, 204).

Schmitt’s writings provide grounds for both the *Teologia Polityczna* and the *Kronos* readings. Schmitt himself, however, consistently eludes unambiguous interpretation—at times suggesting the primacy of a Christian understanding of the sacred, at others shifting the emphasis toward its demonic ambivalence. Piotr Nowak draws attention to the latter in the afterword to the most demonological of Schmitt’s books, *The Leviathan*, saying that “in a conversation with his biographer Joseph W. Bendersky, Schmitt regarded the book on Hobbes as his most important work,” (Nowak 2008a, 177) which indicates that demonology was not a marginal motif for him. At the same time, however—as noted by the translator of *The Tyranny of Values*, Garrett Zeitlin—in *Dialogues on Power and Space* Schmitt distances himself from demonology, emphasizing that the term “demonic” does not appear there at all. Schmitt also quotes Saint Paul’s words from the Letter to the Romans: “*God is the highest power and the highest being. All power is from him and is and remains in its essence divine and good. Should the devil have power, then even this power, in so far as it is power, is divine and good.*” (Schmitt cited in Zeitlin 2021, 449, n.97). The figures employed here belong unequivocally to the Christian imaginary, suggesting that the devil ultimately points back to God, and that political theory grasping the phenomenon of power thus seeks to grasp the good.

This undeniable doubleness does not allow either the *Kronos* reading or the *Teologia Polityczna* reading to be dismissed as wrong: their divergence does not result from interpretive arbitrariness, but from the ambiguity of the category of the sacred itself, inscribed in Schmitt’s writings. What remains an open question are the political consequences that would follow from the realization of the *Kronos* and *Teologia Polityczna* projects, grounded in their respective ways of understanding this category.

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The Political Form of Roman Catholicism as a Basis for East European Debates about Stability and Visibility of Power / Carl Schmitt on Historical Form|

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In this paper, I aim to highlight and clarify one of Schmitt's ideas, which he articulated in an earlier work. I consider this idea, which is rarely mentioned in connection with him, particularly profound, relevant, and still inspiring today for understanding the political nature of historical phenomena. The idea has explanatory power both with respect to Schmitt's ideas and to more general political problems.

This incisive idea of Schmitt's is developed in a less well-known—and in many respects problematic—work of his. The essay, published in 1923 (then in 1925) under the title *Roman Catholicism and Political Form* (*Römischer Katholizismus und politische Form*), as its title suggests, offers an analysis of the Roman Catholic Church as a political phenomenon.²⁹⁹ In the following, I will first explain Schmitt's idea of political form (as he presents it in the case of the Catholic Church, an eminent paradigm case), attempting to systematise Schmitt's somewhat cryptic remarks, while drawing on his original formulations. In the second part, I will turn to a concrete interpretation of Schmitt's idea of 'form' by his friend and admirer, the canon lawyer Hans Barion. Barion applied Schmitt's suggestions to a section of the Second Vatican Council's pastoral constitution *Gaudium et spes*, demonstrating the relevance of Schmitt's concepts to the Council's attempt to accommodate modern social and political ideas and explaining why this disrupts the political form of the Roman Catholic Church.

At first glance, Schmitt's choice of topic may be linked to his repeated adherence to Catholicism. However, on closer examination, his Catholicism is regarded as representative of a particular kind: in the context of the early 20th-century Catholic revival, as evidenced in Weimar Germany by the political role of the Centre Party.³⁰⁰ On the other hand, his Catholicism has a very strong Gnostic tint.³⁰¹ Here, however, I do not want to engage with the problem of Schmitt's theological views.³⁰² Neither am I going to address his rather problematic contrast between the Catholic and Protestant relations to the land, industry and economics. The theme I'd like to address is the general implication of Schmitt's theory of the 'historical form.'

Schmitt does not discuss religious issues in his writing, which is hardly surprising, since, except for his short early essay, *The Visibility of the Church* (*Die Sichtbarkeit der Kirche*) from 1917,

²⁹⁹ Schmitt 1925. English tr. in Schmitt, *Roman Catholicism ...*, tr. G.L. Ulmen.

³⁰⁰ Dahlheimer 1998, Fox, 2015.

³⁰¹ Storme 2011; Groh 2014.

³⁰² Cf. Geréby 2021.

Schmitt did not address core theological matters, stressing that he is not competent in theological matters.³⁰³ The way he deals with the theological, for example, in the *Politische Theologie*, represents the external angle of the legal theoretician. (Schmitt only hinted at his theological position in the *Nachwort* of the *Politische Theologie II*.)

I suggest that, contrary to appearances, the problem Schmitt identified in *Roman Catholicism* is not theological, but primarily political or, according to contemporary usage, sociological. Schmitt's observations do not apply solely to the Roman Church, but rather to the general characteristics of large-scale institutions, namely their public character and stability.

The essay, *Roman Catholicism*, examines the Roman Catholic Church from an *institutional* perspective. Schmitt, in a somewhat grandiloquent style (called *al fresco* by Barion), introduces the concept 'world-historical form of power' (*weltgeschichtliche Machtform*). Schmitt suggests that the Church is a political entity in the real sense, manifesting its presence in a public institutional form. This formula has a demarcating function, as it articulates a position on the nature of the Church in opposition to a spiritual-individualist interpretation. Schmitt, by using this term, indicated the rejection of a view that denied the Church's public political character. For Schmitt, the case is the opposite. The Church is a worldly, visible form of power, representing the 'ruling, victorious Christ.'³⁰⁴ In doing so, he contradicts the view of Rudolph Sohm (1841–1917), the great Lutheran legal historian of the time, who held that the Church is an invisible, charismatic institution.³⁰⁵ According to Sohm, it is precisely the legal aspects that, while logically arising during institutionalisation, will result in the fatal flaw of juridicality in the history of the Church, destroying its original spiritual constitution. Sohm explicitly declares that 'There can be no legal constitution and no legal legislative power in the Ekklesia.'³⁰⁶ For Schmitt, the charismatic constitution of the Christian community precludes reliance on private commitments. 'Im Gegensatz zur liberalen Fundamentierung auf dem Privaten ist die juristische Formierung der katholischen Kirche publizistisch.'³⁰⁷

According to Schmitt, the 'idea' (Idee) of the Church is political, with which he agrees with his friend and opponent, Erik Peterson. He considers the Roman Catholic Church to be an eminently political institution, which unites all forms of state and government within itself. He

³⁰³ Schmitt, C. *Politische Theologie II*, 101. Cf. Geréby, 2021.

³⁰⁴ 'In der großen Geschichte der römischen Kirche steht neben dem Ethos der Gerechtigkeit auch das der eigenen Macht. Es ist noch gesteigert zu dem von Ruhm, Glanz und Ehre. Die Kirche will die königliche Braut Christi sein; sie repräsentiert den regierenden, herrschenden, siegenden Christus. Ihr Anspruch auf Ruhm und Ehre beruht im eminenten Sinne auf dem Gedanken der Repräsentation.' Ibid. 53.

³⁰⁵ Nardoni, E. 'Charism in the early church since Rudolph Sohm: An ecumenical challenge,' *Theological Studies* 53 (1992), 646-662.

³⁰⁶ 'Es kann keine rechtliche Verfassung und keine rechtliche Gesetzgebungsgewalt in der Ekklesia geben.' Sohm, R., *Kirchenrecht. Erster Band. Die geschichtlichen Grundlagen*. Zweite Auflage. (Berlin: Duncker & Humblot, 1923) (Reprint 1970), 26. Cf. 19, 22-26.

³⁰⁷ Schmitt, *Römischer ...* 49.

considers the Church's striving to fuse contradictory aspects an essential element, for which he adopts the term '*complexio oppositorum*' (the combination of opposites, essentially a syncretic unification), using the term eleven times in his text. (Schmitt, very likely, borrows the term from Harnack's famous book on Marcion.³⁰⁸ – The phrase, of course, is going back a long way to Cusanus.) I will not go into detail here on Schmitt's insights into the nature of the church or his analysis of the concept of representation, which plays a central role in his justification of the church's public and political character. Representation is an idea intimately connected to eschatology, a central theme of Schmitt. The events of the eschaton, the onslaught of chaos on the world, can only be resisted by stable order, especially legal order. Maintaining order and stability are the only forces capable of withstanding the anarchic threat of the Antichrist, the arch-enemy of the order of the world. Instead, I would like to draw attention to what appears to be a casual remark, but which I consider a brilliant idea of great explanatory power.

Reflecting on the idea of the church, Schmitt sought to provide an operational formulation of 'political form,' which, beyond its usefulness in analysing the Church, can be extended to the analysis of historical formations and, more generally, to enduring and stable historical entities. Schmitt's initial problem concerns the explanation of the Church's political power.³⁰⁹ He suggests that the secret of this universally recognised secular power can be explained by the extraordinary flexibility of the Church. What lies behind the Church's apparent opportunism, or rather 'elasticity,' and ability to unite the contradictions that characterise human life (ibid. 6–10)? Schmitt gives countless examples of how many times and in how many ways the Church has integrated the unity of 'throne and altar' here and, in parallel, democracy elsewhere throughout its history; how it has supported both royalists and republicans; and even peace and war alike (by blessing the cannons of all parties involved). In Schmitt's analysis, the Church is capable of reconciling opposites because it possesses a form that integrates the 'material' of human life. By 'form,' Schmitt means the capacity for representation,³¹⁰ which, according to the fundamental idea of the Church, is the relationship of humanity (the *civitas humana*) with salvation in history (or rather, in salvation history).³¹¹ Salvation is the representation of the 'glorious, reigning, and victorious Christ'; these three adjectives have political significance both individually and collectively (ibid. 43).³¹² Representation (i.e., the earthly, tangible manifestation of the fundamental idea) explains for Schmitt the 'rationality' of the Church: that

³⁰⁸ Harnack, A. *Marcion: das Evangelium vom fremden Gott. Zweite verbesserte und vermehrte Auflage*. (Leipzig: Heinrichs, 1924), 7. Harnack's book had a substantial influence on Schmitt. Cf.

³⁰⁹ Schmitt, *Römischer ...*, 5.

³¹⁰ ibid., 12.

³¹¹ ibid., 26.

³¹² See Geréby 2005, 31–32.

is, its rationality of power, its institutional orientation, and its essentially legal nature.³¹³ Thus, through the concept of representation, the Church appears as an eminently political institution based on ‘authority’ (today we would perhaps say ‘legitimacy’). And there is no authority without the ‘ethics of conviction.’³¹⁴

The Church is therefore a public and tangible institution. By stating this, Schmitt radically breaks with the idea of ‘private religiosity’ that prevailed at the time (represented by liberal Protestantism, Kierkegaard, and, for example, the aforementioned Sohm), which confined religion to the most strictly limited private sphere, and within that, to the realm of private emotions (the ‘depths of the heart’). which relegated religion to the most strictly limited private sphere, and within that, to the realm of private emotions (the ‘depths of the heart’).⁴ In Schmitt's analysis, the Church is essentially a public, historical entity, characterised by a form just like any other historical entity.

Hans Barion, reflecting on the problem of the church, understands Schmitt's concept of ‘form’ as the idea that a historical entity (the Church or the state) represents and expresses.³¹⁵ One could also say that form is essentially what historically relevant institutions are based on or that ‘form’ is what characterises such historically relevant institutions as religions or political entities.

However, Schmitt is not content with merely stating the ‘secular form’ of the Church, but also analyses the requirements of the form of ‘visibility.’ In my view, the formulation of these requirements is the most exciting part of Schmitt's line of thought. Schmitt highlights three (or, as we shall see, four) aspects of the form of the Church as a political form in the world. These requirements enable it to appear as a this-worldly political force.

In Schmitt's words, ‘the church represents a world [consisting of values and humanity] [...] from which Catholicism draws its political ideology and its power in the three great forms: the aesthetic form of art, the legal form, and finally the glorious light of the world-historical form of power.’³¹⁶

The three requisites for ‘form’ are formulated by Schmitt in the following way:

³¹³ Here, the Grand Inquisitor appears (Schmitt, *Römischer ...*, 5-6), anticipating Schmitt's particular interpretation of the *catechon*, insofar as only form is capable of restraining the forces of chaos.

³¹⁴ *ibid.*, 23.

³¹⁵ Barion, “Weltgeschichtliche Machtform”, 13.

³¹⁶ Schmitt, *Römischer ...*, 30.

‘It [this world] is home to the political idea of Catholicism and its capacity to embody the great trinity of form: the aesthetic form of art; the juridical form of law; finally, the glorious achievement of a world-historical form of power.’³¹⁷

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Schmitt does not elaborate further on these characteristics of a ‘form,’ which he apparently considers self-evident. If we attempt to understand the implications of these characters, the first of the three requirements is the capacity for aesthetics, which can perhaps best be described as the ability to arrange a specific, uniquely characteristic space. The ability to shape space means the representative organisation of the available environment. This is particularly important in the case of religions. Shaping space presupposes, and thereby manifests, an organising idea. Everyone immediately recognises upon entering a building, whether it is a church, synagogue, mosque, or, in another context, an official building (e.g. by flags), a parliament building, not on the basis of lengthy preliminary investigations, but rather on the basis of the well-known characteristic design. The design of public spaces—such as a Roman forum or a medieval market square—characterises the era and culture in which it was created. The visible character of iconographic programs and even clothing can also be understood as belonging to the aesthetic domain.

Related to Schmitt’s first condition, the ‘aesthetic’ requirement, there is a second aspect, mentioned somewhat later, the ability to use rhetoric, that is, to create its own language.³¹⁸

Schmitt’s own characteristic language calls it ‘the spiritual resonance of grand rhetoric.’ An institution’s ability to use ‘rhetoric’ entails the need to formulate its own message in characteristic ways, with a special vocabulary, phrases and formulae. Every significant historical institution has been distinguished by a specific language or set of concepts, which enables it to shape the mode of speech characteristic of that institution. In the case of ‘forms,’ including the case of religions, they can be identified in liturgy, hymnography, and, in a broader sense, theological language. One might also include the aural language of music. Examples include the sacred (i.e., liturgical) languages of Judaism, Islam, and Buddhism. In fact, one can

³¹⁷ ‘In ihr [in der Welt] lebt die politische Idee des Katholizismus und seine Kraft zu der dreifach großen Form: zur ästhetischen Form des Künstlerischen, zur juridischen Rechtsform und endlich zu dem ruhmvollen Glanz einer weltgeschichtlichen Machtform.’ *ibid.*, 36. English tr. G.L. Ulmen in Schmitt, *Roman Catholicism ...*, 21.

³¹⁸ *Ibid.* 40.

also include any form of unique self-expression, for example, in a very wide sense, even various branches of human activities, like political parties, professions or in the sciences.

According to Schmitt, the next major condition of political form is the ability to legislate, the 'juridische Rechtsform,' i.e., to function as a source of law. In the case of the Catholic Church, this is evident in the use of canon law and ecclesiastical courts. Of course, this presupposes that there are areas of law that are specific to the Church. There must be acts that can be committed only under church law, and in such cases, only the ecclesiastical court may pass judgment. This is stated in the famous paragraph 2198 of the *Corpus Iuris Canonici* issued by Benedict XV. Such a specific area of law is the case of sins and offences related to the internal governance of the Church.

This third condition of form, the legislative capacity, also implies a fourth aspect, the ability to exercise power, the legitimacy and the capacity of administrative enforcement, which is the expression and manifestation of the legislative power. A 'form' should be able to create legislation and execute sanction within its own sphere.

Analysing Schmitt's requirements for a 'historical form,' we see that these 'forms' do indeed capture something important. By simplifying Schmitt's bombastic language and abstracting from the specific context, one can gain a highly effective conceptual tool. The formal criteria are not limited to the Church, as already indicated. I will not list the examples at length, but the system of the formal requirements seems to work from the smallest to the largest 'forms.' Clubs and associations would not be able to function without their own bylaws, the characteristic expressions of their members (such as the chants of a soccer team's fans), and even the distinctive atmosphere of their clubhouse, displaying the team's logo, colours, and scarves. Finally, even clubs can expel members for unruly behaviour.

A more serious example is the Roman Empire: Roman law, the semi-official languages of the Empire, Latin and Greek (the acquisition of which in the gymnasiums was a prerequisite for obtaining citizenship in the cities), as well as the imitation of the *Roma quadrata* in city planning (and the Hippodamian grid planning), considered the ideal layout for cities throughout the empire, the inscriptions on the milestones of the road network, the statues of the emperor on the limes, and the service surrounding the imperial throne were all expressions of the identity of the 'historical form of power.'

Following Schmitt, it seems that the form that can be considered historically successful, i.e., capable of forming a stable identity, must meet these four requirements. We find these aspects appearing in parallel in almost all *longue durée* historical forms. The novelty in the aspects identified by Schmitt lies not so much in the fact that a societal form is expressed along these

lines, but rather in the fact that these aspects form a unity. A form is characterised by an orderly and consistent combination of the four dimensions, and any significant change in any of these aspects entails a change in the entire form. The keyword here is the *representation* of the institution's idea. In other words, the interrelated combination of law, space, language, and executive power enables a cohesive system. Following Schmitt's original insight, we can perhaps formulate the rather strong proposition that without the coexistence of these aspects, no stable social formation is conceivable.

It seems that the above criteria can be successfully applied to a variety of historical forms, including religions. Rabbinic Judaism, Islam, and, of course, Schmitt's main subject, the stable structure of the Catholic Church, manifest the above dimensions just as much as state formations. The law of Judaism is religious law (the Torah and *halacha*), its language is the language of the Bible (which is a liturgical language), its space is the synagogue, the scene of the liturgy, and the rabbinical court is the form of power that defines Judaism. The rabbinic courts can decide whether to accept or expel individuals from Judaism (as in the case of Spinoza). Similarly, Christianity has developed its own characteristic legislation in the form of the *Corpus Iuris Canonici*, a specific theological language, ecclesiastical art in iconography and music, and ecclesiastical courts. Islam also manifests its own 'historical form' through its legal system (the *sharia*), the language of the Arabic Qur'an, Islamic architecture, and the characteristic exercise of power by its religious leaders.

These four aspects—the ability to legislate, the ability to engage in rhetoric, the ability to create aesthetics, and the 'glorious light of the form of power' (to use Schmitt's somewhat bombastic phrase)—together constitute the 'historical form.'

How useful are the heuristics of these aspects? I believe that Schmitt's insight is also functional in that the four 'dimensions' identify dynamic rather than static forms. The dynamics are manifested in two respects: on the one hand, these dimensions can develop independently of one another, in which case consistency will be lost; on the other hand, they can transform into a new unity over time. The post-Reformation transformation of the Catholic Church during the Baroque period, in spirituality, aesthetics, and canon law, could serve as a consistent example. Similarly, the historical Soviet 'form' (closely followed by Schmitt) changed the Tsarist 'form' in all respects, from legislation to aesthetic symbolism ('hammer and sickle') to language and executive power. Of course, Nazi Germany fully transformed all the above aspects, too. Schmitt himself, in his *Staat, Bewegung, Volk* (1933), testified brutally to the transformation of the legislative facet, which was consistent with the new language, symbolism and executive aspects.

The four dimensions, however, can also develop independently, leading to unevenly developed, non-equilibrium formations. It is true that the coexistence of aspects seems necessary for a historical form, but, on the other hand, each aspect can also change over time, developing a 'vector of its own.' The development of dimensions can occur at different rates, which can destabilise the form, since order and stability depend on the proportional and consistent development of these four aspects.

The converse of the above-described analysis of the requirements of stable 'forms' is also instructive. If elements are missing or the simultaneous and proportional manifestation of these four aspects is absent, instability, chaos, and anarchy result. Indeed, the lack of legislation, the inability to create common symbolism (in the sense of 'communicative actions' that shape a common design for public symbols and language), or even a lack of executive power are harbingers of social fragmentation and indicators of social instability. Short-lived formations, such as the empire of Attila the Hun, testify to it, similarly to failed religious experiments. These cases demonstrate the importance of the four criteria from a negative perspective: their absence clearly leads to instability.

I do not wish to break down Schmitt's insight into small change here and now. At the same time, I see it as historically verifiable that social transformations are characterised by changes across these dimensions. In the example above, we can examine significant changes within the Roman Empire with respect to these aspects. In the simplest cases, when political (and legal) continuity could be maintained, the heads of the large emperor statues standing on the limes were replaced with the head of the new emperor. In the case of more significant changes, the language and the layout of the space also changed. Public spaces and buildings were transformed in connection with the rise of Christianity, for example, which appeared in the radical transformation of pagan temples (with destroyed or converted into Christian churches). Similarly radical transformations occurred during the French Revolution's program of destruction, which sought to erase the past completely.³¹⁹

However, it has perhaps already been proven that Schmitt's breakdown of the concept of 'form,' even if only as a heuristic and not an explanatory tool, is suitable for identifying and analysing historical forms and describing their changes. Of course, it does not provide an explanation for phenomena, but rather enables the interpretation and more accurate identification of individual 'forms.'

³¹⁹ An anecdotal example of the significance of these symbolic elements occurred in the early 1950s, when serious consideration was given to replacing older railroad tracks because they were inscribed with 'Magyar Királyi Vasgyár' (Royal Hungarian Ironworks), which was out of tune with the new communist 'form.'

An interesting case study of Schmitt's theory was offered by Hans Barion in the Festschrift published on Schmitt's 80th birthday.³²⁰ In this incisive study, he adopted the interdependence of the four aspects when he examined the change in one of these with regard to the Church, namely the pastoral constitution issued by the Second Vatican Council in 1965, *Gaudium et spes*, chapters 74 and 75.10. Aware of the dawn of a new era, the scholar of canon law examines whether Schmitt's once powerful statement that the Roman Catholic Church 'still shines as a form of power in world history' is still valid.

Hans Barion (1899-1973), the 'correct canonist' (as he described his own position), studied history, philosophy, and theology in Bonn and was ordained a priest in 1924. An openly German Catholic, Barion joined the NSDAP in 1933 under the influence of fundamental theologian Karl Eschweiler (1886–1936) and Schmitt. Due to his support for the 1933 sterilisation law, he was suspended by the Congregation for the Doctrine of the Faith (*suspensio in divinis*). Although his ecclesiastical punishment was lifted in 1935, Cardinal Faulhaber resisted (ultimately unsuccessfully) Barion's appointment as professor in 1937, even at the cost of the closure of the Catholic theological faculty in Munich (1939). After 1945, Barion lived as a private citizen near Bonn. In 1965, he publicly recanted his earlier views on the totalitarian state, especially those that supported the National Socialist regime.³²¹

Barion was critical of Schmitt's idea of political theology, arguing that it is not possible for the Church. He identifies three reasons: firstly, the fundamental difference between indirect and direct power, which exists because of the Church's eschatological orientation, i.e., its focus on the end times, in which Barion agrees with Erik Peterson; secondly, the fact that the Church is outside and beyond Schmitt's constitutive political idea, namely the distinction between friend and foe; finally, the fact that, based on these two considerations, the only possible connection between the Church and politics is the *ratio peccati*, the sinfulness of the world, namely its inevitable sinfulness. 'The form of this world is passing away,' quotes Barion from Paul's First Epistle to the Corinthians (1 Cor 7:31).

According to Barion, the term 'political theology' can mean two things. On the one hand, it refers to the prerogative reserved for theology, according to which (following the Apostle Paul 1 Cor 2:15) 'the spiritual man judges all things, but he himself is judged by no one.' In this regard, Barion sees the Church's task as subjecting the politics that appear in the world to its spiritual guidance and striving to influence it. On the other hand, political theology can also mean the Church's endeavour to interpret theology from a secular-political perspective. This type of political theology could justify the Church's endeavour—which has a completely

³²⁰ Barion, 1968, 19 sq. Cf. Barion 1984

³²¹ Schröcker 1984, 25–78; Dahlheimer 1998, 219–223 and 368–371.

different origin and purpose—to support its own political power claims with theological ideas (thus representing a temptation). In the political sphere—traditionally referred to as *in temporalibus* (in temporal matters)—Barion attributes to Schmitt a confusion between *potestas directa* (the direct power of the secular state) and *potestas indirecta* (the indirect power of the Church), and therefore sees ‘political theology’ in this form as a serious danger to the Church. Beyond this, however, Barion accepted Schmitt’s four dimensions (or three, when considering aesthetics and rhetoric together) analysed above, as well as their formal interconnection, and from this he came to the conclusion that the emergence of political, or rather ‘politicised’ theology in the Church’s legislation (which is usually interpreted as a ‘opening’ of the synod – the *aggiornamento*) abandons the historically established ‘form of power.’ This ‘catching-up’ effort of politically motivated theology creates an inevitable tension for the Church by inviting inside the temporal world and its order. Barion sees the abandonment of the consistency of the formal conditions listed by Schmitt precisely in the idea of ‘catching-up’ tailored to the temporal world.

I am unable to explain this in detail here, but the internal and external (i.e., theological) inconsistencies in the use of terminology in paragraphs 73 and 74 of *Gaudium et spes* are what indicate to the canonist Barion a substantial and negative change in the relationship to the legal and linguistic forms of power.³²²

A single example suffices: the conciliar document speaks of ‘the nature and purpose of the political community.’ Barion clearly shows that, on the one hand, in this way the constitution reduces the state-political aspect to a framework state by defining the state’s task as ensuring social and individual *progress*. (It is worth noting that the term ‘progress’ is neither scriptural, nor a theological term.) This principle points towards the concept of a liberal constitutional state. On the other hand, to ensure social unity, the constitution calls for reducing diversity, thereby legitimising this form of ‘political authority’. This, however, is incompatible with the concept of a liberal constitutional state, even if the state can only suppress diversity within the framework of the ‘dynamically conceived public good’ or ‘moral law.’

The legal form thus becomes contradictory. For Barion, this may have arisen from the unclear incorporation of external, conceptually foreign elements. Adopting these external elements into the ecclesiastical account entails combining foreign elements with the Church’s legal form, which is grounded in spiritual (theological) principles.

On the one hand, Barion pays tribute to Schmitt for the timelessness of his conceptual tools, as they can be used to describe the current situation, while on the other hand, he reinforces his

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earlier criticism of Schmitt insofar as the dominance of the political perspective has turned the ‘world-historical form of power’ into a failure. Barion now modifies the form of the Church to ‘the glorious light of a flawed historical development.’

In summary, in his essay *Römischer Katholizismus*, Schmitt raises a very interesting possibility for defining ‘political form.’ Although he did not systematically elaborate on this himself, with a slight expansion of the tacit presuppositions, it can perhaps be summarised in the following formula: We can speak of a political form in terms of the four conditions, which are partly interdependent and partly independent. Nevertheless, they are required in combination. Legislative capacity, the shaping of specific rhetoric, spatial arrangement, aesthetic self-expression (if you will), and executive capacity are the constituents of a stable political formation.

Adopting a charitable interpretation of the heuristic conceptual toolkit offered by Schmitt, the ‘forms’ can be characterised in both historical and modern terms, and differences between forms and their stability or change help to elucidate the dynamics. The explanatory value of the four aspects is further enhanced by their partial independence, which allows for uneven development, as Hans Barion demonstrated in the case of an important decision by the Catholic Church.

My analysis goes to some extent beyond what Schmitt explicitly stated in the *Römischer Katholizismus* by spelling out, organising and generalising Schmitt’s implicit assumptions. Schmitt’s later thought shows that his primary concern was the order of society, and secondly, that he was antagonistic to ‘economic thinking’, that is, a mind that sets the images of mythological power aside, despite those images being ‘deeper and more powerful than any economic calculation.’³²³ His love for the church, expressed in the essay, originated primarily from his admiration for this institution. Schmitt seems to have been ‘Catholic’ as far as the Roman Church presents the ideal case of a ‘historical entity.’ The central figures of his ‘private mythology’ were the ‘cathechon’ (2 Thes 2:6-8) and the Antichrist, the ‘mystery of iniquity’ (2 Thes 2:7), who is ‘already at work.’ In Schmitt’s thought, this is a constant struggle between the forces of order and disorder, society and anarchistic chaos. For him, the warning is real that ‘peace and safety’ will be struck down by the ‘sudden destruction’ (1 Thess 5:4:3).³²⁴

It seems, therefore, that in Schmitt’s eyes, the ‘brilliant glory of the church’ is displaying a capacity to incorporate even opposite kinds of influences, ideas, and political trends, from royalist ideas to liberalism, which is a testimony to its ‘historical form.’ The strategy of

³²³ Schmitt, *Römischer ...*, 5.

³²⁴ Nichtweiss, ‘Apokalyptische Verfassungslehren ...’

complexio oppositorum is the guarantor of her long-term existence, and this capacity attracts Schmitt's admiration.

Beyond Hans Barion, who apparently understood the significance of the cohesive aspects of the facets of 'historical form' with respect to the Catholic Church, another legal scholar, Ernst-Wolfgang Böckenförde, presented the following observation, in fact, an legal paradox, related to the conditions of 'historical form': 'The liberal secular state lives on premises that it is not able to guarantee by itself.'³²⁵

What Böckenförde highlights in his dictum is that while the four aspects of 'historical entity' are an excellent heuristic tool, the foundation, or the legitimacy of a particular formation, remains unexplained. In his 1922 *Political Theology*, Schmitt famously suggested that the structural theological inheritance accounts for the legitimacy of modern legal concepts of the state. However, in his *Staat, Bewegung, Volk* (1933), there is no sign of either the 'historical brilliance' of the Church as a model for a stable institution, or the theological origin of the new state of the National Socialist German Workers' Party. The origin of the legitimacy of the NSDAP is that it represents the unity of the racially defined German people, and there is no 'dualism' between the State, as the origin of law, and the people, but essentially the people express their superiority to the State by the Party's control of the State. Unity, social integration, mutual understanding, cultural knowledge, and the unity of legal thought and action were expected to follow from eliminating the dualism between the 'rule of law' and the State.³²⁶ This is only a seeming inconsistency, supporting the above suggestion that, for Schmitt, what mattered was the 'form', the order, and the securing of the stability of society against the anarchic aspects of the Antichrist.³²⁷ Or, in a more profane way, the Weimar state representing the 'rule of law.'

Schmitt's conception of the 'historical form' offers an appealing heuristic, and it has much in common with Habermas's theory of communicative action. However, significant questions remain. Barion addressed the problem of consistency. How far is consistency required and how much dissonance can be tolerated in a 'historical paradigm'? Homogeneity is an illusion, and borders look fuzzy. Secondly, a 'form' cannot legitimise itself. The constituent aspects can support a lasting political entity, but the form must have a foundation and legitimacy. Schmitt's mythological thought appears to suggest that legitimacy extends beyond its constituent aspects,

³²⁵ Böckenförde, *Recht, Staat, Freiheit*, 112.

³²⁶ Schmitt, *Staat, Bewegung, Volk*,

³²⁷ Laska, *Katechon und Anarch ...*

and that this must be a non-legal element.³²⁸ Schmitt personally experienced the failure of a totalitarian state's experiment. Can there be more behind a 'form', such as a hierarchy of values?

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³²⁸ Cf. Nichtweiss, 'Apokalyptische Verfassungslehren...' On the 'private mythology' of Schmitt: Groh, *Carl Schmitt's gnostischer ...*

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Carl Schmitt and Orthodox Christianity

While the notion of “Political Theology” has become a prominent field of research among Orthodox theologians at the end of the 20th century, references to Carl Schmitt’s work in Orthodox Christianity tend to be rather eclectic. Generally taken as “theoretical elaborations and reflections [...] on the overall relationship between Christianity and political power” (Makrides 2017, 26), the underdevelopment (not absence) of a tradition of Orthodox political theology, is considered to be mainly due to the constant dependence of the church on the state in countries with Orthodox majorities (Makrides 2017, 28–29). A new, dominant frame for Orthodox political theology however was developed in the 19th century, connected with the emerging ethno-religious nationalisms in the Balkans and the imperial visions of a “Third Rome” or “Holy Russia” in the Tsarist Russian Empire (Makrides 2017, 42; Strickland 2013). The article will mainly highlight areas of direct or indirect Orthodox Christian engagement with Carl Schmitt in Russian and Greek Orthodoxy: First, I will present Fedor Stepun (1884–1965), the only Orthodox intellectual from Russia, who referred to Schmitt already in the 1930ies. Stepun belonged to a group of Russian intellectuals in exile in the interwar period that have been related to the “new political theology” developed by Johann Baptist Metz (1928–2019), who sought to counter the political instrumentalization of religion in Schmitt’s “old” political theology by theologically grounding human political self-determination (Poole 2013, 146–147). Second, the article will focus on examples of Schmitt’s reception by contemporary Greek Orthodox and Russian Orthodox authors against the background of new debates on Orthodox political theologies after the fall of Communism.³²⁹

Christian politics and Schmitt in Russian exile in the interwar period

In the Russian context, the separation of the church from the state in 1917 was basically greeted by prominent Orthodox thinkers like Nikolai Berdiaev and Sergii Bulgakov – as a liberation from a “perpetual burden and bond” (Bulgakov 1924, 503) of the church under state tutelage.³³⁰ Expelled from the Soviet Union and mainly based in Paris, these thinkers closely interacted with Catholic intellectuals like Jacques Maritain, who critically responded to Schmitt’s turn to the “total state” (Chappel 2011). This led to “a short flash of Orthodox political theology” (Shishkov 2021) in the interwar period, mostly in the journals *The Way (Put’)* (1925–1940)

³²⁹ Carl Schmitt’s book on *Political Theology* appeared in English and French translations only in the 1980ies, in a Greek translation in 1994 by Panajotis Kondylis, and 2000 in Russian by Alexander Filippov.

³³⁰ Rowan Williams introduced Sergii Bulgakov to the English-reading public with an anthology titled “Toward a Russian Political Theology” – yet without any reference to Schmitt (Williams 1999).

and *The New City (Novyj Grad)* (1931–1939) (see Shishkov 2022; Zwahlen 2024). In *The New City*, the economist Boris Izboldin mentioned Schmitt’s destruction of the “myth of the eternal farmer” promoted by Oswald Spengler (Izboldin 1935, 94). In the same journal, Schmitt was mentioned in passing by Fedor Stepun. He was the son of a German-Lithuanian merchant family in Moscow who had studied philosophy in Heidelberg, served as an officer in the Russian army, and was known as a publicist and politician in Moscow. From 1927 onwards, he held a professorship in sociology at the Technical University (TU) in Dresden, which was revoked by the Nazi regime in 1937. In 1934 and 1937, Stepun held lectures on “New German Teachings on State and Society” about Vilfredo Pareto, Georges Sorel and Carl Schmitt – unfortunately, there are no scripts left (Hufen 2001, 438, 574). Baptized Protestant as a toddler, Stepun regularly attended Orthodox church services in Dresden (Hufen 2001, 275, 408).

References to Schmitt can be found in Stepun’s critique of the “religious socialism” by his colleague at the TU, Paul Tillich (1886–1965), professor for philosophy of religion, and in his own attempt to formulate “Christian politics.” For Stepun, the Protestant religious socialists embodied the “subjective occasionalism”, that Schmitt described in his book on *Political Romanticism* (Stepun 1931, 23). Generally sympathizing with their insistence on the religious meaning of the world *beyond* the church and with their turn to socio-political questions (in parallel with Russian thinkers like Berdiaev), Stepun mainly accused the Protestant socialists of a total loss of the concept of the “mystical nature of the church” as body of Christ, in contrast to both Orthodox and Catholic Christians. In his view, the Protestant concept of the church as mere “religious society” eventually led to its identification with the German nation by nationalist clerics or with the working class by the religious socialists (Stepun 1931, 40, 44, 46; Hufen 2001, 280). Stepun refused the Christian possibility to take sides in the economic-political class-struggle by insisting on individual moral responsibility (Stepun 1931; Hufen 2001, 284). He basically agreed with Schmitt’s claim that secularization entailed the danger that “God can be replaced by mundane and worldly factors” (Schmitt 1986, 17–18). He once again referred to Schmitt’s notion of “Political Romanticism” when he criticized Russians in exile who mixed up their love for Russia with the love of Christ and with hate for the Bolsheviks (Stepun 1932, 70). In his view, in imperial Russia even the “most fervent Black Hundred [nationalist] priest always knew that the Holy Church is holier than autocratic Russia” (Stepun 1931, 42).

Stepun sought to develop a type of Christian politics in contrast to the imperial state church tradition. Sharing a Christian social commitment and the fight against the instrumentalization of Orthodoxy by the Russian Right with other authors of *The Way*, he criticized them for a lack

of political pragmatism (Stepun 1926, 445–47). In “Christianity and politics” (1933–34) he discussed Schmitt’s friend-enemy distinction in *The Concept of the Political* (1932) from an Orthodox angle. In contrast to the Catholic theocratic model and Protestant apolitical Christianity, Stepun saw a huge, still undetermined potential in Orthodoxy (Stepun 2000, 402). If two years earlier he had criticized the endeavor to “defend the existential ‘friend-enemy-tension’ as original givenness (Urgegebenheit)” (Stepun 2004, 189), he found it hard to dispute Schmitt’s thesis in view of contemporary events. In Stepun’s rendering of Schmitt, the enemy is not necessarily evil, but is “a being whose existence is not compatible with the wellbeing of my life and which must be neutralized” or killed, if no other means are available. Stepun agreed with Schmitt, that the Evangelical Sermon of the Mount on the “love of the enemy” addresses private, not sociopolitical life. He also rejected Tolstoj’s or “democratic-socialist” pacifism (Stepun 2000, 411), in cases where the enemy is not threatening oneself, but innocent neighbors. Therefore, a responsible Christian state must defend its citizens by using force. However, according to Stepun, the “brilliant” Schmitt made his biggest mistake by not addressing the Christian moral dilemma (Stepun 2000, 407). For him, the core question of Christian politics boils down to “the question of the religious meaning of the participation of Christians in the concrete political life, the unbreakable law of which is enmity and the destruction of the adversary” (Stepun 2000, 408). In his view, no human being with a Christian conscience – in contrast to “modern civilized paganism” – could kill his enemy without perceiving it as the gravest sin. Moreover, the most destructive sin is the “conviction of one’s righteousness” (Stepun 2000, 409), of which he accused the Bolsheviks, Fascists and any “secularized, atheist-worldly” view: “The most extreme evil of any evil does not consist in the fact that it exists, but in the case that this evil is negated as evil” (Stepun 2000, 412). Therefore, “the moral pathos of Christianity does not consist in unconditional rejection of war, but in the requirement that its evil will be experienced as a sin” (Stepun 2000, 411). The same awareness of sinfulness applied to any other dimension of Christian politics, that should avoid a pseudo-Christian state that defends Christianity with unchristian means. A Christian will never be able to wash his hands like Pilate:

Carl Schmitt’s correct position, that the sphere of politics not only lies in evil, like all human life, but is sustained solely by evil, i.e., enmity and war, therefore does not extinguish the idea of Christian politics, but, on the contrary, makes it self-evident, for where else can Christianity settle if not in the realm of evil, for what else can it do but transform evil, not into good—that is God’s work—but into sin. [...] Isn’t it clear that [...] Christians should not flee from the places and situations where [evil] occurs, but

rather strive toward them? Of course, not in order to participate in the perpetration of evil, but rather to take the inevitable evil upon their Christian conscience. We must not forget that what is important for the religious life of humanity is not only *what* happens in it, but also *who* does it and *how* (Stepun 2000, 412).

Stepun admits that such a view can also be misused in order to disguise evil intentions, however, he regards awareness of sinfulness as a guideline for action and a “minimum program” for Christians when dealing with moral dilemmas by discernment of spirits, pragmatism and “Realpolitik” in contrast to ideology or ideocracy (Stepun 2000, 414, 416–17). Stepun saw Europe’s “uninspired freedom” (i.e. “humanistic liberalism”) attacked by godless ideocracies, and for him the only solution was Christian politics as a “politics of Christians” (Stepun 2000, 420, 422; see also Mehlich 2018, 74–75).

On the background of all this, the Orthodox church must be separated from the state (Stepun 2000, 404) and fulfill its role as “the conscience of state life” that is able to reach the state, society, and every single person. Stepun praised the Catholic and Protestant voices in Germany who understood that an apolitical stance is not possible anymore and opposed racist antisemitism and fascism (Stepun 2000, 421). In this regard, Stepun had high hopes for a future Orthodox Russia built upon the Christian social (and Ecumenical) thinking, that had evolved on its ground, and was now further developed in exile by thinkers like Bulgakov, Berdjaev, and Semen Frank (see (Antonov 2025)) – in contrast to the “byzantine-ascetic and Caesaropapist tendencies of historic Orthodoxy” (Stepun 2000, 414–415). Stepun was one of the theorists of the interwar period who sought a “third way” between ideocratic dictatorship and liberal democracy. In Stepun’s view, it was Orthodox “social” Christianity that would not only revive Russian politics but European culture as a whole.

Schmitt’s reception by contemporary Russian Orthodox authors

Schmitt’s concepts entered Russian discourse in the beginning of the 21st century. Political philosophers introduced his ideas in Church circles as an antidote against the alleged “negative consequences” of the forces of liberalism, pluralism, the decomposition of sovereignty and value neutrality (Mikhailovskii 2015, 205). Schmitt caught the attention of Vladimir Putin’s conservative advisors (Shishkov 2023), and prominently of the political ideologist Alexander Dugin. Dugin popularized Schmitt’s “faith in the Katechon” as “power that restrains the Antichrist” (according to a certain interpretation of 2 Thess 2, 7–8) in Russian neoconservative circles and weaved it together with ideas from Russian far-right movements such as the *Black Hundreds* in the early 20th century. The latter are also linked to the dissemination of the

Protocols of the Elders of Zion (1911) by the Russian mystic and publicist Sergei Nilus, for whom the monarchy was the restrainer of the global Jewish-Masonic conspiracy (Kordochkin 2024; Kytöneva 2025). According to Schmitt, the Byzantine Empire served as a *katechon* against Islam, and the Third Reich as the restrainer of the chaos of Weimar democracy (Byrd 2025, 150, 154–55). While Schmitt’s concept of *katechon* was linked to a secular state as a restrainer of war (Borshch 2023, 46, 54), Dugin restored the concept’s religious nature and thus “handed a convenient and powerful political theology” to justify Putin’s Russia in its apocalyptic struggle against the Western “civilisation of chaos” in order to “win Ukraine for Christ” (Byrd 2025, 158, 163–64; Hagemeister 2016, 14, 33–35).

Dugin’s sponsor, the “Orthodox oligarch” Konstantin Malofeev who runs the TV channel *Tsargrad* launched a Think Tank called *katechon.ru* in 2015 (Hagemeister 2016, 34). Among other positions, Malofeev is Deputy Head of the *World Russian People’s Council* (VRNS), lead by Patriarch Kirill (Gundjaev) of the Russian Orthodox Church (ROC). In 2024, the 25th VRNS issued a resolution that alluded to the figure of *katechon* in order to justify Russia’s “holy war” against Ukraine:

From a spiritual and moral point of view, the special military operation is a holy war in which Russia and its people, defending the unified spiritual space of Holy Rus, are fulfilling the mission of the ‘Restrainer’, protecting the world from the onslaught of globalism and the victory of the West, which has fallen into Satanism (Vsemirnii Sobor 2024).

A dismissed Russian Orthodox priest, Andrei Kordochkin, commented on the resolution and the concept of *katechon* in the Russian journal *Novaja Gazeta*. In his view “the doctrine of the *katechon* in contemporary Russian (Orthodox) official discourse is a tool for constructing collective identity and mobilization through the creation of an image of the enemy and its demonization (Schmitt — Dugin)” (Kordochkin 2024).

A Russian Orthodox theologian who calls for a serious *theological* examination of Carl Schmitt is Andrei Shishkov (*1978). In the run-up of the long-prepared “Holy and Great Council of the Orthodox Church” of all recognized Orthodox churches announced for 2016, Shishkov applied Schmitt’s theory of sovereignty in the area of inter-Orthodox relations: An autocephalous Orthodox church is fully independent from other churches (except for theological questions), therefore autocephaly is a question of sovereignty (Shishkov 2014, 201) in the Schmittian sense that “sovereign is he who decides on the exception” (Schmitt 1985, 5). In global Orthodoxy the mode of how a local church obtains autocephalous status is highly contested, as the case of the Orthodox Church of Ukraine shows. According to Shishkov, Orthodox church history knows

two ways: *self-proclamation* of autocephaly (and later acceptance by the other churches) and the *granting* of autocephaly by a “mother-church”. Examples for self-proclamation are the Russian church in 1448, and the Georgian and Polish Orthodox Churches in 1917 and 1924 (Shishkov 2014, 208). After the collapse of the Ottoman empire, Orthodox history also knew the *granting* of autocephaly by the patriarchs of Constantinople, who insisted on their universal sovereignty (Shishkov 2014, 211–215). Shishkov argued that such “granted autocephaly” by any mother-church will never be truly sovereign (e.g. Orthodox Church of the Czech Lands and Slovakia or the Orthodox Church of America) (Shishkov 2014, 218). Future pan-orthodox councils could provide solutions here: they are cases of exception, in which the participating autocephalous churches create the new sovereign power of the council (not of the church that convenes it) by restricting their own sovereignty (Shishkov 2014, 220). Yet, this concept already goes beyond Schmitt’s concept of sovereign power “ex nihilo”, because it creates a “certain continuity” – a good way for claiming supreme authority in Eastern Orthodoxy, in Shishkov’s view (Shishkov 2014, 221).

In 2023, Shishkov presented Schmitt as a dangerous thinker and theological amateur who enchants readers by an alleged “sacred knowledge”. He appreciates Schmitt’s main thesis that “all significant concepts of the modern theory of state are secularized theological concepts” (Schmitt 1985, 36) that became a “now universal” method to discern the metaphysical worldview behind each political concept (the Almighty Lawgiver behind any king or people). But Schmitt applied the method not as an indifferent archeologist, but as a critic of modernity and secularity (Shishkov 2023). In Shishkov’s view, the main pillar of Schmitt’s “political theology” is – inspired by counterrevolutionary thinkers – the Catholic doctrine of original sin, on which the concept of the political as friend-enemy distinction in a bad world is based, while its (claimed) negation by secularization is accused of destroying the social order. Shishkov then presents Schmitt’s thought as “apocalyptical theology” that is based on a “sense of divine absence” – in contrast to most (political) theologians who proceed from a concept of divine presence: “In Schmitt there is neither God as actor nor the Church” as a space of divine experience (allegedly because of Schmitt’s experience of the Church as a fortress against enemies). Shishkov morally rejects Schmitt’s antisemitism and Nazism, and holds his applications theologically wrong because he neglects the figure of Christ, the work of divine grace, and the love for one’s neighbors and enemies (Shishkov 2023).

Schmitt’s reception by contemporary Greek Orthodox authors

In the 1970ies, the Greek theologian and philosopher Christos Yannaras (1935–2024) wrote his *Chapters on Political Theology* (1983) in an anti-Western context as a critique of the “Marxist leanings” of the “new political theology” by John Baptist Metz (Makrides 2017, 47), but with no reference to Carl Schmitt. The German publicist Dimitrios Kisoudis (*1981)³³¹ aimed to fill this gap in *Political Theology in the Greek Orthodox Church* (2007, in German). He links the concepts of *eikon* (icon), *ethnos* (church people, Kirchengemeinde) and *nomos* (law) with Schmitt’s notion of *representation* as “making an invisible being visible and present through a publicly present being” (cited from *Verfassungslehre* (1928) in (Kisoudis 2007, 66)), and with “theological anthropology” (Kisoudis 2007, 29). According to Schmitt, “every political idea in one way or another takes a position on the ‘nature’ of man and presupposes that he is either ‘by nature good’ or ‘by nature evil’” (Schmitt 1985, 56). Against this background, Kisoudis basically claims that Greek Orthodoxy (citing the Greek Archbishop Christodoulos (1939–2008)) – unlike socialism that believes in man’s good nature, and liberalism that allegedly does not have a position on man’s nature at all – believes in man’s fallen and redeemed nature, and therefore is in stark contradiction to the Western “godless” concept of human rights. Kisoudis concludes that “Greek Orthodoxy does not want to see humans as godless human eikons of the *Nomos* (as the constitution) in *Laos* (as the European constitutional people), but as divine-human eikons of the *Eikon* (as the incarnate Logos) in *Ethnos* (as the Greek church people). While in the one-dimensional humanity of constitutional law, every human merely presents himself, the Orthodox Church of Greece represents the singular iconic representant ethnically” (Kisoudis 2007, 133).

In 2012, the Greek Orthodox theologian Pantelis Kalaitzidis, Director at the Volos Academy for Theological Studies, presented a booklet on *Orthodoxy and Political Theology* that, in contrast to Carl Schmitt, intended to enhance a political theology “in the liberating and radical sense of the term” (Kalaitzidis 2012, 9–10). Kalaitzidis mainly critiqued the concept of representation as key concept in Schmitt’s “pro-royalist perspective” which was in line with the early church historian Eusebius of Caesarea who worked out the Byzantine “theology of empire” with the emperor as God’s representative on earth (Kalaitzidis 2012, 18–19). In Kalaitzidis’ view, Schmitt rejected “Trinitarianism as a threat to monarchy”, because it “introduces difference and dialogue”, and was acutely hostile to eschatology with its openness for a more just future, and hence originated his anti-modern “militant opposition to democracy and political liberalism” (Kalaitzidis 2012, 19–21). Kalaitzidis criticized Greek anti-Western

³³¹ In 2015, Kisoudis published “Goldgrund Eurasien” containing an affirmative explanation of Putin’s worldview, since 2022 he is “Grundsatzreferent” of the German AfD-Co-Leader Tino Chrupalla; <https://kress.de/kopf/profil/33595-dimitrios-kisoudis.html> (accessed 2026/01/29).

Orthodox movements and their affiliation with the far right. With reference to Schmitt's critics like Erik Peterson, Metz, Jürgen Moltmann, Dorothee Sölle and liberation theology, Kalaitzidis mainly proposed to examine the issue of (social) politics from the perspective of eschatology as a "characteristic feature of the Eastern Orthodox liturgical and theological tradition" (Kalaitzidis 2012, 93). In this perspective, "domination and power are transformed into love and service" (Kalaitzidis 2012, 127). Kalaitzidis sharply refutes any Orthodox traditionalism, and, implicitly, Schmitt's concept of the *katechon*: "The church is a journey to the *eschaton* [the future of the Kingdom of God] and not a return to some particular tradition, to some idealized 'Christian' society or empire" (Kalaitzidis 2012, 135–36). Kalaitzidis' book sparked more research in the field of Orthodox Political Theology, yet with little examination of Carl Schmitt's work so far (see (Stoeckl, Gabriel, and Papanikolaou 2017); (Grosshans and Kalaitzidis 2023); (Grigore and Makrides 2024), (in Russian: Bodrov and Tolstoluzhenko 2019)).

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World Without Men: Schmitt and Kojève on the End of History

Isabel Jacobs

In the summer of 1967, Russian-French philosopher and statesman made a visit to West Berlin, by invitation of Jacob Taubes. Retired from academic philosophy, Kojève was at the height of his career as a civil servant in the French Ministry of Economics. While students went on the barricades, Kojève travelled: Paris, Brussels, Washington, Algiers. Jetting in straight from Beijing, on a short break from his official duty, Kojève delivered a lecture entitled “What is Dialectics?” to protesting students. He even briefly met Rudi Dutschke, the leader of the West German student movement, shocking him by suggesting to learn Ancient Greek instead of playing revolutionary. In his last interview, Kojève described how Berlin in 1967 reminded him of the Latin Quarter of his youth in the late 1920s and 1930s—the same Marxist fervour that never led to a real, bloody revolution. The German students playing revolution, as Kojève put it, only accelerated the course of history toward a universal “Russian-American lifestyle.”³³² Taubes recalls Kojève’s visit as follows:

I invited Alexandre Kojève, the interpreter of Hegel and to my mind the most important philosopher of that generation. I know that the universities do not share my judgement, but for me that is about as interesting as last year’s snow. The people with whom I think or speak about Hegel know who Kojève is. And he came to Berlin, straight from Beijing—how he did that I don’t know—and I had to look after him, which I liked doing, and I asked him, “Shall I book your ticket for when you leave? Where are you going?” And he said to me in his usual gruff way, “I am going to Plettenberg.” He said: “Who else is there in Germany to talk to?”³³³

Kojève was, of course, referring to Plettenberg’s famous resident: the controversial jurist and political theorist Carl Schmitt. The “most important philosopher” was off to see Schmitt (“the only one worth talking to”) who was discredited after his association with the Nazi Party. Admiring any form of provocation, Taubes was impressed by Kojève’s bold move: “Look at that, I thought. They’ve been telling me for twenty years that I should go and see him, and

³³² Gilles Lapouge, “Les philosophes ne m’intéressent pas, je cherche des sages,” Interview with Alexandre Kojève (January 1968). *Le Grand Continent*. <https://legrandcontinent.eu/fr/2020/12/25/conversation-alexandre-kojeve/> (Accessed on 7 February 2026).

³³³ Jacobs Taubes, “1948–1978: Thirty Years of Refusal,” in: Jacob Taubes, *To Carl Schmitt: Letters and Reflections*. Trans. Keith Tribe. New York: Columbia University Press, 2013, p. 52.

Alexandre Kojève ... goes and does it.”³³⁴ This chapter reconstructs the little-known friendship between Kojève and Schmitt between 1955 and 1960, focusing on how each developed their own political vision of postwar Europe. It also critically discusses existing research on the debate, arguing that their shared yet distinct visions of an end of history should be interpreted as a project with distinctly gendered implications: the end of history, the new nomos, is a world defined by the absence of men.

While Kojève’s debate with Leo Strauss is well-documented, his exchange with an even more important intellectual sparring partner, the German jurist and political thinker Carl Schmitt is still neglected.³³⁵ The mutual influence between Kojève and Schmitt has only recently become the subject of scholarship.³³⁶ As Massimo Palma has retraced, Kojève was likely aware of Schmitt’s landmark *The Concept of the Political* (1933) already when delivering his famous lectures on Hegel in the 1930s. Kojève never cited Schmitt in any of the works published during his lifetime. Yet his *Outline of a Phenomenology of Right*, written in the 1940s and unpublished until 1981, draws on Schmitt’s friend-enemy dyad.³³⁷ As we will see, Schmitt, by contrast, referenced Kojève multiple times in his later work. The first contact between Schmitt and Kojève was initiated by the jurist Roman Schnur, a loyal follower of Schmitt.³³⁸ Schnur spent three months in Paris in 1952, and returned for another longer stay in 1955. Schmitt instructed Schnur to get him a copy of Kojève’s recently published *Introduction to the Reading of Hegel* (1947), an edition of the Hegel lectures assembled by the Surrealist Raymond Queneau. Schmitt also engaged with great interest in the Kojève–Strauss debate.

Upon devouring *Introduction to the Reading of Hegel*, Schmitt carefully approached Kojève through Schnur. It was also Schnur who gave Kojève a copy of Schmitt’s *Nehmen / Teilen / Weiden* (1953). As his letters to Schnur reveal, Schmitt was nervous the Russian philosopher might snub him, like so many others. After all, his affiliation with the Nazi party had cost him his reputation as one of Europe’s most brilliant political theorists. That would not be the case. Kojève accepted Schmitt’s invitation to debate in writing more than enthusiastically. As Palma accurately put it, the resulting correspondence in German, lasting

³³⁴ Taubes cited in Marco Filoni, *The Life and Thought of Alexandre Kojève*, Evanston: Northwestern University Press, 2025, p. 23.

³³⁵ Leo Strauss, *On Tyranny*. Revised and Expanded Edition. Including the Strauss-Kojève Correspondence. Edited by Victor Gourevitch and Michael S. Roth. Chicago; London: The University of Chicago Press, 2000.

³³⁶ See Filoni 2025; Palma 2022, 2024; Scholz 2024; Tihanov 2022.

³³⁷ Palma, “Corollaries to the new Nomos,” p. 96. For speculations on such early influence – a “hidden debt” – see Massimo Palma, “Alexandre Kojève and Carl Schmitt: Mythologies of Enmity,” in: *Alexandre Kojève: A Man of Influence*, edited by Luis J. Pedrazuela, 2022. Palma finds particular traces of Schmitt’s friend-enemy dyad in Kojève’s master-slave dialectic.

³³⁸ Thanks to Danilo Scholz for pointing me to the recently published letters between Schmitt and Schnur that emphasise Schnur’s role as a mediator between Schmitt and Kojève. See Carl Schmitt and Roman Schnur, *Briefwechsel 1951 bis 1983*, edited by Martin Tielke, Berlin: Duncker & Humboldt, 2023.

from 1955 to 1960, is “cryptic, allusive, and largely avoids making direct references to past war experiences and mutual friends,” yet clearly traces their shared interests and influences.³³⁹

By the time they exchanged their first letter in 1955, as Danilo Scholz argues, “Kojève was no longer the thinker that Schmitt expected.”³⁴⁰ A radical reader of Hegel in the 1930s – identifying the master-slave dialectic, recognition and the end of history as key figures in the *Phenomenology of Spirit* – Kojève had turned by the mid-1950s to a new career as a high ranking civil servant in the External Economic Relations Division (DREE) of the French Ministry of Finance and Economic Affairs.³⁴¹ Scholz has convincingly shown that Kojève’s late writings, circling around the condition of posthistory, were a “ludic philosophy” of history, triangulating ideas of play gleaned from his exchange with Schmitt, Bataille and Strauss.³⁴² After history, the late Kojève argued time and again, politics had been replaced by play. Kojève’s archives at the French National Library hold a heavily annotated copy of Schmitt’s *Concept of the Political*, in which “Kojève scrupulously marked those passages in which Schmitt entertains the possibility of a humanity that has moved beyond politics and enmity.”³⁴³ Once any struggle between friend and enemy – or master and slave, in Kojève’s rendering – has become impossible, the political as such had come to an end. In a marginal note, however, Kojève dared to scribble a single word of discontent with Schmitt: “Marx.”³⁴⁴ The legacy of Marxism, particularly Soviet socialism, would become a central theme in their friendly debate.

I. What’s in a Name?

In the first letter that is preserved, written on May 2, 1955, Kojève thanks Schmitt for sending his “extremely brilliant *Nomos* essay” (referring to Schmitt’s “*Nehmen / Teilen / Weiden*”).³⁴⁵ He states to be “fully in agreement” with Schmitt – except for the fact that since Napoleon there is “no longer any ‘taking’ (all related attempts have failed).”³⁴⁶ Now, there is only producing,

³³⁹ Massimo Palma, “Alexandre Kojève and Carl Schmitt: Mythologies of Enmity,” in: *Alexandre Kojève: A Man of Influence*, edited by Luis J. Pedrazuela, 2022, p. 121.

³⁴⁰ Danilo Scholz, “The Intrusion of Play into Time. Alexandre Kojève’s Ludic Philosophy of History,” in: *Tyrants at Work: Philosophy and Politics in Alexandre Kojève*, edited by Marco Filoni and Massimo Palma, 2024, p. 47.

³⁴¹ On Kojève’s postwar bureaucratic career, see Marco Filoni, *The Life and Thought of Alexandre Kojève*, Evanston: Northwestern University Press, 2025; Danilo Scholz, “The Art of Diplomacy: Alexandre Kojève’s Guide for the Perplexed,” *e-flux Journal* 150 (December 2024).

³⁴² Scholz, “The Intrusion of Play into Time,” p. 48.

³⁴³ BNF, Paris, Fonds Kojève, RES-Z KOJEVE-368, see Scholz, “The Intrusion of Play into Time,” p. 49.

³⁴⁴ *Ibid.* Marx occupies a complex place in Kojève’s thought. See “Hegel, Marx et le christianisme.” *Critique* 3–4 (August/September 1946), pp. 339–366; and the recently published manuscript on Stalin: Kojève, *Sophia*, Tome 1 – Philosophie et phénoménologie, Paris: Gallimard, 2025.

³⁴⁵ Alexandre Kojève and Carl Schmitt, “Correspondence,” *Interpretation: A Journal of Political Philosophy*, Vol. 29, No.1 (Fall 2001), p. 94.

³⁴⁶ *Ibid.*

with the eventual hope for a globally more even distribution.³⁴⁷ Schmitt's response, sent on May 9, 1955, takes up the philosophical battle by providing a close reading of Kojève's Hegel lectures, in particular p. 215 of the French edition, where Schmitt believes to find a "Hegelian 'take on God' [Gott-Nahme]."³⁴⁸ He also pushes back against Kojève's claim that after history production has replaced extraction:

I do not, however, share your opinion that "taking" has ceased since Napoleon, and that today there is only production (grazing [geweidet]). There remains only destruction [ausgeweidet] The earthly God, who now only gives and no longer takes because he creates from Nothingness, creates Nothingness first of all before everything, from which he creates, i.e. takes.³⁴⁹

Schmitt asks Schnur to tell Kojève that he realised thanks to his Introduction that Hegel's Phenomenology is a "marvelous taking of God [Gott-Nahme] – his German is good enough to understand that."³⁵⁰ After the first meeting between Schnur and Kojève, Schmitt gets so nosy that he even wants to know how Kojève exactly looks like (and, of course, what he made of Nehmen / Teilen / Weiden). Arguing from within his own philosophy of *Nahme*, developed in late works such as *The Nomos of the Earth* (1950), Schmitt captures an important tenet of Kojève's reading of Hegel: if History is the result of an anthropogenic desire, realised through the work and struggle of "Man" [Homme] (capitalised and exclusively male in Kojève), the end of history marks a certain death of Man. The section in the Hegel lectures that Schmitt's letter refers to goes into the heart of Kojève's atheistic conception of Man: "To give the divine Spirit the fullness of being, it must be situated in the World, ... Now, to conceive it in this way is to conceive it as a worldly Spirit, that is, human, and no longer as God. In short, Man, who seeks to fully and completely understand himself as Spirit, can only be satisfied through an atheistic anthropology."³⁵¹ What Schmitt means by *Gott-Nahme* can be interpreted in different ways. Palma points specifically to the influence of Vladimir Solovyov's theandry on Kojève's concept

³⁴⁷ On Kojève's own engagement in trade and tariffs, see Filoni 2025. For a reading of Kojève as a philosopher of the Marshall Plan, triangulated through Bataille's general economy, see Boris Groys, *Alexandre Kojève: An Intellectual Biography*, London/New York: Verso, 2025.

³⁴⁸ Kojève and Schmitt, "Correspondence," p. 95. Attached to the letter is an essay by the equally tainted Ernst Jünger, essentially inviting Kojève into an inner circle of German right-wing intellectuals.

³⁴⁹ Ibid.

³⁵⁰ Schmitt and Schnur, *Briefwechsel*, p. 130.

³⁵¹ Kojève cited in Palma, "Corollaries to the new Nomos," p. 98. Also see Kojève, *Atheism*, trans. Jeff Love. New York: Columbia University Press, 2018.

of Man.³⁵² Russian philosophy offers another key to deciphering Schmitt's Gott-Nahme: *Nahme* is Name – taking God is naming him. According to the tradition of name worshipping in Russian religious philosophy, we can only understand (*com-prendre*) Gott through his name.³⁵³

In the Hegel lectures, Kojève offers a veiled critique of religious name worshipping, while agreeing – as an atheist – that “God” is nothing but a name, in the same way the philosopher who revealed the end of history happened to be named “Hegel.”³⁵⁴ Interestingly, the concept of name also plays a role in Kojève's analysis of the master-slave dialectic. The master is the Man who emerges victorious from the fight for prestige. Yet, his mastery is still dependent on the recognition of the slave. Recognition is a two-step process: first, his superiority over the slave is proven by “bearing the name of ‘Master,’ of being called ‘Master’.”³⁵⁵ Second, the slave's work materialises the worship to his master's name. In his reply to Schmitt's Gott-Nahme, written on May 16, 1955, Kojève clarifies that what he is after is a “mise à jour [“update”] of Hegel.”³⁵⁶ He agrees with Schmitt that “everything essential appears on my page 215... In my course I spoke of Hegel's anthropo-theism, but I also emphasised that it has to do not only with a mortal but really with a dying (and perhaps already dead) God.”³⁵⁷ In other words, Kojève's update of Hegel was less concerned with the death of God than that of man: the end of history is a world without men. He freely paraphrases Heinrich Heine's Parisian Diary: “Since I am no longer a Hegelian, ... I am no longer God!”³⁵⁸

In a world without Man-God, posthistorical humans take (*Nahme*) by naming (*Name*) the new order (*Nomos*) – a Kojévian triad that Schmitt explored in detail in his 1959 essay “*Nomos–Nahme–Name*.”³⁵⁹ In the essay, in response to Kojève, Schmitt turns in particular to the idea of “*Frauen-Nahme*” (the taking of women), linking the legal institution of marriage

³⁵² Ibid. Solovyov was the subject of Kojève's doctoral dissertation of 1926, *Die religioese Philosophie Wladimir Solowjew*. Heidelberg, Univ., Diss., 1926. doi:10.11588/diglit.41168 [as Alexander Koschewnikoff].

³⁵³ On the significance of the name in Russian religious philosophy and scientific thought, see Loren Graham and Jean-Michel Kantor, *Naming Infinity: A True Story of Religious Mysticism and Mathematical Creativity*, Cambridge, MA / London: The Belknap Press of Harvard University Press, 2009. Kojève was certainly aware of the influential “Name Worshipping” movement, considered a heresy by the official Russian Orthodox Church. The doctrine of *Imiaslavie* (Onomatodoxy) emerged from the late nineteenth-century Neo-Patristic movement, reviving Gregory Palamas's energetic theology. Famous name worshippers of the 1920s included the philosophers Pavel Florensky and Alexei Losev. See Dmitry Biriukov, “The Name-glorifying projects of Alexei Losev and Pavel Florensky: A question of their historical interrelation,” *Studies in East European Thought* 77 (2025), pp. 205–215. In Name Worshipping, the names of God and Christ are chanted over and over again, in the attempt to experience unity with God in ecstasy. The name “God” (*Bog*) or “Christ” in the Prayer of Jesus is believed to contain the essence of God and is itself the divinity. For name worshippers, the name God is God.

³⁵⁴ Kojève, Introduction, p. 124.

³⁵⁵ Alexandre Kojève, *Introduction to the Reading of Hegel*. Ithaca/London: Cornell University Press, 1980, p. 45.

³⁵⁶ Ibid., p. 96.

³⁵⁷ Ibid.

³⁵⁸ Ibid., p. 97.

³⁵⁹ For a brilliant reading of Schmitt's essay through the prism of Shakespeare's *Romeo and Juliet*, see Palma, “Corollaries to the new *Nomos*,” p. 101f.

and the family to women “taking” the husband’s name. In those times, Schmitt reminisces, “the man took the woman.”³⁶⁰ The woman submitted to her taking (Nahme) by taking the name (Name). The man gave the woman his name, she gave him children. Such goes Schmitt’s tale of a state of patriarchy that has recently vanished: “Today all this is quite different and has even been disavowed by statutory and constitutional law.”³⁶¹ By German law, man and woman are now equal in rights. The fact that a married woman still bears the man’s name is a relic of bygone times. However, he states, “we would no longer even be able to comprehend our own name if the unity of taking and name were erased from our memory.”³⁶² In his brilliantly subversive reading of Schmitt, Palma notes the irony that Schmitt himself had for some time taken the surname of his first wife, becoming “Schmitt-Dorotic.”³⁶³ However, Schmitt felt obliged to make a semantic connection between colonial conquest and the suppression of women. Naming is taking. In Shakespeare’s *Romeo and Juliet*, it is Juliet Capulet who asks Romeo Montague to change his name to take all herself: “And for that name, which is no part of thee, / Take all myself.”³⁶⁴ Romeo submits to Juliet: “I take thee at thy word. / Call me but love, and I’ll be new baptized; / Henceforth I never will be Romeo.”³⁶⁵

II. World Without Men

Another play by Shakespeare is in the background of the Kojève-Schmitt debate: *Hamlet*. In his copy of Schmitt’s book *Hamlet or Hecuba* (1956), Kojève notes that he received the book on May 1, 1956, and finished reading it four days later.³⁶⁶ In the Hegel lectures, Kojève had briefly touched on *Hamlet* as a “tragedy of the intellectual.”³⁶⁷ He wrote more on *Hamlet* in a letter from May 5, 1956, that is unfortunately missing.³⁶⁸ Scholz compellingly suggests that it might have been precisely the exchange with Kojève on *Hamlet* and the idea of play that prompted Schmitt to replace “entertainment” with “play” in the 1963 edition of his *Concept of the Political*.³⁶⁹ What Schmitt’s book on *Hamlet* explores, above all, is the subjectivity of the new man, that what is left of the hero after the decline of patriarchy. We only have Schmitt’s reply to Kojève’s missing letter, dated May 11, 1956, where he describes his *Hamlet* or *Hecuba*

³⁶⁰ Schmitt cited in Palma, “Corollaries,” p. 101.

³⁶¹ Ibid.

³⁶² Ibid.

³⁶³ Ibid.

³⁶⁴ Cited in Palma, “Corollaries,” p. 102.

³⁶⁵ Ibid.

³⁶⁶ Scholz, p. 50. See Carl Schmitt, *Hamlet oder Hekuba*. Der Einbruch der Zeit in das Spiel, Düsseldorf: Eugen Diederichs, 1956, BnF, Paris, Fonds Kojève, RES-Z KOJEVE-898.

³⁶⁷ Cited in Scholz, p. 51.

³⁶⁸ See Kojève and Schmitt, “Correspondence,” p. 109.

³⁶⁹ Scholz, “The Intrusion of Play into Time,” p. 53.

as an essay on “the intrusion of the historical present of 1600 in the play.”³⁷⁰ “Hamlet is ‘play,’ jeu [game], street ballad,” Schmitt explains to his friend, “on the edge of comedy, except at both intrusion points [Einbruch-Stellen].”³⁷¹

By now, Kojève and Schmitt are already well-tuned (eingespielt) – and Schmitt effortlessly takes up the theme of *Gott-Nahme* once more, when reading Shakespeare through the lens of political theology: the source of tragedy lies in the shift from the medieval world of religion to secular modernity. This tragic condition is mirrored by the advent of a new world order after World War II, with a similar shift, this time from politics to aesthetics, and from efficacious political action to play (*Spiel*). What elevates Shakespeare’s play from *Trauerspiel* to tragedy are two shadowy “openings through which historical time breaks into [einbricht] the time of the play.”³⁷² According to Schmitt, those moments of “intrusion” in *Hamlet* are the taboo of the queen’s guilt and the figure of the avenger. The intrusions mark – to echo an earlier concept by Schmitt – a state of exception, interrupting the order of pure play. Around 1600, the time of *Hamlet*, history breaks into play; in 1950, history ends and pure play is restored. In Schmitt’s take, the end of history is the transition from political to ghostly sovereignty.

Hamlet or *Hecuba* has to be read as a continuation of ideas first developed in *The Nomos of the Earth*, where Schmitt mourned the decline of the Eurocentric order which originated in the discovery of the New World – the beginnings of European colonialism and conquest. After the end of history, a centralised system of power led by the so-called West has paved the way for multipolarity and the lack of one hegemonic imperial ruler over land and sea.³⁷³ It was England that gave birth to both the tragic hero *Hamlet* and a seafaring colonialism that prefigured the existential “rootlessness” [Entortung] Schmitt associated with the era of technology and the modern European post-political order.³⁷⁴ Let’s take a brief look at the two intrusions Schmitt identifies in Shakespeare’s play: the taboo of the queen and the figure of the avenger. Both configurations are distinctly gendered, reflecting on the breakdown of patriarchal tradition and gender norms. As in his essay on *Frauen-Nahme*, Schmitt’s gender theory is both sexist and tragic.

Was *Hamlet*’s mother complicit in the murder of her husband or “the victim of her own feminine susceptibility”?³⁷⁵ Schmitt compares the taboo of the queen with the case of Mary

³⁷⁰ Kojève and Schmitt, “Correspondence,” p. 102.

³⁷¹ Ibid.

³⁷² Ibid., p. 44. Schmitt’s reading of Shakespeare can be seen as a covert dialogue with Benjamin’s *The Origin of German Tragic Drama*.

³⁷³ Carl Schmitt, *The Nomos of the Earth in the International Law of Jus Publicum Europaeum*, New York: Telos Press Publishing, 2004.

³⁷⁴ Schmitt, *The Nomos of the Earth*, p. 178.

³⁷⁵ *Hamlet or Hecuba: The Intrusion of the Time into the Play*, New York: Telos Press Publishing, 2009, p. 11.

Stuart. He suggests we should assume that “the queen already had engaged in adultery with the murderer before the death of her first husband.”³⁷⁶ In Schmitt’s reading, the queen is both a killer and a pervert. Yet, her guilt is surrounded by a taboo – nowhere in the play is her role in the murder of her husband actually concretised. It is this taboo around women’s violent agency (we might call it toxic femininity) that makes the revenge plot more intricate, ultimately castrating the hero. Why is Hamlet such a strangely inactive man, less bloodthirsty avenger than “reflective, self-conscious melancholic,” Schmitt asks.³⁷⁷ The play within the play in Act III, featuring Hecuba, the Queen of Troy and wife of Priam, is a decisive moment in Schmitt’s exegesis. His notion of play includes both games with rules and the delightful activity of “little children and frisky cats.”³⁷⁸ Tragedy is, ultimately, that which is unplayable. Refusing to play the play, Hamlet is famously unable to weep for Hecuba, a stand-in of his own mother (“what’s Hecuba for me?”). It is Hecuba that makes visible the powerlessness and inactivity, if not indifference of Hamlet. Where Schmitt uses Hecuba to mark the intrusion of tragedy into human life – a veiled commentary on the erosion of patriarchy – Kojève turns to another female figure: Sophia, the eternal female from Russian religious philosophy, triangulating it with the “young girl” he found in the novels of Françoise Sagan.

In the August/September 1956 issue of *Critique*, Kojève published a short review on Sagan which can be read as a response to Schmitt’s Hamlet or Hecuba.³⁷⁹ In the opening lines, Kojève claims that an “unmarried mother” had given birth to a new world (one illegitimate father was, unsurprisingly, Hegel).³⁸⁰ This world is revealed no longer by a philosopher but a “very-very-young-young French girl.”³⁸¹ Overturning the authority of the father, this young girl is for Kojève the harbinger of the end of history. Her world “is new because it is completely and definitely devoid of men.”³⁸² Posthistory is “a world without men, seen by a young girl of course.”³⁸³ Echoing Schmitt’s passages on *Frauen-Nahme*, Kojève claims that while in the old world, men had taken girls, they are now “quite naked (but with compulsory muscles) or in a state of undress before the by no means startled eyes of young girls.”³⁸⁴ In prewar Europe, he states “with virile pride” nudity was the reserve of pretty girls, not virile men — “and for me

³⁷⁶ Ibid., p. 12.

³⁷⁷ Ibid., p. 19.

³⁷⁸ Ibid., p. 40.

³⁷⁹ Jacques Lacan mocked the review in the final session of his seminar on the “Relation d’Objet” on July 3, 1957, advising his students to read Kojève’s “frivolous” text. See Lacan, “La bibliothèque de Jacques Lacan.” *Le Bulletin Freudien* 1 (October 1984).

³⁸⁰ Kojève, “The Latest New World.” *Parallax* 3:1 (1997), p. 23.

³⁸¹ Ibid., p. 24.

³⁸² Ibid.

³⁸³ Ibid.

³⁸⁴ Ibid., p. 25.

those were the good old days.”³⁸⁵ Since all wars have been fought and history is over, the soldier’s shining boots and armour are replaced by the “casual and comfortable pyjamas from the effeminate Indies ..., thanks to the British conquerors of the servile Orient.”³⁸⁶ Nodding to Schmitt, Kojève proclaims the end of virility and the dawn of a new world without men. It is now girls that look at the old “virile forms” with nothing but “a very masculine indifference.”³⁸⁷ This indifference, he concludes on a somber note, “is profoundly humiliating for those of us who, thanks to some Mendelian accident, were born with the body of a man.”³⁸⁸ With no battle left to fight other than the one against despair, the last heroic man – the “last truly male man” – is Hemingway’s half-dead fisherman.³⁸⁹ The young girl also appears in the correspondence, when Schmitt sends Kojève a copy of *Land and Sea*, “a world-historical observation which was told to a young girl (my daughter Anima).”³⁹⁰ Schmitt’s young girl eventually even replaces him in the debate with Kojève: in a letter from December 14, 1955, Schmitt thanks Kojève “for having kindly entertained by daughter, Anima, in Paris, about which she wrote me an enthusiastic report.”³⁹¹

III. The New Nomos of the Earth

Addressed to Schmitt and dated May 16, 1955, Kojève summarised his famous end of history thesis using Schmitt’s own terminology: Hegel was right that history had ended with Napoleon (not Stalin or Hitler), and World War II was “just an intermission.”³⁹² It was Napoleon who sublated the state as such, leaving behind only police and bureaucrats (including M. Kojève, as he liked to call himself) to “‘administer’ (= organise the “grazing,” to speak your language).”³⁹³ After history, Kojève claims, everybody wants the same thing – that is, nothing – since they are already satisfied. He then decides to share with Schmitt his view of the Soviet Union:

When I had seen (and experienced) that I understood that the USSR is simply a bit more “modern” than the others. Here, one could get rid of government and Parliament without anything having changed. And in the USSR they were gotten rid of; the Revolution did

³⁸⁵ Ibid.

³⁸⁶ Ibid., p. 26.

³⁸⁷ Ibid., p. 25.

³⁸⁸ Ibid., p. 26.

³⁸⁹ Ibid., p. 24.

³⁹⁰ Kojève and Schmitt, “Correspondence,” p. 100.

³⁹¹ Ibid., p. 105.

³⁹² Ibid.,

³⁹³ Ibid., p. 98.

not install a new government in place of the old government, but a new administration. ... What do such “anticommunist” Russian as may be want? The same as the “communist” ones, namely, “to live well and peacefully.” Only the former think that the latter want it too fast (Khrushchev vs. Malenkov). But that is not a political problem, and to that end neither war nor revolution is necessary, nor a state at all, but just an administration. And there already is one.³⁹⁴

In a later letter, on June 11, 1955, he adds, enigmatically: “For me, Molotov’s cowboy hat is a symbol of the future.”³⁹⁵ In a later administrative note, written after his visit to Moscow in August 1957, Kojève would expand on views first developed in his letters to Schmitt.³⁹⁶ Referring to Schmitt’s contribution to a 1950 Festschrift for Ernst Jünger, which takes up threads from *Land and Sea*, Kojève contends that Schmitt’s argument remains true, except that there is no longer any ocean because history no longer exists – it has been sublated in air. (Kojève then apologises for his “long and ... confused letter.”)³⁹⁷ Schmitt, however, agrees on all counts, reasserting on June 6, 1955, “that is true; this mortal God is dead, nothing can be changed about that; the present-day, modern administration-apparatus of the ‘care of Dasein’ is not ‘state’ in Hegel’s sense, not ‘government.’”³⁹⁸ He shifts to redefining his own concept of *Großraum* in the light of Kojève: the Earth is no longer a “planning unit” for “great men” – it requires a “new nomos,... a geo-nomy.”³⁹⁹ In other words, the new nomos of posthistory is a geonomy of a world without men. For Schmitt, however, history is not quite over yet (“the circle has not yet been travelled”).⁴⁰⁰ No longer a mortal God, posthistorical man is nothing but “a son of the Earth.”⁴⁰¹ Schmitt’s concept of nomos – appropriating the Greek body of law and custom – presents what Hannah Arendt in the margins of her copy of *Nomos der Erde* has called a “pseudo-ontology of the ground.”⁴⁰² Schmitt claims that the distinction between land and sea had been dissolved by British and American colonialism where taking (*Nehmen*) had been replaced by grazing (*Weiden*).⁴⁰³

³⁹⁴ Ibid.

³⁹⁵ Ibid., p. 103. In the same letter, he mentions that Jacob Taubes got in touch with him, practically serving as an initiating mediator between Taubes and Schmitt.

³⁹⁶ See Alexandre Kojève, “Moscow: August, 1957,” trans. Trevor Wilson, *Studies in East European Thought* 76 (2024), pp. 123–130. On the note, see my introduction, “Introduction to Alexandre Kojève’s ‘Moscow, August 1957’,” *Studies in East European Thought* 76 (2024), pp. 117–122.

³⁹⁷ Kojève and Schmitt, “Correspondence,” p. 99.

³⁹⁸ Ibid., p. 101.

³⁹⁹ Ibid., p. 102.

⁴⁰⁰ Ibid.

⁴⁰¹ Ibid.

⁴⁰² Cited in Palma, “Corollaries to the new Nomos,” p. 95.

In a letter from May 11, 1956, Schmitt proposed to continue their debate in person, inviting Kojève to give a talk at the Rhein-Ruhr club in Düsseldorf, where Schmitt hosted conservative gatherings with West German industrialists. Ten days later, the philosopher agrees but suggests postponing the talk, due to an illness, to early 1957. He proposes to analyse “underdeveloped countries”⁴⁰⁴ through the lens of Hegel and Marx, later extending the topic to the problem of colonialism and the “Euro-African” idea (in a letter from December 24, 1956).⁴⁰⁵ Their exchange culminates in this first meeting. Kojève’s lecture in January 1957 at the Rhein-Ruhr club talk, entitled *Kolonialismus in europäischer Sicht*, is a direct response to Schmitt’s *Nehmen / Teilen / Weiden*. Due to Kojève’s role as a high-ranking French civil servant, the talk remained unpublished during his lifetime. Kojève’s Düsseldorf lecture – preceding the Berlin talk initiated by Taubes by a decade – opens with a critique of Marx’s theory of capitalism and surplus value, arguing that it was actually capitalists that truly understood that industrialised mass production requires a constant increase in the standard of living of workers in order to avoid revolutions.⁴⁰⁶

That was of course a provocation directly catered to his audience: the old anti-communist Schmitt and the *crème de la crème* of Western German businessmen. “And thus we can say that Ford,” it goes on, “was the only great, authentic Marxist of the 20th century.”⁴⁰⁷ Old style capitalism, in Kojève’s controversial account, still exists in the Soviet Union under the name of state socialism. In the West, 19th-century capitalism survives in the guise of colonialism which, for Kojève, maintains the economic wealth of “Euro-America” while keeping “Afro-Asia” at a minimum of subsistence.⁴⁰⁸ Drawing on his own involvement in the General Agreement on Tariffs and Trade (GATT) in 1948, Kojève suggests a Fordist make-over of colonialism – one that no longer takes but gives. Appropriating Schmitt’s terms, he claims that a giving colonialism would become the new *nomos* of the Earth:

I just read, in one of the wittiest and most brilliant essays that I have ever read, that the ancient Greek *nomos* develops from three roots: from taking, from division and from grazing, i.e. from use or consuming. And that seems to me to be absolutely right. But

⁴⁰³ For a brilliant reading of the corollaries added to *The Nomos of the Earth* in the light of Schmitt’s debate with Kojève, see Massimo Palma, “Corollaries.” Palma identifies several “external corollaries,” including the articles “*Nehmen / Teilen / Weiden*” (1953), “*Der Neue Nomos der Erde*” (1955) and “*Nomos – Nahme – Name*” (1959), a text that is explored in more detail above.

⁴⁰⁴ *Ibid.*, p. 109.

⁴⁰⁵ *Ibid.* p. 112. For an earlier policy note on colonialism, see Kojève, “*L’Empire latin. Esquisse d’une doctrine de la politique française* (27 août 1945), “*La Règle du jeu* 1 (1990), pp. 89–123.

⁴⁰⁶ Kojève “*Colonialism from a European Perspective*,” p. 117.

⁴⁰⁷ *Ibid.*, p. 119.

⁴⁰⁸ *Ibid.*

the ancient Greeks did not know that the modern *nomos* also has a fourth, perhaps central, root, namely giving. ... One thing I know for certain. Namely, that what has just been said is absolutely no criticism of Professor Carl Schmitt. For his “division” implicitly includes my “giving”: if everything has already been taken, one can naturally divide only if some give away what the others receive. I only wanted to point out that, from the etymological perspective, the verb “to give” perhaps sounds better than the verb “to take” even if it means practically the same thing! Thus we say, for example, that we pay our taxes ourselves, and not that they are taken away from us!⁴⁰⁹

Responding to Schmitt’s essay with a notion of the gift gleaned from Marcel Mauss,⁴¹⁰ Kojève declares giving colonialism the new *nomos* of the modern West, which can take the form of either investment or giving away goods, that is, radical redistribution. Schmitt was not indifferent to Kojève’s provocation of a giving colonialism. He explicitly refers to Kojève twice in his *Verfassungsrechtliche Aufsätze* in 1958, arguing that the Russian philosopher has found “the new *Nomos* of the Earth” in the Truman Doctrine.⁴¹¹ A corollary to “Nehmen / Teilen / Weiden,” published in the same collection, critically attacks Kojève’s new *nomos*, arguing “that no human being can give without in some way having taken.”⁴¹² “Only a God who creates the world out of nothing,” Schmitt states, “can give without taking, and even He can do so only within the framework of the world He has created from this nothing.”⁴¹³ The argument comes full circle, returning back to Schmitt’s initial concern with Gott-Nahme in Kojève. Schmitt’s critique does not leave Kojève cold. In 1962, responding to his friend’s theory of the new *nomos*, Kojève appended a second footnote to the new edition of his Hegel lectures. The note would become famous as the first formulation of the end of history thesis.⁴¹⁴ The posthistorical new world of play and ritual is no longer truly human: it is a world without men.

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⁴¹⁰ The influence of Mauss’s concept of the gift on Kojève’s “giving colonialism” is brilliantly reconstructed in Filoni, 2025, pp. 194–8. Also see Palma, “Corollaries.”

⁴¹¹ Schmitt cited in Palma, “Corollaries to the new *Nomos*,” p. 96.

⁴¹² Schmitt cited in *ibid.*, p. 97.

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⁴¹⁴ For the full footnote on the end of history, see Kojève, Introduction, p. 159f.

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Carl Schmitt in East European Literary Studies

Carl Schmitt's footprint in literary studies appears rather unobtrusive at first glance despite Schmitt's lifelong preoccupation with literature.⁴¹⁵ This chapter contends, however, that his thought operates to a significant extent on an esoteric register. Prior to addressing the crypto-Schmittianism pervading Russian literary theory – a terrain first charted by Neil Levi (2007) and Peter Steiner (2017, 2019, 2021) – it merits noting that the explicit mobilization of Schmittian categories in analyses of Russian literature stems almost entirely from two contemporary American scholars of Russian extraction: Kirill Ospovat (2016, 2018) and Ilya Kliger (2024). In Polish literary studies, Piotr Sadzik (2024) marks a decisive advance beyond the conventional rehearsal of Schmittian categories – typically refracted through the writings of Giorgio Agamben (2003) and Walter Benjamin (2003)⁴¹⁶ – by mobilizing Schmitt's *Hamlet or Hecuba* ([1956] 2017) for a sustained interpretation of Witold Gombrowicz's drama *The Wedding* (Ślub, 1946).

Using Schmitt

Scholarship on Russian literature has thus far encompassed considerably greater terrain and yielded a richer array of insights, yet even within this expanded field Schmitt is encountered predominantly through the mediating lens of Benjamin (and Agamben). Significantly, neither Ospovat nor Kliger reckons with Schmitt's gracious yet resolute repudiation of Benjamin's appropriation of his categories, as articulated in the appendix to *Hamlet or Hecuba* ([1956] 2017 55–56, 64, 241).

This omission is all the more striking given their extensive engagement with the category of tragedy, which Schmitt defined in this work as the irruption of historical facticity into the autonomous play of emplotment – a dynamic that Schmitt identified in Shakespeare's *Hamlet*, where such an intrusion confers on the work the character of genuine tragedy or *mythos*. Both Ospovat and Kliger, in effect, examine the gravitational pull of Russian autocracy on imported Western forms and narrative paradigms, which thereby assume the status of aesthetic *free play*, distorted or invaded by the chrontopos of the Empire. Schmitt's polemic with Benjamin, moreover, insists that his theory of sovereignty applies only to continental classicist tragedies – the very material that Russian writers, analyzed by Ospovat, adapt and transform

⁴¹⁵ Extensively reconstructed in chronological order in Höfele 2022.

⁴¹⁶ This was still the case in the collective volume devoted to the state of emergency in fiction Sadzik 2019.

(Sumarokov's *Gamlet* constitutes both an exception and a distortion, transforming the original beyond recognition toward the play's conclusion).

In *Terror and Pity*, Ospovat mobilizes Carl Schmitt's theory of sovereignty as grounded in the state of exception to read eighteenth-century Russian court tragedy as a laboratory of monarchical crisis and legitimation. Schmitt's core claim – sovereign is he who decides on the exception – structures Ospovat's account of palace revolutions as exemplary “states of exception” that both suspend and found law, and he shows how this logic is mirrored (albeit dimly) in the plots and affects of Russian neoclassical tragedy (Sumarokov, Kniazhnin, etc.). . Methodologically, this reading of the genre is based on the deep affinity between the political and dramatic meanings of “plotting” and “plot” (p. 33). Classicist tragedy becomes the genre that stages coup d'état (understood as a spectacular display of power), judicial terror, and glorious clemency as moments where law and violence become indistinguishable, thus enacting Schmitt's nexus of sovereignty, decision, and emergency

Schmitt's concept operates at several levels in this text. First, Ospovat reads Russian palace coups (Elizabeth's 1741, Catherine II's 1762) as real-historical states of exception in which a new sovereign order is constituted through extra-legal force, and he aligns these with Schmitt's paradigmatic scenes of decisionistic sovereignty. Second, he traces how dramas such as Sumarokov's *Gamlet* and *Dimitrii Samozvanets* formalize this logic: they represent “legitimate revolts” against tyrants in precisely the d'Aubignac–Schmitt configuration where the overthrow of a ruler, if successful and narratively framed as salvific, retroactively appears as the founding act of a renewed monarchy. Third, drawing on Schmitt via Benjamin and later Agamben, Ospovat argues that the tyrant/usurper and the “great criminal” figure mark the threshold where law-preserving and law-making violence coincide, and that Russian tragic plots thematize this indistinction explicitly in speeches that justify usurpation or “deceit” (*obman*) as the real basis of sovereignty. In this sense, Schmitt's theory is less a cited authority than an analytic matrix: it anchors Ospovat's interpretation of tragic allegory, political theology, charismatic authority, and the aesthetics of terror as all revolving around the dramatized decision on exception and the aestheticization of foundational violence.

In 2018, Ospovat reactivates the same theoretical framework in an article on one of the most consequential works in Russian literary history, Aleksandr Pushkin's narrative poem *The Bronze Horseman* (1837), which Vladimir Toporov famously regarded as the foundational text of the so-called Petersburg text of Russian literature. The importance of this constellation will become apparent later in this chapter, when the discussion turns to the spatial turn in Russian literary semiotics (and in Schmitt), for which the Petersburg text functions as a key conceptual

and imaginative heartland. In Ospovat's 2018 essay, Schmitt's theory woven into a constellation with Benjamin (again) and Mandelstam to conceptualize "baroque" as the symbolic language of the state of exception from Pushkin to Modernism. Here Ospovat starts from Benjamin's reading of Baroque allegory and of the oscillation between "law-preserving" and "law-founding" violence in "Zur Kritik der Gewalt" (in George Sorel's categories *force* and *violence*, 1906), explicitly noting that Benjamin relies on Carl Schmitt's account of the origin of sovereignty from the state of exception when he theorizes baroque political poetics. The equestrian statue of Peter I in *The Bronze Horseman* and its later appropriations (especially in Bely's *Petersburg*) are then read as allegorical condensations of Schmittian sovereignty: they figure imperial Petersburg as a city constituted by catastrophe and emergency, where the sovereign decision (the founding and disciplining of the city, the suppression of floods and revolts) constantly re-emerges in moments of crisis. Political life is defined, with Mandelstam, as essentially catastrophic, and Ospovat shows how this insight converges with Benjamin's and Schmitt's emphasis on the cyclical alternation of war/peace and exception/normalcy, which in turn generates a distinct baroque aesthetic of allegory and ruin. The key move is to describe "baroque" as a symbolic language of the state of exception that is reactivated by Modernist thinkers and artists (Benjamin, Bely, Mandelstam) to grasp their own revolutionary present; Schmitt's theory provides the conceptual hinge by which sovereign decision, emergency rule, and revolutionary crisis can be mapped onto the spatial and figural semantics of Petersburg, whose central orientational point is the Bronze Horseman monument. Thus, while "Terror and Pity" uses Schmitt primarily to decode early modern tragic drama in the period of recurring palace coups, the Bronze Horseman essay deploys Schmitt (via Benjamin) to read Petersburg's literary and monumental topography as an allegorical archive of exceptional politics, where imperial and revolutionary states of exception are aesthetically articulated in baroque forms.

Ilya Kliger argues in *Sovereign Fictions* (2024) that nineteenth-century Russian realism is organized by a distinct "state-oriented" social imaginary, and Kliger repeatedly turns – mostly explicitly, often structurally – to a Schmittian understanding of sovereignty as decision on the exception. Instead of taking civil society and autonomous individuals as the primary horizon of social reality (as in much Western European realism), Russian realist fiction is said to imagine community substantively, through figures of the autocratic state and charismatic rulers, on the one hand, and substantial family or kin on the other. Both instances thwart or inhibit human individuality, whose development takes place in civil society and is depicted in the (Western) realist novel. The tripartite family–civil society–state structure mirrors Hegel's vision in *The Philosophy of Right* (1820). Civil society serves as a buffer between the two substantial forces

of the family and the state. The absence of this buffer leads to tragedies, such as the clash between kin and state, depicted in Sophocles' *Antigone* and Hegel's *Phenomenology of the Spirit* (1807), devoted to this ancient drama (Mrugalski 2021: 358-448). The absence of civil society in Russia *per analogiam* accounts for the prominent role of the state of exception in Russian realist fiction, which mirrors the enduring prominence of tragedy within the Russian genre system – such that tragic structures permeate even the realist novel. The first chapter reconstructs Belinsky's 1839–1840 “Hegelian” turn and treats it as a paradigmatic instance of how the Russian field displaces civil society by the state. Belinsky's notorious appeal to Hegel's dictum “what is actual is rational” symptomatically warps the intention of the original by neglecting Hegel's differentiation of civil society from the state. Kliger contrasts this with Western realist formations (Goethe, Balzac, Brontë), where the novel's “sociotopes” map free play of rational agents in the field of civil society, while in Russia the same Hegelian vocabulary is re-oriented around the autocratic state. The result, he argues, is that Russian realist fiction will tend to locate the ultimate conditions of reality not in networks of needs and contracts but in scenes and figures of sovereign authority, thereby prefiguring Schmitt's insistence that the political is defined by the power to suspend the norm. Belinsky established the tradition of Russian literary criticism that views conflicts in novels as tragic collisions. Particularly, the final chapter of Kliger's book synthesizes Russian realism as a genre structurally akin to tragedy, endowed with recurrent features, such as sudden reversals and recognitions, irreducible conflicts, intense affects, central ambiguities. Generic hybridity in Russian realism (mixtures of novel, tale, tragedy, allegory) is explained as a formal response to the tension between civil-society realism and sovereign, tragic imaginaries. The key claim is that Russian realism deforms the civil society imaginaries of Western realism – in the terms of Russian formalism, Western fiction serves as material for the local form – by subjecting them to a sovereign logic reminiscent of Schmitt's: social reality is repeatedly organized around moments when state power appears in its absolute form, suspending normal mediations and exposing individuals as subjects of a sovereign who stands above the law. This Schmittian orientation yields a threefold effect. “In adumbrating the agency of the state, and of sovereign power in particular, the Russian realist social imaginary may be said to mount a critique, to extend a promise, and to produce an obfuscation – all at once. As critique, it makes vivid the fact that social arrangements, regarded as both infinitely complex and unpremeditated, are in fact shaped from positions of political power and bulwarked by violence. As promise, it offers a vision of the state as the locus of the common good, of universal belonging, of harmonious coexistence. As obfuscation, it repeatedly reenacts and thus reproduces a fixation on charismatic authority, cleansing violence, and

melancholy frailty.” (p. 4) Throughout the book, Kliger reads a broad corpus (Pushkin, Gogol, Lermontov, Turgenev, Goncharov, Pisemsky, Tolstoy, Dostoevsky, etc.) as elaborating this sovereign imaginary across domains of city, family, and nation, and he repeatedly uses Schmitt’s state of exception (war, rebellion, interregnum, emergency) as the underlying template for the “reality effects” of Russian realism. Russian realist texts generate their “reality effects” not simply by detailing social environments but by repeatedly simplifying and re-polarizing social space in Schmittian fashion: officials, provincial communities, and petty individuals find themselves suddenly re-defined in terms of loyalty and treason, inclusion and exclusion, under the gaze or decision of a sovereign (or his avatars) who can suspend ordinary norms. The state of exception thus becomes the implicit ontology of Russian realism, the background against which any “merely private” storyline can at any point become a matter of life, death, and political belonging. Thus, “the real” of realism ceases to be the everyday life of a bourgeois whose functioning (the symbolic order) the novel attempts to model. Instead, it, as something that intrudes into the symbolic order and disfigures it, resembles the Lacanian category of the real or the Schmittian categories of “time” or “myth” from *Hamlet or Hecuba*, the postwar essay that Kliger does not quote.

Like Ospovat, Kliger deals at length with Pushkin’s *The Bronze Horseman*, in which the catastrophic flood functions as both natural disaster and allegory of sovereign violence; the equestrian statue of Peter condenses law and elemental force, making visible the indistinction between legal order and foundational violence. Eugene’s private misfortune (the loss of his fiancée and his mad curse of the “Architect of marvels”) becomes political at the moment when his individuated grief triggers a confrontation with the sovereign figure, who emerges as both protector and demiurgic destroyer.

Resembling Schmitt

So much for the explicit use of Schmitt. However, Levi (2007) and, most notably, Steiner (2017, 2019, 2021) opened a Pandora’s box full of analogies and homologies with Schmitt in Russian literary studies by pointing to a striking likeness between Schmitt’s state of exception and the early Formalist notion of estrangement (*ostranenie*).

Levi (2017) examines how accusations that Schmitt “aestheticizes politics” (following Benjamin’s thesis about fascism as the “aestheticization of politics” in contradistinction to the Left’s “politization of aesthetics”) have been framed and then turns to Schmitt’s own texts to argue that, on Schmitt’s terms, the aesthetic is best understood as a conceptual enemy of the political, structurally akin to what he calls the enemy that embodies “our own question”. Levi

insists that simply detecting aesthetic dimensions in Schmitt's thought does not by amount to the fascist device of a theatrical staging of violence. "The aesthetic" appears rather as a mode of presentation and perception that is always already implicated in political thinking. The difference between the reals of politics and aesthetic notwithstanding, Schmitt describes the enemy as the figure that makes a collective's *Lebensform* (form of life) visible by threatening to negate it, and he later glosses the enemy as "my brother", the one who both resembles and endangers me. Levi suggests that the aesthetic, for Schmitt, functions as a conceptual "enemy-brother" to the political: it both undermines the political (by dissolving existential distinctions into detached contemplation) and simultaneously reveals the political's own dependence on modes of figuration, perception, and staging that are themselves aesthetic in a broad sense. One could also argue that great (tragic, mythical) works of art, true tragedies like Hamlet, encompass both aesthetic and political dimensions.

It is in this context that Levi brings in the Russian Formalist Viktor Shklovsky as a structurally parallel but ideologically opposed figure (so-to-speak Schmitt's brother-enemy), explicitly contrasting Shklovsky's formalist notion of estrangement with Schmitt's state of exception. As Levi writes, "the difference is that a formalist such as Victor Shklovsky identifies estrangement with a progressive calling into question of outmoded moral and political conventions, whereas Schmitt's estrangement seems designed rather to give one a sense of the awesome sovereign power authorizing and enforcing the laws that govern everyday behavior. Shklovsky's estrangement ruptures everyday conventions to change the status quo; Schmitt's exception works to reinforce it." (p. 36) Here, Levi seems to forget that Schmitt's position is not passive conservatism, designed to reveal and fortify an already given political order, but conservative revolution. For Schmitt, the status quo amounts to bourgeois laissez-faire and pseudo-transgressions that, by virtue of their aesthetic character, do not endanger the powers that be. In his essay on political myth devoted to George Sorel's syndicalism, Schmitt ([1923] 1939: 12-13) points out that one of his intellectual heroes, the decisionist Juan Donoso Cortés, valued the anarchists Jean-Pierre Proudhon and Michail Bakunin more than the politicians of the Restoration. The anarchists valued pure life, personal intuition, and decision-making more highly than reactionary bores and careerists did.

Peter Steiner's three consecutive essays on the analogy or homology between Schmitt and Shklovsky have a significant advantage: Steiner does not thwart the revolutionary potential of Schmitt's conservatism. Instead, he juxtaposes it with Shklovsky, who represents the avant-garde pathos of futurism and formalism.⁴¹⁷

⁴¹⁷ To be precise, Steiner moves in this direction. In "Poetic Justice: Viktor Shklovsky and Carl Schmitt", he follows Levi in that he underscores the ethical and political divergence: Shklovsky's estrangement is aligned with

In the final essay from the series, “The Exception as the Rule in Art, Law, and Science”, Steiner argues that Shklovsky’s *ostranenie*, Schmitt’s decisionism, and Popper’s falsificationism share a modernist epistemological paradigm that privileges the exceptional case over the normal, using it to expose and renew the systems – artistic, legal, scientific – that have become “torpid” (Schmitt [1922] 2005: 15) through repetition. Within this triad, the relationship between Schmitt and Shklovsky is central: both reject positivist models that reduce their fields to stable rule-governed mechanisms, and both locate the truth of their respective practices in the moment where the rule breaks down and an intervention reasserts the primacy of singularity and contingency. Around 1900–1930, Steiner notes, a broad anti-positivist constellation emerges that insists the exceptional, deviant, and abnormal should be the defining moments of inquiry rather than noise to be averaged out. Shklovsky’s early formalism polemicizes against Potebnia’s and Veselovskii’s quasi-scientific accounts of art as “thinking in images” and economizing mental energy; Schmitt attacks Kelsen’s “pure theory of law”, a norm pyramid culminating in a *Grundnorm*; Popper criticizes inductivism in the philosophy of science. All three replace a bottom-up logic of rule with a top-down logic in which rules are articulated, tested, or suspended in and through exceptional cases. Steiner reconstructs Shklovsky’s famous distinction between automated perception and defamiliarized perception: everyday life presents the world as a set of algebraic abstractions, whereas art “makes strange” by interrupting habit and forcing slow, difficult seeing. Defamiliarization cannot itself be made into a fixed schema; it must arrive as a kind of perceptual exception that ruptures the rule-governed flow of experience. This aesthetic exception has, for Shklovsky, an existential function. Steiner emphasizes Shklovsky’s diagnosis of early twentieth-century Russia as a culture in which “the old art has already died and the new one has not yet been born” leading to a loss of “awareness of the world” and a willingness to “easily part with a life that we do not feel” (Steiner 2021: 1220). Against this “brain-death,” Shklovsky prescribes a “regime change in aesthetics”: “Only the creation of new artistic forms can return to humankind the experience of the world, resurrect things, and kill pessimism” (Steiner 2021: 1220). The artistic exception (new form) thus rescues the cognitive and affective life of the community in a way structurally analogous, Steiner argues, to Schmitt’s sovereign exception rescuing the state. In Schmitt, Kelsen’s neo-Kantian norm-pyramid is rejected on the grounds that the “basic law” is always already something

a “progressive calling into question of outmoded moral and political conventions,” whereas Schmitt’s exception is designed to stage and reinforce “awesome sovereign power” and the laws governing everyday behavior. In the French essay, Steiner further situates Shklovsky within a broader modernist paradigm that includes not only conservative thinkers like Schmitt and Jünger but also Popper’s critical rationalism; here, defamiliarization, the legal exception, and falsification are all read as practices of “expectations frustrated”, yet their political valences range from emancipatory to authoritarian.

supra-legal, the product of an unpredictable act of will by a sovereign who suspends an existing order and founds a new one. The coup d'état or declaration of a state of emergency is not legal nihilism but a self-protecting measure intended to save the state from liquidation by its enemies (Steiner 2021: 1219); it reveals that the validity of norms rests on decision, not deduction. "In the end", Steiner writes, "the Futurist revolution was not unlike a political coup d'état. It destroyed art in order to save it." (Steiner 2021: 1224)

Steiner stresses that, for Schmitt, the presence of personal decision in jurisprudence is not limited to spectacular emergencies. Every judicial application of a general rule to a concrete case is an interpretive decision that creates the operative norm in actu. Steiner aligns legal judgment with aesthetic production by virtue of a situational "moment of exceptionality", in that it extends the same statute to unique situations, ensuring the law's vitality by keeping it responsive to the singular (Steiner 2021: 1220). It should be noted that Steiner ignores the distinction that Schmitt makes in *Political Theology* ([1922] 2005: 27-32, 35) and *The Notion of the Political* (1932: 13-14, 59) between legal form and logical, technical or aesthetic form. This distinction is based on the fact that decision belongs exclusively to the law's domain. As Schmitt (1932: 35) explicitly states on page, legal form is "also not the form of aesthetic production because the latter knows no decision". The legal decision emerges as something altogether distinct from the one-time normativity conferred by a "convincing" or "captivating", but irreducibly singular, work of art.

Initiatives similar to those pursued by Levi or Steiner have the potential for expansion. The purpose of this section is to propose several lines of inquiry that could be pursued to further the understanding of the subject.

Both Schmitt and the formalists Shklovsky and Tynianov wrote fiction alongside theory. In Schmitt's case, we are talking about works such as *Schattenrisse* (1913) and *Buribunken* (1918). One could compare the formalists' highly political works of fiction, this quality pertains especially to Tynianov's novels, to the theory of the exception and representation.

Building on the concept of the complex estrangement/state of exception one could explore the similarities between the formalist and Schmittian concepts of poetic language. Strikingly, both Schmitt and the Formalists sharply distinguish between poetic and communicative language, grounding their distinction in the speaker's attitude towards language. Schmitt does it in his very early essays on Theodor Däubler's poetry ([1912] 2015, [1916] 2009). Furthermore, the politically disenchanted, "exiled" Schmitt turns to language regarded outside of its communicative function — as a poet would — to base his theory of

spatial order on etymologies, both scholarly, as in the case of *nomos*, and folk etymology, as in the case of *Rom/Raum/Meer* (see below). This is significant because, for early formalists, etymologies served to resurrect language and our relation to reality. With his particular etymologies relating to space, land, and sea, Schmitt follows the development of mainstream Soviet literary theory from the formalist exploration of poetic language to the cultural semantics of the Moscow/Tartu school, which mostly concentrates on the semantics of spatial order as well as the relation of political notions to theological notions.

Schmitt reads Theodor Däubler's epic poem *Nordlicht* as an extreme and exemplary attempt to remake language into a purely artistic medium, beyond the control of audience expectation and utilitarian communication. Däubler's "transformation of language into a purely artistic means" amounts to a process in which "the language of daily life is overcome in its naturalism". In ordinary usage, he claims, "the language of everyday life is governed by the purpose of making oneself understood by another, of establishing a community with him, which receives its meaning from some utilitarian intention". This "sociological" dimension of language – "the relation *ad alterum*, the practical purpose" – is precisely "what makes it ugly". By contrast, in *Nordlicht* "language becomes entirely an aesthetic means, without regard for what the same words carry with them, in everyday intercourse, by way of associations" (Schmitt [1916] 2009: 43). The poem deliberately ignores the conventional connotations of words for a "cultivated" public; its language is organized not by communication but by sound, color, and internal relations. This leads Schmitt to sharply oppose Däubler to the "good modern writer". The latter, he writes, "carefully adapts himself to the associations of his educated reader and knows how to calculate exactly the effect of his words on his contemporaries" so that "the beauty of his work is faultlessness" (Schmitt [1916] 2009: 40-41). Yet "precisely for that reason his work cannot be great, for it is impossible, in the face of great and mighty visions, to direct one's attention above all to the educated public and its exquisite taste" (Schmitt [1912] 2015: 349). Däubler "has no relation to a public" at all, which is to say that his language is not oriented toward shared codes and recognizability but toward an inner necessity of expression. Nevertheless, we might argue that he establishes a community with at least one reader. This community is formed outside the conventional use of language and is based on strangeness and incomprehension. This renews the reader's relationship with language and its subjects ("life", in the last instance). The poem's "bewildering" or *Befremden* (Schmitt [1912] 2015: 349) of the educated reader is not a defect, but rather, the necessary symptom of poetic language that no longer serves as a vehicle for shared meanings. Instead, it exists as an autonomous medium of sound, color, and numinous rhythm.

Interestingly, Schmitt's description of poetic language foregoing the habitual hierarchy of connotations corresponds with Yuri Tynianov's theory in his seminal book *The Problem of Verse Language* (1924). In it, Tynianov argues that poetic language creates meaning through the dynamic deformation of ordinary speech. It focuses on the secondary qualities of words: the fluctuating semantic nuances, sound patterns, and contextual associations that arise from a word's altered function within the poetic system rather than its dictionary definition, which is familiar to the cultivated speaker. Both Schmitt and Tynianov are preoccupied with the graphical form of verse. This was especially important for Tynianov in the wake of the Futurists' graphical revolution of verse. For Schmitt, it is definitive proof of Daubler's creative élan (Schmitt [1916] 2009: 25). Like Roman Jakobson (1970, 1997: 23-25), Schmitt believes in the deep affinity between painterly and poetic devices. According to Schmitt, Däubler first creates imaginary paintings, turning his poems primordial ekphrases (Schmitt [1916] 2009: 36).

In Däubler, the obsessive play with the syllable *Ra* becomes a paradigm of how poetic language can tap an elemental, quasi-mythic creative power in sound that both precedes and exceeds conventional meaning, and this is precisely what Schmitt seeks in his own later etymological meditations on *nomos* and *Raum/Rom/Meer*. Däubler's *Ra* is at once a name ("*Ra* means the Egyptian sun-god") and a pure sonic nucleus: "*Ra* is the terrible, mystical cry that humanity utters in the utmost distress of the cataclysm," and Schmitt notes how it recurs in words like "Sahara", "Iran", "Ararat", "Tartarus", becoming "a reservoir of thought- and sound-values, a hearth which, down into the single verse, lets its blazing fire shine now brightly and warmly, now searingly and burning" (Schmitt [1916] 2009: 43). The communicable sense, however, is like in Tynianov, "only drowned out, not suffocated" and that "precisely where the language not only sings and paints itself, but also thinks itself, the deepest thoughts arise" (Schmitt [1916] 2009: 43-44). A similar conviction underlies Schmitt's famous gloss on *nomos* as the primordial word for a first land-measure that is simultaneously the first taking of land as the first appropriation and partition of space, the primal-division and primal-distribution, followed by cultivation (Schmitt 1950: 36). This kind of attitude towards language also governs his reflections on *Raum* and *Rom* as an "Urwort of the Ursprache" (the primordial word of primordial language) where etymology becomes a way of disclosing the semantic and spatial "seed-power" of German. In "Raum und Rom," he insists that "Raum and Rom are the same word" both containing the root *rum* that names "a tract created by making wild land arable" and he reads the phonetic structure of *Raum* – "in the diphthong AU the monosyllable *Raum* encompasses the whole span from the first (A) to the last vowel (U) and thus throws an arch from Alpha to Omega, beginning and end", flanked by the liquid consonants R and M that "flow

around the vocalic center as, in ancient belief, the ocean flows around the inhabited earth” – as embodying a worlded, tension-filled space rather than an empty container. Conversely *Meer* “has the reversed position of the liquids M and R and, owing to the vowel E, not a full but an empty center” so that the shift in vocalic nucleus figures a shift from charged to hollow middle (Schmitt [1951] 1995: 492-493; Schmitt 2015: 90-91). Here Schmitt effectively aligns Däubler’s exploitation of *Ra* as a phonetic “hearth” of meaning with his own belief that primal words – *Raum*, *Rom*, *nomos* – are not arbitrary signs but sites where sound, etymology, and world-ordering power coincide, and where language, by “thinking itself”, reveals its latent capacity to found spaces, laws, and myths. This matters because, for early formalists, playing with etymology was a way to revive or refresh the experiential intensity of words. By developing his own etymologies of space, land, and sea and unpacking their meanings, Schmitt follows a similar path to that of Soviet literary theory, shifting from a focus on poetic language to the cultural-semantic interests of the Moscow-Tartu school. This school largely centers on the semantics of spatial organization and how political concepts are bound up with theological ones. The theory of the *nomos* as “Einheit von Ortung und Ordnung” (Schmitt 1950: 13) offers an unexplored point of comparison with the Moscow-Tartu semiotics of space in its relation to émigré Eurasianism and Lev Gumilev’s theories of Eurasianism. Like Schmitt, they argue that spaces are zones of meaning, not merely zones of military or economic dominance. Soviet semioticians would have found much to endorse in Schmitt’s notion of a “space revolution”. In his words, “to the plurality of forms of existence there corresponds an equal plurality of spaces,” and “all important changes in history more often than not imply a new perception of space” ([1954] 1997: 28-29). In this context, it is significant that Ospovat and Kliger both base their reconstruction of emplotments on Pushkin’s *The Bronze Horseman*. The leading semiotician Vladimir Toporov (2003) regarded this text as the foundation of the Petersburg school of Russian literature, a model being the paragon of spatial semantics.

Schmitt’s polemic with Benjamin, as articulated in *Hamlet or Hecuba*, underscores his conviction that the semantics of space decisively outweighs any poetics of the state of exception when interpreting cultural and political forms. Acknowledging Benjamin’s reliance on his definition of sovereignty, Schmitt faults him for underestimating the difference between the English-insular overall situation and the European-continental one, and thus also the difference of English drama vis-à-vis the baroque Trauerspiel of the 17th century – a distinction “essential for an interpretation of *Hamlet*” and best captured by the symptomatic antithesis of “barbaric” versus “political” ([1956] 2017: 64). According to Schmitt, his theory of sovereignty could only

be useful in understanding emplotment within a sovereign continental state. The category of space thus overrides the forms that could serve as a key to interpreting aesthetic forms.

Finally and quite obviously, the Schmittian/Formalist notion of decisionism stands in stark contrast to the romantic and dialogic ideal of “eternal conversation” as elaborated by Mikhail Bakhtin. Where decisionism privileges singularity, will, and a vertical cut through the continuum of discourse, Bakhtin’s polyphony celebrates the unfinalizable interplay of voices, the horizontal “dialogism” of novelistic discourse where no single authority decides or dominates but meanings emerge from endless, open-ended addressivity and answerability.

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