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# **THE AUTONOMY OF THE POLITICAL AND THE AUTHORITY OF THE STATE**

CARL SCHMITT AND THE DE-POLITICISATION OF  
THE ECONOMY

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DOCTORAL DISSERTATION

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# ABSTRACT

This thesis focuses on Carl Schmitt's political theory of the strong state and the way his own concept of the political justifies strong coercive methods to de-politicise the economy. According to Schmitt, the strong state should have the legitimate capacity to counter democratisation of the economy and limit the possibility of social movements from "confounding" (*Verwirrung*) or "confusing" (*Vermischung*) the state and economy. Unlike many, who argue that Schmitt was in this extent (an economic) liberal, as he sought to uphold a distinction between politics and economy, I argue that behind Schmitt's *institutional* distinction between state and economy lies an explicitly anti-liberal *conceptual* distinction between the political and social. It is the task of this conceptual distinction to justify strong coercive means to counter socialist demands for economic justice. The distinction is anti-socialist or anti-democratic as it tries limit the "uncontrollable" expansion of the state into the economy by establishing the autonomy of the political from the economy. This enables him to accuse democratic forces of illegitimately "politicising" the economy in a way that contradicts this necessary autonomy. On the other hand, the distinction is anti-liberal as it does not argue for the autonomy of the economy, but its relative dependence on the strong state to uphold social order necessary for capitalist system of production. I have decided to use the term "authoritarian distinction" to define Schmitt's conceptual distinction and its normative implications. The authoritarian distinction between the political and social is not simply a conceptual distinction but it establishes a normative basis for re-organising the relationship between the state and economy. In order to flesh out the specific nature of Schmitt's authoritarian distinction, I have connected his thought with other theories of sovereignty and how they support the state's authoritarian relationship with the economy.

The thesis has three objectives. First, I want to develop a form of analysis of Schmitt's work that connects his theoretical work with political struggle. To engage in political theory and conceptual work means to take part in politics. The concept of the political is no different, and it cannot be detached from political and normative entailments as it seeks to transform the way we perceive politics. In contrast to those who argue that Schmitt's work on the concept of the political can be abstracted from his own political objectives, I analyse his conceptual work in tandem with his texts that explicitly engage in the politics of his time. On the basis of this analysis, I show that Schmitt's abstract work takes part in the class struggle that was prevalent in the Weimar Republic. The conceptual distinction between the political and social is at the heart of his attempt to authorise exceptional measures to counter the labour movement of his time.

Second, it is far too often that all distinction of the state and economy are reduced to analyses of liberalism. This has meant that Schmitt, too, has been claimed to adhere to a version of liberalism simply because his theory justifies limiting the politicisation of the economy. To me it seems that the focus on the liberal side of de-politicisation has produced a very one-sided narrative. In order to argue this, I discuss to an extent other theorists of sovereignty, namely Hobbes and Rousseau, and point out that even they sought to establish a distinction between the state and economy in a way that contradicts liberalism but still leaves capitalist means of production intact. To reduce Hobbes or Schmitt to a role of a precursor to liberalism means to look aside the specific nature of their theory – and, for that matter, the specificity of liberalism. Furthermore, I discuss to an extent how both liberals and these various theories of sovereignty are similar in so far as they accept the modern development of the economy as its separate sphere from politics.

Third, I want to criticise the recent attempts to appropriate Schmitt's concept of the political on the left. Many have argued that Schmitt's concept of the political as autonomous to the social is useful in overcoming traditional Marxism and use for radicalising democracy. However, my thesis suggests that this strategy needs to be problematised, as Schmitt's conceptual distinction cannot be separated from his anti-democratic and -socialist economic policies. In the future, I hope to further explore this need to re-think the relationship between the political and social, and whether or not we should return to a more standard Marxist understanding of this relationship.

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# 1 INTRODUCTION

When Foucault visited California in the early 1980s, he proposed to his students that they embark together on a collective study of the period of the First World War and after. According to his two American students, Keith Gandal and Stephen Kotkin, Foucault “proposed studying the period of the Great War and its aftermath because he felt it witnessed the birth and spread of practices of government and exercises of power that are still with us today” (Gandal and Kotkin 1985b, 4). As Gandal and Kotkin recollect, in Foucault’s view the war had introduced novel practices of government because of the “vast powers argued by governments out of the need for total mobilization and the consequent extension of the State into new areas of society [...]” (Gandal and Kotkin 1985b, 4; cf. Macey 2019, 462). Following the total mobilisation of all social forces by the state, a new political rationality emerged leading to an extensive governing of the social (Foucault 1994a, 368). The analysis of the “new political rationality of the 1920s,” Foucault suggested, was fundamental to understanding contemporary politics and social policy in particular (Gandal and Kotkin 1985a, 6).

It was especially state power – which had been forced to expand for countries to face the challenges of total warfare – that would have to be re-evaluated during the interwar period. To mobilise various social forces, the state had to expand and increase its capacities. As Quinn Slobodian elaborates, “large-scale economic planning and statistics entered the repertoire of modern statecraft during the Great War” (Slobodian 2018, 65). According to Slobodian, when it came to capacities regarding economic planning, this expansion of the state meant that it was necessary “to batter down the wall between the state and business” (Slobodian 2018, 65). The state expanded its reach into territories that it had limited access to before the war.

In this thesis, I want to take on Foucault’s proposal and analyse the political thought of the 1920s to understand the political problems of the expansion of the state – or “the battering down the wall”, as Slobodian puts it. My interests lie in the development of new methods of governing and theories that were formulated as responses to the various problems that became prevalent during the inter-war period. Although the relationship between the state and economy has always been an object of theoretical interest and disputes, ever since the development of modern economy, the interwar years were a formative period for many countries, such as Germany and Austria, in so far as their political systems were transformed. Former empires became democracies, and for the inhabitants of these countries new political problems emerged.

In this unprecedented democratic context, one of the main issues was the rise of popular sovereignty, made possible by the expansion of voting rights (Slobodian 2018, 29). Many who were sceptical of popular sovereignty pejoratively named it “mass democracy.” The reason for this disdain was that democracy made it possible to politicise capitalist economic relations and demand social justice for the masses. The intrusion of the proletariat masses, as Werner Bonefeld puts it, brought the class contradiction into “the heart of the law-making institution of the bourgeois state” (Bonefeld 2006, 238). For example, many have argued that neoliberal theory originated from this mass-democratic situation as an attempt to counter the threat it posed to the liberal economy (Bonefeld 2017a, 8; 2019, 999; Biebricher 2018, 88; Kiely 2018, 51, 55; Slobodian 2018, 114). While many have underlined this liberal reaction to the expansion of the state and the liberal attempts to limit it, one could argue that all political movements of the 20<sup>th</sup> century – from neoliberalism to fascism and real socialism – were either a stark reaction to this expansion of the state or in some sense a continuation of it. Against this background of a broader struggle to redefine the role of the state in the economic context, I excavate the conceptual discussion of the limits of politics.

In this context of a broader transformation of politics, this thesis focuses on conceptual strategies to authorise the state with the strong coercive means to limit democratisation of the economy to secure capitalist system of production. In Germany, a new constitution established an unprecedented system of representative democracy. In a country that had just lost a war of catastrophic proportions, with the 1920s economic depression and the rise of the social democratic party (whose activity had been prohibited in the German Empire), internal tensions became so extreme in the economic sphere that civil war was an ever-present reality (Abraham 1986, 7-9).

The fact that the political system remained in turbulence throughout the history of the Weimar Republic also created new theoretical problems for maintaining the legal order. As Arthur J. Jacobson and Bernhard Schlink put it, “the short history of the Weimar Republic is above all the history of its crises, and the short history of the doctrinal and theoretical elaboration of the law of the state in the Weimar Republic no less so” (Jacobson and Schlink 2000, 7). Specifically, the political crisis set the stage for the concept sovereignty (a concept that emphasises order and stability) and its intense re-examination. This was not an isolated incident. In the history of European politics, the problem of political authority rises especially during times of civil war and political restlessness. From the civil wars in 16<sup>th</sup> century France and in 17<sup>th</sup> century England emerged respectively Jean Bodin’s and Thomas Hobbes’ theories of strong sovereignty. It is no surprise, then, that sovereignty became an issue of intense debate in the short history of the Weimar Republic.

A prominent legal scholar of the Weimar Republic, Hermann Heller, started his book on sovereignty with a sentence that sums up the overall political

context of the 1920s: “The shattering of contemporary intellectual-social foundations has called into question the dogma of sovereignty that has dominated theories of the state in the last three centuries” (Heller 1927, 13).<sup>1</sup> It was especially the economic tensions, coupled with mass democracy, which brought new interest to the problem of state sovereignty. As I will discuss in this thesis, this meant a novel discussion of sovereignty in the economic domain.

A key figure in this intense debate about sovereignty was the conservative and authoritarian legal scholar, Carl Schmitt, who was infamously known as the “Hobbes of the 20<sup>th</sup> century” (Thomsen 1997; Suuronen 2020). Schmitt, who is mostly known for his ideas of strong sovereignty during the short lifespan of the Weimar Republic, is a prime example of the effect of the First World War on the theories of political institutions (cf. Rogers 2016, 123; Scheurman 2017, 548). As he pointed out in an interview published in 1983, his theory of the state of exception – and therefore his own conception of sovereignty – had its origins in the First World War (Lanchester 2017, 218). In his war-time work as a legal clerk, Schmitt discussed exceptional circumstances in which the state had the legitimate means of “overcoming of the legal limits” (*Aufhebung der gesetzlichen Schranken*) (Schmitt 1917/1995, 15). Echoes of these considerations can be heard in Schmitt’s interwar work on sovereignty, which defines a state of exception as a legal manoeuvre that allows the sovereign to suspend certain rights in order to enforce “the right to self-preservation” (*Selbsterhaltungsrecht*) (Schmitt 1922/2015, 18-19). The interwar period would therefore establish a new set of problems and objectives, at least as far as economic contradictions were a new domain of interest for state theory and theorists like Schmitt.

Whereas Bodin’s theory reflected conflicts and civil war motivated by religious differences, and whereas the *Leviathan* responded to the struggle between different forms of governing (i.e., monarchy versus parliament), the underlying conflict in the Weimar Republic was between economic classes. This conflict was one of the major problems for theories of the state, as Jacobson and Schlink point out. Whereas the pre-war state theory in the German empire had taken place in the context of a “precarious balance of power that the bourgeoisie, the monarch, and the aristocracy,” the theorists of the Weimar Republic faced an altogether different political reality and a set of problems tied to it (Jacobson and Schlink 2000, 4). “After the collapse of [the Empire’s] balance of power, a new constellation of power had to be found. What positions the bourgeoisie could assert and the working class could achieve; whether, for example, the working class could be integrated into the bourgeois social and economic order of the Weimar Republic, or whether civil

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<sup>1</sup> However, Jacques Maritain claimed that there was no concept as puzzling and challenging during the 19<sup>th</sup> century as the concept of sovereignty (Maritain 1953, 26).

war was ultimately unavoidable and ought to be prepared for” (Jacobson and Schlink 2000, 4-5). In the context of this re-establishing of economic authority, new conceptual distinctions between the economy and politics would have to be built to overcome the above mentioned battering down of the wall between state and business.

## 1.1 RESEARCH QUESTION AND THE SCOPE OF THIS STUDY

In the commentaries of Schmitt’s theory of state power, he is portrayed either as stereotypical theorist of strong sovereignty who wanted to maximise state power (Wolin 1990; Thomsen 1997; Baume 2009)<sup>2</sup>, or as a defender of the liberal order (Cristi 1998; Streeck 2015; Rasch 2019; Rogers 2019)<sup>3</sup>. This thesis wants to challenge these two (seemingly) contradictory images by re-defining Schmitt’s position regarding the economy. On the one hand, in contrast to a theorist of unlimited state expansion, Schmitt thinks of sovereign power within specific institutional *limits* that concern both state and political action in the economic context. The state’s expansion into the economy should be limited by curbing the possible use of the state as an instrument by various political parties to politicise the economy. Furthermore, the state should use strong coercive means to counter the political actions of various interest groups (namely the labour unions) in the economic sphere. I claim that Schmitt’s political theory lays a normative foundation for the state’s use of various means to de-politicise the economy. On the other hand, this task was for Schmitt a distinctively anti-liberal one. This meant countering the liberal idea of society as a self-sufficient sphere. De-politicisation has a political basis, Schmitt claimed, and for that reason the social cannot be separated from its political basis. Both perspectives are tied to how Schmitt, in line with his intellectual predecessors like Hobbes and Rousseau, wanted to emphasise the original role of political power in constituting private property. Private property, an institution that limits re-appropriation of possession, is produced by political power.

On the brink of the Weimar Republic’s collapse, Schmitt claimed that only a strong sovereign state could establish the autonomy of the markets and de-politicise the economy. Apart from Schmitt scholars, Schmitt’s ideas regarding this form of de-politicisation have recently been discussed in the context of

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<sup>2</sup> However, many have also challenged this view. For Example, Leila Brännström has rightly pointed out that sovereign power and law are not put against one another (Brännström 2016; cf. Vinx 2015)

<sup>3</sup> Some have, however, contested this idea by pointing out that even though some (neo-)liberals might have found an ally in Schmitt, this does not mean that Schmitt was a liberal (Irving 2018). For example, Scheuerman calls this relationship an “unholy alliance” (Scheuerman 1997).



neoliberalism. The reason for this is that scholars have re-assessed the neoliberals' attitude towards the state (Bonefeld 2017a; Slobodian 2018; Whyte 2019). Although some of the interwar neoliberals were critical of the state, scholars argue that this critique was not against the state as such. Rather, the neoliberals sought to reform the state into an institution that protects and maintains economic order. For this reason, some have reassessed Schmitt's significance as a predecessor to neoliberal ideas (Scheuerman 1997; Anderson 2005; Bonefeld 2017b; Irving 2018).

Instead of discussing Schmitt's significance and relationship to the liberal tradition, I seek to analyse the conceptual level of de-politicisation. De-politicisation for Schmitt was only possible through state sovereignty. However, sovereignty neither is a simple building block of a broader political theory, nor is it an institution that can be discovered in politics. I approach sovereignty as authorised political power over the social sphere. It is the role of an authoritarian political theory to argue for this authorisation, as coercive actions cannot justify themselves. Reaffirming the state's sovereignty over the economy is a task that is to be achieved through a complex theory of what politics should be. Schmitt's infamous theory of politics sought to redefine the concept of the political as autonomous and independent from the social in general and particularly from the economy. My analysis focuses on how by Schmitt's political theory justifies the de-politicisation of the economy. By justification, I mean that Schmitt's theory establishes the normative limits to what legitimate forms of politics are, meaning that *illegitimate* forms of politicising the economy should be countered by the state. Schmitt's theory takes part in conceiving such counter-measures as authoritative and legitimate.

Autonomy of the political refers to a broader distinction between the political and the social. I agree with Bonefeld that "Schmitt's call for the restoration of the political, of the state, emphasised that the state had to liberate itself from society" (Bonefeld 2002, 126). The hypothesis of this study is that for Schmitt the political is distinguished from the social to authorise the state with a role to prevent politicisation of the economy. It is now commonplace for political theorists to claim that the political cannot be defined through moral, economic or religious concepts or categories. Ernesto Laclau and Chantal Mouffe have defended this idea by claiming that "politics as a practice of creation, reproduction and transformation of social relations cannot be located at a determinate level of the social" (Laclau and Mouffe 2014, 137). Because of this apparent similarity between Schmitt's position and contemporary political theory in defending the autonomy of the political, I am motivated by the need to reassess the conceptual relationship between politics and the economy.

Recent studies on neoliberalism seem to support the hypothesis that to uphold the distinction between the politics and the economy does not automatically function as a strategy to democratise the economy or as a critical move against

de-politicisation. On the contrary, scholars have emphasised recently that neoliberals wanted to uphold the distinction between the political and the economy through political means. For example, Jessica Whyte points out that the prominent neoliberal, Milton Friedman, stressed the need for political coercion to limit politicisation of the markets (Whyte 2019, 168). Similarly, Walter Eucken and his follower Wilhelm Röpke deemed the Weimar Republic too weak to restrict the politicisation of the economic sphere (Slobodian 2018, 114). As Ray Kiely puts it, the problem was the rise of “unrestrained socio-political forces” (Kiely 2018, 55). The economy and the state must be kept separate, which requires the state to be conceived as an independent actor.

Instead of simply echoing the insight of these historical accounts, I will focus on how the conceptual distinction between the political and the social as an integral part of justifying de-politicisation. The conceptual distinction justifies re-organising political institutions in a way that authorises the state’s strong coercive means to combat politicisation of the economy. The main research question that will guide this study is:

What is the conceptual basis of Carl Schmitt theory of authorising of the strong state and the de-politicisation of the economy?

I am interested in the role of concepts in justifying re-organising institutions to attain specific ends. The focus is on how the *conceptual* distinction between the political and the social has a normative role in establishing an *institutional* distinction between the state and economy. These two distinctions (conceptual and institutional) cannot be separated since the conceptual distinction prescribes how political institutions should be organised. To underline this relationship between conceptual and institutional distinctions, I have coined the term “authoritarian distinction” to make the normative implications inherent in Schmitt’s theory more apparent. It refers to the conceptual distinction between the political and social as a normative one that justifies organising the relationship between the state and economy in a way that reflects the conceptual distinction. Furthermore, by calling it the “authoritarian distinction,” I want to emphasise its anti-liberal and anti-democratic nature. The state is authorised to counter democratic forces in a way that should not simply be equated with liberal politics.<sup>4</sup>

I analyse Schmitt’s authoritarian distinction as a strategy to both counter democratic demands for economic equality (socialism) and the liberal inability to governing in a “mass democratic situation.” While for Schmitt the former demands that the state expands uncontrollably into the economy, liberal

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<sup>4</sup> This means that my approach is different from those scholars who have discussed Schmitt’s theory of de-politicisation in the context of liberalism (cf. Juego, 2018; Raschke, 2018). Even though I will discuss this liberal context to an extent, it seems to me that it obscures the role of sovereignty in Schmitt’s writings.

principles point to the opposite direction of limiting state interventions to an absolute minimum. Without a strong state unencumbered by liberalism, the expansion of the state cannot be stopped. For this reason, Schmitt formulates a theory that utilises authoritarian distinction to authorise the state with specific capacities to limit the politicisation of the economy.

Like other theorists of sovereignty, Schmitt claims that sovereign power is necessary for social order to exist. Sovereign power is understood here as state power that is autonomous, unified, centralised and possessing ultimate authority. This means that Schmitt's conceptual distinction between the political and the social should be understood in this authoritarian context. For this reason, Schmitt's conceptual distinction that demands the autonomy of the political and the relative dependence of the social should not be equated with all conceptual distinction that establish the autonomy of the political from the social. My analysis seeks to discover the specific normative essence of Schmitt's conceptual distinction as the authoritarian distinction. It is against the background that other ways of conceptualising the political as autonomous to the social can be re-evaluated.

Schmitt's concept of the political is at the centre of the authoritarian distinction. The conceptual distinction between the political and the social comes up especially in two texts, both published in 1932: *The Concept of the Political* (the book version of an earlier essay from 1927), and *Strong State and Sound Economy*, a presentation to an audience of Weimar's business elite. In contrast to social relations and contradictions, Schmitt defined the political as a contradiction that "is the most intense and extreme contradiction and every concrete contradiction becomes more political when it reaches closer to the most extreme point of the grouping between friends and enemies" (Schmitt 1932/2015a, 28). An economic contradiction can become political one, but once it reaches this extreme level of contradiction it is no longer strictly economic or social. To distinguish the economy, which for Schmitt is a social relation among others such as religious or moral, from the political as such is to establish the authoritarian autonomy of the political. It is from this conceptual perspective that I seek to analyse Schmitt's theory of the strong state and its role in de-politicising the economy.

Even though only a political power can accomplish the de-politicisation of a social matter, de-politicisation also has a theoretical level. De-politicisation is about creating stability in the political sphere, and there is no stability without legitimacy. For example, the use of state violence is not necessarily de-politicising. In fact, as is the case in authoritarian regimes, it can have the opposite effect of intensifying political conflicts and contradictions. For this reason, the state's capacity to use coercive violence needs to be authorised. As Katrin Meyer phrases it, "the socially destructive force of violence becomes a normatively justifiable praxis *only* when it can legitimize itself as violence against violence" (Meyer 2016, 51; emphasis added). A normative basis for

using violence is therefore needed for an act of violence to become stabilising. It is for this reason that normative limits play a role in de-politicisation. This means that theory and practice are both at play in de-politicisation. Through an analysis of Schmitt's political theory of strong sovereignty, the thesis discusses the role of theory in the broader political phenomenon of de-politicisation.

## 1.2 PREVIOUS RESEARCH

The institutional distinction between the state and the economy has been discussed most prominently in the context of liberalism, both in its classical and neoliberal forms (Cristi 1998, 33; Juego 2018, 113). The discussion is centred on Schmitt's understanding of how a strong sovereign state is supposed to establish a distinction between the state and economy. Many scholars claim that even though Schmitt was a fervent opponent of political liberalism, meaning especially liberal individualism, he still relied on a liberal institutional distinction between state and society (e.g. Rasch 2019). This line of critique was already established by Schmitt's contemporaries on both sides of the political spectrum. On the one hand, socialist legal scholars such as Heller and Franz Neumann criticised Schmitt for outlining the authoritarian means of defending the interests of the bourgeoisie and the industrialists (Neumann 2009), a position which Heller defined as "authoritarian liberalism" (Heller 1971). On the other hand, the notable conservative thinkers Martin Heidegger and Leo Strauss argued that Schmitt does not fully overcome liberalism but remains stuck in it because he does not overcome the liberal distinction between the state and society (Hemming 2016); a claim that made Strauss characterise Schmitt's theory as "liberalism with a minus sign" (Strauss 2001, 237-238; cf. Anderson 2005, 7).

Among scholars, there seems to be two completely opposite views about Schmitt's position. Many who have followed Heller argue that Schmitt established the conceptual basis for limiting democracy to protect liberal interests (Streeck 2015; Scheurman 2015; Bonfeld 2017b). For example, Bonn Juego claims that Schmitt is in favour of "the social regime of 'authoritarian liberalism', in which a capitalist liberal economy works within an authoritarian political framework" (Juego 2018, 109). Similarly, Cristi limits Schmitt's critique of liberalism only to political liberalism, which was unable to "withstand the democratic avalanche" of mass democracy (Cristi 1998, 17). According to these interpretations, Schmitt's political project left economic liberalism intact. However, there are also those who claim that Schmitt's theory completely overcomes the institutional distinction between the state and the economy (Neocleous 1996; Scheurman 1997; Irving 2018). This opposite opinion is based on Schmitt's explicit anti-liberalism and his claims that the state is indeed necessary for any order to exist.

It seems that the reason scholars' interpretations vary to such an extent is because of a shared understanding that all attempts to distinguish the state and economy are inherently liberal. Either this reductive approach deems Schmitt as an anti-liberal that opposes all such distinctions, which means to dismiss Schmitt's explicit theoretical position in favour of the need to institutionally distinguish between the state and economy, or his position is reduced to some form of liberalism. The former might reference one of Schmitt's essays regarding the total state claiming that in the early 1930s the economy had become the central issue of internal affairs, a situation which therefore necessitates discarding the liberal separation of state and society (1931/1988, 153). The latter will find evidence for their own position in the same group of essays, in which Schmitt laments that in the current political situation the political and the economy have been conflated (Schmitt 1932/1995b, 77, 80; Schmitt 1932/1995a, 58).

However, it seems to me that scholars have been unwilling to think through the conceptual basis of Schmitt's critique of the liberal separation between state and economy and his own institutional distinction between them. On the one hand, to preserve the complexity regarding the autonomy of the political, these two positions should not be conflated. On the other hand, to explore the different ways of distinguishing between the political and economy properly, Schmitt should not be analysed as somebody who would view the distinction between economy and politics as meaningless. Instead, my analysis of the authoritarian distinction between the political and social, clarifies Schmitt's position as a distinctively anti-liberal way of approaching the institutional distinction between the state and economy.

Traditionally, commentaries that discuss this aspect of Schmitt's work do so in the context of his critique of liberalism. Schmitt's grievances, as McCormick encapsulates them, can be divided into: 1) liberals conceive humanity and individuals as universal in order to transcend political antagonisms, and 2) the liberal state, in its neutrality and agnosticism towards political struggles, does not exert sufficient authority to forestall the looming civil war (McCormick 2011, 179). The former, which could be described as a critique of liberal principles, claims that liberalism leaves the state void of political substance and instead, transforms the state into a mere machine that services society (McCormick 1994, 637; Urbinati 2000, 1647; Prozorov 2009, 331). The latter elaborates the historical and political consequences of liberal principles, a line of critique that Carlo Galli describes as Schmitt's "contingent" critique (Galli 2000, 1602), and comprises of Schmitt's genealogies of the liberal state, its rationalism, administrative structures, legal formalism (e.g. Scheuerman 2000, 1883-1886; Emden 2008, 118-120; cf. Bielefeldt 1997, 73-74).

Both critiques have also been appropriated for the purposes of the 21st century. Many have argued that Schmitt has exposed political liberalism in a fruitful way to analyse its contemporary shortcomings. On the one hand,

politically motivated appropriations include those who see Schmitt as an ally in their antagonism towards liberalism (Devenney 2020), and those who want to reflect on liberal principles and strengthen it with Schmitt's help (Mouffe 2000; Schupmann 2017). On the other hand, Schmitt's critique has been used for analysing contemporary political issues, such as the democracy deficit of the European Union or international institutions (Streeck 2015; Fusco and Zivanaris 2021). Most of these appropriations have thought that Schmitt's concept of the political is an effective way of re-politicisation and re-asserting democratic principles in the face of the liberal de-politicisation and post-politics (Mouffe 2005a; Mouffe 2005b) – a reason some have also thought that Schmitt's concept of the political as autonomous to the social is superior to competing conceptions (Felices-Luna 2013; Manara and Piazza 2018).

Another interesting contradiction among scholars takes place in the context of the concept of the political. The reason for positive reception has notably been because of the idea that Schmitt's concept of the political re-establishes the “ineradicability” of politics (e.g. Mouffe 2005a, 10). This means namely the idea that the distinction between friends and enemies cannot be overcome by liberal means. However, others, whose approach to Schmitt is more critical, see the concept of the political as the affirmation of the Hobbesian state of nature and therefore justification for the necessity of strong sovereignty (Agamben 1998; Prozorov 2009; Prozorov 2015; Helmisaari 2020). To me, it seems that the dividing line between these contradictory attitudes to Schmitt's concept of the political is the question of whether the concept can be detached from Schmitt's own political objectives. The idea that detaching it is possible would mean that the concept could serve drastically different political interests and aims (Howse 1998, 65; Dyzenhaus 2000, 81).

My critical approach to Schmitt's concept of the political starts with the premise that it was not a mere description of politics as such, but his use of the concept had entailments for both international and domestic politics. While in international relations it is well known that the concept was deliberately polemical in attacking both the Versailles treaty and the League of Nations, in the domestic context there is some disagreement among scholars. For example, McCormick claims that Schmitt remained agnostic when it came to domestic matters (McCormick 2016, 281; cf. Böckenförde 1998, 46). However, my research question concentrates on domestic entailments and argues that Schmitt's conceptual work can be analysed from the perspective of class struggle. Similarly, others have pointed out that the concept of the political was an instrumental part of Schmitt's attempt to counter political rivals, such as the socialists (Balakrishnan 2000, 114; Kennedy 2004, 106-107; Kervégan 2011, 176-179). In this struggle against socialism, the autonomy of the political was a central objective to strengthen state sovereignty capable of countering the demands for economic equality. This was for Schmitt namely a theoretical

issue, as the new situation of the Republic needed to be mastered by new concepts and distinctions.

### 1.3 KEY CONCEPTS

At the heart of this study is a broader political phenomenon of de-politicisation of the economy. I use the hyphenated version of the word to “de-politicisation” to underline that it refers to decreasing or limiting *politicisation*. I understand the word “politics” here somewhat loosely in the Weberian sense as the struggle for power and its distribution. As Weber puts it succinctly: “Who is taking part in politics, strives for power” (Weber 1992, 158-159). Furthermore, to strive for power and to engage in politics means to take part in a struggle for the instruments to ensure obedience and consensus (Weber 1992, 162-163). This means that politics is not only a struggle to challenge those in power but also the attempt to stay in power and establish stability. In line with this distinction, politicisation is understood here as a contestation of the *status quo* and de-politicisation as limiting the possibility of challenging prevailing order. As Kari Palonen defines it, politicisation is about opening a new horizon of possibilities in politics. This means that politicisation is unthinkable “without some disruptive processes against the old order” (Palonen 2003, 183). To put it bluntly, I interpret politicisation as disruption and de-politicisation as stabilisation of the prevailing political order.

There are many ways of analysing de-politicisation and it can take many forms. For example, to ensure obedience and consensus can mean engaging in a de-politicising discourse in which a decision regarding political matters is framed as “unpolitical.” An example of this would be how politicians in parliamentary debates attempt to claim that their solution needs to be implemented because political alternatives of their rivals are immoral or irrational (Bates et al. 2014, 250). In contrast to de-politicisation in this sense, the reason I study Schmitt’s theory in the context of sovereignty is that I am interested in the state’s role in the de-politicisation of social relations. De-politicisation by means of state intervention is order producing and in a sense concrete in contrast to rhetorical concealment of political options. It is institutional rather than discursive. This can mean making democratic politicisation more difficult by restricting the legitimate means to take part democratically in decision-making. As Wolfgang Streeck puts it, such institutional frameworks work in “shielding the capitalist economy from the spectre of ‘democratic pluralism’” (Streeck 2015, 367).<sup>5</sup> Specifically, Bonefeld points out that the institutional

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<sup>5</sup> Bourdieu makes a similar lamentation against the European Union: “Politics is continually moving farther away from ordinary citizens, shifting from the national (or local) to the international level, from an immediate concrete reality to a distant abstraction, from the visible to the invisible” (Bourdieu, 2002, 40).

framework of the European Monetary Union (EMU) shields itself from democratic influence (Bonefeld 2005, 93-94). With the help of executive power of the member states, the EMU's politics of austerity is being de-politicised (Bonefeld 2015, 96; 2002, 134-135; 2019, 997, 1005; cf. Brännström, 188-189). To summarise, institutions de-politicise by means of limiting opportunities for politicising political practices.

In this thesis, I am especially interested in the role of theory in the broader political phenomenon of de-politicisation. To put it in the aforementioned Weberian terms, Schmitt's political theory takes part in politics in order to struggle to establish consensus and order against socialist politicisation of the capitalist means of production. However, further clarification is needed, because for the purposes of this thesis, such attempts to strive for power need to be categorised as specifically de-politicising in order to not conflate all political theories together. Sure, even conservatives never simply affirm the status quo but seek to reform politics to better reflect their theoretical insight. Nevertheless, one should not identify all theory with those that genuinely seek to politicise and challenge the prevailing order. While all political theories are reformative of the political situations they reflect, in so far as a theory cannot be a mere description of the political reality of its time, they cannot be characterised as (re-)politicisations in the same sense. Rather, some theories, like the ones that conceive sovereignty as central to political communities, seek to reform societies to limit such politicisations.

Therefore, to not lose sight of de-politicisation in theoretical matters at the very outset of my study, it is useful to differentiate between two aspects of politics, which Jacques Rancière has identified as police and politics proper. Although my thesis will not utilise Rancière's distinction as an analytical tool, it serves as a good way to ward off conflating de-politicising and (re-)politicising political theories – and to establish a critical distance between Schmitt's theory and my analysis. According to Rancière, the "police" refers to politics understood as political order. To take part in politics in this sense means to maintain political order and the various, that is, politics as police regards "the composition and concordance of a community, the organisation of powers, the distribution of positions and functions, and the system of legitimating this distribution" (Rancière 1995, 51).<sup>6</sup> The political order is a series of institutions, the distributions and methods of governing, and the limits and confines of subjects (Rancière 1995, 52). Police therefore outlines that aspect of politics that is connoted with order and its maintenance (cf. Brunila 2022). In contrast to the police, politics proper for Rancière is contestations of this order in the name of those whose voice and perspective

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<sup>6</sup> According to Foucault, policing is a broader technology of governing that not only refers to the police in the way we normally understand it. Rather, policing is the administration and ordering social relations within a state (Foucault 2019, 318-319).



has been excluded. Politics is about challenging “the natural order of domination”, which Rancière interprets as the process in which the poor accomplish “the interruption of the simple effects of the domination of the rich,” namely the political order that the rich have instituted (Rancière 1995, 31). This means that politics contradicts the police order and disrupts its effect of making the political order seem “natural” (Rancière 1995, 56).

A theory that seeks to reform a system to limit politicisation does so to strengthen and fortify the processes of distinctions and distributions that constitute the political order. In line with Rancière’s definition, theories can stand on the side of the “police” rather than politics if their goal is to confer stability to political authorities and ultimately de-politicise. To put it bluntly, a theory is de-politicising if it takes the side of the definite order. Schmitt’s theory belongs in this category, as it perceives politicisation of the economic sphere, especially when it took the form of contradiction between the poor and the rich, as a problem to be countered by state means. Instead of challenging or disrupting the prevailing order, Schmitt thought that the task is to integrate the poor and the working class into it. Schmitt’s own theoretical endeavour to establish the autonomy of the political is crucial here because, as Bonfeld puts it, “the foundation of the market police is the independence of the state from the economic interests and democratic majorities” (2019, 996). Whereas others, like Rancière, would interpret politicisation, that is, the demands of those dominated, as calls for democratisation of the economy, Schmitt’s theory takes part in the “striving for power” on the side of order to secure instruments to ensure obedience and limit politicisation. It is this difference in perceiving the same phenomenon, politicisation, that distinguishes de-politicising political theories. (cf. Brunila 2022.)

When it comes to the concept of sovereignty, I refer in this thesis specifically to internal or domestic sovereignty rather than external. The latter means the right to self-determination, that is, the principle that a sovereign territory demands autonomy from intervention by powers external to that territory. As Henry Shue points out, for a state to claim to have the right to not be intervened in by others, means that the state determines for itself a similar duty to not intervene as well (Shue 2004, 15). That is, if a state demands external sovereignty it must respect other states to be sovereign as well. The state’s external sovereignty means basically that the state has the capacity, as Jürgen Habermas puts it, “of prevailing over all competing powers within its borders and of asserting itself in the international arena” (Habermas 1998, 399-400). When it comes to external sovereignty, the state’s relationship to other states is symmetrical.

In the context of internal sovereignty, instead, the relationship between the state and citizens is dissymmetrical. Foucault notes that the major difference between external and internal sovereignty is precisely that the former is limited by the sovereignty of other states and the latter is unlimited because of

the ultimate authority of the sovereign in contrast to the citizens (Foucault 2003, 26, 36). Although I disagree with this characterisation of sovereignty as unlimited – because Schmitt’s theory was meant to establish a limit to state’s actions in the economic sphere – this thesis focuses precisely on the role of conceptualizing political power when it comes to the relationship between the governing and the governed. In this context, the focus is on Schmitt’s theory’s role in authorizing the state to resolve economic tensions among citizens rather than the economic tensions that take place among states and international trade, a study of which would perhaps focus more on external sovereignty (cf. Hont 2005).

Of course, any analysis of internal or external sovereignty should not detach it from the other completely. For example, the economic crisis that Schmitt seeks to counter had consequences for external sovereignty, and which cannot be separated from its domestic effects. Schmitt, a proponent of strong sovereignty and a stark opponent of the Versailles treaty, did not leave unnoticed how Germany’s debt to other countries affected domestic issues. It is therefore true that, at the very least, a good interpretation should always be conscious of both. Nonetheless, internal and external sovereignty, even if connected, require different conceptualisations (cf. Suganami 2007). To utilise the concept of sovereignty in the domestic context means to interpret politicisation as an illegitimate form of resistance to legitimate political authority, whereas in international issues this might not be the case. Within the territory of a political community, as Geoffroy de Lagasnerie puts it, the concept of sovereignty “essentially works by countering protest movements and mobilizations by reminding them of the political order” (2020, 59). To assign sovereignty to the state means to argue for its internal incontestability.

For the purposes of my analysis, internal sovereignty sharpens the conceptual basis of de-politicisation. As pointed out by Slobodian, in the economic context, de-politicisation is primarily a political process that “entailed a dramatic application of executive power” to secure the smooth operation of the markets against political contestation (Slobodian 2018, 46). It is not simply so that the state must limit interventions to a minimum, but that it must stop other political actors – most prominently the working class – from interfering in economic processes.<sup>7</sup> The conceptual level in this context is authorising the use of such coercive force by conceptualising it as a legitimate means of maintaining order. Political theories that are based on the notion of internal sovereignty, Schmitt being a prime example, take part in justifying the legitimacy of such actions taken against politicisation.

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<sup>7</sup> As David Harvey points out, a neoliberal state is still a coercive state because the workers’ unions need to be “disciplined, if not destroyed” to protect the free markets (Harvey, 2007, 75-79).

Lastly, I will now briefly make some remarks regarding how “economy” is understood in this thesis. To repeat, I am not interested here in the relationship between the state and international trade. The intertwined nature of global markets, finance, and the state is an interesting topic in itself. In fact, Schmitt did reflect on the problems that international trade presents to the state’s sovereignty (Schmitt 1950/1997, 208). Nevertheless, I focus on the domestic economy within state borders and the different tensions and problems that it entails for political power. I am interested especially in the struggle for re-defining the relationship between the state and economy. Here, the centrality of the economy as a social sphere does not distinguish Schmitt from other theorists of sovereignty. Whereas for Hobbes religious matters are something to be controlled by the state, he claimed that economic relations in the proper sense are politically *produced* by the state. This means most importantly private property. To Hobbes, before the state there is no property, “no dominion, no *Mine* and *Thine*,” but only that which can be kept for the time being (Hobbes 2018, XVIII, § 63, XXI, § 110). Similarly, for Rousseau the social contract establishes property since in the state of nature “there is no permanent possession of property” (Rousseau 2008b, I, iv). The fact that the state enforces property means that property as such does not exist before sovereign power. It is for this reason that sovereignty is claimed to be a necessary aspect of de-politicisation of the economy.<sup>8</sup>

It is in the context of these two topics, de-politicisation and the economy, that I am interested in internal sovereignty. Sovereignty as a concept – or a conceptual strategy that establishes the necessity of sovereignty for a political community – established the incontestability of authoritarian power over subjects. For there to be economic order, there has to be a power authorised to use coercive means. Rather than focus on the concept of sovereignty as such, this thesis is interested in how certain theories argue in favour of sovereignty, that is, for the need to establish an incontestable and authoritative political power. It is this perspective of theories of sovereignty as a way of conceptualising and authorising political power that is crucial for my analysis of Schmitt’s *authoritarian* distinction between the political and the social.

## 1.4 MOTIVATION AND METHODS

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<sup>8</sup> In fact, the discussion of the role of political power in this context has recently gained more nuanced and interesting perspectives. As Katharina Pistor puts it in her book on the role of law in creating private property, law “is the very cloth from which capital is cut” (Pistor, 2019, 4). Similarly, Devenney claims that “if the social is not a closed structure, defined by an underlying essence, then there is no original property, no original structure that later takes on legal form. Rather, property is performatively remade in specific contexts” (Devenney, 2020, 17.).

The reason I discuss Schmitt's conceptual basis de-politicisation, is to re-evaluate the autonomy of the political. To understand the normative meaning of the autonomy of the political requires a historical awareness of the various strategies and their implications. As Johanna Oksala points out, political philosophy has to consider its historical context, since political concepts are always entangled with the historically determined situations. "The way we think about politics today is shaped directly by past events, and the concepts, ideas and arguments we use to make sense of politics are necessarily inherited" (Oksala 2013, 3). Concepts that we use to establish theories of the political cannot be purified from social, political and historical contexts (Oksala 2012, 26-27). The political cannot be taken as a descriptive concept without normative implications.

My study uses analytical instruments developed by critical philosophy and political theory to assess the normative implications in Schmitt's authoritarian distinction. Unlike intellectual history, it is not the description of particular ideas as such that interests critical philosophy but, instead, the *effects* of those general structures and concepts that lurk behind particular texts and practices. In this context, I understand philosophical analysis in line with Johanna Oksala's way of describing it as a form of "questioning the appearance of things and asking what kind of conditions or structures make them possible" (Oksala 2016, 5). This thesis deals primarily with concepts and the manner in which they take part in structuring politics and establishing the demand for its re-organisation.<sup>9</sup> As I will argue in Chapter two, this means that concepts are always reflective and reformative of their own political context. As Joan Cocks points out, because political concepts refer to real political phenomena, their meaning is a politically contestable issue. This means that "scholars of politics will be pulled by the logic of essentially contested concepts into the world as they analyse it" (Cocks 2014, 14). Political concepts are contestable in the sense that they are not merely descriptions of political reality, but they establish normative limits to how politics should be organised. It is up to philosophical analysis to clarify this normative aspect of political concepts.

My discussion of Schmitt wants to excavate the problematic implications that conceptually distinguishing between the political and the social might entail. In contemporary political theory, as Oliver Marchart points out, the political – as a concept distinct from "politics" – was developed "in order to point at society's 'ontological' dimension, the dimension of the institution of society" (Marchart 2007, 5). The concept of the political therefore brings to light what

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<sup>9</sup> As Paul Ricoeur claims, this means that political concepts and politics are interlinked so that there are no concepts without politics and no "political decision' without reflecting on power." (Ricoeur, 1957, 729.) For example, sovereignty is rooted in the institutions and decisions of the sovereign, and therefore political definitions of sovereignty are always reflective of its instituted forms. Theories of sovereignty then attempt to reform and represent these institutions to direct their organisation.

constitutes the political nature of these practices and society in general. In discussing the political as the ontological dimension of antagonism, it is now common practice to refer to Schmitt as the first to define the concept in this way (Marchart 2007, 4; Bedorf 2010, 20-23; Röttgers 2010, 40). To quote Mouffe: “Antagonism, as Schmitt says, is an ever present possibility; the political belongs to our ontological condition” (Mouffe 2005b, 16). Schmitt’s work on the concept of the political established, according to Marchart, “the autonomy of the political against different social domains” (Marchart 2007, 41). The political as antagonism is something distinct from social conflicts, most importantly economic ones. Rather than dismiss these attempts to theorise the political, I believe that Schmitt’s authoritarian distinction needs to be clarified to make it possible to understand how to distance theories regarding the relationship between the political and the social from Schmitt’s anti-democratic normative implications. It is for this reason that I have decided to coin the term “authoritarian distinction” to underline that Schmitt’s conceptual distinction has authoritarian implications for re-organising political institutions.

To venture into historical territory does not mean to throw away the philosophical orientation for a strictly historical one. Rather, this thesis offers a philosophical analysis of an oeuvre in the history of political theory, and therefore shares a similar motivation with genealogical analysis. As Martin Saar puts it, genealogical critique is a method that approaches the present political situation through the analysis of its historical origins (Saar 2007, 9). Genealogical analysis clarifies the way in which power constitutes our own identity and political practices. In this sense, it is always an immanent critique of the political reality that we inhabit (Saar 2007, 21, 69, 222). Unlike genealogists, I am not interested in how theoretical discourses are entwined with practices and power relations. Instead, my focus is on the potential effects on power of a *single* author. Still, just like the genealogists, I want to establish a critical perspective on contemporary political theories by investigating a past rationalisation of sovereign power. In line with genealogical critique, my analysis seeks to make certain ideas and rationalisations less secure in order to make room for new ways to theorise politics.<sup>10</sup> By showing how these origins are in fact contingent, a genealogist opens up opportunities to transform our political future (Saar 2007, 294; Oksala 2016, 7; Marchart 2018a, 31-33; Lemke 2019, 374).<sup>11</sup>

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<sup>10</sup> As Martikainen puts it, philosophers engage in a form of normative critique that identifies oppression and opportunities to overcome it. “It is the role of philosophers to articulate [normative possibilities] in a form which can serve as a conceptual starting point for further reflection, research and political action” (Martikainen, 2021, 15.). In a similar fashion, a critique of the theoretical basis of sovereignty seeks to establish a starting point for a post-sovereign future. As Vappu Helmsaari...

<sup>11</sup> Here, I share a motivation with Mattias Lehtinen. According to him, we need to re-evaluate our own position as “offspring of sovereignty”, that is, as citizens under sovereign power and cornered by

Rather than re-examine the liberal state, I am motivated by the broader call to reflect on the nature of political authority by critical theorists. I will analyse how Schmitt's conceptual discussion on the political and the social relates to his normative ideas regarding the state and its governance of economic matters. This means that I will analyse the conceptual basis of his arguments in favour of reforming the constitution, the idea which he sometimes discusses under the notion of an "economic constitution" (*Wirtschaftsverfassung*).<sup>12</sup> Two themes will be highlighted here: politicisation of economic relations and the instruments Schmitt wants to reform to counter this politicisation.

Because of its central role in modern political history, the state is still one of the most discussed institutions in political thought. However, the state is not a concrete institution like the justice department or the army, which makes it an elusive entity to define. For example, Bourdieu makes an observation that "the further I advance in my work on the state, the more convinced I am that, if we have particular difficulty in thinking this object, it is because it is [...] almost unthinkable" (Bourdieu 2014, 3). Some, like Foucault have opted to start their analysis of the state from specific practices and proceed from there – instead of making the state their starting point (Foucault 2004, 4-5; Brännström 2014, 42; Behrent 2019, 10). Concepts like sovereignty, government, and politics all bring us into the state's orbit but none of them can quite define it exhaustively. For both Hobbes and Rousseau, sovereignty was what made the state legitimate. As pointed out above, for Hobbes, the sovereign was the "head" of the state, but not the state *in toto*. Similarly, Rousseau pointed out that there are plenty of states which do not hold on to sovereignty but merely to hold the means of violence, thus making their power illegitimate.

One way of crucially examining the state is to see it as an instrument maintaining the public order. Especially in the Marxist tradition, the state is uncovered as an institution that protects the interests of the ruling class. For Marx especially, not only has the state and its power merely been used to manage bourgeois interests by dominating the working class (Marx and Engels 2019, 40, 65), but the communists should use the state as an instrument to end the rule of capital (Marx and Engels 2019, 63). The state becomes a stronghold of bourgeois order because of its viability as an instrument of domination – an instrument that can also be used against the bourgeois.

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various borders. In this thesis, I seek to ask a question identical to Lehtinen's: "With the material in between, the border is drawn in the air and carved under the skin. How to introduce a life that does not re-create us, the children of sovereignty, as those who reign?" (Lehtinen, 2020, 59).

<sup>12</sup> As Slobodian points out, Schmitt's ideas had influence among neoliberal calls for an economic constitution (Slobodian, 2018, 211).

Bourdieu criticises this tradition in which the state is merely “an apparatus of constraint, of maintenance of public order to the benefit of the dominant” (Bourdieu, 5). The state does not simply protect the existing order, but it also *produces* it.<sup>13</sup> Similarly, in his genealogy of modern police powers, Giuseppe Campesi criticises the Marxists for seeing state institutions merely as tools for repression. To approach the police or the state as a form of repression is to see them as something that is external to civil society and therefore brought from the outside to repress and protect it. Whereas he produces a dualist view of state and society, Campesi wants to point out that “the police has assumed a crucial role not so much in keeping and protecting order as in *producing* order” (Campesi 2016, 2). The police is an essential part of producing civil society and therefore cannot be seen as an external aspect of it.

However, these critiques tend to discard the fact that the production of order requires legitimacy. In taking on critically the theoretical basis of the legitimacy of coercion, this thesis seeks to re-introduce the problem of sovereignty for political theory. My analysis of sovereignty as a conceptual strategy seeks to understand the role that legitimacy of the state has for producing order. Instead of discarding Marx’s insight, a critical analysis of how legitimacy is produced starts with the idea that the legitimacy of the state cannot be taken for granted. Rather, the sovereignty of the state as such is a site of struggle.

Legitimising the state and transforming it from a mere instrument to a sovereign one means masking its practices of domination. This is a crucial objective for theories focused on re-establishing sovereignty, Schmitt included. As Rousseau puts it at the beginning of *The Social Contract*, the task is not simply to criticise the limits to individual freedom, but to *legitimate* them:

Man was born free, and everywhere he is in chains. There are some who may believe themselves masters of others, and are no less enslaved than they. How has this change come about? I do not know. How can it be made *legitimate*? That is a question which I believe I can resolve. (2008b, I, § 1; emphasis added.)

It is my belief that legitimation is a crucial issue because violence becomes even more terrifying through legitimation. As Foucault emphasises, even though violence is in itself terrible, “what is more dangerous about violence is its rationalisation” (1994b, 38). This is because authorised violence is much more difficult to counter precisely because of its legitimacy, meaning that

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<sup>13</sup> Bourdieu’s example is the – admittedly banal – example of the calendar, on which we all rely and the uniformity of which is bound up with the state (Bourdieu, 7).

opposing it becomes an illegitimate act, which warrants further legitimate violence to conquer this opposition. The legitimization of limits to individual freedom is especially a modern problem. As Pedro T. Magalhães puts it, because “chains made of modern steel might, indeed, be even harder and more unbending” (Magalhães 2021, 31). It is the task of critical analysis, therefore, to understand the constitution and production and ultimately the breaking points of such chains.<sup>14</sup>

## 1.5 OUTLINE OF THE STUDY

My analysis is limited to material Schmitt wrote during the inter-war period. This is because the state’s sovereignty over the economy is an issue in that developed during Schmitt’s Weimar-era writings. During 1933-1945 and after, Schmitt discards the state and sovereignty as classical concepts no longer viable (cf. Bates 2006; Brännström 2016; Suuronen 2020). Both totalitarianism and the cold war meant new political units that worked according to principles that superseded the state. This means that to analyse Schmitt’s theory of the autonomy of the political in the context of state sovereignty, the relevant texts end ultimately with his national socialist-era publications. However, by making this statement I do not mean to take the side of Schmitt apologists, who argue that Schmitt’s theory before 1933 could be salvaged. For example, Chantal Mouffe argues that there is a fundamental break between his work before and after 1933 (Mouffe 1992, 87; cf. Wolin 1990, 391). Instead, I agree with those who have established a continuity between Schmitt’s theory of sovereignty and his so called “concrete-order-thinking” (Maus 1998; Brännström 2016). Be as it may, because of my focus on his theory of the strong state, I will concentrate on the material before Schmitt replaces the state with other political institutions.

The thesis is divided into five main chapters. In the first main chapter (Chapter two), I will establish the theoretical basis of analysing Schmitt’s theory. The basic task for this chapter is to establish a relationship between concepts and politics. This will serve as the basis of my discussion for the normative role of political theory. The normative relationship between political concepts and politics is crucial for my analysis of the authoritarian distinction, a theoretical construct that underscores my argument that Schmitt’s institutional distinction between the state and the economy cannot be separated from his conceptual distinction between the political and the social and vice versa. Based on this insight regarding the role of theory and concepts, I will lay out my conception of de-politicisation. De-politicisation is possible only through

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<sup>14</sup> In line with Marx and Engel’s famous demand, it could be argued that to achieve such an understanding of these chains is the first step in the process where the dominated classes lose them.



concepts that are normative in that they establish the necessary limits of a political order. I argue that conceptual limits are important, especially in theories of sovereignty, because they authorise corrective power to counter any attempt to transgress these limits. This is an important critical basis for my analysis of Schmitt's theory. For Schmitt, the politicisation of economic relations in the late years of the Weimar Republic established the need for de-politicisation, because the limit between the economy and politics had been trespassed. Conceptual distinctions, especially in Schmitt's case, establish a normative foundation for perceiving politicisation as illegitimate.

The third chapter then outlines the context of the authoritarian distinction by discussing theories of sovereign power. I will focus on both the historical and conceptual aspects. Sovereignty is about conceptualising political communities in a way that legitimises the state as their basis. The emphasis in the first part of this chapter is on the state and its institutions as the highest authority within a region and that political power, subjects and practices. This means that extra-state political actors are deprived of their power and political capacities, and that the state is given ultimate authority over political decisions. It is this authorising of political power to rule over the social sphere that is at the heart of the authoritarian distinction. The second part of the chapter will look at how theories of sovereignty support this development. Relevant here are obviously Hobbes and Rousseau, who both argue that political power is based on unity and centralisation. I will connect my analysis of Schmitt to this insight of the basic tenets of theories of sovereignty and point out its relevance to his arguments supporting the de-politicisation of economic relations.

In this chapter, relevant to my argument is that in the development of the modern state, the economy and politics become more and more distinct as two separate spheres. Centralisation of political power means that the economic power becomes increasingly independent. Through a brief historical discussion, I want to point out that the distinction between the state and economy is not straightforward linear process but in itself a site of contestation. This means that the historical distinction of the state and economy but a political process, one that included multiple perspectives and theories of it. It is not only liberal economic theory and its idea of the purely economic laws of the markets that is important, but also the idea that sovereignty means the monopolisation of political power to the state. For this reason, understanding de-politicisation of the economy requires also looking at the development of state theory instead of merely (neo-) liberal economic theory. In this sense, my analysis of Schmitt becomes relevant without reducing his central ideas to being anticipatory to the neoliberals. As I will discuss at the end of the third chapter, theories of sovereignty tend to emphasise the political basis of property and the need for strong coercive power to protect its integrity. This idea further empowers the state as a central actor in the de-politicisation of the economy.

Based on the perspective I have provided in the second and third chapters, the rest of the thesis will focus on Schmitt's theory and its normative implications. The fourth chapter will establish my interpretation of Schmitt's conceptual distinction between the political and the social. This means a thorough analysis of Schmitt's concept of the political and his broader theoretical apparatus. I will argue that Schmitt's distinction is anti-liberal and essentially tied to legitimation of sovereign power and de-politicisation. Describing the political as an intensity means justifying the state's monopoly of the political and its sovereignty in internal matters. To bring out the anti-liberal aspect of Schmitt's conceptual distinction between the political and the social, I will discuss how it is differentiated from liberalism. Relevant here is Schmitt's way of portraying the liberal understanding of society, against which Schmitt defines his own understanding of what de-politicisation is in the proper sense. It turns out that because sovereignty is needed to establish the social, Schmitt substitutes the liberal separation between state and society with his own authoritarian distinction between the political and the social.

The fifth and sixth chapters move on to the normative role of Schmitt's conceptual distinction for the institutional one between the state and society. Chapter five builds discussion on the normative implications of Schmitt's distinction regarding politicisation. The main theme of this chapter is the politicisation of economic relations. Whereas in times of classical liberalism, Schmitt claims, "there was an attempt to economize the state, it seems that now [in late 1920s and early 1930s], on the contrary, economy has been politicized" (Schmitt 1932/1995b, 73). This means that I will discuss in detail how Schmitt's theory makes it possible to disqualify democratisation of the economy as illegitimate. Instead of genuine political endeavour, politicisation is portrayed as advancing "egoistic" and private interests. Such forces are not political in the proper sense, as they are not enemies external to the political unity, but illegitimate "internal enemies," who are not to be respected in the same way. Through an analysis of Schmitt's understanding of politicisation, it becomes evident that for Schmitt the real issue is the politicisation of economic relations and an economic form of civil war, in which the distinction between friends and enemies ceases to be intense enough.

From this, it can be gathered that Schmitt is not so much interested in the autonomy of the economy as an end in itself. Instead, the reason he wants to hold on to the distinction between the political and economic is to make the *state* more autonomous from social forces. The de-politicisation of the economy is not done primarily for the smooth functioning of the economy, but for the immunisation of the political from economic matters. This means that for Schmitt, the concept of economisation is not a descriptive category, but one that allows him to establish a demarcation between political power in the proper sense and "social forces" that try to enmesh politics in economic matters. The autonomy of the political allows for establishing a normative standard for politics – one that puts absolute authority in the hands of the state

and minimises democratic freedoms. The centralisation and distinction of the political from the economic enables the political unity with absolute authority to posit the basis of social relations in a way that is consistent with the substance of the political unity. This then legitimizes governmental measures that attack the socialist movement as “economising” and as a threat to the purity of the political and its intensity.

In Chapter six, I analyse Schmitt’s theory of the strong state, which is tasked with upholding the institutional distinction between the state and economy in a way that reflects the conceptual distinction between the political and the social. I will focus on Schmitt’s discussion of the state in the context of politicisation of economic relations. Schmitt’s conception of the state must be elaborated to bring out sovereign economic governance in more detail. As pointed out above, during the interwar years Schmitt claims that “it is without a doubt that the relationship of the state to the economy is now the real object of immediate and actual questions concerning domestic politics” (Schmitt 1930/1958, 41). The need to de-politicise the economy is so that a civil war based on economic inequality could be avoided. I will argue that Schmitt’s conception of the political allows him to argue for strong political authority capable of establishing a political monopoly in the economic sphere, that is, a strong sovereign state capable of de-politicising the economy. To re-organise politics to reflect the conceptual distinction between the political and the social in the time of intensified class contradictions means to establish a rule of the capital by means of the state.

The seventh chapter summarises the general conclusions of the thesis. I will discuss the broader implications of the authoritarian distinction. Based on the ideas established, I comment on recent developments in political theory and suggest future possibilities, namely, how to re-articulate a distinction between the political and the social in a way that does not ground normative limits to democratisation of the economy. To do this, I will comment on the relationship between Schmitt and the neoliberals. It is my contention that once Schmitt’s relationship to neoliberalism is sketched out, a more complex image of the distinction can be achieved. to sketch out what is possible for future theorisation. To counter both Schmittianism and neoliberalism, political theory needs to advance from a position in which the similarities and differences between these two are considered. I end this thesis with thoughts regarding how to open new options for theorising the autonomy of the political.

## 2 METHODOLOGY, CONCEPTS AND DE-POLITICISATION

In this chapter, I will formulate the central methodological basis for my analysis of Schmitt's concepts and political thought. The idea is to explain the aspects of Schmitt's writings I am interested in, the methodological and theoretical basis of my analysis, and how my analysis relates to a larger theoretical discussion of political theory. The central political phenomenon that I am interested in in this thesis is de-politicisation. Schmitt's political theory, I argue, establishes a normative basis for de-politicisation of economic relations. To explore the role of Schmitt's theory when it comes to de-politicisation, it is important to first discuss the methods I used in analysing Schmitt's concepts and theory.

I will first present some methodological considerations as to how I will approach Schmitt's work. Jacques Derrida's description of Schmitt as a "jurist-historian-of-the-theological-political" (Derrida 2005, 115) pretty much sums up the ways his work can be approached. His work is read by legal scholars, theologians, political theorists and historians of various strands. The first section will discuss what a *philosophical* reading of his work entails. After this, I will focus on the concept of de-politicisation and how I understand the role of concepts for politics. As Schmitt claims in his 1933 preface to *Political Theology*, de-politicisation "is always a political decision" (Schmitt 1922/2015, 7).<sup>15</sup> This means that de-politicisation is not something that happens purely theoretically because de-politicisation refers to a political process that requires power; and yet concepts and theories of politics are relevant as a broader process in its analysis. Lastly, as my thesis considers the de-politicisation of the economic sphere, I will present some theoretical ideas regarding the distinction between the political and economy. Apart from this, I will also refer throughout this chapter to a plethora of work on political theory and philosophy in general to articulate the theoretical context, within which I want to position my study. My task, as stated above, is to establish a contribution to the broader discussion of political philosophy and theory. Although the analysis itself this will focus solely on Schmitt's work, the implications of my analysis are aimed towards a discussion of contemporary political theory and philosophy.

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<sup>15</sup> Elsewhere, Schmitt claims that "the process of de-politicization, that is, the establishing of a state-free sphere, is namely a political process" (Schmitt, 1932/1995, 71).

## 2.1 PHILOSOPHICAL ANALYSIS OF POLITICAL MATERIAL

Schmitt has been studied especially by legal historians, and for a good reason, as Schmitt was a jurist and wrote almost exclusively on legal matters. In an interview from 1982, Schmitt was asked whether he is a jurist or a political scientist. His answer could not have been clearer: “I consider myself a jurist one hundred percent.” True to his calling, he quipped that he will also die as a jurist (Lanchester 2017, 223; cf. Herrera 2019). Granted, Schmitt refers to classic philosophers such as Plato, Hobbes, and Rousseau, but it is not at all evident what a philosophical reading of his work should look like. It is the task of this section to outline the method of my philosophical analysis and what it means in the context of analysing of Schmitt’s theory. As I will point out in this chapter, the task of philosophy – which can “draw new lines of partition, think new distinctions” as Alain Badiou puts it (Badiou 2005, 62) – is to analyse these normative limits established by political concepts.

Giorgio Agamben claims that to be a jurist means to be “a vehicle and an interpreter of the constituting power of a people of which he is a part” (Agamben 2017, 458). However, such interpretations rely on conceptualisations that are not merely juridical but are political by nature. This is especially the case with sovereign power. Although Foucault and others have argued that sovereign power operates through law and is therefore a juridical form of power (Foucault 1997, 23-24, 37-38; cf. Lemke 2019, 96-100), the theorists who argue in favour of sovereignty do not simply rely on strictly legal arguments and interpretation. For example, Hobbes’s justification of sovereignty has to rely on extra-legal concepts such as the idea of the state of nature. Politically charged texts, legal or not, in general rely on conceptualisations to further a specific way of interpreting and changing the political world of its time. It is the task of philosophical analysis to focus on the role of concepts in arguments and broader political strategies.

Unlike intellectual history, it is not the description of particular ideas as such that interests critical philosophy but, instead, the *effects* of those general structures and concepts that lurk behind particular texts and practices. I agree with Johanna Oksala’s way of describing philosophical analysis as a form of “questioning the appearance of things and asking what kind of conditions or structures make them possible” (Oksala 2016, 5). Concepts affect the way we grasp and organise political reality as they influence the way politics is perceived, establish normative ideas about the structure of our forms of governing, and they justify and legitimate political regimes. Furthermore, concepts cannot be neatly contained within a particular point of space and time in history. When it comes to texts that are meant to influence political decision-making, even when they might argue for the most tangible thing, they always rely on rationalisations, arguments and concepts that go beyond the topic at hand. This means, simply put, that politics and discourses of politics

rely on political theory that deals with such rationalisations, arguments and concepts. Even though this dependency on ideas is often implicit, to write about politics is to try and influence those who wield power, or those who lack it, and it means that one has to use ways of convincing others to agree and consent to the ideas being put forward.

The basic point I want to establish in this section is that to conceptualise something in the political realm means to distinguish something specific and establish normative limits. By “normative limits,” I refer to the central aspect of political concepts in establishing limits regarding how specific political entities should be understood and organised. One classical example is the distinction between the political and the social. In Hannah Arendt’s political theory, for example, the political is distinguished from necessity and production of basic needs. As Ville Suuronen points out, “we can read Arendt’s differentiation between the social and the political as an argument that states that we can strive to politicize matters in a way that separates the ‘social questions’ from political ones” (Suuronen 2018, 40).<sup>16</sup> In other words, a separation between social and political issues is normative since the aim is to establish a limit between things that we can politicise and things that are outside our political deliberations. According to Arendt, one of the failures of the French revolution was that it lacked this distinction almost completely (Arendt 1990, 112). It is in this normative aspect of political concepts that I am interested. Arendt’s concept of the political is normative as it establishes a distinction between what politics should be. There are other competing concepts of the political, each of which establishes its own understanding of how politics should be distinguished from the social. This is what I mean by the role of concepts in producing normative limits to politics. It is the task of critical analysis to draw out the normative implications of political conceptualisations. As Foucault points out, critique deals with these various limits that we face in our own political situation and ways of conceiving it (Foucault 1994f, 574; Lemke 2019, 372-373).

I do not want to claim that simply because a concept establishes limits on how politics should operate, its function is to de-politicise. This is because political concepts never take place in a vacuum. Historical and political contexts cannot be ignored. Instead, they are always historically determined and take place in a political situation. It is now quite common to point out that political thought takes place in a historical context. This idea is established by Max Horkheimer

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<sup>16</sup> In fact, this is what connects Arendt to Schmitt As Hirsch claims, both Arendt and Schmitt have an aversion to the politicisation of social issues (Hirsch, 2010, 342). Similarly, Martikainen claims that even though there is no contradiction between the political and social concerns, the fundamental political problem of democracy, political poverty, cannot be “described in terms of inequality of resources” (Martikainen, 2021, 151). Therefore, the role of the political for political theory in general, as Brown claims, is to distinguish it from the social (Brown, 2002, 557).

in his claim that all political theories are intertwined with the historical order and material processes, to which they relate either critically or uncritically (Horkheimer 1992, 213-214, 222). However, my analysis is not intended to excavate the material basis a theory might uphold and reproduce, but rather how a theory tries to influence politics. Theory does not merely represent reality, and, as Oksala points out, there is discontinuity between the two (Oksala 2016, 32). Theories attempt to impose order and re-organise political reality, of which they are a part. Wendy Brown puts it succinctly when she explains that “theory depicts a world that does not quite exist, that is not quite the world we inhabit” (Brown 2002, 573). If a theory could simply represent the world that it is a part of, then it would cease to be normative, because it would not then make any demands on how politics *should* operate. In this sense, there are no purely descriptive political theories because they always contain normative implications to politics. It is the task of philosophical analysis to explicate these implications.

A theory is discontinuous with reality because it wants to influence it and re-organise it. Badiou uses the word “metapolitics” to describe this way of taking part in politics, that is, a “*sui generis* activity of thought which finds itself conditioned by the events of real politics” (Badiou 2005, 55, 62). It is in this metapolitical sense that a theory is a part of the political reality of its own time. For example, Panu Minkkinen has used this idea to describe Schmitt’s concept of the political as a “metapolitical theory”, because it does not simply replicate the political reality of his time but tries to influence and make distinctions that are political by nature (Minkkinen 2018, 142). However, it is also the case that a theory and political power are co-dependent. On the one hand, theory always implies that it is possible to put itself into practice, but it cannot do so without power. On the other hand, as I will point out in this chapter, political power needs theory to legitimise its actions and establish their normativity. Only political power can put theory’s normative implications into practice and re-organise politics to reflect them. In this sense de-politicisation, the act of limiting politicisation of specific social relations, can never be purely theoretical. As Alex Thomson describes it, de-politicisation is “the effect of stabilisation on the political field” (Thomson 2005, 197). Theory in itself does not stabilise but needs a power to put it into practice. However, a political act, to have an effect of stabilisation, requires concepts that legitimise and rationalise it. Theory intervenes in unstable circumstances to provide the normative basis for producing stability.

It is this part of Schmitt’s theory that I will focus on in this thesis, and neither the political situation in need of stabilisation nor the powers that may have been responsible for such a practice. Minkkinen is right in emphasising that Schmitt wants to “intervene in order to restore the political” (Minkkinen 2018, 144). However, such an intervention is not political in the sense Schmitt understands it, insofar as in that it would make a decision between friends and enemies. For Schmitt, only the sovereign has capacity to make and uphold

such a decision. Instead, Schmitt's theory does make political distinctions that have political relevance. As Minkkinen is careful to point out, such distinctions are entwined in decisions between friends and enemies (Minkkinen 2018, 142).

The work on concepts that are politically charged is always a political task. This is because political concepts are involved with political power. As Torben Bech Dyrberg points out, "the very conceptualization of power constitutes an inseparable part of power struggles: discourses *on* power are also discourses *of* power" (Dyrberg 1997, 86). The basic idea behind my analysis of Schmitt's theory is that political concepts are hemmed in politics and cannot therefore be completely separated from power. This means that political philosophers should always be conscious of the origins of the concepts that they use. As many scholars have pointed out, Schmitt's motivation for theorising the political comes from the political situation of his time, that is, as a reaction to the Versailles treaty and to the Republic's domestic political tensions (Balakrishnan 2000, 114; Kennedy 2004, 106-107; Kervégan 2011, 176-179). Even though our political situation is different, Schmitt's theory cannot be appropriated in a way that could remain oblivious to his political objectives specific to his historical context (cf. Howse 1998). Instead, the reason political philosophy has to consider its own background context is because political concepts are always entangled with their historically determined situations. Here, I agree with Oksala's claim that "the way we think about politics today is shaped directly by past events, and the concepts, ideas and arguments we use to make sense of politics are necessarily inherited" (Oksala 2013, 3). Concepts that we use to establish political theories cannot be purified from their social, political and historical contexts (Oksala 2012, 26-27). It is for this reason that political philosophy should always be interested in the history of its own concepts.

In a broader sense, following Horkheimer, critical thought is emancipatory in its attempt to set us free from dominating forms of thought (Horkheimer 1992, 232-235; cf. Martikainen 2021, 13-14). To paraphrase Foucault, this means that critical philosophy examines the limits of our own thought (Foucault 1994f, 575). Explaining those aspects of our contemporary political thought is of central importance for future opportunities to emancipate political thought (Foucault 1994b, 180; cf. Oksala 2007, 87; Brännström 2011, 124). It is my contention that the idea of the autonomy of the political is in desperate need of such reflection. This is because theorists, as far as they rely on a concept of the political as autonomous from the social, should distance themselves from Schmitt's authoritarian distinction. I engage in a form of critique that seeks, as Oksala puts it, to "open our eyes to the need for a political criticism" (Oksala 2007, 88; cf. Saar 2007, 318). Because the potential effects of Schmitt's theory have not been exhausted by his own political situation, there is still a demand for critical analysis. I believe that this establishes the need for political philosophers to guide re-conceptualisation in a way that steers clear of



Schmitt's influence. The idea of the autonomy of the political needs to be put under scrutiny to criticise its politically normative options.

## 2.2 THEORETICAL BASIS OF DE-POLITICISATION

In this section, I will explain the relevant aspects of de-politicisation for my thesis. De-politicisation is a broad phenomenon that can take many forms. As a political phenomenon, it has been analysed in a plethora of political contexts and levels. My discussion of de-politicisation is not meant to define the concept once and for all, but to emphasise the role of political power in it. As I pointed out above, theory is not de-politicising, because there is no de-politicisation without power and power relations.

According to Matthew Wood's important article that analyses the academic discourse on de-politicisation, there are basically two ways to theorise de-politicisation. On the one hand, de-politicisation is defined as a "set of tactics, tools and processes that place at one remove the political character of decision making and reduce the capacity for collective agency" (Wood 2016, 528). For example, Peter Burnham has analysed how "state managers retain arms-length control over crucial economic processes while benefiting from the distancing effect of de-politicisation" (Burnham 2000, 22). De-politicisation thus takes place as states limit the extent of democratic decision-making. On the other hand, for Wood the other approach to de-politicisation is emphasising "modes of discourse or statecraft that create an (imaginary) separation of 'the economic' and 'the political', or image of constrained 'agency', thus insulating unequal class relations from systemic critique" (Wood 2016, 528). For example, Laura Jenkins advocates this form of analysis in defining de-politicisation as "a strategy of de-politicisation entails forming necessities, permanence, immobility, closure and fatalism and concealing/negating or removing contingency" (Jenkins 2011, 160). De-politicisation in this sense would mean the process of making the public perceive an issue as unpolitical.

As I will point out in this section, both perspectives are relevant in analysing de-politicisation. Political institutions, their actions, and the authorisation of these actions are the three main aspects of limiting and stabilising the political sphere. My analysis of Schmitt focuses on the conceptual strategies of establishing necessities and rationales for governmental actions against politicisation. Now, to be clear, theoretical discourses are not the only ones that could be analysed in this context. Political debate in and out of parliament has been analysed as de-politicising a political issue. For example, Bates et al. have brought attention to the way parliamentary debate can make it seem as though there is no real political decision to be made because the alternatives

appear as non-viable options (Bates et al. 2014, 250).<sup>17</sup> In order to limit the number of legitimate alternatives, a variety of discourses, such as scientific, political, journalistic, and others, are used to influence the way a political issue or an event is to be interpreted. However, theoretical discourses on the political have a very privileged position when it comes to de-politicisation because they do not just influence the way we understand a particular political matter, but the way we perceive and organise politics as such.

To put it in general terms, I understand de-politicisation here as the limiting of the chance to make a real political decision. By phrasing it as “a real political decision,” I simply mean that a decision can only be called political if there is actually possible to decide between two or more choices. For example, Wolfgang Streeck has criticised the European Central Bank (ECB) for being institutionally organised in a way that limits the opportunity for a real political decision insofar it is practically impossible to demand any form of politics other than the one that furthers the functioning of the free markets. For Streeck, the ECB is a de-political one because it is not possible to further any political alternatives to simply maintaining the free markets, for example to decide to further “politically negotiated and nationally institutionalised ideas of market-correcting social justice” (2015, 370). As Thomson puts it, a decision takes place “only if there is the possibility of a different outcome” (Thomson 2005, 162). A decision when there are no alternatives is not a decision at all. Similarly, if it is forced by a pre-existing rule it becomes purely symbolic. Here, I agree with Derrida’s idea that a decision must be heterogenic to theoretical determination because a theory would simply transform it into an application of a rule or a programme (Derrida 2005, 219).<sup>18</sup> De-politicisation takes place when the chance of a decision is limited, either by blocking the opportunity to make a decision or by limiting the choices that are legitimately possible. For example, in a democracy, ideally the power to make decisions belongs to the people. The opportunity to demand a new decision or renegotiating an older one, that is, politicising an issue, is one of the basic tenets of democratic activism and the right of citizens in general. De-politicisation would mean limiting the opportunity to politicise a matter. For example, as I will point out below, Schmitt argues that the fact that the Weimar Republic is based on the capitalist means of production is something that cannot be re-negotiated. The demands for socialism therefore need to be suppressed by the state.

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<sup>17</sup> Another interesting example is Markus Ojala and Timo Harjunemi’s analysis of newspaper coverage of the Eurozone Crisis and its role in maintaining the ordoliberal narrative of the crisis (Ojala & Harjunemi, 2016).

<sup>18</sup> In fact, this is Schmitt’s own understanding of the relationship between norm and decision (Schmitt, 1922/2015, 37-38).

De-politicisation is not an absolute term. It is always relative to the context in which it takes place. There is no de-politicisation as a practice through which no prior politicisation or a decision has not been taken. For example, Schmitt demands de-politicisation as a reaction to the socialist demands for renegotiating Weimar's economic basis. Here, de-politicisation means ultimately coercively extinguishing those forces that have sought to politicise this matter. However, what makes politicisation such a difficult term is that a re-politicisation of the order of things means seeking to establish a new order and therefore, if successful, ultimately to de-politicise. Underlining this aspect, Bates et al. established that the de- and re-politicisation should not be viewed as opposing processes but as parallel ones, so that they point at different parts in a process of "shifting boundaries" (Bates et al. 2014, 257; cf. Brunila 2022, 4-5). To re-politicise an issue is to challenge power relations and limits in order to establish new ones. Thomson provides a precise formulation of this process: "The decision is politicising, it challenges and suspends the political status quo, but it is also de-politicising, as it sets new political precedents" (Thomson 2005, 167).<sup>19</sup> Every political decision precedes a rule, or else it is not a decision, but it also sets a new rule that de-politicises the situation.

However, for the sake of not conflating them, only acts that limit the opportunity to make a political decision in favour of upholding or bringing back the prevailing order are de-politicising. Challenges to that order pose a threat to its stability, and de-politicisation as a process is initiated to secure the already existing power relations. Power and political practices of governing limit politicisation, whereas resistance to the prevailing order tries to open up these limits in order to contest power relations. Schmitt belongs in the former category. For example, he claimed in a radio interview from 1933, quoted by Agamben, that his "work derives its true meaning from the fact that I am nothing other than the vehicle of the substantive law of the people of whom I am a part" (Agamben 2017, 458). Schmitt's theory is meant to serve the political unity of his time. It is reflective of the political sovereign that precedes his own theory, and therefore is aimed towards defending its stability. A theory that reforms the powers that already exist and justifies their upkeep to bring back a previous situation should therefore be viewed as de-politicising.

By pointing this out, I do not mean that analyses of de-politicisation are stuck with analysing power relations and the relationship of theory to them. Rather, theorists justify limiting the opportunity to make a decision through theoretical determination of central political concepts. This is an aspect of theory that can be analysed independently from its political context – although, obviously, theory is not some other-worldly abstract discourse. My

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<sup>19</sup> Similarly, Marchart points out that the unavoidable effect of reactivations of the political issues, which underlie all social relations, is the establishment (or, in Marchart's terms, "sedimenting") of new social relations (Marchart, 2018, 96-97).

argument is simply that Schmitt's theory has a de-politicising effect even outside the context of the Weimar Republic. For this reason, it should not be implemented in a contemporary setting either.<sup>20</sup>

I will analyse this point in detail in the coming chapters but, to explain my understanding of de-politicisation in this context, a brief sketch of how theories of sovereignty de-politicise is presented here. Hobbes, Rousseau, and Schmitt all argue that the major decisions regarding the political order have been made during the constitution of that order and therefore cannot be renegotiated or politicised. Rousseau's infamous declaration that "if anyone refuses to obey the general will, he will be compelled to do so by the whole body," is based on this idea that once the general will has been established, there are legitimate reasons to quell dissident voices against it (Rousseau 2008b, I, vii). The role of the state is to enforce this order and make sure that all obey. As Schmitt claims, the decisions regarding the essence of the political order have been established in the constitution and cannot be changed through legislation, because all legitimate laws and norms are based on this original decision (Schmitt 1928/1993, 24). To go against the political unity and its distinctions ultimately means to "place oneself in the order of things on the side of the enemy" (Schmitt 1932/2015a, 49). Similarly, Hobbes claims that the covenant authorises the sovereign to punish those who rebel against the political order (Hobbes 2018, XVIII, 90). Theorising the political community through the notion of sovereignty, as I will point out in the next section, is a strategy that justifies state violence to limit the chance to make decisions. My analysis wants to excavate the role of specific concepts in Schmitt's theory that transform "the socially destructive force of violence", to quote Meyer again, into "a normatively justifiable" practice (Meyer 2016, 51). Violence itself politicises because it often increases tensions, that is, politicisation. In the next section, I will discuss the role of concepts in the transformation violence into a de-politicising force.

## 2.3 THE ROLE OF CONCEPTS IN DE-POLITICISATION

In the context of de-politicisation, concepts and power are intertwined as they constitute together the opportunity for de-politicisation. Domination and violence cannot force subjects to accept the legitimacy of dominating and violent acts. People can be forced to act in a certain way through violence, yes, but violence cannot make itself legitimate. Acting according to orders due to a fear of violence does not imply accepting those orders. Rather, state power is

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<sup>20</sup> It might be the case that all political theories are inherently de-politicising, that is, they establish a normative basis for stabilising a political order. It might be the case, as Thomson points out, that all definitions of the political are de-politicising (Thomson, 2005, 166-167). However, my interests lie in discussing the role of theories of sovereignty in justifying state practices of de-politicisation.

dependent on concepts, theories and rationalities that establish its normativity. In fact, as both Arendt and Foucault argue, violence and power are not the same. Unlike power, violence acts directly by using destructive force. According to Foucault, power is different in that it seeks to establish ways of acting that the subjects follow out without coercion, which means that “slavery is not a power relation because the person is chained” (Foucault 1994e, 237-238). Power is that which limits action (but also makes acting possible in the first place), which is not the same as using coercive force. Arendt, whose view is perhaps more uncompromising,<sup>21</sup> claims that governing cannot be based solely on violence, because “where commands are no longer obeyed, the means of violence are of no use” (Arendt 1969, 49). A political order cannot be upheld with mere violence, because violence in itself cannot produce stability. However, violence is something that can be used as a means and, “like all means, it always stands in need of guidance and justification through the end it pursues” (Arendt 1969, 51). Violence does not create consensus.<sup>22</sup> Rather, as I will argue, this is why analysing political concepts is such a crucial task for a critique of political domination. As Foucault emphasises, even though violence is itself terrible, “what is more dangerous about violence is its rationalisation” (Foucault 1994b, 38). This is a normative task especially since rationalisations of power are linked to abhorrent abuses of political powers (Foucault 1994d, 135).

This section discusses the conceptual side of establishing and upholding order as far as they justify the measures of political power in accomplishing this task. This means both establishing legitimate subjection and justifying violence in order to uphold submission. As Michael Stolleis has established, the individual in a modern state is both a citizen (*Bürger*) and a subject (*Untertan*) (Stolleis 1990, 338). Especially in theories of sovereignty, it is emphasised that within the state individuals are granted certain rights and freedoms as citizens but are also put under the sovereign’s subjection. Theories of sovereignty, as I will discuss in Chapter three, seek to authorise power relations between the state and individual as a citizen and a subject. The state is tasked with upholding the order that the individuals have consented to as citizens, and to achieve this task, the state is authorised with power over the individuals as subjects.

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<sup>21</sup> Whereas Arendt claims that power and violence are antithetical, Foucault points out that there is no (modern) political power that is completely distinct from domination (Arendt, 1969, 56; Foucault, 1994b, 40; cf. Oksala, 2012, 46).

<sup>22</sup> Affiliation, assembling, and grouping together, as Engin F. Isin points out, is always achieved through political means. Self-identification cannot be forced from above, Isin argues, so that “just because an authority can empirically classify individuals does not mean that these individuals will act as a group.” (Isin, 2002, 27.)

Sovereignty therefore is about establishing consent and legitimate subjection, which then authorise state power.<sup>23</sup>

Regarding sovereignty, both Foucault and Arendt point out that the sovereign and its law are founded on violence (Foucault 1976, 189; Arendt 1969, 38). However, this does not exhaust the analysis of sovereignty (cf. Lehtinen and Brunila 2021). Instead, what needs to be analysed is how theories of sovereignty operate in establishing the legitimacy of state violence. As I will point out next, this means that sovereignty is not reducible to violence as such, even though it might be an essential part of it. If violence was enough, political philosophers theorising political communities through the concept of sovereignty, like Hobbes or Rousseau, would not have had the need to write their books in the first place. In *The Social Contract*, Rousseau pointed that “force is physical power, [...] and a pistol in the hand [of a bandit] is also a power” (Rousseau 2008b, I, iii). The difference between a criminal organisation and the sovereign state is not their ability to secure the monopoly of violence, but the legitimacy of the state’s practices.

Sovereignty and the idea of the state as the highest authority within a territory establishes the need for conceptual justifications of political power. As I will point out in Chapter three, this means that political power is interpreted as something independent from other forms of power, such as economical or religious. The notion that sovereignty is the source of authority and law means most importantly secularisation of state power, that is, granting autonomy to the state from the church’s authority. This means that state power could no longer be legitimised through religious authority, meaning that the state’s authority cannot be derived from that of God. As Arendt points out, this “inevitably posed the problem of how to found and constitute a new authority without which the secular realm, far from acquiring a new dignity of its own, would have lost even the derivative importance it had held under the auspices of the Church” (Arendt 1990, 160). This is precisely the problem that theories of sovereignty attempt to answer, and it also points towards the fact that politics, to seem legitimate, needs political concepts to establish authority (cf. Cocks 2014, 50; Plot 2014, 12).

Now, it is important to remember that the analysis of the notion of sovereignty is not something that would exhaust the different practices and strategies of producing and upholding a political order. As Foucault argues, sovereign power is complemented by other forms of power, such as disciplinary power or bio-power that target individuals and the social sphere in several ways (Foucault 1997, 214; Foucault 2011, 231-233; cf. Oksala 2012, 95; Lemke 2019,

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<sup>23</sup> As Althusser points out, political order is not solely based on repressive violence that enforces the law, but rather on the fact that most citizens are willing to follow the law “by virtue of simple legal-moral ‘conscience’” (Althusser, 2014, 69).

136-140). Disciplinary power works in a different way from sovereign power, and the political order that they produce is dependent on both of them. For example, Campesi analyses how the police force as an apparatus for upholding order relies on both legal and disciplinary mechanisms (Campesi 2016, 6). Furthermore, Engin F. Isin points out that disciplinary practices are important to reach individuals to be disciplined and domesticated into the political system (Isin 2002, 202-203). On the other hand, it is often claimed that sovereignty is necessary for producing order and unity. According to Hobbes, the only way to establish a Common-wealth, which is able to defend from invasion and injury, is to establish a sovereign who will “reduce all their Wills, by plurality of voices, unto one Will”, that is, to form the sovereign is to submit will and judgement to the sovereign (Hobbes 2018, XVII, § 87).<sup>24</sup> Sovereign power has a specific role in de-politicisation, which as will be seen in part two of this thesis, is the production of a territory within which political unity is produced.

The central concepts of sovereignty are poised to justify coercive methods to produce and uphold such a unity. As Martín Plot points out, sovereignty is “a rationality that would stabilize human affairs in an incontestable way” (Plot 2014, 24). Plot is right in pointing out that this means conferring an absolute meaning to such concepts as “decision”, but what is more important is the conception of antagonism as being ever present – that is, the possibility of the state of nature – because it establishes the need to authorise coercive political power in the first place. Since everyone is equal in physical and mental capacities, a state of nature is for Hobbes a situation of mutual competition and uncertainty (*Diffidence*). In a situation in which “two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies and [...] endeavour to destroy or subdue one another” (Hobbes 2018, XIII, § 61).<sup>25</sup> This uncertainty about the probability of dispossession then necessitates one to seek security by increasing one’s own power, which then threatens the security of others, leading to a mutual distrust among individuals.

This means that, unlike Mouffe, who claims that the political is a descriptive category that can simply be acknowledged (Mouffe 2000, 101, 129; Mouffe 2005b, 14, 20; Mouffe 2013, XIV; Mouffe 2018, 91), I argue that the concept of the political is itself a normative concept that is hemmed in in politics and

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<sup>24</sup> Similarly, in the *Social Contract*, Rousseau writes that “the sole means that they still have of preserving themselves is to create, by combination, a *totality of forces* sufficient to overcome the obstacles resisting them, to direct their operation by a single impulse, and make them act in *unison*” (2008, I, vi; emphasis added).

<sup>25</sup> Once again, Rousseau similarly points out that to uphold common interest, there must be a way to ensure allegiance to it: “For each individual can have, as a man, a personal will that is contrary or dissimilar to the general will that he has as a citizen. His personal interests can speak to him quite differently from common interest” (Rousseau 2008, I, vii).

power relations. For Mouffe, politics is something that refers to a political order, whereas “the political belongs to our ontological condition” (Mouffe 2005b, 16). Similarly, Oliver Marchart establishes a distinction between “regional ontologies” that analyse the ontic level of political systems, that is, politics, and “an ontology of *the political*” that would analyse “the being of the social world as such, i.e., the politicality of *all* social being” (Marchart 2018b, 10). This analysis of regional ontologies (i.e. politics) is adopted from Foucault’s analyses of how political power is present in the daily life of “minor and barely visible tectonic shifts of social sediments” (Marchart 2018b, 101). What interests me in this distinction is that it is the ontological analysis that informs the analysis of politics. Because ontology influences the way we conceive politics, it seems that the ontology of the political has to be analysed from the perspective of politics. Even though my analysis will not use this distinction to the letter, I will use it here to elaborate on the specificity of my approach.

To make my position clearer, I will briefly discuss Oksala’s Foucauldian critique of antagonistic conceptions of the political. Oksala’s problem with the concept of the political as the ever-present opportunity of antagonism is that the concept limits our understanding of what politics is and should be. That is, to conceptualise the political as the even present possibility of antagonism means to narrow down proper politics to various strategies and tactics of limiting the possibility of conflicts erupting (Oksala 2012, 65). The political defined as an ontologically distinct domain places specific limits on what the political is. However, to establish conceptual boundaries is a political act in itself. “Distinguishing some realm of reality as ‘political,’ and then attempting to clarify the ontology pertaining to it, would imply that a prior ontological distinction between what belongs to the political domain and what does not has already been made and is secured in place” (Oksala 2012, 15-16). To define the political is to establish normative limits on how political systems should operate.

An ontological investigation of politics, therefore, must start with the investigation of the struggle to define the political in itself. To quote Oksala, this means that “any ontological schema, any interpretation of reality, is an imposition, not a pure description of the given” (Oksala 2012, 21). It is the central idea of this thesis that the concepts that we use to think and interpret our political reality are normative in the sense that they establish limits to what can be considered possible. As Étienne Balibar points out, to contemplate and represent the world is “to impose an *order* in it” (Balibar 2017, 24). To establish a concept of the political is entangled with politics and specific objectives. Therefore, the political cannot be abstracted from politics. The concept of the political is entangled with politics and specific aims that attempt to exclude and limit what politics in the proper sense should be.



## 2.4 DISTINCTION BETWEEN ECONOMY AND POLITICS

In this section, I want to establish the problem of defining the political from the non-political. As both Bedorf and Brown attest, there is an important conceptual issue regarding such a distinction. On the one hand, if the political is separated from the social to a greater extent, it cannot be used to grasp politicisation of social matters. On the other hand, if the political is understood so broadly that everything is political, then it becomes synonymous with social itself, thus rendering the concept meaningless (Brown 2002, 569; Bedorf 2010, 33). Both are relevant issues and pertain to divergent ways of approaching the distinction. As I pointed out above, the role of concepts is to establish normative limits and the existence of a political order. This means that the distinction between the political and social is a central one in founding a political power capable of de-politicising the social. It therefore becomes crucial to understand the complexities of this distinction.

For the purposes of my analysis, I will focus on the distinction between politics and the economy. In Chapter five of this thesis, I will discuss Schmitt's lamentation that in the late 1920s "all economic, cultural, religious and other questions of human existence" have been politicised (Schmitt 1932/1995b, 73). Schmitt's answer, which is fairly standard in the tradition of theories of sovereignty, is that there has to be a state capable of establishing and enforcing certain limits to politicisation. This is what makes Schmitt's theory and other theories of sovereignty dangerous, as they seek to authorise state power. As is my argument in this thesis, the autonomy of the political is what enables Schmitt to establish such a normative basis for limiting the politicisation of the economy and therefore authorise strong coercive acts and violence against democratically advanced demands.

In post-foundational theory, the political is seen as preceding the social. As Marchart points out, behind every stable social relationship there is an earlier conflict that has been stabilised through political means (Marchart 2018a, 31-33). For Marchart, property or the economy are not things that can be described as apolitical social relationships that exist before politics because *all* social relationships are politically constituted. This is because behind all social relationships there can be discovered an earlier historical point in which these relationships were formed politically. Politics is a "practice of creation, reproduction and transformation of social relations", as Laclau and Mouffe emphasise, meaning that social relations cannot be analysed without looking at the political level (Laclau and Mouffe 2014, 137).<sup>26</sup>

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<sup>26</sup> Lemke asserts that this has been a standard idea of Foucauldian analysis, that is, "power relations are not external to other types of relations, but immanent within them" (Lemke, 2019, 101).

However, this means that the limit between political and non-political is itself an artificial one, and thus it is a matter of politics. The autonomy of the political establishes the means of producing and enforcing such an order that limits politicisation of the economy. Therefore, distinguishing between the political and the social is also a political endeavour as it has normative implications for politics. Derrida claims that the policing of the distinction between public and private contradicts that very distinction, since it is the intrusion of the public into the private (Derrida 2005, 144; cf. Thomson 2005, 156). However, Derrida seems to assume that theories, which establish normative basis for distinguishing between public and private, or political and economic, claim these distinctions to exist before a political power has enforced them. It is not so that the police intrude within the private, thus destroying the normative distinction completely, but instead, the intrusion is what upholds and lays the foundation for such a distinction. In this sense it so that some post-foundational attempts to protect the autonomy of the political become potentially dangerous, because a theory that seeks to make a clear distinction between the political and the social ends up justifying policing this distinction.<sup>27</sup> I will discuss this possibility on contemporary political theory in the concluding chapter of this thesis.

The discussion on neoliberalism and its economising tendency is useful to make my point clearer. As I pointed out above, neoliberalism has been accused of economising the political by replacing political institutions and principles with economic ones. In *Undoing the Demos*, Brown defines this taking place when “economic principles become the model for state conduct” (Brown 2015, 62; cf. Brännström and Tornhill, 93). It seems that this approach to neoliberalism is based on an underlining idea of the economy and the political constituting two distinct spheres. The economy does not become political, or the other way around, but rather, the economy takes over territory that was formerly thought of as political. As I will now argue, such a position seems to take the unpolitical nature of the economy for granted, which then contradicts my own method of approaching Schmitt’s political theory and state sovereignty.

To distinguish further my position from this line of thought, I will refer to Çaliçkan and Callon’s distinction in defining two approaches to economisation: formalist and substantivist. Economisation, as they describe it, is “the processes through which behaviours, organizations, institutions and,

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<sup>27</sup> Devenney takes this idea to the extreme and claims that a critique of the economic order should do away with such a distinction altogether. According to him, if “our approach relies on economic categories (distribution, production, circulation, labor power, mode of production) as distinct from political categories (antagonism, hegemony, sovereignty), [because] then we end up *policing* the distinction that we set out to undermine” (Devenney, 2021, 31; emphasis added). Devenney means that conceptually distinguishing between the economy and the political is an act of policing what proper politics should be, and therefore a critique of such forms of policing should start by re-producing it.

more generally, objects are constituted as being ‘economic’” (Çalışkan and Callon 2010, 2). Formalists understand economisation taking place when something is based on instrumental rationality. This means that economisation can be discovered when societies are transformed into collections of individuals maximising their utility under conditions of scarcity – which then lays the foundation for the markets and the economy (Çalışkan and Callon 2009 373-374.). This is definitely Brown’s way of analysing neoliberal economisation in *Undoing the Demos*. According to her, economisation takes place when our political life, human behaviour and political action are instrumentalised to serve economic competition so that “the political itself is rendered in economic terms” (Brown 2015, 39)

On the other hand, the substantivist position refers to the mechanisms of circulating goods as the basis of economisation, most prominently elaborated by Polanyi. The economy refers to the reciprocity, trading and redistribution of goods. The institutionalisation of this process, “grounded in logics and collective structures that define forms of engagement between individual agents,” lays down the foundation of economisation. Whereas the formalists begin with competition and other instrumental practices, the substantialists start with the analysis of society and its institutions (Çalışkan and Callon 2009, 374-376). According to substantialism, the economy is embedded in society through an institutional process in such a way that it renders “the boundary between economy and society obsolete.” The economy is not a part of society but, instead, it is enmeshed within it (Çalışkan and Callon 2009, 382).

For the formalists, economisation refers to an instrumentalisation of practices. Institutions need to be reformed for better maximisation of utility. As Brown argues, under neoliberalism “the state’s purpose is to facilitate the economy, and the state’s legitimacy is linked to the growth of the economy” (Brown 2015, 64). For the substantivists, economisation is about institutional reformation to enable the circulation of goods. Institutions mould individuals to reform their own behaviour and social relations for the better operation of society. Çalışkan and Callon point out, following the substantialist interpretation, that economisation as an active process implies that “the economy is an achievement rather than a starting point or a pre-existing reality” (Çalışkan and Callon 2009, 370). Markets are constructed means that they do not arise from social relations naturally (Çalışkan and Callon 2009, 384). Without relevant institutions “individuals are not able to engage in economic activities.” Institutional arrangements that enable circulation of goods and

establishment of values and market structures are central to economic processes (Çalışkan and Callon 2009, 392).<sup>28</sup>

Taking the side of substantialism, I will describe my position through a short discussion of Teivo Teivainen's article "Overcoming Economism." Economism, as Teivainen calls it, is when "politically crucial issues were transformed into 'economic' ones" (Teivainen 2002, 317; cf. Ashley 1983). It refers to a strategy that establishes a limit between the economic and political spheres to place the former sphere "beyond political power struggles" (Teivainen 2002, 318). In fact, Teivainen claims the economy as its own sphere is the very work of economism, so that it becomes independent of others spheres and normative to them. "Privatization of state enterprises and the introduction of business-like administrative practices within formally public institutions are example of these processes." The economic sphere, therefore, not only limits politics but expands it into other sphere and takes over them. (Teivainen 2002, 319.) "The socially constructed sphere of the economic," as Teivainen describes it, grows and takes over other social tasks and relations (Teivainen 2002, 321).

However, it seems to be, like Brown, Teivainen ends up policing what the political is. By claiming that economisation refers to various processes outside the reach of politics would seem to affirm that there is something that is authentically political, against which economisation is contrasted as an inauthentic form. In these explanations of economisation, this seems to be the case as there is no overlap between economic and political structures. Economism in this sense is simply outsourcing political tasks and making them strictly economic ones. Rather than claim that economised processes are still political ones, the political and the economy are portrayed as separate spheres, so that economisation refers to a withdrawal of politics in the face of economist practices. Even though economism is a political process for Teivainen, he still criticises economisation as the *replacement* of politics with economic structures. Similarly, Brown's later analyses after *Undoing the Demos*, could be criticised for this same idea in so far she re-articulates her position on neoliberalism as an anti-political movement (Brown 2018, 14-15). That is, in these analyses of economisation, the economy is limited from politicisation by being transformed into purely economic, whereas in my own somewhat substantialist analysis political power is the very basis of such a limit and its upkeep. The fact that some political tasks are outsourced to the economic sphere does not make these tasks any less political, because the economy as such has a political basis. As I will argue in the conclusions of this thesis, the autonomy of the concept of the political does not justify narrowing

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<sup>28</sup> Çalışkan and Callon conclude that "the economy, in its different forms and manifestations, can be seen as the substantial outcome of a longstanding process in which conflicting institutional, material and cognitive forces are engaged" (Çalışkan & Callon, 2010, 22).

down the political, but instead, it is the very basis on which limits between these two spheres are established.

## 2.5 CONCLUDING THOUGHTS

In this chapter, I have laid out my theoretical background and approach to sovereignty. I have established that the way I will analyse sovereignty is as a conceptual strategy to defend state authority and coercive power. Furthermore, the concept of the political in Schmitt's sense is to be analysed as part of justifying de-politicisation of the economy. This is for two reasons. First, because it is tied to the idea of sovereign power that seeks to limit politicisation, and second, because it establishes the autonomy of the political as something that should be policed by the state. The role of concepts is therefore relevant in analysing political practices – which makes my philosophical approach a legitimate perspective on Schmitt's political work. As I pointed out above, political concepts establish the normative limits to politics.

In line with Rancière, it seems that the concept of the political reduces politics to “its function as a pacifying procedure,” that is, politics is “the art of suppressing the political” (Rancière 2005, 11). My analysis wants to point out that it is in fact the political that is part of the strategy to pacify politics. The function of the political is to justify de-politicisation so that excessive politicisation has to be limited for the sake of order. Instead of analysing politics through the concept of the political, I have proposed to approach the topic from the opposite direction. As I will argue in the next chapter, theories of sovereignty operate within this framework to achieve certain political ends, such as the centralisation of power.

### **3 HISTORICAL BACKGROUND: SOVEREIGNTY AND THE ECONOMY**

This chapter lays out the historical background of my analysis of Schmitt's authoritarian distinction and the conceptual strategy to justify de-politicisation of the economy. In the previous chapter, I argued that a theory de-politicises when it seeks to defend the prevailing order and counter attempts to politicise that order. The central task of this chapter is to establish that Schmitt is on the side of the prevailing economic order. I am interested in the historical development of modern politics in the context of the economy and situating theories of sovereignty into this development. In section 2.1, I will discuss the development of the economy as its own distinct sphere. This ultimately transforms modern politics since political power is no longer responsible for producing basic needs, a responsibility which is delegated to the market. The important issue that is relevant to my analysis of Schmitt's political theory is the relationship between the modern state and economy. In fact, the state becomes a site of struggle in this context as various political forces, liberals included, seek to conceptualise this relationship in a way that suits their own interests. Whereas economic actors wanted this relationship to be organised so that the state remains subservient to the interests of the markets, various political forces sought to authorise the state's interventions and make the economy serve public interests rather than private ones.<sup>29</sup>

Sections 2.2 and 2.3 will establish theories of sovereignty as a relevant background for Schmitt's own position when it comes to the role of the state in modern capitalist economy. I will discuss Hobbes and Rousseau as important predecessors to Schmitt's own authoritarian distinction between

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<sup>29</sup> Pierre Bourdieu furthered this narrative by attributing modernisation to a new group "that owed its position to its professional competency, and therefore to the state and its culture: civil servants" (Bourdieu, 2005, 45). According to Bourdieu, the division of labour between nobility "endowed with reproductive capacity but reduced to political impotence" and state officials "politically powerful but deprived of reproductive capacity." It is precisely because the officials lack economic power that they "owe everything to the state they serve" to remain in power (Bourdieu, 2005, 38.). Along this division, Bourdieu claims, is where the development of the modern state happens. "The transition from the dynastic state to the bureaucratic state is thus inseparable from the movement whereby the new nobility, the 'state nobility' (or *noblesse de robe*), ousts the old nobility, the nobility of blood" (Bourdieu, 2005, 40). Through a process of this distinction, which Weber called bureaucratisation, the distinction between public and private begins to appear. "It leads to the constitution of properly political order of public authorities, endowed with its own logic (the reason of state), its autonomous values, its specific language, and distinct from the domestic (royal) and the private" (Bourdieu, 2005, 43). The bureaucratic state corresponds with the public, since state officials – "disinterestedness being an essential attribute of the civil servant" – are servants of state interests (Bourdieu, 2005, 43).

the political and social. There have been many different intellectual backgrounds that scholars have used to make sense of Schmitt's theory of sovereignty. For example, by contextualising Schmitt's thought in the legal debates of the 19<sup>th</sup> and early 20<sup>th</sup> century (Schupmann 2017), Hegel's political and legal theory (Mehring 1989; Rasch 2019), Weber's sociology (Engelbrekt 2009; Magalhães 2016), Christian theology (Ostovich 2007; McCormick 2011), conservatism in general (Wolin 1992; Thorup 2005; Pankakoski and Backman 2019), existentialism (Wolin 1990; Carty 1994), and obviously Hobbes and other theories of sovereignty (Dyzenhaus 1994; McCormick 1994; Thomsen 1997; Altini 2010; Tralau 2010). My point in underlining Hobbes and Rousseau is neither to claim that it is the only context that is relevant nor discuss Hobbes' and Rousseau's influence on Schmitt's thinking. Rather, to discuss Schmitt's theoretical justification of de-politicisation of the economy, their theories of sovereignty provide a crucial theoretical background. In this context, Hobbes and Rousseau are both relevant as they argue for the foundational role of political power for social order. Both understand authority as necessary for establishing a public interest that trumps private ones. Without political power and authority, there is no way to limit the possibility of private interests from destroying the social order. It is for this reason that coercive power needs to be authorised to ward off threats to the public interest.

However, my point is not to draw direct lines of influence between these two theorists of sovereignty and Schmitt. Rather, my discussion of earlier theories of sovereignty is meant to establish a consistent approach to the state's relationship with the economy that is not liberal but authoritarian. All three, Hobbes, Rousseau, and Schmitt, see the role of government as upholding limits to political action in the social sphere. According to them, without power over social relations, there is no way of limiting politicisation and maintaining order. Schmitt's conceptual distinction between politics and economy is meant to establish the basis for evaluating when the state's interventions are order-producing, that is, de-politicising. By making this statement, I am defining my broader objective in this thesis. It is far too often that all limits to the economy are reduced to analyses of liberalism. This has meant that Schmitt, too, has been claimed to adhere to a version of liberalism simply because his theory justifies limiting the politicisation of the economy. To me it seems that the focus on the liberal side of de-politicisation has produced a one-sided narrative. Hobbes and Schmitt should not be reduced to a precursory role for various subsequent liberal theories. Rather, it is my task in this chapter to flesh out the authoritarian aspect in the authoritarian distinction.

Sovereignty is approached here as way of theorising political communities and political power rather than a real historical institution. Of course, theories that posit sovereignty as the foundation of a political community seek to establish the legitimacy of specific institutions, mainly the state or its constitution. It should be pointed out that different theories of sovereignty tend to disagree on how to locate and attribute sovereignty. Whereas Hobbes attributed

sovereignty to the head of the state, whether it was a monarchy or a democracy, Rousseau argued that sovereignty cannot be transferred from the people (Rousseau 2008b, II, i). Nonetheless, my argument is that both rely on similar authoritarian ideas when it comes to the relationship between political power and the economy.

To discuss sovereignty in this way as a power that is connected to upholding limits, rather than a tangible institution, enables me to explicate a crucial difference between sovereignty and the state. In this context, theories of sovereignty concern the legitimacy and authorisation of the state's repressive power. Here, sovereignty is understood as sovereign power. Hobbes, Rousseau, and Schmitt do not claim that all states are sovereign in so far as the state's repressive power requires authorisation and legitimacy to become sovereign. Sovereignty establishes the normative basis for a legitimate state and its use of power. Later in Chapter six, I argue that Schmitt's concept of the political is meant to establish a qualitative difference between the Weimar Republic's weak and failed state and the state as it should be. If all states were sovereign to begin with, there would be no need to theorise sovereignty. Sovereignty as a concept does not simply mirror reality. Rather, it is about the legitimacy of repressive power.<sup>30</sup>

### 3.1 THE DIFFERENTIATION OF THE ECONOMY FROM THE POLITICAL

This section offers a historical overview of the distinction between economic and political powers, that is, the modern development of the relationship between the economy and state. As my focus is on the theoretical and conceptual side of this development, a historical exposition, although brief and unsurprising, is important in clarifying a background for my theoretical discussion. There are concepts such as the "state" and the "economy" that must be given actual reference points. My focus is on the development of the state and the economy into their own distinct spheres. I will focus on the general development of modern politics in Europe.<sup>31</sup> This means namely the

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<sup>30</sup> In fact, one could oppose theories of sovereignty in a similar manner that Foucault has challenged analyses of politics through the sovereign model (cf. Dean & Zamora, 2021, 88; Oksala, 2012, 42). Foucault refused to analyse power based on the opposition between state and society in the traditional sense of conceiving the state as the source, holder and exerciser of power, and society as an absence of power (Foucault, 1994a, 89). His own analysis of power, as is commonly known, was to challenge such a view and discover power within all social relations (Lemke, 2019, 101). As I will claim below, the argument regarding the unity and centralisation of power is not simply a reflection of reality – an argument that could easily be contradicted – but a theoretical basis for establishing normative limits to politicisation.

<sup>31</sup> However, this development is not as linear as it might seem. For example, when it comes to the modernisation of the state into a monopoly of political power, Benno Teschke has convincingly analysed this process as being far from a linear progress towards the state in the sense we understand it now. This



emergence of the distinction between two domains: state and society. I follow here Ellen Meiksins Wood's study of the historical separation between political and economic power. Meiksins Wood claims that this development creates "two distinct 'spheres', each with its own dynamics, its own temporalities, and its own spatial range" (Meiksins Wood 2017, 177). These two spheres then become increasingly autonomous and distinct in the sense that they start to operate according to their own specialised rationalities. The idea that the state has its own rationality, commonly known as *reason of state* (Gr. *Staatsräson*, Fr. *raison d'état*, It. *ragion di stato*), is a normative notion since it was meant to demarcate what tasks belong to the state in contrast to the church's influence on political matters. As Friedrich Meinecke defined it in a landmark study from the 1920s, the reason of state refers to the rationality of state officials rely on to preserve and increase its power (Meinecke 1925, 1). Even though my own discussion of sovereignty will not make use of this notion of the state having its own rationality, the development of such a rationality has important entailments for my own discussion of sovereignty.

In this development, the most relevant aspect is the development of the economy to its distinct sphere, which becomes responsible for the material reproduction of the social order. One of the classic narratives was provided by Weber, who argued that the centralisation of political power took place when the nobility and other private actors were dispossessed of their political power to govern and administer. Weber analysed this process of modernisation by drawing attention to the development of the civil servants as a political class. Their task was to service the interests of the state and not their own. Through this bureaucratic order and its own rationality, the state becomes the central node for political power. Whereas the nobility used to have both political and economic power, in the civil service "no single official has personal ownership of the money being spent" (Weber 1992, 165-167). Modernity for Weber therefore means the separation of the ownership of material resources and the means of administration. In this development economic and political spheres start to operate "according to completely different laws" (Weber 1992, 166). A crucial aspect of modernity in politics, in the context of my thesis, is about the distinction of these two autonomous spheres.<sup>32</sup>

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is especially the case in the French absolutism, the development of which is distinct from the development of the capitalist state in Great Britain as far as it was more parcelled and its political and economic powers were less differentiated (Teschke 2011, 180; cf. Meiksins Wood 2017, 105).

<sup>32</sup> Weber's narrative has been very influential, and for example Jürgen Habermas utilises it in his own narrative of the formation of the modern state. The two defining characteristics of the process of modernisation of the state "were the sovereignty of state power embodied in the prince and the differentiation of the state from society through which a core of individual liberties was conferred [...] on the private citizens" (Habermas, 1998, 403). The executive branch of the state becomes detached from royal institutions and forms its own bureaucratic organisation of state official (Habermas, 1998, 400).

The development of the political to its own sphere is crucial here. Most importantly, a development of two distinct powers occurs. Meiksins Wood has argued that in the history of capitalism, the historical differentiation of political and economic powers marks a starting point for modern capitalist formation of the state and society. In the feudal “parcellised sovereignty” and fragmentation of political power landowners could use extra-economic coercion to reap benefits (cf. Teschke 2011, 169). The imperial state, in contrast to the modern state, “was in effect broken into fragments in which political and economic powers were united in the hands of private lords whose political, juridical and military functions were at the same time instruments of private appropriation and the organization of production” (Meiksins Wood 1995, 38). The development of the modern state is centralisation of political power, which causes the distinction between political and economic powers.

This was altogether different in pre-capitalist political communities, in which according to Meiksins Wood, “the unity of economic and political power that characterized pre-capitalist states, in which exploitation was carried out by ‘extra-economic’ means” (Meiksins Wood 2017, 167). This is possible in political systems in which those vested with political power hold economic power as well. This fundamentally changed with the establishment of state officials that only wielded political power. The development of the distinction is a two-way process. It is not only that society becomes an autonomous space, because that also happens with the state. There would be no differentiated social sphere if the state wouldn’t develop into an independent one as well. According to Meiksins Wood, the development of the differentiated economic sphere and the “expulsion of politics” from it is also the “transformation of the *political* sphere” (Meiksins Wood 1995, 44). Public duties and private appropriation are separated from one another, so that the former becomes strictly “the performance of military, juridical and administrative functions” (Meiksins Wood 1995, 31). Political power becoming an altogether distinct form of power with capacities specific to it marks an important part of the modernisation of politics.

However, we should not liken this development to a teleological process. Rather, this development takes many forms across Europe. In England, where fragmentation was overcome with centralised sovereignty, the central state’s monopoly over extra-economic means of coercion takes away aristocracy’s powers of surplus extraction, the loss of which “they more than made up for with increasing ‘economic’ powers” (Meiksins Wood 2017, 98-99). The ruling class’s private economic powers were not in conflict with the centralized state,

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The modern state is most prominently an administrative one that has its distinct rationality from other social spheres.

which enables an integrated national economy – one that was lacking in places like France in the 18<sup>th</sup> century, where “powers of exploitation that were political and economic at the same time [...] tended to fragment both state and economy” (Meiksins Wood 2017, 105). In England, the ruling class’s methods of exploitation were purely economic, thus forcing the tenants to increase productivity and, ultimately, join the common markets to reap better profits to survive under the economic pressure coming from landowners. “While English landlords relied on the state to enforce their class interest [...] their direct material interests lay not in acquiring a piece of the state so much as in enhancing their *economic* powers of appropriation, the powers rooted directly in their control of land and its productive uses” (Meiksins Wood 2017, 117). The difference to the French aristocracy was fundamental. Because in France the landowners could use extra-economic means to exploit peasants, the ruling class was not interested in encouraging competitive improvement of production. The English landowners lacked extra-economic means to gain profits, and so they had to develop their economic powers through a competitive rent system based on the maximisation of profits. This creates the imperative to improve production and makes all production to be dependent on the common markets (Meiksins Wood 2017, 102-104).<sup>33</sup>

According to Meiksins Wood, the development of politics and the economy as their own autonomous spheres was due to the centralisation of the state as the unification of political power as something distinct. Specifically, in England there was “a kind of division of labour between political and economic power, between monarchical state and the aristocratic ruling class, between central political power that enjoyed a virtual monopoly of coercive force [...] and an economic power based on private property in land” (Meiksins Wood 2017, 172). This separation, then, creates “two distinct ‘spheres’, each with its own dynamics, its own temporalities, and its own spatial range” (Meiksins Wood 2017, 177). However, this does not mean that coercive power becomes superfluous, but simply that market imperatives, which work according to their own logic, “set the terms of social reproduction” (Meiksins Wood 2017, 195). Even the state becomes, therefore, dependent on the functioning of the economy. Under capitalism, “all economic actors depend on the market for

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<sup>33</sup> An important thinker here is Locke, who claimed that common lands could be claimed and enclosed through labour that improves the land’s exchange value. Locke’s idea was that common land is waste, and its enclosure would render it fruitful and improve its value. This idea gives strength to solidifying economic power of landowners, so that a piece of land can be owned exclusively, and the profits and ownership it reaps are not those of the labourer both of those who pay for said labour. “Increasingly, the principle of improvement for profitable exchange was taking precedence over other principles and other claims to property, whether those claims were based on custom or on some fundamental right of substance” (Meiksins Wood, 2017, 114.). The peasants and the landowner’s profits are tied to the markets and competition among producers, so that the interests of the economic ruling class become equivalent to ensuring the good functioning of the economy.

everything they need” (Meiksins Wood 2003, 11). This is different from non-capitalist societies, in which the markets do indeed exist, but the state is not dependent on them (Meiksins Wood 2003, 17).

With the development of the capitalist economy, a new form of governmental rationality emerges. Regulation is something very different from production (Therborn 2008, 166). Whereas in non-capitalist societies the source of power is unitary and easy to identify – since coercive and productive power are entrusted in the same hand, “coercion in capitalist societies, then, is exercised not only personally and directly by means of superior force but also indirectly and impersonally by the compulsions of the market” (Meiksins Wood 2003, 10-11). Regulation becomes necessary to deal with forms of impersonal power of the markets that threaten the security of the state. In capitalist societies, where appropriation of the means of production is excluded, regulation becomes the main tool to ensure security. Thus, the modern distinction between the economic and the political is mediated through the concept of intervention. Interventions, as Meiksins Wood points out, might be needed to ensure stability and predictability, which are necessary for markets to operate (Meiksins Wood 2003, 17-18). State power as coercive force is needed, and therefore the independence of the markets does not do away with the state, but simply limits its role. The sovereign no longer had the right to encroach property for the sake of security but, instead, was subjected to law in its actions.

According to Habermas, during modernity the relationship between the state and the economy becomes crucial. On the one hand, a state needs revenue, so it must have the right to establish various forms of taxation for its subsistence. On the other hand, to maximise its tax revenue, the state has to allow for the independence of the market to work according to its own logic. “While markets can be established and regulated by political means, they obey a logic of their own that escapes state control” (Habermas 1998, 400). The autonomy of the markets means that the state becomes something external to them. While Meiksins Wood has convincingly argued that this development cannot be universalised to all European countries, both argue that the differentiation of the markets from politics creates a dual image of political power. On the one hand, the economy needs regulation and coercive power, and on the other hand, the state is dependent on the functioning of the economy to produce basic material needs. Because the state is dependent on the markets to produce necessities and revenue, it has a stake in the smooth operation of the markets. Regulation and detachment ensue from this. Since the state is dependent on the markets, it cannot completely detach itself, but neither does it want to interfere too much. It is the issue regarding how to understand this relationship between the state and the economy that becomes a site of struggle for political, legal and economic theorists of various strands.

These developments should not be taken as linear and universal to all European countries. Rather, the distinction between the state and society is in itself a site of struggle throughout modern politics and varies from country to country. For example, Chris Thornhill points out that in Germany the imperial state, with its slow development of democratic institutions, created a strong division between state and society (Thornhill 2000, 4). This division became defining factor of German political thinking, as it was preoccupied by the question of “the distance between state and society, and the difficult attempt to link the two” (Thornhill 2000, 17).

It is this problem regarding the role of state intervention that is at stake here. Writing about the break between old cameralist economic science and the modern political economy, Hans Frambach points out that “the ideas of state and civil society, perceived to be identical during the eighteenth century, ceased in the nineteenth century to be synonymous” (Frambach 2017, 249). Whereas in the 18<sup>th</sup> century cameralists thought that the absolutist state was responsible for the people’s welfare, the 19<sup>th</sup> century liberals claimed that it was based on the operation of society as such. Liberal economic theory, in contrast to cameralism, is the science of how to enable the inner mechanisms of the economy to produce well-being (Frambach 2017, 246-256; cf. Kaplan and Reinert 2019, 745). To quote Frambach again, “happiness remained the proper concern of government; but [it was] no longer to be achieved by the ruler acting alone” (Frambach 2017, 246). The state’s concern to ensure the welfare of its citizens is outsourced to society. A task the ruler now faces is to ensure that society functions properly. However, rather than discuss the liberal understanding of the relationship between state and society, I will now move on to my discussion of theories of sovereignty in this context.

## 3.2 ANALYSING SOVEREIGNTY

Theories of sovereignty approach the relationship between political power and society by underlining the foundational and necessary role of politics for social order. In Hobbes’ *Leviathan*, the central idea is that political power is necessary for civil society and public order to remain secure. According to him, the methods the state has at its disposal are crucial for people to remain within the bound of social order (Hobbes 2018, XIV, § 63-64). “Covenants, without the Sword, are but Words, of no strength to secure a man at all” (Hobbes 2018, XVII, § 85). The only way to establish of a Common-wealth, which is able to defend from invasion and injury, is to transfer all power to the sovereign who will “reduce all their Wills, by plurality of voices, unto one Will”, that is, to form the sovereign is to submit will and judgement to the sovereign (Hobbes 2018, XVII, § 87). Even though Rousseau’s ideas about the state of nature are somewhat different to Hobbes, he points out that society is established to overcome certain obstacles that humans face in a natural situation. In the

*Social Contract* he writes that “the sole means that they still have of preserving themselves is to create, by combination, a *totality of forces* sufficient to overcome the obstacles resisting them, to direct their operation by a single impulse, and make them act in *unison*” (2008b, I, vi; emphasis added). This means that, like Hobbes, Rousseau understands political power as something that should become strong by becoming unified and centralised. This idea, as I will argue throughout this thesis, is central to theories of sovereignty. However, before moving onto my interpretation I will briefly discuss some other ways of understanding sovereignty in political philosophy and theory.

In Foucault-inspired political theory, sovereignty has been interpreted primarily as an instrument of repressive violence in the name of security. As Foucault himself claims, sovereign power is characterised through its right over life and death. The sovereign can “legitimately wage war and demand its subjects to take part in the defence of the state” (Foucault 1976, 177; cf. Agamben 1998, 87). In the development of the state, as Foucault points out, this right, instead of being absolute, becomes relative to the continuation of the state and therefore a right of self-defence. For Hobbes, the right for self-defence is transferred to the sovereign and becomes therefore a dissymmetrical right in relation to the subjects, so that the right of the sovereign can be formulated as the right to take lives or to let live (“le droit de *faire mourir* ou de *laisser vivre*”) (Foucault 1976, 178). “Law cannot be nothing but armed, and its weapon, par excellence, is death; for those who transgress it, law responds with this absolute threat, at least as a last resort. Law always is referred to as a sword” (Foucault 1976, 189). However, it is my contention here that theories of sovereignty do not conceptualise sovereign power as merely repressive. What the sovereign state establishes is stability instead of repression. Rather than merely securing already existing identities and social relations, theories of sovereignty conceptualise sovereign power as responsible for (re-)producing them.

To ward off the state of nature from recurring, it is argued, the sovereign is tasked with enforcing certain limits and sanctions to individual behaviour. As Achille Mbembe succinctly summarises this idea, “the security state thrives on a *state of insecurity*” (Mbembe 2016, 77; Mbembe 2019, 54). Similarly, Frédéric Gros elaborates that both Hobbes and Rousseau are in unison about the centrality of the concept of security in their political theories, and about the essential difference of the state of nature and civil state (Gros 2019, 75). “Security,” Gros emphasises, “is simultaneously as the principle of the state’s foundation, the ultimate cause behind civil societies, the source of legitimacy for the authorities, and the objective of instituting political communities” (Gros 2019, 76). Security then justifies both the institution and the constitution of a state and allows for evaluating the state’s functioning. Therefore, the notion of insecurity is fundamental here, and Gros refers to it as the aspect of “negative sociability” in Hobbes’s and Rousseau’s theories. It refers to the simple fact, already described in chapter, that in a state of nature

the people's sociability is characterised by mutual distrust. Distrust means insecurity, which generates a need for the creation of a civil society that establishes the basis of trust and positive sociability (Gros 2019, 81-82).<sup>34</sup>

Of course, the need for security implicates a state of insecurity that justifies the establishment of a political system.<sup>35</sup> As Rousseau points out, "the purpose of political association [is] the security and prosperity of the associates" (Rousseau 2008b, III, § ix). To point out the obvious, Hobbes and Rousseau disagree about what constitutes security and what kinds of powers can be justified. As Rousseau argues, security can work as a pretext for overreaching the limits of legitimate governing (III, § xviii). However, obviously then the state would not be secure at all but become a mere instrument for the personal interests of the ruler(s). For the state to not be an instrument for anyone in power, a mere reference to the possibility of insecurity does not suffice. Rather, power must become legitimate, that is, sovereign in the actual sense. The sovereign has the *right* to demand obedience from subjects and use violence against those who dissent. Without this crucial aspect, theories of sovereignty would be unnecessary as just about any form of domination would do.

In political theory, many have relied on Foucault's analysis of sovereignty as a "juridical model." By this he meant that the concept takes place within the modern legal discourse and establishes legal basis of political power and "the legal obligation of obedience" (Foucault 1997, 23-24). Sovereignty is juridical by nature and founds the subjectification of individuals into legal subjects (Foucault 1997, 37-38). There are good reasons for analysing sovereignty in the juridical context. One of sovereignty's traditional attributes – originating with Bodin – has been monopoly of legislation within a territory (i.e., *legibus solutus*) (Bodin 1986, 306). For this reason, many have analysed sovereignty

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<sup>34</sup> Schmitt discusses this distinction in the *Dictatorship*, where he gives an answer to the so seeming contradiction between Machiavelli's *The Prince* and *Discourses on Livy*. How could the two books be so different politically speaking? For Schmitt, the difference is merely technical. "The political organisation of power and the technic of its maintenance and its enhancement differs with different forms of state." Whereas in the *Discourse* Machiavelli bases his technical consideration "the good instincts of the people", in *The Prince* he assumes that people are "by nature evil, beastlike, rabble" (Schmitt, 1921, 7-9.).

<sup>35</sup> The centrality of security is not without precedent. As is commonly known, in Cicero's *de Republica*, security (*salute*) is defined as the fundamental principle of the state (Cicero 1998, III, 34-35, 69; cf. Tuck, 1999, 22). *Salus populi* (safety of the people), which Cicero discusses also in *De Legibus*, is the "supreme law" that trumps all other laws in its way during a situation threatening the state's existence (Cicero 1998, III, 8, 152; cf. Poole, 2015, 1). A state has every right to defend itself, according to Cicero, in the name of protecting itself and its citizens. This tradition of establishing the state's fundamental function in safety is followed most prominently by Hobbes in *Leviathan*, which defines *salus populi* as the sole business of the state (Hobbes, 2018, introduction). It means that the fundamental right is the citizens right to security. According to legal historian Thomas Poole, this creates a need in extraordinary moments for a procedure that permits the subversion of other laws "for the purposes of safeguarding the legal order as a whole" (Hobbes, 2018, introductio). In moments that threaten the state's existence, the legal order must be put aside in order to protect the life of the citizens and the state.

in Foucault's footsteps as a power that operates essentially in and through law. For example, Johanna Oksala follows Foucault in claiming that sovereignty is strictly a juridical model of power (Oksala 2012, 42). Against Agamben's idea that sovereignty is an ahistorical basis for all politics in the West since antiquity (Agamben 1998, 8), Oksala argues in favour of Foucault's idea that "sovereignty had to be analysed as a power formation that had undergone fundamental transformations in Western political history" (Oksala 2012, 94). Her worry is that if we stick to the old analysis of sovereignty as juridical power, many new transformations of sovereignty and state power might be left unseen.<sup>36</sup>

Interestingly enough, there are also those who argue contrary to understanding sovereignty as a juridical model. In the history of modern republican and liberal thought, it is argued, law was seen as something that limits and even contradicts political power. According to Arendt, the nature of government has traditionally been defined by the distinction between law and power. The tradition originating from antiquity into modernity understands power as necessary for enforcing law, and law as the limit or "boundary of power" (Arendt 2018, 43-44). This means that law is seen as an external limit to power. "Historically," as Richard Wolin claims, "liberal institutions have provided a bulwark for civil society against unwarranted encroachments by the state" (Wolin 1990, 403). The idea is that the separation of powers and law are established to limit political power. Similarly, more than a century and a half before Wolin, the liberal historian, Guizot, stated that there are two ways to understand sovereignty. One claims that sovereign power is a real force that exists in political systems, whatever the institution may be (the monarch, the people, etc.). The other one argues for the separation of powers to make sure that "sovereignty as a right can exist nowhere upon earth, and ought to be attributed to no power" (Guizot 2002, 226). The liberal state, therefore, is typically described as a "limited state" in contrast to the absolutist one (Bobbio 2005, 5). The idea is that theories of sovereignty want to establish unlimited power and liberals want to limit it to a minimum.<sup>37</sup>

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<sup>36</sup> For example, she claims that new forms of governmentality were honed and implemented during the USA's retaliation against the September 2001 attacks so that law became an instrument for controlling the population. This was a new form of governmentality that operated "through the logic of efficiency, professionalism, and successful management, not judicial legitimacy" (Oksala, 2012, 111). This means that, after 11 September 2001 especially, sovereign power had transformed in an irredeemable manner from the juridical model. However, Oksala seems to contradict this statement herself by pointing out that Schmitt's position was that the legal order is preceded by a decision that is not legal by nature and, furthermore, "the sovereign must have the power to set these limits and thereby provide the ungrounded ground of the law" (Oksala, 2012, 87). Even though I agree with Oksala that sovereign power is not devoid of historical development, it is for these reasons that my own discussion of sovereignty will not circle around the juridical model.

<sup>37</sup> It could be argued that this is a perspective on power has been in place as long as there has been organised societies. However, anthropologists seem to approach the relationship between power and



One traditional way of distinguishing between theories of sovereignty from this perspective have been those who contrast it to theories that underscore the pre-political nature of justice (Schröder 2018, 557-558). In the so-called natural law tradition, law was seen as something that derives its legitimacy from a source that existed before law is established. Particularly relevant sources of law after antiquity have been the bible and the various interpretations of Roman law (Ibbetson 2018). In a similar fashion, Kant claims that the legitimacy of law is based on reason, which is based on human nature as the natural capacity to use reason and develop ones rational faculties (Kant 1992, 29; Kant 1999, 24-25, 27). The general and perpetual norm of any civil constitutions, Kant argues, is established through “pure concepts of reason” (*reine Vernunftbegriffe*) (Kant 2005, 103).

However, I am looking at sovereign power and the question of limits from an altogether different perspective. The concept of sovereignty interprets power as the origin of limits and establishes the legitimacy of limiting political action.<sup>38</sup> For example, the American philosopher of law, John Austin (1790-1859), claims that sovereignty is the source of law that limits individual action (Austin 1995, 21, 165; cf. Vinx 2013, 58).<sup>39</sup> Limits are always political and sovereign power is their original source. However, it is not only theories of sovereignty that have grasped this aspect of power’s limiting nature.<sup>40</sup> According to Arendt, Montesquieu understood that the only thing that can limit political power is that “power can be stopped *and* still be kept intact only by power” (Arendt 1990, 151).<sup>41</sup> My focus is on what makes theories of

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limits from various perspectives. On the one hand, David Graeber and Marshall Sahlins put it in their book on traditional kingship, the struggle between kings and their subjects “can best be understood as different moves in a continual chess game played between king and people.” In such a game, the king seeks to expand the capacities to use power and the people are interested in “confining, controlling and limiting” this power (Graeber & Sahlins, 2017, 8.). On the other hand, Pierre Clastres argues that what is distinct to primitive societies, in contrast to kingship, is that the leader of a community is a servant that is limited by the will of others. As Clastres explains it, in Native American tribes power is not wielded by the chief because “the chief’s word carries no force of law” (Clastres, 1974, 175-176; cf. Cocks, 2014, 79.).

<sup>38</sup> As Achille Mbembe phrases it, sovereignty is “defined as a twofold process of self-institution and self-limitation (fixing one’s own limits for oneself)” (2003, 13).

<sup>39</sup> However, Austin did fall back on the traditional liberal distinction between law as a limit and sovereignty as limitless. According to Austin, laws that “sovereigns affect to impose upon themselves [...] are merely principles or maxim which they adopt as guides [...]. A departure by a sovereign or state from law of the kind in question is not illegal.” (Austin, 1995, 213.)

<sup>40</sup> In fact, Dyrberg claims that power as such needs to be conceived through the idea of a limit (Dyrberg, 1997, 17)

<sup>41</sup> Furthermore, Arendt attributes to Montesquieu the discovery regarding power was that its distribution into different branches of government did not diminish it is in fact generates it (Arendt, 1990, 151-152). For Arendt, power can be divided “because it is not *one* instrument to be applied to *one* goal” (Arendt, 2018, 52). To centralise political power limits the freedom to therefore that power diminishes. In contrast, Rousseau’s idea of the general will, Arendt claims, narrows power because it

sovereignty specific when it comes to conceiving power in this sense. Furthermore, my analysis of sovereignty takes distance to these two traditions: the Foucauldian one that equates sovereignty with the juridical model and the liberal one that contrasts sovereign power and law.

I am interested in the conceptual strategy that confers state power with its sovereign authority. Therefore, I do not focus on a discussion of Schmitt's legal theory regarding the state of exception or constitutional law. Schmitt emphasised that the question of *who* the sovereign is should be seen as crucial to legal considerations regarding political order:

Of course, everyone wants justice, morality, ethics and peace. Nobody wants to commit injustice. But *in concreto* the only interesting question is always: who, in a concrete situation, decides what is right, how to achieve peace, what counts as a disturbance or an endangering of peace, and with which means are such disturbances conquered, and what counts as a normal and "pacified" situation etc. (Schmitt 1926/1988, 50).

It is a central task to locate the authority responsible in an exceptional situation. After all, Schmitt's famous definition of the sovereign is that "the sovereign is the one *who* decides on the state of exception" (Schmitt 1922/2015, 13; emphasis added). Even though in a normal situation the sovereign recedes into the background, the sovereign does not disappear but remains a part of the constitutional order. However, since my focus is not on sovereignty as an institution but rather as a concept that establishes the legitimacy of political power, this complex issue of sovereignty and the state of exception will have to be left to another time.

I am interested here in the role of the state rather than law, meaning that Schmitt's *Constitutional Theory* will not be discussed extensively. In it, Schmitt establishes that the constitution is based on the original political unity of a people, from which it derives its own substance (Schmitt 1928/1993, 3). This original substance can be in the material part of the constitution, which reflects the decision of the original *pouvoir constituant* – the founding power of the people responsible for a given constitution. The materiality of a constitution concerns the normative aspects, such as what is the form of the state and its basic principles. (Schmitt 1928/1993, 148-149.). In this sense, not

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reduces it to a unity and limits the ability of the people to act. It is not the people as a multitude that exert their power but the general will that "was indeed the theoretical substitute for the sovereign will of an absolute monarch" (Arendt, 1990, 156). In contrast, sovereign power is based on the demand that power is resigned to the government, a demand which contains "both the principle of absolute rulership, [and] of an absolute monopoly of power" (Arendt, 1990, 171).

all formally constitutional laws are material ones, and there could be a material constitution without formal characteristics (such as the “constitution” of Great Britain). The political unity of the people establishes the constitution, which founds the political order and enables the continuation of this political unity’s existence.

Even though issues regarding constitutional law will not be given more attention during my analysis, there are some elements of Schmitt’s constitutional theory that are relevant here. To flesh them out briefly, I will discuss Schmitt’s legal report from 1926, *Judicial Independence, Equality Before the Law, and the Protection of Private Property According to the Weimar Constitution*<sup>42</sup> (Schmitt 1926/2012; cf. Scheuerman 1997). Although it is a minor text when it comes to understanding Schmitt’s thought as a whole, it allows me to discuss some of Schmitt’s constitutional principles further. Schmitt wrote it to counter the SPD-led government’s plan to hold a referendum on the former king’s estate. The plan was to appropriate the property owned by the former monarch for the benefit of the public interest. Schmitt, among other conservatives, was against this plan and wrote a report that repudiated it as unconstitutional.

Schmitt argues that such appropriations cannot be done legally because they go against the original will of the constitution. Legislation is just as much tied to it as any other political institution established by the constitution (Schmitt 1926/2012, 24). In his view, the substance of the constitution cannot be altered by means of legislation. Simply because there are politically established demands and appeals for certain actions regarding the economy does not make them legitimate. “It is specifically the goal of the constitution to *restrict* appeals to political interests” (Schmitt 1926/2012, 25). Similarly, in *Constitutional Theory*, Schmitt argues that legislatively, the Weimar Republic cannot be transformed into a socialist state (Schmitt 1928/1993, 19, 35-36). Rather, the constitution establishes limits to what can and cannot be done in the economic sphere.

The crucial point Schmitt makes at the end of the report is that such unconstitutional acts of appropriation as isolated acts “are possible during a state of exception, but not as a law” (Schmitt 1926/2012, 23). Schmitt limits acts of appropriation to exceptional situations. In *Constitutional Theory*, he talks about it in legislative context: “The intervention into freedom and property does not *happen through law*, but instead *on the basis of a law*” (Schmitt 1928/1993, 152). Schmitt means that in a normal situation, law cannot be used as a mere instrument to appropriate whatever the legislator chooses. Rather, there are legal limits to such interventions. Schmitt refers here to Article 153 of the constitution, which states that “appropriation can

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<sup>42</sup> This is Scheuerman’s translation of the title (Scheuerman, 1997, 173).

take place *only on a legal basis*" (Schmitt 1928/1993, 152; cf. Schmitt 1929/1958, 119; Schmitt 1926/2012, 17). Here we can already see that Schmitt was not in favour of unlimited interventions. The political substance limits legitimate forms of actions that the state can take in the economic sphere.

However, Schmitt's issue with socialist appropriations is not simply a constitutional issue. Political parties have taken over the state and used it to further their own interests in a way that contradicts the constitution. Here, the constitution is an important element in reinstating political order. However, it is not the only aspect that is relevant. As I will point out, for Schmitt the difference between the normatively legitimate state and the state in which Germany finds itself in the early 1930s is not constitutional. According to Schmitt, political parties have made law into an instrument that merely allows them to further their own political demands in ways that contradict the original political unity. However, it is an issue that also concerns the capacity of the state to act in a way that upholds this original political unity. Schmitt demands that the sovereignty of the state has to be re-instated. Such a demand is not merely constitutional. Rather, I argue that to understand what is at stake in this demand, an analysis of Schmitt's conceptual distinction between the political and social has to be undertaken.

### 3.3 THEORIES OF SOVEREIGNTY

#### 3.3.1 AUTHORIZING POLITICAL POWER

The main idea that I will discuss for the rest of this chapter is how both Hobbes and Rousseau argue for the foundational character of political power for the social order. Sovereignty refers to the idea that political power should have the kind of authority that establishes the legitimate basis of subjection. This means that power should have the capacity to limit the actions of subjects and should therefore be strong enough to counter dissenters. Many theories of sovereignty tend to argue that sovereignty refers to the absoluteness of authority. For example, Bodin claims that the sovereign has absolute power (Bodin 1986, 179), so much so that a prince was in fact "an image of God" (ibid. 299). This divine authority of the prince was furthered by Hobbes' description of the sovereign as a mortal god. As Alexandre Kojève has pointed out, evoking divine authority means to defend a form of authority that cannot be opposed by any means (Kojève 2014, 12). This suggests that to theorise political power through the concept of sovereignty means to argue for the incontestability of political authority.<sup>43</sup> I agree with Maritain that for Hobbes and Rousseau, the sovereign

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<sup>43</sup> An interesting analysis that mirrors this idea is established in Ernst Kantorowicz's famous analysis of the king's "two bodies," of which the other is immortal (the political body) and the other mortal (the

is above its subjects in such a divine and therefore incontestable manner (Maritain 1953, 34). It is precisely this idea that is crucial to my understanding of the authoritarian distinction.

As Bernard Crick writes in his entry on sovereignty in the *International Encyclopedia of the Social Sciences*, sovereignty is present neither in the Roman tradition of politics nor in medieval Christendom. Sovereignty is something altogether different because it claims to be the ultimate authority and the condition for order. “Kings might claim to have the sole right to declare what the positive law was, but they could not claim to create it” (Crick 1968, 77-78). This is what modern secularisation of the state fundamentally means, that is, to claim that the sovereign is the final and ultimate source of authority. As Hobbes claims, sovereignty is the judge of “what Opinions and Doctrines are averse, and what conducing to Peace” (Hobbes 2018, XVIII, § 91). Whereas the medieval emperor held power over the secular realm and the pope over the divine, the sovereign is invested with authority to decide over both matters to ensure order and peace (Crick 1968, 78). With Hobbes this is evident in the way he declares that the covenant is the *origin* of justice (Hobbes 2018, XV, § 71), and when Rousseau writes that even though “all justice comes from God,” the right to make laws belongs to the general will (Rousseau 2008b, II, vi).

However, sovereignty has historical roots in earlier theoretical traditions. Both Bodin’s and Hobbes’ theories are especially based on an interpretation of Roman political thought and history (Straumann 2016, 279).<sup>44</sup> Nevertheless, theories of sovereignty are developed in a historically different context from ancient authors. As Kaius Tuori points out, “one simply cannot equate the workings of politics and law in a modern industrial society and a place like Rome, a strongly segmented society based on agriculture and trade, ruled by an oligarchy” (Tuori 2016, 15). The outline I have established above regarding the development of modern politics attests to this.<sup>45</sup>

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natural body). According to Kantorowicz, the body politic will later on be separated from the King’s mortal body and transferred to the parliament (Kantorowicz, 2016, 20-21).

<sup>44</sup> Tuori has pointed out that even though Roman political thought did in fact influence modern politics to a great extent, there are some unprecedented aspects of modernity that cannot be traced back to Roman politics. According to Tuori, this was especially the case when it came to the relationship between the state and its citizens their respective freedoms. “Of course, both traditions, the freedom of the state or the freedom of the individual, had a Roman foundation. What was not Roman (or even Machiavellian) was the conception of individual rights against the state” (cf. Tuori, 2019, 5.; Tuori, 2020, 57-58, 116).

<sup>45</sup> The relationship between these two refers to broader issue in modern politics. As Istvan Hont has pointed out, “the state form of modernity, the modern (as opposed to ancient) republic, emerged from these kinds of concerns about the compatibility between good government and profitable trade” (Hont, 2005, 7).

During the development of modern European politics, the religious foundation of politics became weaker. Theories of sovereignty especially sought to counter religious authority and establish a political authority that would be independent of it.<sup>46</sup> Theories of sovereignty, in their negation of religious authority, acknowledged that there is no ultimate truth capable of serving as a definite foundation for a political community, that is, they based their theory in the fact that there is no objective basis for overcoming the pluralism of perspectives in the political sphere.<sup>47</sup> Rather, what was needed was a political power capable of founding itself.

The modern pluralism of perspectives in politics is evident for both Hobbes and Rousseau. Both claim that all are free to use their reason to figure out what is best for their own self-preservation. As Hobbes says in the *Leviathan*, from the equality in the faculties of the mind arises the “equality of hope in attaining of our ends” (Hobbes 2018, XIII, § 60–61). The difference between individuals is that of judgement and perspective, that is, “what is conformable, or disagreeable to Reason, in the actions of common life.” They have different ideas about what should be called good, and therefore before coercive power private interests are the basis of the good life. State of nature continues if people act according to their own judgement (Hobbes 2018, XV, § 79–80). Similarly, Rousseau claims that all individuals have the autonomous capacity to be “the judge of how best to look after himself” (Rousseau 2008b, I, ii). Equality in the capacity to use reason thus enables differences in ideas of the good, from which conflict ensues. In such conflicts, there cannot be an ultimate answer about what is best for all. Rather, certain decisions must be made to establish a common good that excludes other ideas.

Since everyone is equal in physical and mental capacities, for Hobbes a state of nature is a situation of mutual competition and uncertainty. The sovereign is tasked with establishing limits to legitimate actions made by subjects, and therefore society is a system of limiting oneself in relation to others (Hobbes 2018, XIV, § 64–65). Subjects introduce restraint upon themselves for “their own preservation, and of a more contended life thereby” (Hobbes 2018, XVII,

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<sup>46</sup> As Arendt puts it, sovereignty “seemed to have found, within the political realm itself, a fully satisfactory substitute for the lost religious sanction of secular authority in the person of the king or rather in the institution of kingship” (Arendt, 1990, 159).

<sup>47</sup> This refers to a broader development of modern politics as such. According to Mouffe pluralism in politics means “the end of a substantive idea of the good life” (Mouffe, 2000, 18). Individuals have different ideas about the common good and how to organise society to reflect it. Groups and collective identities are formed around these differences in a quest for power to impose and assert views and ideas on society. This is characteristic of modern forms of politics. Whereas Aristotle and other pre-modern thinkers thought that there could be a fundamental *telos* of societies to be discovered through rational inquiry (cf. Ricoeur, 1957, 723–728), modern philosophers pointed out the conflict between different ideas about how to organize society is ultimately ineradicable and cannot be resolved through rational debate.

§ 85). Morality and justice ensue from the contract between people (for which Hobbes uses the biblical word “covenant”) as it establishes the distinction between just and unjust actions. “The definition of Injustice is no other than *the not performance of the Covenant*. And whatsoever is not Unjust, is *Just*” (Hobbes 2018, XV, § 71). The covenant is the origin of property, since without coercive power there is no justice, and there cannot be property without justice. “So, the nature of Justice, consisteth in keeping of valid Covenants: but the validity of Covenants begins not but with the Constitution of Civill Power, sufficient to compel men to keep them: and then it is also that propriety begins” (Hobbes 2018, XV, § 72). Sovereignty is then the origin of the limits on human action and the various rights that are made possible by such limits.

Whereas in the state of nature a plurality of uses of reason exists, society is governed by a common use of reason. The political society is then the source of morality, civility and property. A new form of social rationality dictates who gets to be a part of society. The laws of nature that Hobbes enumerates are the principles of this social rationality. They exist once “private appetite” is no longer the principle of good and bad, and whereas the private interests can change over time, the laws of nature are immutable and eternal (Hobbes, 2018, XV, § 79-80). Those who go against this rationality, for example somebody who thinks it is rational to break contracts, “cannot be received into any society” (Hobbes, 2018, XV, § 73). As the fifth law of nature dictates, everyone should “strive to accommodate” themselves to the rest. It is only those who try to fit into this social rationality should be seen as “sociable”, and those that do not should be cast out of society (Hobbes, 2018, XV, § 76).

I will next point out the similarities in Rousseau’s conception of political power. Here, I agree with Maritain that, even though there are important differences in their theories, they ultimately agree in the absoluteness of sovereign authority and its foundational character. “Rousseau’s state is nothing but the Leviathan crowned with the general will” (Maritain 1953, 41). Both understand political power as separate and transcendent from the people (Maritain 1953, 30).<sup>48</sup>

In *The Social Contract*, Rousseau makes a similar claim that society exists only if there is a common interest (Rousseau 2008b, II, i). A society is the social totality within the state. For the common interest to be the basis of governing “there should be no partial society within the state” (Rousseau 2008b, II, iii). Laws and governance establish society, so that sovereignty that lays down the law therefore has “the right to determine the conditions of society” (Rousseau 2008b, II, vi). The people establishing themselves as people and as a general will form a society. Those establishing a law of a people can be called creators

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<sup>48</sup> According to Maritain, both positions are absurd and nonsensical, as neither the state nor the people can govern “separately from themselves and above themselves” (Maritain 1953, 40).

of society (Rousseau 2008b, II, vii). Granted, Rousseau does admit the existence of a people with specific ways of life and social norms does exist before a constitution. A people suited for legislation is one that is “already united by some bond due either to its origins or its interests or to an agreement” and “one whose customs and superstitions are not deeply embedded” (Rousseau 2008b, II, x). This means that unlike Hobbes, Rousseau does not claim that law as such is the origin of right and wrong. Instead, law derives partly from the hearts of citizens, where “lies the true constitution of the state.” By this, he means the morals, custom and public opinion that the people already have before law in the formal sense (Rousseau 2008b, II, xii). Still, there is no social contract that establishes the just society without sovereignty. A people should exert itself as a general will and become sovereign to establish a society. Granted, there are social relations even before a state, but only after the people have been organised together does there exist a social totality.

Even though Rousseau’s ideas about the state of nature are somewhat different to those of Hobbes, he points out that society is established to overcome certain obstacles that humans face in a natural situation. In the *Social Contract* he writes that “the sole means that they still have of preserving themselves is to create, by combination, a totality of forces sufficient to overcome the obstacles resisting them, to direct their operation by a single impulse, and make them act in unison” (Book 1, vi). For this unity to become legitimate, a distinction has to be made between private and public interests, because if the former were to rule, that would mean a relationship between masters and slaves (Rousseau 2008b, I, V). Similar to Hobbes, Rousseau points out that in order to uphold common interest, there has to be a way to ensure allegiance to it: “For each individual can have, as a man, a personal will that is contrary or dissimilar to the general will that he has as a citizen. His personal interests can speak to him quite differently from common interest” (Rousseau 2008b, I, vii). To establish a social contract and common good is to unite the people through the establishing of common interest that triumphs over private ones.

The difference between private and public interests is central for establishing the legitimacy of coercion. According to Rousseau, a distinction must be made between the natural man and citizen: “we must clearly distinguish natural freedom, which is limited only by the strength of the individual, from civil freedom, which is limited by the general will” (Rousseau 2008b, I, § viii). The interests of the person can be dissimilar to the general will and therefore for Rousseau a natural person is different from a citizen in that the citizen’s interests are identical with the common interest (Rousseau 2008b, I, § vii). The common will is general because of “the common interest that unites them, for under this system everyone necessarily submits to the conditions that he [the member of the sovereign community] imposes on the others” (Rousseau 2008b, II, § iv). The establishing of a social contract means mutual self-



limiting of natural freedom for the sake of civil peace and common interests. In a society, the citizen's life is "no longer only a benefit due to nature, but a conditional gift of the state" (Rousseau 2008b, II, § v). The citizens consent to limit their actions and therefore, if they transgress these limits, in extreme cases it means that they consent to die if it is in the interest of the state. "By violating the laws, he ceases to belong to it [and] preservation of the state becomes incompatible with his own; one of the two must perish" (Rousseau 2008b, II, § v). A gift can be taken back and similarly, the state has the power to renounce citizenship from one of its members and take away that member's right to be protected.

It has not been my intention to equate Hobbes and Rousseau with one another. Rousseau is more careful in distinguishing between legitimate and illegitimate forms of government. Still, my outline of their theories is meant to bring out some common characteristics regarding the limiting role of sovereign political power. Both Hobbes and Rousseau agree that political power is authoritative and responsible for upholding unity among citizens. This means especially limiting the furthering private interests in a way that contradicts public interests. Both the *Leviathan* and *The Social Contract* argue for far reaching capacities of political power to establish limits to individual actions. Sovereignty refers specifically to the authority and legitimacy of this capacity of political power. The basic principle that will inform my analysis of Schmitt's political is that the sovereign political community is a unified whole within which order becomes possible. Even though they disagree in many ways regarding what sovereignty is and when political power is legitimate, Hobbes, Rousseau and Schmitt all agree on this principle.

### 3.3.2 SOVEREIGNTY AND THE ECONOMY

I will now move on to a more specific discussion regarding how Hobbes and Rousseau understand the relationship between state power and the economy. Their theories of sovereignty argue that economic order is only possible by means of political power. It should be noted that in contrast to Hobbes and Rousseau, Schmitt is operating in a fully developed industrial economic context. However, the development of the modern state that I have just outlined has made it possible to locate their theories in a similar position. All three, as I will argue later on, do not challenge the distinction between the state and the economy, but merely contest the way this distinction should be understood. My argument is that through an analysis of Hobbes and Rousseau a specific way of conceiving the relationship between the state and the economy can be discovered, one that can also be found in Schmitt's political theory. It is a distinctively authoritarian manner of understanding the role of the state in the economic context.

An important historical context for Hobbes' theory is the case of the *Ship money* in the 1630s, which makes the conflict between liberalism and theories of sovereignty more visible. It concerned the financing of military ships to protect the kingdom against the Dutch and French fleets. Martti Koskenniemi summarises the issue as follows:

If extraordinary expenses were needed, the King was expected to turn to the Parliament. But there was no guarantee that the Parliament would look favourably on the King's financial requests. To avoid such difficulties, Charles I resorted to extra-parliamentary levies, operating on his prerogative powers instead of under common law, and defending this by the argument that the country's military forces, especially the navy, were to be modernized in view of external threat. In 1634, Charles resorted to raising the so-called "ship money" with the ostensible intention of strengthening the preparedness of the country to fight piracy and to prepare for possible intervention from the Continent (Koskenniemi 2017, 366).

Using prerogative powers instead of law is when the issue of intervention comes in. The most important conflict among the legal scholars of that time was between the king's right of prerogative and property rights. This conflict concerned whether the king had the "freedom to manoeuvre" to protect subjects and property (Koskenniemi 2017, 368). On the one hand, as Poole portrays this conflict, there were those who sided with the king and argued that he had "a legitimate resource to supplement the common law in cases where the common law did not apply, such as emergency conditions" (Poole 2015, 32). On the other hand, there were those who argued against these prerogative rights by claiming that no need could have precedence over property rights.

Hobbes obviously stood in favour of the former principle and liberals like Locke of the latter.<sup>49</sup> The sovereign is the final judge of what is necessary for security and if sovereign demands something "by pretence of his power" there can be no legal objections to it (Hobbes 2018, XXI, § 112). In addition, since the sovereign is the one who establishes property rights, the prerogative has precedence over them. To quote Koskenniemi: "Rightly understood, there was no conflict between sovereignty and property. Property was a creation of, and dependent on the 'sovereign' to whom the multitude had transferred their rights" (Koskenniemi 2017, 370). The liberal counter argument and

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<sup>49</sup> For example, Locke claimed that property is something that already takes place in nature and is based in the original law of nature that precedes government (Locke, 2003, 2nd, V, §27-30).

prohibition of interventions, therefore, went strictly against this understanding of property. The right of property, as liberals would claim, predates sovereignty and therefore it should enjoy priority as a right to the monarch's prerogative rights.

In the case regarding ship money, those defending the prerogative rights of the sovereign ultimately lost. Koskenniemi writes that "if it was true [...] that state power was dependent on the wealth of the state, and wealth required well-planned commercial policy, then it was crucial to enlist leading economic operators in the state's business by liberating them to act in profitable ways" (Koskenniemi 2017, 371). Liberals, who claimed that property precedes sovereignty, were establishing the limits of society and state to enable markets to function profitably. The interests of the economic operators are also the interests of the state – and not the other way around. Even if interventions were needed, it was not directly for the sake of public but private interests (Koskenniemi 2017, 373). The centralisation of power, as I already pointed out, paved the way for the distinction of state and society, both historically and conceptually.

If the sovereign enables property to exist, does the sovereign then also have the right *over* property? For starters, the sovereign has the right to impose taxes to uphold an army (Hobbes 2018, XIV, § 68). Furthermore, for Hobbes all property is first common property until it is divided between subjects. That which cannot be divided is left to the common enjoyment of all, whereas that which can be neither divided nor enjoyed in common should be distributed according to an arbitrary system or a natural one. Hobbes seems to favour the latter option, so that "those things which cannot be enjoyed in common, nor divided, ought to be adjusted to the First Possessor" (Hobbes 2018, XV, § 77-78). Here, once again, the first possessor does not own the property based on the fact of being the one who possessed it before the covenant, but because the sovereign *grants* a possession to be transformed into property in the true sense. As Hobbes writes, the sovereign has the power to decide what goods a subject may enjoy (Hobbes 2018, XVIII, § 91).

According to the *Leviathan*, in a state of nature "if one plant, sow, build or possess a convenient Seat, other may probably be expected to come prepared with forces united, to dispossesse, and deprive him, not only of the fruit of his labour, but also of his life or liberty" (Hobbes 2018, XIII, § 61). This possibility of dispossession of one's own possession is proof for Hobbes that it is only after the establishment of the covenant that there can be any property in the real sense. The quarrel over possessions is what Hobbes calls competitions, which means the individual's search for gain. In such a situation the only way to hold on to a property is through individual strength. The uncertainty, whether one gets to keep the fruits of their labour, blocks all industriousness (Hobbes 2018, XVIII, § 61-62). From all this, according to Hobbes it follows that there is no property, "no dominion, no *Mine* and *Thine*," but only that which can be kept

for the time being (Hobbes 2018, XVIII, § 63, XXI, § 110). Because everyone has a right to anything in a state of nature, there cannot be property in the true sense because property needs a state capable of securing it (Hobbes 2018, XIV, § 64).

According to Hobbes, sovereignty gives “life and motion to the whole body,” whereas “wealth and riches of all particular members, are *strength*” (Hobbes 2018, § 1). Together they unite the so-called body politic. Later in Rousseau’s *Political Economy* sovereignty is characterised as being society’s “head”, whereas “public finance is the blood, which economic wisdom, performing the function of the heart, guides throughout the body, distributing life and subsistence” (Rousseau 2008a, 6). Should the communication between these two organs disconnect, and should “their formal unity be dissolved, [...] then the man dies, or the state disintegrates” (Rousseau 2008a, 7). What these analogies then describe is the organic interconnection of these two spheres. The economy and politics must be organised to form an organic whole.

In line with Hobbes’s argument, Rousseau claims that there is no property outside society. In a state of nature, there is no relevant distinction between one’s own and what belongs to others (Rousseau 2008b, II, vi). Before society “there is no permanent possession of property” (Rousseau 2008b, I, iv). For possession to become permanent, it must be established through legal means as property, that is, it must be taken over by the sovereign in order to be given back as property. What a person thus gains in joining society, according to Rousseau, is the *right* of property. This is different from possession, which is “merely the effect of force”, because property is “founded only on positive entitlement” (Rousseau 2008b, I, viii). Possession in the state of nature is negative in the sense that something is possessed to the extent that has not (yet) been dispossessed, whereas property is a right in the positive sense because it warrants respect by others in the society.

Without sovereignty, there is no property. Rousseau’s argument is not a liberal one that would simply claim that sovereignty adds simple protection and enforcement of already existing rights to possession. Instead, since each member of the sovereign society “gives himself to it as he then is, together with all his recourses, of which the goods which he possesses are part” (Rousseau 2008b, I, ix). Every possession becomes part of the sovereign and therefore belongs to the sovereign. The social contract demands that the state is the master of its member’s possession, which is then passed over to them as property. “Those having possession being thenceforward considered as persons entrusted with public property, and their rights being respected by all members of the state and maintained against foreigners with all its power, their act of ceding ownership to the state has benefited not only the public but, even more, themselves” (Rousseau 2008b, I, ix). Giving away one’s possession gives it back as property is beneficial to both the common and private interest. However, Rousseau insists that “the right of each individual over his property

is always subordinate to the right that the community has” (Rousseau 2008b, I, ix). This means that even if property is respected by society, the fact still stands that the rights of the society still triumph over that of the individual.

However, as I already pointed out, sovereignty takes over neither the production nor the ownership of goods and property. What Hobbes argues is simply that property cannot function as a limit concept for sovereign interventions. It is not the legal and general but *particular* acts of intervention and commands are legitimate. If security so demands, regulation and tax collection can be done through executive means. In the context of sovereign theory, even if Hobbes is quite radical in claiming that interventions on a non-legal basis are legitimate, he still remains within modern political tradition in wanting to centralise political power and not economic power. No matter how strong the sovereign, its acts remain within the bounds of intervention rather than complete appropriation.

### 3.4 CONCLUDING REMARKS

In this chapter, instead of arguing that Schmitt simply re-introduces the issue of the “ship money” in 20th century context, I wanted to establish a way of approaching the relationship between the state and economy that is authoritarian, which is anti-liberal and yet upholds the distinction between these two. Schmitt’s political context is in a developed industrial-capitalist state, which was altogether different from Hobbes’ and Rousseau’s situation. However, what my discussion of Hobbes and Rousseau has done is that it has established the authoritarian character of the way they see the relationship between political power and economy. It is against this background that I endeavour to analyse the authoritarian distinction in Schmitt’s own work.

## **4 THE CONCEPTUAL DISTINCTION BETWEEN THE POLITICAL AND THE SOCIAL**

The previous chapters have established the role of concepts for governing in general and the way theories of sovereignty theorise politics and political power in relation to the social. Here, I discuss the way Schmitt conceptually grasps the difference between the political and the social. My argument is that throughout Schmitt's writings in the Weimar Republic, his theory operates with a specific conceptual distinction that can be reconstructed to analyse the normative basis of his political ideas regarding the strong state and its relationship with the economy. This means that although Schmitt becomes explicit about this distinction during the late years of the republic, from 1927 to early 1933, I seek to show that this distinction is an operative aspect of his political theory, even if only implicitly, throughout his Weimar-era work. The year 1932, with the publication of the book version of *The Concept of the Political* and his presentations on the topic, does not mark a new phase in this respect in Schmitt's thought. To be sure, in one of his 1932 presentations, *Strong State and Sound Economy*, Schmitt claims that when it comes to the relationship between the state and economy, "we have to make distinctions, namely new distinctions" (Schmitt 1932/1995b, 79). I interpret such remarks regarding the state and the economy as ones that concern institutions but are justified by an underlying conceptual distinction between the political and the social. I argue that this *conceptual* distinction sets the normative basis for the *institutional* distinction between state and economy. Even though this authoritarian distinction becomes explicit in texts in the late 1920s, Schmitt's theory in the early 1920s was already implicitly utilising such a distinction between the political and the social to justify limits to politicisation. Furthermore, his political motives remain fundamentally the same, that is, dismissing liberalism to counter socialism and the democratisation of the economy; and so does the underlying conceptual distinction between the political and the social that establishes the normative basis of his Weimar-era political works in the economic context.

Schmitt's distinction enables him to establish a normative basis for the state to counter politicisation. As I will argue below in Chapter six, this means authorising state intervention as a practice that restores the state's monopoly of the political. Furthermore, the conceptual distinction between the political and social allows Schmitt to target party-politics and accuse it of bringing about a political situation in Germany that Schmitt described as "total", that is, a situation in which every social matter has been politicised. In a total situation, liberal parliamentarism is incapable of curbing the various parties from occupying the state and making decisions according to their own egoistic

interests. Schmitt argues that such a situation needs to be curbed by means of a strong state capable of countering parties from steering away from the will of the people and the constitution. However, Schmitt laments that it seems “as if no total state has formed, but only several [...] *social* parties that strive for totality” (Schmitt 1931a, 83-84; emphasis added). It is solely based on the distinction between the properly political and the social that Schmitt could pejoratively define these parties as merely social. Parties that struggle for democratic equality are social in the sense that the interests they further are not based on the political unity.

Since this critical notion of party politics is already present in Schmitt’s earlier texts (cf. Schmitt 1926, 29), Andreas Kalyvas has pointed out that even before Schmitt’s work on the concept of the political, he had already established a distinction between the political and the social (Kalyvas 2008, 149). Kalyvas argues that this allows Schmitt to criticise both liberalism and socialism, both of which take a step away from the political. In particular, Marxism destroys the political through a total fusion of it with the social (Kalyvas 2008, 150, 152). Kalyvas does not refer to the distinction as the reason “Schmitt ignored multiple forms of radical contestation that do not target the constitution directly but rather endeavour to challenge peripheral constellations of everyday power relations, local forms of domination, and more hidden practices of subordination that escape from the pincers of the legal system” (Kalyvas 2008, 185). Instead, he identifies the reason for this stemming from Schmitt’s way of prioritising legal categories in his political thought. However, what I want to argue here is that it is precisely the distinction between the political and the social that leads Schmitt to refute – rather than ignore – the various attempts to democratise the economy.

Based on the conceptual strategy that I have established above, this chapter analyses the normative groundwork of Schmitt’s theory. As already pointed out, political concepts establish normative limits to politics and justify depoliticisation. The distinctive features of a concept are what distinguish it from other concepts, and for Schmitt the distinctiveness of the concept of the political is precisely what sets the normative limits of politics. Furthermore, it is the specific relationship between the political and the social that is at stake in the distinction that I will discuss. Schmitt claims that “the *relationship* of the state to the economy is the actual object of domestic political problems, and the traditional formulations of the earlier state, which was built on the separation between state and society, are only appropriate for hiding this fact” (Schmitt 1931/1988, 153; emphasis added). It is not only that the economy has become politicised but that the relationship of state to the economy, or the distinction between the two, has become a political problem. This means strengthening the state against social forces but in a way that does not expand too uncontrollably into the social sphere. In the quote, Schmitt singles out the liberal interpretation of this relationship as a separation (*Trennung*) of state and society. In the early 1930s such a distinction had become obsolete, and

Schmitt sought to establish his own distinction between the political and the economy in contrast to it. However, Schmitt's target was also socialism and the welfare state, which expands into the economy without distinction (*unterschiedslos*). To counter both the liberal separation and the socialist "distinction-less" relationship between the state and economy, Schmitt crafted a conceptual distinction between the political and the social.

This chapter will analyse the conceptual distinction between the political and social. It is this conceptual part of the authoritarian distinction that I will analyse in this chapter, the institutional part will be analysed in Chapters five and six. I argue that in Schmitt's work, on one hand, the political is distinct from the social by being autonomous to it. On the other hand, the social is dependent on the political because there is no social order without political authority and power. This means that Schmitt's distinction is dissymmetrical and in line with the historical background regarding theories of sovereignty discussed in the previous chapter.

My analysis is reconstructive as far as Schmitt does not explicitly focus on the conceptual distinction. Rather, it is implicitly there in Schmitt's *The Concept of the Political*, in which Schmitt differentiates the political from the social. Also, there's plenty of material around the early 1930s in which Schmitt discusses the institutional distinction between the state and economy, from which I draw some conceptual entailments. Schmitt argued that the strong state should have a monopoly on the political. The concept of the political refers to an intensive unity that lays the foundation for a social order and upholds it. However, in Chapter five, I will discuss Schmitt's diagnosis of the total situation, in which political parties have occupied the state in a way that conflates the political and social. In this process, the state loses its grasp on the monopoly of the political. For Schmitt, the way out of this situation was reinstating a strong state capable of upholding political unity. As the monopoly of the political, the state's relationship to the economy would therefore reflect the conceptual distinction between the political and social. Therefore, Schmitt's normative statements regarding the institutional distinction between state and economy serve as evidence for the conceptual distinction between the political and the social.

In Chapter six, I will discuss the normative entailments of the conceptual distinction on the institutional one. It is the task of this chapter to uncover the normative conceptual distinction behind the institutional one. To reconstruct the conceptual distinction between the political and social, I will analyse a wide range of Schmitt's work and uncover it even from those texts that do not explicitly utilise it. My argument is that the distinction is anti-liberal and establishes a normative basis for an explicitly anti-liberal form of politics. This counters some of the recent interpretations of Schmitt as remaining fundamentally in the liberal tradition. Furthermore, I contend that the conceptual distinction is also implicitly anti-democratic. By bringing out these



two aspects in Schmitt's theory, I do not mean to conflate them. Rather, I hope to counter some of those arguments that claim that Schmitt was either anti-liberal but pro-democracy or pro-liberal and anti-democratic. While Schmitt's anti-liberalism is indeed immanent in his work, the anti-democratic aspects of his conceptual work will require some critical distance from Schmitt's own understanding of democracy. This latter task will be developed further in all three chapters.

In the following, I will first look at Schmitt's discussion of the liberal separation. Schmitt's critique of liberalism is a broad topic, and its magnitude cannot be given justice here. For example, Schmitt's critique of liberal separation of powers or individualism, and many other topics as well, will not be discussed here. My interest in Schmitt's critique is only where it is relevant as a contrast to his own authoritarian distinction between the political and the economy. I will especially focus on Schmitt's depiction of the liberal understanding of society as an independent sphere. After this, I will examine Schmitt's conceptual distinction between the political and social through an analysis of these two concepts respectively. At the end of this chapter, I will formulate some general principles regarding the authoritarian distinction and how it will be used in the analysis of the two chapters below. The distinction allows Schmitt to disqualify calls for democratisation of the economy as an illegitimate form of politicisation (Chapter five) and establish the normative basis for state interventions (Chapter six).

#### 4.1 THE NORMATIVITY OF THE CONCEPT OF THE POLITICAL

Among scholars, there is a tendency to think that Schmitt's definition of the political is merely descriptive. The distinction between friends and enemies, as Schmitt's student Erns-Wolfgang Böckenförde asserts, "focuses on the phenomenological criterion" and "to recognize this criterion is a precondition of any meaningful political action" (Böckenförde 1998, 38). However, I have already established above that the conceptual basis of founding a precondition for recognizing what is political and what is not, is most prominently prescriptive. Robert Howse makes a more nuanced claim saying that the concept does not "refer to any normative benchmarks *beyond* the concrete situation" (Howse 1998, 65). This means that even though the distinction might inform a concrete situation, it does not have normative entailments to politics *as such* (cf. Dyzenhaus 2000, 81). This claim was originally made by Leo Strauss. According to him, the concept of the political in Schmitt remains neutral to the content of a certain form of politics, because the concept itself does not distinguish between good and bad forms of politics (2001, 236).

My point here in is to show that the contrary is the case. I agree with Müller, who claims that Schmitt never intended his work to be a neutral analysis, but

“his strategic deployment of concepts, metaphors and myths [...] was part of a larger *combat spirituel*” (Müller 2003, 9). However, not only did Schmitt employ concepts strategically, but there was also a strategic element to how he understood them. Unlike John P. McCormick, who claims that Schmitt remained agnostic when it came to domestic matters, I argue that normative and prescriptive elements can be found from Schmitt’s theory of the political as such (McCormick 2016, 281; cf. Böckenförde 1998, 46). However, for Schmitt the distinction between the state and the economy is namely a *domestic* issue (Schmitt 1931/1988, 153), and Schmitt undertakes to re-define it to counter certain domestic political tendencies, namely the politicisation of the economy.

The analysis of the political as a concept enables me to put some critical distance between Schmitt and the reader. Even though Schmitt was to an extent “a mirror and a medium of his time,” to quote Müller once again, “he was also a supreme manipulator, a myth-maker and a political activist” (Müller 2003, 18). All conceptions of the political are ways to influence the way we understand and recognise politics, and Schmitt’s is a prime example. It makes no sense to separate Schmitt’s work on the concept of the political from his broader political work. Similarly, his attempts to establish a genealogy of liberalism should be viewed with suspicion as well. The institutional distinction between the state and economy is defined explicitly against Schmitt’s portrayal of liberalism. A selective and uncharitable readings of past thinkers and ideas does have political implications, especially in Schmitt’s case. Schmitt’s deconstruction of liberal politics, as Müller has aptly condensed, “was to serve the purpose of political destruction” (Müller 2003, 26). For this reason, whenever I discuss Schmitt’s understanding of liberalism, I will do so to understand Schmitt’s own position rather than assess its historical correctness. For example, according to Scheuerman, “Schmitt’s peculiar and highly selective appropriation of traditional liberal democratic definitions of the legal norm [...] represents an example of his tendency to rely on caricatures of early liberal political thought in order to disgrace contemporary aspirations towards political and social democratization” (Scheuerman 1997, 174). My analysis capitalises precisely on this idea that Schmitt’s historical reading of his political adversaries is meant to disgrace democratisation. The authoritarian conceptual distinction between the political and the economy is aimed towards limiting democratisation of the economic sphere.

All political concepts are normative in the sense that they establish limits, which is especially the case for the concept of the political. Minkinen is right in emphasising that Schmitt wants to “intervene in order to restore the political” (Minkinen 2018, 144). Concepts are a form of intervening in the order of things to take part in a political struggle. To quote Foucault’s description of modern political discourses in general, a political theorist “is inevitably on one side or another: he is involved in the battle, has adversaries,

and is working toward a particular victory” (Foucault 2003, 52). Concepts have a role to play in ensuring the victory over adversaries. This means that the political struggle is waged at the conceptual level with conceptual weaponry, to use Müller’s expression (Müller 2003, 24). As Meier asserts it, because Schmitt is a “theoretician of the political,” means that he is also “a political theoretician.” Writing about the political “can only be [...] a political treatise, determined by enmity and exposing itself to enmity” (Meier 1995, 4). To define the political therefore means to engage in politics – that is, in the political situation of one’s time and surroundings. In fact, Schmitt gives a collection of his essays and speeches – containing his first version of *The Concept of the Political* – a title that does not leave room for interpretation: “Positions and Concepts: In Battle with Weimar – Geneva – Versailles 1923-1939.” It was especially the international order that threatened the political unity of the state and, with it, the political as such. Against these attacks on state sovereignty, Schmitt wanted to defend the state as the locus of the political to ward off its disappearance.

However, Schmitt understood his task of restoring the political as a battle that would take place on multiple fronts. Aside from the international threat, there was also a domestic one. As Schmitt writes in *Political Theology*: “Today, nothing is more modern as the fight against the political. American financiers, industrial technicians, Marxist socialists and anarcho-syndicalist revolutionaries are united in their demand that the incorrect rule of politics over economic life has to be stopped” (Schmitt 1922/2015, 68). The autonomy of the political and its unity was threatened by attempts to suppress it either by privileging the economy over politics or simply by getting rid of politics altogether so that the markets could reign free.

Schmitt’s diagnosis of the situation in the Republic calls for an intervention. Such an intervention is not political in the sense in that it would make a decision between friends and enemies. Instead, Schmitt’s theory makes political distinctions that have political relevance in justifying precisely such decisions between friends and enemies. As Minkkinen is careful to point out, such distinctions are *entwined* in decisions between friends and enemies (Minkkinen 2018, 142). As I argued above, even though only political power has the capacity to make and uphold such a decision, concepts are important in establishing the legitimacy of political power. Therefore, Schmitt uses the word “polemical” to describe this aspect of political concepts. As Schmitt claims in *The Concept of the Political*:

All political concepts, representations and words have a polemical meaning. They have a concrete conflict in mind and are tied to a concrete situation, the last consequence of which is a friend-enemy grouping (expressing itself in a war or a revolution). This meaning becomes empty and turns into a spectral abstraction when this

situation ends. Words such as state, republic, society, class, and further: sovereignty, rule of law, absolutism, dictatorship, plan, neutral and total state and so on, are incomprehensible, if it is not known who *in concreto* is supposed to be struck, fought, negated, and contradicted with them (Schmitt 1932/2015a, 29).

Concepts are political because they are polemically used to oppose an enemy *in a concrete situation*. Schmitt is explicating two things with this idea. First, concepts such as sovereignty are always historical, and they derive their meaning from the historical situation in which they are formulated. However, secondly, this does not mean that a concept is reducible to its historical concept but that concepts have a relevant role in politics. Political concepts are always a political in the sense that they oppose a political opponent and influence practices of political power. Therefore, a political concept is polemical if it is tied to a specific situation *and* is involved in it by taking a side.

When it comes to re-organising the institutional relationship between the state and economy, Schmitt seeks to refute the liberal separation (*Trennung*) between the state and society by establishing a conceptual difference between the political and the social as a distinction (*Unterschied*), which is also in contrast to what he claims is the socialist confounding of the two (*Verwirrung* or *Vermischung*). The need to combat these two adversaries arises from a specific historical context, which Schmitt interprets as the total situation of the 20th century. Schmitt introduces it as a part of a dialectical development of the relationship between the political and social. In 17<sup>th</sup> and 18<sup>th</sup> century absolutism, no distinction between the two exists. During the 19<sup>th</sup> century the distinction between the political and the social takes the form of a liberal separation of the state and society, which is therefore a “negation” of absolutisms in a Hegelian sense. It is then followed by the 20<sup>th</sup> century sublation (*Aufhebung*) that establishes the identity of the state and society (Schmitt 1931a, 79; Schmitt 1932/2015a, 23, 25). Schmitt pinpoints the 20<sup>th</sup> century democratisation as the cause for this situation in which society and state have become identical. It is explicitly against this democratisation that Schmitt establishes his own distinction. Schmitt wants to refute attempts to democratise the economy, by claiming that such attempts aim to transform the political into the economic (Schmitt 1926, 33). Such forms of “economic democracy” (*Wirtschaftsdemokratie*) are merely a “confounding of economy and politics” (Schmitt 1932/1995b, 80). As I will argue below, Schmitt’s conceptual distinction intervenes in the total situation to limit democracy.

Everyone familiar with dialectics will understand that for Schmitt the 20<sup>th</sup> century identity between state and society is not a return to absolutism. In line with this dialectical interpretation, Schmitt opposes “the antithetical separations like: state and economy, state and culture, state and education, further: politics and economy, politics and school, politics and religion, state

and justice, politics and justice” (Schmitt 1931a, 79; Schmitt 1932/2015a, 19). These antithetical separations as such are in need of sublation (*aufheben*) in a way that still upholds the distinction between the political and social. This means that Schmitt’s discussion of the total situation is not merely descriptive but establishes a need to re-think the Weimar Republic’s politics. For this reason, he introduces a conceptual distinction that sets a normative basis for the purposes of resolving this situation. Not only does Schmitt claim that the liberal separation is historically obsolete, but that the total situation needs to be countered politically. This requires new concepts and conceptual distinctions.

The fact that Schmitt’s distinction is normative and not only descriptive reveals itself in a peculiar metaphor of Weimar politics as theatre. The total situation, against which liberal parliamentarism has become ineffective, creates a theatre spectacle out of politics. Schmitt utilises this metaphor of politics as a theatre in several places to lambast against the liberal inability to stop the total politicisation of the social (Schmitt 1932/1995b, 80, 85; Schmitt 1932/1995a, 61). Schmitt’s conceptual work is part of the struggle against party-politics and the “false political costuming” (*Kostümierung*) of the properly economical. If the social is dressed in the costume of the political, then the parliament is the theatre stage (*Schauplatz*) on which a process of switching up (*Umschaltungsprozess*) the purely social into playing the role of the political takes place (Schmitt 1930/1958, 46). Indeed, the parliament has become “a theatre stage of pluralistic division of organised societal powers” (Schmitt 1931/1988, 156). To further the derogatory nature of this metaphor, the parliament is likened to that of a “bad façade to the rule of parties and economic interests” (Schmitt 1926, 29). It is in the parliament that the purely social is masked and made to act *as if* it were political. It is up to the conceptual distinction between the political and social to cut through this theatre play and its costumes and façades to reveal that which is has been wrongly distorted by parliamentary debate. What is discovered is the social, which only plays the *role* of the political. To put an end to this illegitimate politicisation, Schmitt calls upon strengthening the state so that it is capable of enforcing the distinction between political and the social.

My focus here is precisely on the question regarding Schmitt’s own understanding of the distinction between the political and the social in the context of this total situation. However, there seems to be a discrepancy in Schmitt’s *The Concept of the Political* and his presentations and other essays that discuss the distinction. To make matters interesting, this discrepancy is visible in texts published during the same year: 1932. On the one hand, in his book regarding the concept, Schmitt claims that the total state brings the state-free sphere of the economy to an end (Schmitt 1932/2015a, 25). On the other hand, in a presentation given in 1932 to industrialists, *Konstruktive Verfassungsprobleme*, Schmitt claims that the total state has the capacity to establish a state-free sphere of the economy (Schmitt 1932/1995a, 62).

Whereas in the 1932 book, Schmitt claims that the identity between the state and society ends “non-state” (*nicht-staatlich*) social spheres (Schmitt 1932/2015a, 23), the presentation, *Strong State and Sound Economy*, presented for the economic elite, argues that the task for the strong state is to establish a non-state sphere (Schmitt 1932/1995b, 80).

Indeed, there does seem to be a contradiction and there is plenty of disagreement among scholars regarding how we should understand Schmitt's position here. For example, Cristi claims that Schmitt's critique of liberalism is merely targeted against liberal individualism, whereas the 19<sup>th</sup> century separation between the state and society is included in his own theory (Cristi 1998, 174). Similarly, Astrid Deuber-Mankowsky argues that “Schmitt's goal was first to establish the political as an independent sphere — and therefore to revoke or reverse the mixing of the political with the economic” (Deuber-Mankowsky 2008, 146). Deuber-Mankowsky is right that Schmitt does revoke a false confounding of the political and the economy. However, Schmitt's strategy in achieving this is not by defining the political as an independent *sphere*. As Schmitt writes, “it is possible to distinguish politics and law, politics and economy [...] with easy and convenient contradistinctions, however, it is commonly done with a false representation that it would be possible to separate off [*abtrennen*] a special sphere of ‘politics’ from other subject areas like the economy, religion or law” (Schmitt 1930/1958, 56). Here Schmitt explicitly claims that the political does not establish its own area that could be seen as an opposite to social spheres. This would be a liberal separation, from which Schmitt constantly distances himself.

Furthermore, Cristi makes an interesting decision to cite a specific part of *The Guardian of the Constitution* to further his own argument. Cristi claims that Schmitt wants to establish a strong state that would enable “that society and the economy could adopt in their respective spheres the necessary decisions according to their immanent principles” (Cristi 1998, 177; Schmitt 1931a, 78). However, this is a quote from a part in which Schmitt is actively criticising liberalism, and it cannot be interpreted as his own political objective. On the same page, Schmitt claims that society as an independent sphere is based on the liberal attempt to minimise the state according to a principle of non-intervention (Schmitt 1931a, 78). A few pages later, such a liberal position is deemed impossible and merely utopian, because “non-intervention would mean that in social and economic contradictions and conflicts, which today are not at all resolved with purely economic means, the various power groups would be given free reign” (Schmitt 1931a, 81). Non-intervention is based on the idea that society is independent from the state. However, for Schmitt this cannot be further from the truth, since the social is always in danger of becoming politicised. Rather, social relations are in constant need of the state to de-politicise conflicts. For this reason, “the distinction of the state and economy should not be a separation [*Trennung*] or isolation but, instead, the most intense co-operation and intense reciprocal influence (Schmitt

1932/1995a, 62). Therefore, for Schmitt the economy cannot function smoothly without the help of the state.

There are also those, who claim that Schmitt does away with the distinction altogether (e.g. Neocleous 1996, 59). For example, Irving argues that Schmitt's critique of liberalism results in actually blurring the distinction between state and society (Irving 2018, 116). However, scholars have mostly disagreed regarding the distinction in contrast to liberalism. On the one hand, Urbinati groups the anti-liberal Schmitt with Arendt and other such theorists who share a common ideal of "a political realm that was fully independent from the social realm of needs and the reproduction of life" (Urbinati 2000, 1647). Scheuerman, on the other hand, claims that even though Schmitt criticizes the 19<sup>th</sup> century "*laissez-faire*" liberal dependence on the delineation between state and society, his thought still "constitutes a version of economic liberalism" (Scheuerman 1997, 174; Scheuerman 2019, 1176). This means that the liberal separation between the state and society needs to be further analysed.

## 4.2 LIBERAL CONCEPTION OF SOCIETY

To explain the anti-liberal nature of Schmitt's conceptual distinction between the political and the social, I will now analyse his critique of the liberal conception of society as its own independent sphere. Here, it is fruitful to begin with Schmitt's critique of liberal individualism. The liberal constitution, according to Schmitt, divides and limits state power to protect individual freedoms: "The starting point is the sphere of unlimited possibilities for the individual, and the general controllability of the state" (Schmitt 1928/1995, 45). Liberals in this sense seek to limit the state to allow for the maximum amount of independence of the individual. Schmitt's anti-individualism is an essential theme, and it has been picked up by many commentators and theorists. For example, Mouffe has appropriated Schmitt's anti-individualism as a theory of democratic collectivity into her own political theory. (Mouffe 2000; Schmitt 1928/1995, 45; McCormick 1994, 631; cf. Urbinati 2000, 1648; Hussain and von Bogdandy 2018, 25). This is so mainly because Schmitt's main problem with individualism is that it is incapable of forming a political unity. Whereas a group of people would form a political sphere, "a private citizen has no political enemy. At best he might want to say about such declarations, that he wants to be put outside of the political group, in which his existence belongs to, and that he only wants to live as a private citizen" (Schmitt 1927/1988a, 72). The individual cannot act politically. Only a political unity, which is not a collection of individuals, can form the political foundation for governing. For Schmitt, this means that there cannot be a political form of liberalism in the true sense because individualism is central to liberalism.

Commentaries that discuss Schmitt's critique of liberalism regularly refer to Schmitt's accusation of the liberals negating the political. Traditional themes have been liberalism's anti-political individualism, universalism, economisation and rationalism (McCormick 2011; Hussain and von Bogdandy 2018). As McCormick enumerates Schmitt's grievances, the liberal understanding of humanity as universal transcends political antagonisms and the liberal state, in its neutrality and agnosticism towards political struggles, does not exert sufficient authority to forestall the looming civil war (McCormick 2011, 179). The neutral state is void of political substance and instead, becomes a mere machine that services society (McCormick 1994, 637; Urbinati 2000, 1647; Prozorov 2009, 331). A de-politicised state becomes an apparatus in the service of liberal interests, a façade as Schmitt calls it, with a constitution reduced to an emergency structure to ward off interventions against property and the individual (Schmitt 1926, 19, 62; Schmitt 1928/1995, 47).

Secondly, to quote McCormick, for Schmitt liberals seek to establish "a perpetually peaceful world of commercial exchange" (McCormick 2011, 178). Liberalism negates political conflict by domesticating it into mere competition among individuals (Urbinati 2000, 1648). As Schmitt claims, liberals want to transform conflict so that "there are no more enemies; they have become competing partners." (Schmitt 1988, 272). The expansion of economic categories to describe other social phenomena and replace political concepts is commonly known as economisation, about which Schmitt was worried during the 1920s (Schmitt 1922/2015, 55; Schmitt 1926, 32, 64).

However, Schmitt reminds his readers at the very end of *The Concept of the Political* that even a liberal "unpolitical" or "anti-political" system, whether it likes it or not, "serves either already existing [political unity] or leads to new groupings of friends and enemies and is not able to escape the consequences of the political" (Schmitt 1932/2015a, 72). It is a natural conclusion to the last chapter of the book, which starts with Schmitt emphasising that even liberal de-politisation has a political meaning (Schmitt 1932/2015a, 63). However, this would contradict Schmitt's statement that liberal individualism is anti-political. Cristi interprets this so that here Schmitt is making a distinction between economic liberalism and liberal individualism. Whereas the latter is truly anti-political, the former is still possible with the establishment of the strong state. Cristi claims that Schmitt defines this economic form of liberalism in the following quote from *The Concept of the Political*:

For liberals, by contrast, the goodness of humankind signifies nothing more than an argument by means of which the state is meant to serve society; it only means that society has its own order in itself and that the state is only distrustingly controlled subordinate, bound to precise limits (Schmitt 1932/2015a, 56; Cristi 1998, 176).



Cristi interprets this so that Schmitt here seems to define liberalism as a form of politics, namely one of a limited state, which does not intervene in social matters. To be sure, Schmitt does claim that all limits to political power are in fact political by nature, and even the principle of liberal non-intervention is inherently political since not to intervene “basically means the same thing as intervention” (Schmitt 1930/1958, 42). Similarly, Fusco and Zivanaris argue that Schmitt “exposed how the goal of the separation of state’s power and market/society – a key principle of liberal thought – can be reached only through a ‘strong state’ and the limitation of democratic interventions at the economic and political level” (Fusco and Zivanaris 2021, 8). This would mean that the strong state, for Schmitt, is merely an argument regarding how liberalism fails to live up to its own principles. The liberal state is therefore political by nature, and according to Cristi, and Fusco and Zivanaris it is identical with Schmitt’s proposed strong state (Cristi 1998, 177).<sup>50</sup>

However, this interpretation is misguided because Schmitt’s critique of liberalism does not really distinguish between anti-individualism and economic liberalism in this sense. Both are criticised for the same reason: limiting the state in favour of an independent society or individual (cf. Schmitt 1928/1993, 148). However, Christoph Gusy has convincingly argued that there is an important paradox that arises out of a contradiction between economic and political liberalism. If the state respects individualist principles, the individual act in ways that threaten the economic order. If the state follows economic liberalism and leaves the economy alone, economic groups will emerge that are capable of dominating the individual. Now, either the liberal state will have to intervene in the economy to protect the individual, and therefore contradict economic liberalism, or the state intervenes in the individual’s freedom to protect the economic order, thus refuting liberal individualism (Gusy 2003, 144-147). If this is the case, then Cristi and others following him could argue that Schmitt ultimately takes the side of economic liberalism in this paradox.

However, Schmitt critique of the liberal conception of society is also targeted towards economic liberalism. For Schmitt, a major issue with the liberal conception of society in general is that it obscures the political basis of the social. This means that liberals have not understood that their own de-politicisations have a political basis (Schmitt 1932/2015a, 63-72). Schmitt accuses the liberal concept of society of covering up this fact. As Schmitt wants to refute the existence of a society that is completely unpolitical, his critique is not about rescuing liberal politics. There are no liberal forms of politics but, Schmitt proclaims, merely “a liberal critique of politics” (Schmitt 1932/2015a,

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<sup>50</sup> There are also those like Mouffe and Benjamin A. Schupmann who claim that Schmitt’s theory can be used to fortify liberal political theory, even while acknowledging that Schmitt was far from being a liberal himself (Mouffe, 2000; Schupmann, 2017).

64). Rather, his theory seeks to excavate and recover the political unity from the liberal inability to think politically (McCormick 1994, 628; McCormick 1999, 260). This means that even though Schmitt might share similar goal with liberals, that is, limiting the democratisation of the economy, the means to achieve this goal requires the renunciation of all liberalism's basic principles. The liberal conception of society is at the heart of this critique. For Schmitt, liberalism is about conceiving the state as something external to society. To accomplish this, a concept of society as self-sufficient demands autonomy and reforms the state to reflect this autonomy. The core of this idea is that society functions according to its own laws as a self-organizing entity and it does not need the state for its functioning (Schmitt 1923, 74; Schmitt 1931/1988, 150-152; Schmitt 1932/2015a, 66).

In research concerning Schmitt's critique, this aspect has not been emphasised enough. Most commentators highlight the issue of economization and the depoliticisation of the state. Most often focus has been on Schmitt's genealogy of the liberal state, its rationalism, administrative structures, and legal formalism, which are seen as contradicting the political and its manifestation in sovereignty (e.g. Scheuerman 2000, 1883-1886; Emden 2008, 118-120). Regarding the neutral state, focus has mainly been on the issue of state structures. This is obviously because analysing the neutral state allows a clearer understanding of Schmitt's positive theory of sovereignty. However, as mentioned repeatedly, in Schmitt's analysis my focus here is the concept of society as crucial to liberal separation of the state and economy, and how a liberal conception of society, according to Schmitt allows for reformulating the state as a mere auxiliary institution to serve private interests. "Neither people nor things need 'governing' when they are left to the mechanisms and immanent laws of the economical and technological" (Schmitt 1923, 74). At the centre of Schmitt's own distinction between the political and the economy is this critique of the liberal conception of society as an independent sphere.

Schmitt sometimes calls the liberal state a neutral one. The neutrality of the state is first and foremost neutrality towards the economy. The negation of absolutism is the situation in which society begins to organise itself. The state becomes a "neutral state", according to Schmitt, through its separation from society. State and society therefore become separate spheres. "The tendency of the liberal 19<sup>th</sup> century proceeds towards limiting the state to its minimum and, above all, to prevent interventions and encroachments in the economy whenever possible." Since society does not need the state for its organisation, the state is distinguished from it as something external to it (Schmitt 1931/1988, 150-152).

In the above quote from 1931, Schmitt adds "whenever possible" because to him the liberal preference for non-intervention could never be absolutely attained. "Liberalism transformed the state into an armed servant of society, one that should protect the free competition of economic and social forces –

which is in reality the uncontrollable power of the stronger. However, liberals seem to be, in their fight against the church, suddenly the defenders of the power of the state when it comes to schools, education [etc.]" (Schmitt 1926/1995a, 98). Schmitt means that even the liberals needed the state to enforce a liberal order through the institutions of the state. Even the principle of non-intervention points towards this, since, as we saw above, "it basically means the same thing as intervention" (Schmitt 1930/1958, 42). Hence, according to Schmitt, liberals have always been political. Even the neutral state is implicitly political. Instead, it is the concept of society that Schmitt sees as a site of disagreement and conflict between him and the liberals.

Central to bringing out the liberal conception of society is what Schmitt sometimes calls final or radical de-politicisation. It is a theme that Schmitt rearticulates throughout his career. Final de-politicisation is Schmitt's dystopic vision of the de-politicisation of the state resulting in a complete disappearance of the political. It is evoked from the *Political Theology* and to Schmitt's 1971 preface to the Italian edition of *The Concept of the Political*. If the liberal de-politicisation of politics would be successful, it would bring forth a situation in which "humanity stands for a unified, already at its core pacified society. There are no more enemies; they have become competing partners" (Schmitt 1988, 272). The concept of society is crucial to understanding final de-politicisation. Liberals constrict and shrink the state in favour of the independence of society. This establishes the idea that society would exist even without politics, because of its autonomous nature. If politics were to cease entirely, society would still exist.

According to Schmitt, classical liberalism is attributed with this dystopic vision of complete de-politicization, which "would mean an all people on the earth encompassing society, a system of relations between humans that appears when the real possibility of struggle is ruled out and friend and enemy groupings become impossible" (Schmitt 1927/1988a, 73). Such a situation would mean a world that puts an end to all politics and becomes one big social unity (Schmitt 1927/1988a, 74; cf. McCormick 2011, 178). However, a society freed from the yoke of politics means a specific conception of society as something harmonious and objective.

According to Schmitt, the liberal conception of society guarantees objectivity in politics. Through objectivity, polemical contradictions can be overcome. The economy takes a central role, Schmitt emphasises, in the 19<sup>th</sup> century as the basis of objectivity in political decision-making, so that all problems can be achieved through technical expertise and the development of the economy (Schmitt 1932/2015a, 76-78). Liberal de-politicisation for Schmitt is "absolute objectivity", which for him is the liberal basis of resolving conflicts by relying on unpolitical objectivity of social matters without taking a political stance (Schmitt 1922/2015, 68; Schmitt 1930/1958, 54, 57). As Schmitt wrote in his book on the political idea of Catholicism, "the economy's purely privatizing

tendency shrinks the jurisprudential order”, because society as an independent sphere manages and administers itself (Schmitt 1923, 58). Schmitt portrays the liberal concept of society as referring to a social sphere that works according to its own laws in a purely mechanical sense and in no need of interventions.

Liberal society, Schmitt claims, is understood as a pre-established harmony. In Schmitt’s earlier critiques of liberalism, such harmony is described as the balance of opposing forces. This means that all opposing forces will ultimately balance each other out and result in a harmony (Schmitt 1926, 46). For Schmitt, this all boils down to a metaphysics of a pre-established harmony of social forces and interests. In *Political Theology*, Schmitt states this very clearly: “freedom of commerce and trade are only derivate of a metaphysical core,” by which Schmitt refers to the notion of harmony (Schmitt 1922/2015, 66). Liberalism, Schmitt argues, must be conceived as a metaphysical system, one that establishes the economic conceptions of competition and society as unpolitical by nature (Schmitt 1926, 45).

However, why does Schmitt still speak of the liberal *state*? If liberal de-politicisation would be successful, then certainly there would not be states in the political sense. What Schmitt refers to with the de-politicised state is a state that is a mere instrument, that is, an institution that would no longer be political. This means that the liberal state is not only separated from society, but it is not political in the proper sense, because its principles would be derived from the objective principles of the economy. That is, the state is minimised and reduced to a mere technical instrument to serve the needs of the economy. This is different from strong sovereignty and its interventions, as Schmitt argues, because the liberal “politics” are purely technical and not political. In *Political Theology*, Schmitt writes that

Today, nothing is more modern as the fight against the political. American financiers, industrial technicians, Marxist socialists and anarcho-syndicalist revolutionaries are united in their demand that the incorrect rule of politics over economic life has to be stopped. There should only be organisational-technical and economic-sociological tasks but no political problems. The dominant style of today is economic-technical thinking, which is no longer able to perceive any political ideas (Schmitt 1922/2015, 68-69).

Liberals and others would wish to do away with the political and to reduce politics to technical issues. A world incapable of perceiving political ideas, one in which politics ceases to exist, would result in a situation where “the whole of humanity and the entire earth would be unified on the basis of economic and distributive-technical unity. [This] would be a ‘social’ unity, that is, a

society that looks for an indifference point between the polarities of ethics and economics” (Schmitt 1927/1988a, 74). Complete de-politicisation would leave the world of commerce and markets intact and simply disregard the need for politics in the proper sense.

The liberal concept of society does not mean that states would necessarily cease to exist. Instead, a state could still exist, not as political in the proper sense but instead in a de-politicised form. The result, according to Schmitt, is that the state becomes “in its essence a mere servant of economically determined society” (Schmitt 1927/1988a, 68). Schmitt’s common lament is that liberals reduce the state to the role of a servant of society, a technical instrument that works according to the objective laws derived from the economy. The state would be reduced to a mere technical role, one that is not political in the proper sense. “One reiterated [the de-politicisation of the state] as a solution to every problem in order to dispose of politics and of the state and to solve all problems from the supposedly purely factual, technical, and economic point of view by means of technical and economic expertise” (Schmitt 1932/1995b, 73). What Schmitt is saying, is that liberalism conceptualises society as something that does not need politics to function, because it is immanently rational and works according to its own economic “laws.”

The idea that the state could be reduced to a mere instrument is what Schmitt means when he claims that “there was an attempt to economise the state” (Schmitt 1932/1995b, 73). The objectivity of the economy would mean that the state would no longer have to distinguish between friends and enemies, but rather work according to the “laws” of the economy. Schmitt then argues that it is precisely the idea of harmony as an economic conception of “competition” that allows liberalism to de-politicise decision-making. Liberalism tries to “bind the political” and “subject it to the economic” (Schmitt 1932/2015a, 57; Schmitt 1932/2015b, 76-78). The political is limited by something external, which, according to Schmitt, is an illegitimate form of de-politicisation, because it destroys the political substance of the state. Political power is then turned into mere economic control (Schmitt 1932/2015a, 66). However, economic control and policing are technical measures for serving the interests of the society as such. Unlike political concepts, economical concepts are neither transcendental nor public concepts but are private and immanent in the non-political sense (Schmitt 1923, 36; Schmitt 1932/2015a, 25).

Therefore, what is at stake in Schmitt’s critique of the liberal concept of society is the role of the state in the economic sphere. For Schmitt, the concept of society enables the previously mentioned transforming the state into something that Schmitt describes as de-politicised. To ensure economic order, instead of de-politicising *of* the state, Schmitt argues that de-politicisation *by* the state is necessary. In this way liberalism has transformed the state into an “armed servant of society” (1926/1995a, 98). Liberalism is the categorical

limiting of the state's ability to intervene in economic matters. The 19th century neutral state policy is "non-intervention", so that it refrains from intervening in society's matters and stays apart from it (Schmitt 1931/1988, 151-153). The distinction is absolute, so that an intervention into economic matters is seen as an act of external violence to the economy (Schmitt 1932/2015a, 71).

Schmitt emphasises that the economy takes a central role, and he rhetorically portrays this liberal tendency as a form of disposing of the political altogether:

About ten years ago, the whole of Germany and the world reiterated the call: Away with politics! One reiterated it as a solution to every problem in order to dispose of politics and of the state and to solve all problems from the supposedly purely factual, technical, and economic point of view by means of technical and economic expertise. Between 1919 and 1924, countless essays and brochures from famous authors and economists from all over the country have repeated this a thousand times (Schmitt 1932/1995b, 73).

Liberal critique of politics and the limiting of the state assume that these problems can be answered without politics, because the problems themselves were not political but social. However, Schmitt argues that "after these five years of radical demands for a total non-politics, an understanding that all problems can be political problems has gotten through" such demands. Whereas before "there was an attempt to economise the state, it seems that now, on the contrary, economy has been politicised." (Schmitt 1932/1995b, 73.) This means that liberal de-politicisation has not succeeded, because ultimately the political has not been eradicated. Instead, a total situation ensues where the state no longer enjoys a political monopoly. The negation of the political nature of the state has led to a total situation where the state and society have become identical.

In contemporary literature, Schmitt's institutional distinction between the state and economy is still being portrayed as a liberal one. For example, William Rasch claims that "the grand irony of Schmitt's critique of liberalism during the 1920s and early 1930s is that it is uttered within a profoundly liberal framework, not only that of the main part of the Weimar Constitution, but also the Hegelian state/society dynamic" (Rasch 2019, 10). Hence, Rasch claims that Schmitt's distinction takes place within the liberal framework of separating state and society from one another. This is peculiar because Schmitt is explicitly critical and dismissive of the liberal and Hegelian relationship between state and society. Furthermore, Schmitt's institutional distinction is based on a conceptual one between the political and the social, which Schmitt uses to counter the liberal separation of state and society. Conflating Schmitt's

position with liberalism would therefore entail that *any* distinction between the state and economy is liberal, and therefore lead to misrepresenting both Schmitt and liberalism.

In order to avoid conflating liberalism and Schmitt's institutional distinction between the state and economy, his theory needs to be understood in the context of his anti-liberal conceptual distinction between the political and the social. To make clear that his own conceptual distinction is not a liberal one, Schmitt argues against the liberal conception of society as anti-political. Furthermore, Schmitt emphasises that the institutional difference should be seen as a "distinction, not separation" ("*Unterschied, und nicht Trennung*") (Schmitt 1932/1995b, 77; cf. Juego 2018, 113). A liberal separation of state and society would mean that the state is barred from intervening in the economy altogether. However, Schmitt wants to show that even such a situation of an independent market economy has a political basis. All limits to politicisation are political by nature. This means that the free economy is based on the order established by the political unity, meaning that they can never be separated completely.

However, Schmitt also accuses the liberal principle of non-intervention for being contradictory in another sense. The separation of the state from the economy has led to a situation in which the state has become too weak to stop the politicisation of the economy. In the late 1920s, the liberal state had not established a separation between economics and politics, but rather what ensued was the politicisation of economic relations. The separation between state and society (*Trennung von Staat und Gesellschaft*) was no longer possible simply because such a separation would simply lead into disorder (Schmitt 1931/1988, 153). Therefore, the liberal limiting of the state does not lead to a separation between state and society but to a paradoxical situation in which identity between state and society is done without distinction (*unterschiedslos*). Because the state is no longer able to maintain the intensity of the political, the distinction between political and de-political cannot no longer be made (*unterscheiden*) (Schmitt 1932/1995b, 74).

For Schmitt the major problem with liberalism is that, contrary to liberal ambitions to limit the state's role, what ensued in the Weimar Republic in the late 1920s was a situation in which "there's nothing that wouldn't be connected to the state" (Schmitt 1932/1995b, 74-75). Schmitt accuses the various social forces of this situation for confusing the economy and political with one another. To avoid both the "confusion" between the economy and politics and the liberal separation of state and society, Schmitt claims that an institutional *distinction* between the state and economy should not be absolute but relative (Schmitt 1932/1995b, 79). However, this requires a new conceptual distinction to justify it. It is for this reason that in *The Concept of the Political*, Schmitt demands that political theory must enact a sublation (*aufheben*) of the 19<sup>th</sup> century liberal *conceptual* separations (*Trennungen*) between political and

social concepts (Schmitt 1932/2015a, 23). I will now move on to discuss this conceptual distinction between the political and the social, which is an explicitly anti-liberal one and is at the heart of Schmitt's justification the strong state

### 4.3 SCHMITT'S DISTINCTION BETWEEN THE POLITICAL AND THE ECONOMY

After an elaboration of Schmitt's critique of the liberal separation of the state and society, I will now consider Schmitt's own distinction and explain why it is anti-liberal. I will start with an analysis of Schmitt's concept of the political and the social respectively. After this analysis of both concepts, I will conclude this chapter by establishing the authoritarian distinction that will operate as the analytical basis for my analysis of Schmitt's political ideas in the coming chapters. This section first examines how Schmitt understands the role of political power in the economy to make the conceptual distinction between the political and the social clearer. I will discuss how Schmitt talks about the economy in his Weimar-era work and draw out implications for the conceptual distinction between the political and social.

#### 4.3.1 THE CONCEPT OF THE POLITICAL

As established above, Schmitt renounces the liberal concept of society. As a theorist of sovereignty, such a conception is self-evidently unacceptable for Schmitt since it would simply corrode the basic legitimacy of sovereign power and political governance. Schmitt's worry is that founding a social sphere according to the liberal concept of society would mean that there is no longer a need for sovereign power as the possibility of conflict could be ruled out.<sup>51</sup> In order to *a priori* refute this conception of society, theories of sovereignty tend to conceptualise the state of nature as something that cannot be completely transcended by the state. However, this strategy should not be seen as a simple idea that is the same for all theorists of sovereignty. Obviously, Rousseau's ideas regarding the state of nature are not Hobbesian. Furthermore, Leo Strauss argues that both Hobbes and Schmitt go too far when they establish a difference between humanity's natural condition in the state of nature and the cultured condition in the civil society. If the natural condition could be transcended, then establishing a civil society would ultimately overcome the state of nature and the justification of political power (Strauss 2001, 223-225).

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<sup>51</sup> For example, Giorgio Agamben argues that it is for this reason that sovereignty does not establish a civil society wholly distinct from the state of nature (Agamben, 1998, 109). As Prozorov explains it, Agamben means that theorists like Schmitt introduce the possibility of conflict into the heart of political power and its legitimacy as such (Prozorov, 2009, 332).



The reason I refer to Strauss' critique here is not to discuss his ideas extensively but to point out that the state of nature is not just some rhetorical device that will refute liberalism by simply mentioning it. Rather, the need for political power is a complex issue that should be briefly discussed before moving on to the concept of the political.

In contrast to Hobbes, Schmitt never developed a full-blown concept of the state of nature as the war of all against all. Nevertheless, there is plenty of interest among scholars regarding the relationship between politics and war in Schmitt's theory – and for obvious reasons (e.g. Pankakoski 2017; Teschke 2017). In *The Concept of the Political*, Schmitt claims that the politician is much more experienced in war than a soldier, as “because the politician fights for his whole life and the soldier only in exceptional situation” (Schmitt 1932/2015a, 33). Because of this, some claim that Schmitt's conflates politics and war (Wolin 1992, 428; Neocleous 1996, 59). For example, Oliver Marchart describes Schmitt's position as “bellicism”, that is, an understanding of the political as the ever-present possibility of war (Marchart 2018b, 63-65). The idea that Schmitt's concept of the political means strictly the possibility of conflict has most famously been popularised by Mouffe, who claims that Schmitt “makes us aware of the dimension of the political that is linked to the existence of an element of hostility among human beings” (Mouffe 2005a, 2; cf. Mouffe 2013, 138). While I agree with these analyses to the extent that Schmitt's argument regarding the role of sovereignty in the economic sphere does follow this idea that conflicts are always possible or, like Mouffe phrases it, antagonism is part of the “nature of the social world” (Mouffe 2005b, 10), my focus is not on the argument regarding their ever-present possibility. Rather, I am interested in how Schmitt establishes the normative basis of limiting conflicts.

The fact that the chance of conflicts is inherent to social relations does not yet necessitate the need for resolving them, nor the need for sovereign power, for that matter. Instead, it is Schmitt's distinction between the political and the social that ultimately justifies sovereignty. Schmitt's conceptual work on the political establishes the normative basis for political power to be centralised so that social conflicts are not allowed to reach the level of politicisation. Sure, it is motivated by the ever-present possibility of conflict, but this is not enough to explain what Schmitt's concept of the political is about. The political community is conceptualised as a *unity*, which is threatened by illegitimate attempts to politicise social relations. This ultimately means that the state's sovereignty is based on the monopoly of the political. These ideas cannot be reduced to a reading of Schmitt's theory as a form of bellicism but require a further analysis of how Schmitt defines the political in contrast to the social.

To be sure, Schmitt indeed claims that the concept as the distinction between friend and enemy refers basically to the fact that war is always possible (Schmitt 1932/2015a, 35). “War is neither the aim nor the purpose nor even

the very content of politics. But, as a real possibility, it is an ever-present presupposition [*Voraussetzung*], which determines in a characteristic way human action and thinking and thereby creates a specifically political behaviour” (Schmitt 1932/2015a, 33). This means that the *possibility* of war is essential to understanding politics and the political. In fact, the ever-present possibility of war and struggle does away with the anthropological optimism – a stance that contradicts the idea that sovereign power is necessary (Schmitt 1932/2015a, 59-60). In *The Concept of the Political*, Schmitt claims that “all theories of the state and political ideas can be divided based on their anthropological conception of whether it assumes – consciously or unconsciously – humanity to be ‘naturally evil’ or ‘naturally good’” (Schmitt 1932/2015a, 55). Leaving aside the fact that for Hobbes humans in a state of nature are not naturally evil but simply not worthy of trust without a common power, the idea is that if humans were naturally good there would not be a need for political power.

However, one should not infer from this that for Schmitt just about *any* government will do. In this sense, he disagrees with Hobbes’ idea that it is always better to live under the sovereign than in a state of nature. For Hobbes, order is always better than disorder, and for that reason anything the sovereign might do to the subjects is less than what the subject would do to themselves without the sovereign. Because of human nature then “their governors [have] to draw from [subjects] what they can” to preserve peace (Hobbes 2018, XVIII, § 94). Schmitt’s position is different because for him those who govern must have legitimacy. It is for this reason that Schmitt’s concept does not simply confirm the ever-present possibility of antagonism. The possibility of war is a condition of the political, but it is not what defines it.

Instead, there are three relevant aspects that define the concept of the political. According to Schmitt, the political relationship is first a *contradiction* (*Gegensatz*). The distinction between friends and enemies is an exclusive contradiction that establishes what is external to the political unity. As a contradiction it means that it defines friends and enemies in a way that does not leave room for a space in between. The limit between internal and external is definitive, and whoever goes against this distinction, Schmitt emphasises, “places oneself in the order of things on the side of the enemy” (Schmitt 1932/1995b, 49). As I pointed out above, to conceptualise the political in this way limits politicisation. For this reason, Engin F. Isin describes the Schmittian distinction as non-political. To constitute somebody as an enemy means excluding them from the political domain. Even if social differences tend to be plural and overlapping, the logic of exclusion assumes a binary relationship between those included and excluded. “The logics of exclusion would have us believe that the formation of identity involves establishing opposites and others whose actuality is always subject to the continuous interpretation and articulation of their difference from the group” (Isin 2002,

30). Similarly, Slavoj Žižek argues that Schmitt's conception is in fact antithetical to proper politics because it disavows the possibility of internal antagonistic relations. For Isin and Žižek, politics proper is an internal struggle that brings in different identities that are not completely external to the political sphere (Žižek 1999, 27; Isin 2002, 32; cf. Ojakangas 2004, 52). While I agree with this reading, neither Isin nor Žižek explain what enables Schmitt to disavow politics in the democratic sense.

It is therefore the second aspect of the concept of the political that is central here: the political contradistinction as an *intensity*. It is often claimed that intensity is a monumental change in Schmitt's conception of the political. This is because the 1927 essay version does not characterise the political as an intensity (Schmitt 1927/1988a, 68-69). For example, Meier claims that intensity is added to the concept because Schmitt's earlier essay is focused on foreign politics, since the defining feature of the political unity is the possibility of war against another unity, whereas *The Concept of the Political* from 1932 considers internal tensions. Meier's argument is that civil war was not mentioned in the 1927 essay, and intensity was added later into the concept for the sake of considering its possibility (Meier 1995, 21-24). It is argued that Schmitt thought that the essay understands the political as a substance, whereas the 1932 book reformulates the concept as a quality or a degree of intensity that any social contradiction can potentially reach.

Whereas Meier discusses the influence of Leo Strauss' critique on Schmitt's theory, Koskenniemi attributes this change to Hans Morgenthau's doctoral thesis from 1929 (Koskenniemi 2002; cf. Scheuerman 2007; Magalhães 2021, 99, 101-102). Morgenthau argues that the political character of law and legal matters cannot be conceptually distinguished from unpolitical matters. Whether or not something becomes a political issue is dependent on the historical situation. What might become a matter of intense debate and political controversy in the 1920s, might not have been conceived as a politically relevant but rather a technical matter in the 18<sup>th</sup> century. This means that the question of whether something is political is not a conceptual question but a "fact of experience" (*Erfahrungstatsache*) (Morgenthau 1929, 65). "An issue, which today is characterized as political, can tomorrow lose its political meaning, and a problem of minor importance might overnight become a political problem of first degree" (Morgenthau 1929, 67). For this reason, Morgenthau claims that the political is not a substance but a degree of intensity. The political is therefore a quality that lacks an objective standard, with the help of which it might be objectively determined (Morgenthau 1929, 69-70).

Be that as it may, the difference between the two mentioned works of Schmitt from 1927 and 1932 should not be exaggerated. For example, Meier argues that domestic issues are considered only once the notion of intensity has been added to the concept of the political. This is because the political is defined as

an intensity in order to make room for the problem of civil war as an internal issue in itself, Meier argues (Meier 1995, 21-24). In the 1927 version, internal conflicts are discussed only “within the horizon of the question of what effects they could have on the capacity of the political unit to wage war” (Meier 1995, 21). Internal issues are the only subservient ones for foreign politics. Internal order needs to be upheld to maintain strength against external enemies. In similar vein, Habermas’s claims that for Schmitt “all politics is essentially foreign affairs” (Habermas 1989, 129). According to Meier, it is only in the 1932 version that identifying internal enemies becomes an issue in itself (Meier 1995, 25). To grasp these new antagonists, Schmitt needed to transform his understanding of the political.

However, in bringing together Schmitt’s ideas throughout his Weimar era work, I want to criticise this idea that there is a crucial gap between the two versions of *The Concept of the Political*. In both versions, Schmitt argues that the concept of the political disqualifies internal pluralism within the political unity (Schmitt 1927/1988a, 69; Schmitt 1932/2015a, 42). To be sure, Schmitt’s way of conceptualising the political makes it difficult to distinguish between domestic and foreign affairs. However, this is the case in both versions. In the 1927 version, Schmitt is to a great extent concerned with domestic issues. As a matter of fact, the essay begins by pointing at an internal threat to the political unity: “The death and the end of the state was somewhat hastily proclaimed, when the economic organizations *within* the state were noticed, especially the growth of the labour unions, and that the laws of the state were powerless against their means of exerting economic power [*wirtschaftliches Machtmittel*], the strike” (Schmitt 1927/1988a, 67; emphasis added). Here, labour unions are singled out as an internal threat to the political unity. Rather than argue that they are a problem for the capacity of the state to wage war, Schmitt points out that the economic power that the labour unions can exert shows the powerlessness of the state in internal affairs. Second, in the 1932 version, civil war is also tied to issues regarding foreign politics. In this context, Schmitt claims that internal tensions between various forces becomes an issue if any of those forces can limit the state’s capacity to wage war (Schmitt 1932/2015a).

Furthermore, the idea that the political is an intensity is not a big leap that Schmitt takes in 1932. As Magalhães points out, the use of the word “decisiveness” (*Massgeblichkeit*) is a feature of the concept of the political that means the same thing as intensity and is used interchangeably in the later versions (Magalhães 2021, 102). Furthermore, plenty of texts even before *The Concept of the Political* described the political as an intensity. The essay from 1929, *The Age of Neutralisations and De-politicisations*, added as an appendix to the book on the concept of the political, describes the political contradiction as an extreme intensity (Schmitt 1932/2015a, 82). Similarly, an essay from 1930, *State Ethics and Pluralistic State*, states that “political in the proper sense describes only the degree of intensity of a unity” (Schmitt 1930b,

36). In fact, in *Constitutional Theory* political unity has already been described as a characteristically intensive one (Schmitt 1928/1993, 51).

Even though Schmitt agrees with Morgenthau that the political is historical (Schmitt 1927/1988a, 69), it is not so much because of the difference in experiences, but because of the historical contingency of political power as such. The state as a historically contingent form of organizing a political unity has the capacity to uphold the distinction between friends and enemies, which has taken many forms during the history of politics (Schmitt 1932/2015a, 10). Such an intensity cannot be a mere issue of experiencing tensions, as some within the political unity might experience these tensions differently. Rather, it is up to the state to uphold the distinction between friends and enemies.

This brings me to the third relevant characteristic of the political – which makes the differences between the 1927 and 1932 versions of *The Concept of the Political* less meaningful. Both describe the political unity as being “is in its *essence* a definitive unity” that “either does or does not exist” (Schmitt 1927/1988a, 68; Schmitt 1932/2015a, 41; emphasis added). It might be that the concept is somewhat redefined, but Schmitt’s argument regarding the political unity as an exclusive unity that disqualifies internal political pluralism stays the same. In fact, in the 1932 book Schmitt does claim that the political has a substance that defines the essence of the political unity (Schmitt 1932/2015a, 37). Even though in the book itself Schmitt does not discuss this matter extensively, his political thought from that time still relies on the idea that the constitution establishes a substantial unity that legitimately limits what is politically possible. Furthermore, the political as a unity is tied to the idea of sovereignty as a unity of political power. Internal pluralism is both conceptually and empirically anti-political because a political unity is both by definition and in practice based on centralisation of political power. In the presentation, *Strong State and Sound Economy*, Schmitt gives an illuminating analogy of the sovereign state as a magnet that organizes and brings together scrap metal (Schmitt 1932/1995b, 83). It is on the basis of this principle that allows Schmitt to critique the separation of powers and political pluralism as anti-democratic.

All three aspects, contradiction, intensity, substantiality, are relevant to understanding Schmitt’s conceptual distinction between the political and the economy. They mark what is distinctively political in contrast to social relations, associations or society in general. No social association is political and there is no such thing as a “social unity” because the grouping between friends and enemies is qualitatively different from mere social association (Schmitt 1927/1988a, 69; Schmitt 1932/2015a, 42). It is this conceptual reformation of the political – a distinctively different way of understanding what constitutes politics proper – that enables for Schmitt to redefine democracy and limit the politicisation of the economy.

On the first page of *The Concept of the Political* from 1932, Schmitt establishes that the concept of the political conditions the concept of the state (Schmitt 1932/2015a, 19). As his later prefaces to the book argues, this means that the political is not dependent on the state but is manifested in a variety of historically contingent institutions. In the 1963 preface, Schmitt writes that “the field of relations of the political transforms itself perpetually with the forces and powers that connect and disconnect with one another in order to maintain themselves” (Schmitt 1932/2015a, 9; cf. 69Schmitt 1927/1988a). Only since the 16<sup>th</sup> century has it been that the political unity takes the form of a state. As Schmitt claims, this was the period that spanned all the way to the inter war period, “when it made sense to identify *statehood* with the *political*” (Schmitt 1932/2015a, 10). In the preface to the Italian translation from 1971, Schmitt attests to the contingency of this identity by claiming that after the Second World War new, non-state political subjects emerge that alter the way in which the political is institutionally manifested (Schmitt 1988, 269). Politics and its form shifts with the relations of power.

To elaborate the Schmittian distinction between the political and politics, it is useful to refer to a text from 1936 that Schmitt wrote as a section for a handbook on military research, titled “Politics.” According to this text, the meaning of politics is historically contingent. Schmitt enumerates examples from the original Greek understanding of *Polis* to the parliamentary system with the equivalence of political and party-political, and then finally to the national socialist one that according to Schmitt has managed to “overcome the pluralistic party state and constituted the indisputable unity of political will” (Schmitt 1936/1955, 136). I will return to the idea that party-politics has been successfully “overcome” in Chapter six. Here I want to draw attention to the fact that for Schmitt there are many forms and contexts of politics, and what ties these together is that they can all be characterised as *political*.

This was already visible in the 1932 book, in which Schmitt claims that the political is manifested in different types (*Art*) of politics (Schmitt 1932/2015a, 86). This means that the concept of the political sets out the basic principle that identifies what is properly political with these different historical types of organising politics and what is not. In all historical contexts, the concept of the political establishes the normative criteria for what is properly political in contrast to merely social. The institutional framework and organisation of actual politics might change, but their political character remains the same (Schmitt 1936/1955, 135). Politics then refers to a certain political situation, whereas the political refers to all these situations and whether they are possible. “Politics”, Schmitt writes, “is also understood as the formation and production of order and harmony of an encompassing national (*völkisch*) whole, inside of which there is no enmity and the whole can distinguish friend and enemy from itself” (Schmitt 1936/1955, 136-137). Politics is about establishing and upholding the actualised form of the political, one that is capable of distinguishing between friends and enemies.

This means that the *political* is the condition of the possibility of an actual political formation. As Schmitt states, political is the “real possibility of grouping friends and enemies”, that is, “based on the power of [the political unity’s] decision, the real possibility in a certain situation to determine the enemy and fight against it” (Schmitt 1927/1988a, 69; Schmitt 1932/2015a, 42). The actuality of a politics is based on the potentiality of the political as such, so that if this possibility were to be removed, that is, “when the real possibility of struggle is ruled out and every friend and enemy grouping has become impossible,” politics as such would cease to exist (Schmitt 1927/1988a, 73; Schmitt 1932/2015a, 33, 52).

The difference between social and political contradictions is their intensity. As Schmitt defines it: “The political contradiction is the most intense and extreme contradiction and every concrete contradiction becomes more political when it reaches closer to the most extreme point of the grouping between friends and enemies” (Schmitt 1932/2015a, 28). To characterise a contradiction or a conflict as political is therefore a matter of intensity. It is not simply a subjective experience, but an issue of whether a power capable of distinguishing between friends and enemies exists. To establish an internal sphere within which there are no enemies requires a great amount of power. Indeed, not every group is able to reach this distinction as they are too weak to establish internal order that excludes the enemy. This means that for Schmitt, intensity is measured in strength and force. Only a strong state has the means and the strength to reach this level of intensity and uphold it. Therefore, intensity as an attribute that functions to distinguish between weak groups and those strong enough to establish a political distinction between friends and enemies.

The intensity of political contradictions means a qualitative distinction between what is properly political and what is not. It is a criterion rather than a definition: because as a social contradiction – be it economic or religious – it reaches the intensity of the friend and enemy, the contradiction ceases to be merely social. Intensity is not reducible to the social contradictions, since it is qualitatively different from any of them (Schmitt 1932/2015a, 25). The political contradiction has to be intense because the distinction between friends and enemies founds a totality (*Gesamtheit*). To have the power to distinguish between friends and enemies means to establish a border between what is interior and exterior to a political unity. This means that a public sphere that excludes what is external to it is created and upheld (Schmitt 1932/2015a, 27). Such a public sphere is “in itself pacified, territorially closed and for strangers impenetrable, organisational political unity” (Schmitt 1932/2015a, 44). A political unity must be strong enough to exteriorise the intense contradiction and it establishes a space within which such contradictions cannot be manifested. Strength is necessary for the capacity to expel the enemy from within the borders of the political unity. “The establishment of a normal situation is primarily based on producing *inside* the

state and its territory a complete pacification, [that is,] to generate ‘peace, security and order’ and therefore create the *normal* situation” (Schmitt 1932/2015a, 43). Enormous strength and power are needed for the normal situation to be accomplished, especially because the capacity to keep the enemy outside the borders of the unity requires the immense - and even monstrous (*ungeheuer*) – capacity to wage war. Therefore, the supremacy of the political community over social forms of communities and societies ascertained from this power to wage war and make decisions is (Schmitt 1932/2015a, 45).

Such a unity has the power to create an internal public order that excludes internal political contradictions. In fact, “an internal political contradiction” is in a sense a conceptual impossibility because that would imply that there could be two political unities within a unity. I will discuss Schmitt’s understanding of civil war in the next chapter, but it needs to be stated here that intensity is central to understanding internal tensions as well. As Heinrich Meier points out, the category of intensity is specifically meant to counter the domestic political situation of his time (Meier 1995, 21-24). This means especially the possibility of civil war, which Schmitt defines as a situation when “the thought of an all-encompassing (‘state’s’) political unity, capable of limiting all domestic parties and their contradictions, loses its power. The result of this is that domestic conflicts become stronger in intensity than the common foreign-political contradiction that is aimed at another state” (Schmitt 1932/2015a, 30-31). In a civil war the intensity of internal conflicts intensifies to such a degree that they reach the distinction between friend and enemy. At that point, the state loses its monopoly of the political and is no longer able to pacify the situation.

It is for this reason that political power is understood as a unity that is weakened by all sorts of de-centralisations, such as the liberal separation of powers. It is the concept of the political as an intensity that enables Schmitt to define the nature of political power and democracy as unified, so that unification means a higher degree of intensity and therefore better capacities to ward off the enemy. The intensity of the political establishes a normative requirement of a political unity to uphold a force and a power that become ever greater through their centralisation. Therefore, the category of intensity provides the prescriptive basis for a theory of centralised political sovereignty. I will now go over both qualities of intensity and explain what they mean for Schmitt’s normative political theory.

To underline the specifically unique nature of the political, Schmitt asserts that the political substance is not its own substance *among* other “social substances.” Social unities, that is, unities that are “purely” economic, religious, moral etc., do not have the authority or the power to decide in conflict situations (Schmitt 1927/1988a, 70; Schmitt 1930b, 38; Schmitt 1932/2015a, 34, 40, 45). Furthermore, the state is not a social association



among others. Rather, the political intensity derives its substance from the social. The political contradiction can take many forms, and it is the qualitative transformation of the social relation to a distinctively political intensity (Schmitt 1930b, 40-41). “Every religious, moral, economic, ethnic or other contradiction is transformed into a political contradiction, when it is strong (*stark*) enough to effectively group people into friends and enemies” (Schmitt 1932/2015a, 35). This means that the political gains its force (*Kraft*) from the social, the intensity of which, when it is strong enough, can reach the distinction between friend and enemy (Schmitt 1932/2015a, 36).

The strength of a social group can be measured by its degree of intensity. Specifically, it is the intensity of social forces capable of asserting their own *sovereignty*, meaning that they form a unity capable of deciding over exceptional situations and wage war. “If the economic, cultural or religious counter-forces (*Gegenkräfte*) are strong enough to determine the decision over emergencies, then they have become a new substance of political unity” (Schmitt 1932/2015a, 37). This means that any social sphere or association can become the basis for the substance that defines the political substance that distinguishes between friends and enemies (1927/1988b, 68; Schmitt 1930, 141). A social force gains its strength from its unity and capacity to take control of the means to enforce that unity.

For Schmitt, such a force that reaches the level of political unity can only be secured through democratic homogeneity of a people. Only a homogenous people can democratically become intense enough to reach the strength and force required for a political distinction between friends and enemies. A democratic political unity is one in which its strength and political will comes from “the substantial homogeneity of a people” (Schmitt 1930b, 35; Schmitt 1926, 22-23). From this position, Schmitt is able to make counterintuitive claims such as that the Italian fascist state is democratic and the liberal state is not. Nonetheless, from Schmitt’s concept of the political, it follows that fascism is “true democracy” in the political sense (Schmitt 1929/1988, 110-111). This is because liberal principles such as the separation of powers and the freedom of the individual from the state are both unpolitical as they limit the democratic unity of the people (Schmitt 1928/1995, 46-47; Schmitt 1930b, 42). Fascism for Schmitt in its anti-liberalism makes it precisely democratic. Fascists are successful in grasping the force and the will of the Italian people through intensifying the national contradiction and achieve a unity that is founded on ethnic principles. This makes the fascist state properly political and therefore capable of making decisions and warding off the enemy (Schmitt 1926, 89; Schmitt 1929/1988, 113, 114).

If Schmitt’s conception of the political allows him to define democracy as a homogenous unity, then it also establishes internal pluralism as anti-democratic. “The political force (*Kraft*) of a democracy shows itself in that it knows to keep away strangers and the unequal that threaten homogeneity”

(Schmitt 1926, 14). Such a group is indeed sovereign, because it is capable of asserting its own independence and freedom, so that no higher political unity is capable of making decisions for that group (1932/2015a, 43). This means that democratic unity is destroyed through internal pluralism of opposing forces (Schmitt 1924/1988, 21; Schmitt 1927/1988b, 86; Schmitt 1930b, 38; Schmitt 1930/1958, 45-46). It is only against this argument that Schmitt's understanding of de-politicisation as a legitimate democratic practice becomes theoretically intelligible. Internal pluralism threatens the intensity of force of the political contradiction. A group that no longer has the force to uphold its unity and sovereignty is therefore weak and is either taken over by another political unity or becomes divided by internal intensities that are by degree stronger than its own (1927/1988b, 72; 1932/2015a, 30-31).

Based on these ideas about the political, Schmitt then claims that pluralism within a state becomes something that should not be tolerated. This would destroy the political unity and the political itself with it (Schmitt 1932/2015a, 42). A social group must be strong enough to be able to take over the political unity and reach the necessary intensity. This would mean having enough strength to take over the ability to decide over war and peace. If, however, the group is strong enough to stop a war from happening “but not strong enough to make a decision about determining a war, then no united political quantity [*Größe*] exists anymore” (Schmitt 1932/2015a, 37). If a state were to have a monopoly over the political, it should be a “clear, definitive quantity [*Größe*] and to stand against the non-state and therefore ‘unpolitical’ groups” (Schmitt 1932/2015a, 22). The state is the monopoly of a certain degree of intensity. It is the highest quantity of which exists as the sovereign ability to define the enemy and fight against it (Schmitt 1932/2015a, 37).

The reason I just brought up the original German word for quantity, is because Schmitt talks about power as a *Größe*, which is important because it points towards how inseparable Schmitt's understand of the political and power are. To define the political as an intensity refers to certain ideas about how power operates and how it *should* operate to secure order. To do this, it must limit internal groups and conflicts from reaching a certain intensity. This idea of the political as an intensity is in fact related to normative understandings about politics and de-politicization. As Schmitt states it, de-politicization and limiting of politicization is a “specifically *intensive* type and manner of doing politics” (Schmitt 1932/2015a, 20 n22; emphasis added). This means that Schmitt's concept of the political expresses a specific understanding of political power. These two cannot be separated. However, there are many who think that a Schmittian concept of the political can be separated from his understanding of political power to adapt it with other conceptions of power. For example, this has been done to bring the friend and enemy-distinction and the Foucauldian analytical framework together (Newswander 2011, 544; Barder and Debrix 2011, 777; cf. Deuber-Mankowsky 2008, 150).

However, in Schmitt's theory, the distinction between friend and enemy is characterised in a way that is tied to a legitimation of a specific form of power. Schmitt's whole theory needs to be understood against the background of sovereign power. One of the best sources for Schmitt's concept of power is a short dialogue he published in 1954. In it, Schmitt lays out his thoughts on what are the important aspects of political power and how it relates to his ideas about the nature of humans. Since God is dead, as has been the case according to Schmitt after Nietzsche, "power, which a human exercises over other humans, comes from humans themselves" (Schmitt 1954/2017, 11). Since humans cannot appeal to some form of inherent superiority, because no one is above others in their qualities, there has to be some way to appeal to others for their submission. The only reason to submit to somebody is security and protection through power. "Who looks for protection and accepts it, does not have to right, to refuse obedience" (Schmitt 1954/2017, 14). Although Schmitt will admit that yes, those in power do need consensus and they should not go against it, it is also true that power creates consensus so that power actually produces something more than the "sum of all consents" (Schmitt 1954/2017, 15-16). Power is a quantity (*Größe*) on its own (Schmitt 1954/2017, 17). There can be more or less of it. For example, a concentration of the means of violence can be seen as increasing the power of the state to guarantee order (Schmitt 1933/1958, 367).

So, what is there more to power than consent? To Schmitt, the modern state as the nexus of power is "at its core executive" power. The state is first and foremost an executive organ that has the power concentrated unto itself to reach a decision and execute it (Schmitt 1933/1958, 367). Schmitt claims that for this reason the liberal division between legislative and executive is one of the clearest distinctions between democracy and liberalism (Schmitt 1926, 46-47). Democracy is about the will of the people to make decisions, whereas the liberal distinction between executive and legislative limits the democratic opportunities for this to happen. For Schmitt, liberalism limits the political through means external to it, that is, by methods that weaken political power's capacity to act and make decisions. Most importantly, Schmitt thought that the liberal notion of law conceives it as a way of checking or hindering (*Hemmung*) power (Schmitt 1928/1995, 46). In fact, Schmitt claims that liberalism as such is a way of controlling and hindering the state (Schmitt 1932/2015a, 57). For Schmitt, this liberal idea of external limits to the state contradicts his own understanding of the state as the political unity capable of making decisions, of which the most extreme/intense is the right to start or lead a war. "The state as the substantial political unity has an immense power concentrated in itself: the possibility to lead a war and thereby usually to command over the life of the people" (Schmitt 1927/1988a, 70). The power that a decision requires comes out of a political unity, i.e., sovereignty, capable of making decisions (Schmitt 1922/2015, 19).

It follows that the state as a unity can to make decisions because it is the concentration of political power with ultimate authority. As Schmitt writes in his *Constitutional Theory*, “a political unity and social order belongs to every state, some principles of unity and order, [and] some form of critical position of decision-making in cases of conflict of interests and power” (Schmitt 1928/1993, 4). In a certain way, all decisions and establishment of laws are orders (*Befehl*). The basis of norms is the political will that lays down an order to make it valid (Schmitt 1928/1993, 147). In this sense, the core of modern states is executive: the power it has is by its very origin and nature based on certain acts that enable for order to be established.

This means that political power is qualitatively different from other forms power, which Schmitt often describes as social forces. Political power is authoritative, and it functions according to its own principles. For example, questions about morality and normativity are external to political power (Schmitt 1926/1988, 47-48). The state must have the ability to act in an exceptional situation to preserve order. The centralization of power is then something that enables order to be established. “In a state of exception, the state suspends the law (*Recht*) by virtue of its right for self-preservation” (Schmitt 1922/2015, 18-19). The objective of political power is therefore to ensure preservation and uphold authority that can make decisions relevant to this task. According to this line of argumentation, this means that the liberal emphasis on the rights of the individual and the separation of powers are both unpolitical and “methods of *obstructing* the state” (Schmitt 1928/1995, 46). Therefore, Schmitt accuses liberalism of limiting and weakening state power and therefore making the political unity less intense (Schmitt 1928/1995, 46; Schmitt 1932/2015a, 57).

Schmitt notes that there can be unity through both power and consensus. “Real power produces true consensus and true consensus produces true power.” (Schmitt 1933/1958, 370). However, Schmitt sees that the former is most often more prominent than the latter, because pragmatically the question is about who is using the means to create and lead a consensus, so that different forms of establishing it through pedagogic, economic, and “psychotechnic” means can enable a will to be established (Schmitt 1930b, 35). In *The Concept of the Political* it is noted that power in the current situation is most importantly mental and economic, which corresponds with the means to utilize propaganda and mass-suggestion in the former sense and control in the latter (Schmitt 1932/2015a, 66). However, this does not mean that political power is economic but rather that political power can appropriate economic means to its repertoire if needed. As pointed out above, political power is most prominently military power, which creates the necessarily means to protect the state through coercive power (Schmitt 1933/1958, 367).

From this discussion of Schmitt’s analysis of political power, I conclude that Schmitt understands power as something that is its own substance distinct

from other “social” powers (moral, economic, religious etc.) and increases in quantity when it is centralised. This is a specific way of understanding intensity as a quantity that increases when it is allocated to a single instance within a certain territory. A state has traditionally enjoyed this as the monopoly of political power: “the state has the monopoly of the political as long as it really is a clear, simply defined quantity [*Grösse*] that stands against the non-state, and ‘unpolitical’ groups and issues” (Schmitt 1932/2015a, 22). Like Hobbes and Rousseau, Schmitt argues that centralisation of political power increases its quantity and thus makes a state stronger. Once a certain level of centralisation is reached, an instance of political power becomes sovereign. The intensity of political power enables the state to de-politicise and limit politicisation from happening within its own borders. This means that the political as intensity necessitates political power that upholds this intensity of the distinction between friends and enemies. Therefore, sovereign power is an inseparable and normative aspect of the concept of the political.

#### 4.3.2 THE SOCIAL AND ITS DEPENDENCY ON A POLITICAL FOUNDATION

The distinction between friends and enemies is what makes the political qualitatively different from the social. For example, “in the economic sphere there are no enemies but only competitors” (Schmitt 1932/2015a, 27). Schmitt enumerates a variety of features that are “purely” economic and therefore distinct from the political. To establish what is properly economic is for Schmitt a way to limit the overlap between the economic and the political. Schmitt’s position is not a simple negation of the liberal separation into the other extreme, a situation in which a distinction between the political and economy would become meaningless. Such an equivalence is deemed as a confusion (*Verwirrung*) that mixes up (*Vermischung*) the political and the economy (Schmitt 1932/1995b, 77, 80; Schmitt 1932/1995a, 58). Such a confusion would be the outcome of the situation, in which the state is incapable of limiting political parties from politicising economic relations, and which is what Schmitt seeks to counter conceptually.

Schmitt defines the social as politically constituted and only independent to an extent: “The political has namely its own criteria, which come to effect in contrast to the various, *relatively* independent fields of human thought and action, especially to the moral, aesthetic, [and] economic” (1932/2015a, 25). It is through the monopoly of the political that the state can affirm its autonomy that is relative to its being dependent on the intensive political unity. This means that Schmitt’s position is one that is somewhere between the liberal separation and the socialist conflation of the two. For this position to become clearer, I will discuss the various remarks Schmitt makes regarding the economy throughout his work to define its the unpolitical characteristics. The most relevant text is *Roman Catholicism and Political Form*, which defines a

distinction between political and economic thought (*ökonomisches Denken*). The latter refers to economic way of approaching political issues. In the text, Schmitt renounces these approaches, namely liberalism and Marxism, as incapable of grasping political ideas and therefore doomed to grasp matters from a strictly economic framework. Many have read this prognosis as a reaction to Weber's *The Protestant Ethic and the Spirit of Capitalism* (Ulmen 1988; Colliot-Thélène 2000; Dean 2018). However, here I am interested in how Schmitt seeks to confine the economy in a way that distances it from the political. Through connecting the main ideas of the text *Roman Catholicism and Political Form* with Schmitt's other work, I seek to elaborate how Schmitt in fact distinguishes what is strictly economic from the political.

It seems that Schmitt's understanding of the economy is a sanitised version of capitalism. As a form of industrial production, Schmitt's scattered remarks regarding economy proper do not consider the class struggle or the contradiction between the labour force and the propertied class or industrialists. Schmitt claims that in the economy the relevant distinction is among competitors or between that which is useful or beneficial and that which is not (Schmitt 1926, 45; Schmitt 1932/2015a, 26-27). This means that as a social sphere it functions according to a different set of principles and objectives in contrast to the political. "In the sphere of economic, people are conceived only as producers, consumers etc., that is, only through economic categories" (Schmitt 1926, 17). This is because the aims, goals and rationality of the economy are different from the political. The economy functions according to principles of efficiency and maximisation of economic benefits and consume (Schmitt 1923, 36; Schmitt 1926, 17; Schmitt 1932/2015b, 76). The rationality of the economy is one of calculative and in that sense neutral towards (Schmitt 1922/2015, 37; Schmitt 1923, 31).

Schmitt seems to posit a notion of industrial capitalism as having a rationality of its own. He claims that the German situation in the early 1930s is different from Fascist Italy and Soviet Russia because the latter "are to a greater extent agrarian countries, which by no means stand at the top of the economic development and industrial progress (Schmitt 1930/1958, 44). In his critical remarks against Marx's overtly scientific method, Schmitt seems to suggest this to be the case. In order to grasp the enemy, the bourgeois, Marx had to stay within the economic sphere (Schmitt 1926, 74; Schmitt 1931/2004, 225). Schmitt claims that to follow the bourgeoisie into economic sphere means that one allows "the enemy to define the battlefield, and also the weapons, that is, the structure of argumentation" (Schmitt 1926, 86). For this reason, Marx is doomed to rationalism (Schmitt 1926, 66; Schmitt 1931/2004, 223). The economic sphere has its own technical rationality, that is, "from the capitalist age established mechanism of production which has its own rationalist regularity" (Schmitt 1926, 86). Schmitt argues that Marx belongs to the past because, in keeping within the economic sphere, "Marxism wants to think economically and therefore remain in the 19<sup>th</sup> century, which is essentially

economic” (Schmitt 1932/2015b, 77).<sup>52</sup> What Schmitt means by this statement, is further elaborated in *The Concept of the Political*, wherein Schmitt establishes that by 1814 industrial capitalism had become the dominant form in the economic sphere (Schmitt 1932/2015a, 68). Both Marx and the Bourgeois accept this victory of industrialism and connect their political goals to its development.

Schmitt (mis-) represents the economy as if no politically relevant ideas can emerge out of it by strictly economic means. This means that neither the liberal bourgeoisie nor the Marxist labour movement can establish political ideas. “American financiers and Russian bolshevists are entwined in their struggle in favour of economic thinking, that is, in their struggle against politicians and jurists” (Schmitt 1923, 28). Such economic forces are deemed to be outside the political as different strategies of “struggling against the political” (Schmitt 1922/2015, 68). Schmitt claims that such economically constituted forces are nothing but different ways of engaging in “economic thought,” which is qualitatively distinct from political thought. Namely, Schmitt accuses such economic thought of being fundamentally incapable of establishing political ideas (Schmitt 1922/2015, 68).

According to Schmitt “economic thought knows a type of form, namely technical precision, which is the furthest distanced from the idea of [political] representation” (Schmitt 1923, 37). This is because in the economic sphere there is no economic basis for representation as “neither people nor things need ‘governing’, if the economic and technical mechanisms are left to their own immanent regularity” (Schmitt 1923, 74). The state or other political institutions cannot be “economised”, because the economy as a purely social sphere cannot establish authority. “Form and content of authority, publicity and representation are essentially distinguished” from the economic (Schmitt 1926, 33). In the social sphere, no form of social unity can establish authority capable of legitimate decision-making (Schmitt 1927/1988a, 68; Schmitt 1930b, 38; Schmitt 1932/2015a, 40).

To conclude, Schmitt argues that from within the purely social, no order can be established. In fact, he claims in *Constitutional Theory* that there is no order in the social sphere as such (Schmitt 1928/1993, 5). There are many kinds of political unities, all of which are a “piece” or a “fragment” of order in the world (Schmitt 1930b, 35, 39). Schmitt means by this that there is no order outside the political one. Moreover, without political power capable of upholding this unity, social relations would not be secure. That is, there is

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<sup>52</sup> Foucault claims that Marx “is like a fish in its own element” in the 19<sup>th</sup> century because of the underlying structure of his thought (Foucault 1966, 274; Taylan 2015, 21). However, this is an altogether different way of understanding the Marx’s context. Whereas Foucault makes a link between Marx and the scientific developments of his time, Schmitt makes a sweeping statement about the whole of 19<sup>th</sup> century as such.

ultimately nothing that is “purely social” because without political power the social would succumb to conflict. This means that political power is tasked with defusing contradictions of interests (*Interessengegensätze*), which threaten to increase in intensity and therefore become political (Schmitt 1932/1995b, 82). It seems that for Schmitt this is a constant worry as social conflicts tend to threaten the intensity of the political. Behind the theatre staging (*Kulissen*) the rule of capital merely hollows out every political order and reduces it to a mere façade (Schmitt 1923, 52). The authority and power of a political unity is needed to resolve these social contradictions, which are in danger of becoming political, for the sake of upholding economic order as well. As I pointed out above, political power is qualitatively distinct from economic forces. This means that no political order can be exhausted or reduced to “the operation of production and consumption process” (Schmitt 1923, 52). The methods to establish a free and functioning economy are always political as such contradictions “will not be fought with purely economic means” (Schmitt 1930/1958, 42). Political power is therefore deemed necessary to economic order.

For Schmitt, the normative goal and aim of the economy in a strong state should be an intensive co-operation (Schmitt 1932/1995a, 62). Claims such as these regarding the role of the state suggest that political power and social forces should therefore be tasked with different objectives (Schmitt 1927/1988a, 69-70). Even though the state as a political unity is necessary for social order to exist, the role of the state for Schmitt is not the organisation of social forces. In line with my discussion of modern politics in the previous chapter, this means that the social sphere is still tasked with the production of basic needs. Instead, the task for the government is to establish a political authority capable of constituting the basis for “the strong distinction (*Unterscheidung*) of the state from that, which it is not, a strong state in contrast to a free, that is, state-free sphere and [for] the most intense co-operation” (Schmitt 1932/1995a, 63). The state establishes an order in which economic organisation becomes truly possible. Schmitt calls this “self-organisation” (*Selbstorganisation*) or “self-administration” (*Selbstverwaltung*), which refer to purely economic forms of organising that are unencumbered by politicisation and interventions (Schmitt 1932/1995a; Schmitt 1932/1995b). However, it cannot be separated in the liberal way from public interests, because it both needs the state to guarantee its functioning and public interests are tied to its operations (Schmitt 1932/1995b, 32).

Coming back to the total situation, where the state has been integrated into society as a mere administrative institution, Schmitt laments that “the state is now, as they say, self-organisation of society but, the question arises, how a self-organising society can attain *unity*, and if this unity really occurs as the result of a self-organising society” (Schmitt 1931/1988, 133). Schmitt answers this question in the negative. The merely social economy cannot establish political authority capable of making decisions. Rather, in a situation when



various interests become organised by various parties, what is needed is a strong state capable of de-politicising economic conflicts. As I will elaborate in Chapter six, Schmitt argues that this de-politicisation establish an relatively independent economy that is both public and state-free at the same as an area in-between the state and the wholly private (Schmitt 1932/1995b, 80-81). It is public in the sense that it belongs to the German people as a political unity, but it is state-free in the sense that it self-administers according to its own principles. Schmitt claims that in this state-free sphere “the German people have developed so much” to the extent that “the force and capacity of the German people moves itself in the sphere of free [economic] self-administration” (Schmitt 1932/1995a, 64). This is precisely what Schmitt is after with his authoritarian distinction between the political and the economy, of which I will next elaborate and with which I will conclude this chapter.

#### 4.3.3 THE AUTHORITARIAN DISTINCTION BETWEEN THE POLITICAL AND ECONOMY

In *The Concept of the Political*, on the very first page, Schmitt laments that “it is seldom that one finds a clear definition of the political. Mostly the word is used in the negative as an opposite to various other concepts, as an *antithesis* like politics and economy, politics and moral, politics and justice [...] etc.” (Schmitt 1932/2015a, 19). What Schmitt is referring to is obviously the liberal way of separating the political from the social. In thinking the political through this antithesis, liberalism is incapable of thinking politically (Schmitt 1932/2015a, 64). Schmitt then points out that in a situation in which the state has a monopoly on the political it becomes possible to establish a distinction between the political and the non-political, the state and non-state (Schmitt 1932/2015a, 22). However, in the total situation “everything is at least potentially political, and referring to the state is no longer enough to establish a specific distinguishing characteristic (*Unterscheidungsmerkmal*) of the ‘political’” (Schmitt 1932/2015a, 23). This means that the political distinction of state and economy becomes possible only once the monopoly of the political is restored so that everything that is potentially political is not actually so. The concept of the political is therefore meant to establish the normative limits that allow for distinguishing between what is political and what is not. The *Concept of the Political* is an attempt to save the political from illegitimate forms of democratisation.

On the one hand, the total situation has simply brought to an end the idea that there would be something completely unpolitical, that is, in the sense that a society would exist independently of the state. If everything is at least potentially political, then there cannot be anything absolutely unpolitical or outside the bounds of the state. “In reality, it is the total state that no longer recognizes anything *absolutely* unpolitical, and which has to bring to an end the de-politicisations of the 19<sup>th</sup> century and the axiom of state-free

(*unpolitical*) economy and the economy-free state” (Schmitt 1932/2015a). This means that the total situation brings to an end the liberal separation of the state and the economy. According to Schmitt, such liberal ideas subject the political to economic categories and therefore “rob its specific meaning” (Schmitt 1932/2015a, 66).

On the other hand, democratisation of the state has brought about the total situation that threatens the monopoly of the political by threatening the friend-enemy distinction. However, “the state has the monopoly of the political as long as it really is a clear, simply defined quantity that stands against the non-state, and ‘unpolitical’ groups and issues” (Schmitt 1932/2015a, 22). Schmitt’s distinction therefore seeks to uphold this monopoly. This requires a concept of the political that necessitates a strong state because, in contrast to 19<sup>th</sup> century liberalism, the 20<sup>th</sup> century identity between the state and society sets up a situation in which “everything is at least potentially political, and referring to the state is no longer enough to establish a specific distinguishing characteristic of the ‘political’” (Schmitt 1932/2015a, 23). Rather, the political has to be clearly defined in order to ward off mixing it up with the social (Schmitt 1932/2015a, 27). This means that the total situation does not establish the conceptual distinction. Rather, as Schmitt points out in *Strong State and Sound Economy*, it is because of the total situation that “we have to make distinctions, namely new distinctions” which would combat a “conceptual confusion” (*begriffliche Verwirrung*) (Schmitt 1932/1995b, 79-80).

A new conceptual distinction must be crafted, one that does away with the confusion between state and economy. From such a distinction it can be established that the problems of the “total situation” can neither be solved by purely economic means nor in a manner that ends up conflating the state and the economy. In the other presentation from 1932, *Constructive Constitutional Problems*, Schmitt praises the “old beautiful distinction between state and economy,” which has established the economy as a sphere of self-administration and “of which we are here in Germany for good reasons proud” (Schmitt 1932/1995a, 58-59). Because democratic organising of the social forces, and the total situation it has caused, have wreaked havoc on the relative independence of the economy, the concept of the political needs to reformulate the distinction (Schmitt 1932/1995a, 58-59). Schmitt claims that “the relationship of the state to the economy is the actual object of domestic political problems and the traditional formulations of the earlier state, which was built on the separation between state and society, are only appropriate for hiding this fact” (Schmitt 1931/1988, 153).

For Schmitt, the authoritarian distinction between the political and the social is an answer to this total situation. The distinction establishes that the relative independence of the economy has a political basis. There can only be a politically constituted order. A de-politicised economy is something that can

be politically produced and conditioned, as there is no order outside a political one. The power of the state is what “raises [*erheben*] it over every other types of community or society” (Schmitt 1927/1988a, 70). In line with other theories of sovereignty, Schmitt states clearly in the *State Ethics and Pluralist State* that the state establishes the definitive basis for property and its relative inviolability. The state establishes the normal situation, and for the individual there is no other freedom but that which “the strong state is capable of granting” (Schmitt 1930b, 34). This means that such an institutional distinction between state and economy is not one of separation or isolation. Instead of the absolute freedom that liberalism promises to the markets there can only be relative freedom granted by the sovereign political order (Schmitt 1932/1995a, 62-63). The total situation, in which the economy has been politicised, cannot be established by liberal principles of “unconditional non-interference” or “absolute non-intervention” (Schmitt 1930/1958, 41). It is here that the conceptual distinction between the political and social becomes relevant as it establishes that the social has a political basis and establishes that property and the economy are only ever relatively independent.

In *The Concept of the Political*, Schmitt reminds his liberal readers that the liberal idea that “production and consume, price formation and markets have their own sphere that could neither be directed by ethics or aesthetics, nor by religion, nor in the least by politics” is merely a dogma (Schmitt 1932/2015a, 66). As a dogma, it for Schmitt implausible, since only a strong state can resolve and keep away conflicts between various social groups and uphold order (Schmitt 1930b, 37). The political power of the state is a productive power since it establishes and upholds order through its various methods of intervening. The answer to politicisation of the social is the intense monopoly of the political, through which the freedom of the economic sphere is guaranteed. As Schmitt promises his listeners in one of his presentations, this means that the only answer is a strong state that can liberate the economy from “the wrongful political costuming” by social forces (Schmitt 1932/1995a, 61).

The strong state is intensive in exactly the way the concept of the political prescribes. It distinguishes between friends and enemies and limits internal tensions and politicisations. It holds the monopoly of the political within a territory and therefore does away with the confusion between itself and the economy (Schmitt 1932/1995b, 71, 74-75, 77). The strong state is an answer to a situation when everything has been politicised. Through a monopolisation of the political, it can strip the social of illegitimate politicisations and tensions. The conceptual distinction justifies the re-establish the institutional distinction between state and economy, a distinction that, Schmitt assures his audience, “is for our palate and political convictions the presupposition of every rational order and freedom” (Schmitt 1932/1995a, 58).

#### 4.3.4 RESULTS

The conceptual distinction between the political and the social allows Schmitt to establish normative limits to democratic action. In *The Guardian of the Constitution*, Schmitt claims that the parliament could function politically if it could establish and guide the will of the people in a way that transcends egoistic interests and uphold the unity of the state (Schmitt 1931a, 87). However, for Schmitt this is not the case in the Weimar Republic, because parliamentary pluralism has led to social powers taking over the parliament and to the use of party politics to further their own egoistic interests. He claims that “the precise question, whether or not pluralistic parliamentarianism and modern economic state are compatible with one another, has to be answered in the negative” (Schmitt 1931a, 94). Democratic organisation that leads to the conflation of state and economy has to be replaced with an understanding of true democracy as “a concept that likewise specifically belongs to the sphere of the political” (Schmitt 1929/1988, 110). With the help of this conceptual distinction between the political and social, Schmitt was able to claim that evoking economic class contradictions to democratise the economy and socialist action are antithetical to democracy (Schmitt 1927/1988b, 86). In his essay from 1923, *The Crisis of Parliamentary Democracy*, Schmitt was worried about the translation of the political meaning of democracy into the economic terms. For him this would mean democracy losing its political foundation (Schmitt 1926, 32, 64; Schmitt 1922/2015, 55). Without a political substance, democracy is a mere “organisation form” (Schmitt 1926, 32-33). In a weak state, which cannot uphold its substantial political unity, democracy is emptied of its political meaning and it becomes possible to substitute political concepts with economic ones. According to Schmitt, this substitution “in truth refers to an essential change in the concept of democracy, since the political aspects cannot be translated into economic relations.” In such a situation democracy ceases to be political (Schmitt 1926, 33).

The concept of the political establishes a normative basis for the operation of the state. As Schmitt argues, in the total situation “the state seems actually dependent to a greater extent on the various social groups, as if it were a victim or a result of their agreements, an agglomerate of heterogeneous factors, parties, interest groups, companies, labour unions, churches etc.” (Schmitt 1930b, 36). Were society to take over the state and use it for its own organisation, then this identity would establish that “all social and economic problems are immanently problems of the *state*, and there is no longer the capacity to distinguish between state-political and societal-unpolitical matters” (Schmitt 1931a, 78-79). Schmitt obviously wants to establish a distinction between the political and the social, to limit the political demands of various “social” forces and thus prevent politicisation. Without such a distinction between what is properly political and what should remain unpolitical (that is, de-politicised), there would be no normative limits to politicisation.

My discussion of the conceptual distinction between the political and the economy has elaborated how Schmitt's approach to the economy is anti-liberal. When it comes to the matters of economic policies, I will discuss their relationship to liberalism in Chapter six. Schmitt argued that in a political unity there has to be "economic unity" (*Wirtschaftseinheit*), which is achieved by means of unified and long-term economic planning. Without such planning, which Schmitt claims is distinct from socialism because it still stays within the capitalist framework (and is necessary to it), the economy would fall into economic pluralism. Such a situation of economic "polycracy" (*polykratie*), the pluralism of economic actors and interests, impedes the sound functioning of the economy (Schmitt 1931a, 91). Such a situation contradicts the sovereignty of the state, and Schmitt compares a situation of economic "polycracy" to the pre-modern state's situation of de-centralised political authority (Schmitt 1931a, 92). Schmitt reminds us that even though there are definitely many competing ideas and plans regarding the economy, "it is not the planners that rule, but it is the rulers that plan. I believe that the political power and rule are the primary and the indispensable presupposition for an effective general economic plan" (Schmitt 1933/1958, 370-371). In a distinctively anti-liberal manner, Schmitt seems to argue that, rather than to leave economy solely to the principles of self-administration of economic actors, political planning is necessary to a functioning economy.

In this chapter, I have reconstructed Schmitt's conceptual distinction between the political and the economy. I established that the distinction is relevant to understanding Schmitt's arguments regarding the normative limits to politicisation and the need for sovereign power. Both are ultimately tied to the concept of the political and how it is qualitatively different from the social and especially from the economy. In addition to Schmitt's excavation of the true will of the people, established in the Weimar constitution, his concept of the political is meant to reframe democratisation of the economy as an illegitimate politicisation. My discussion in the coming chapters makes it clear that the concept of the political cannot be detached from its normative implications. In these two chapters, I will discuss what political conclusions and state practices Schmitt confers legitimacy on with the means of the conceptual distinction between the political and the social.

To get back to the above-mentioned contradiction between *The Concept of the Political* and other of Schmitt's texts, it is important to note that the former is geared towards securing distinctive features of the political as a concept. According to Werner Bonefeld, Schmitt's main issue is the crisis of governing society (Bonefeld 2017b, 754). "The strength of the state as market police depends on its independence from society. Its capacity to neutralize democracy and civilize the conduct of a free labour economy depends on the state as the independent and concentrated power of society" (Bonefeld 2017b, 748). Even though I agree with Bonefeld that the task of the state for Schmitt is indeed to limit democracy and police the markets, this "independence"

needs to be explained. For Schmitt, a society independent of the state does not exist, only political conditioned social relations, such as economic, religious and so on, which are only relatively independent from the state. In fact, Schmitt never refers to his own distinction as one between the state and society, but always as a distinction between the state and economy or the political and the social. This is because the concept of society is used only in the derogatory sense of referring to the liberal understanding of the social as forming an independent sphere. The state as the monopoly of the political is qualitatively different from the social, but this does not mean that the social is completely opposite in the liberal sense to the political.

The anti-liberal conceptual distinction between the political and social is therefore dissymmetrical. It claims that the political is autonomous from the social, but the social is not independent of the political. On the one hand, the concept of the political refers to a territorial intensive unity that is independent of the social. The special characteristics of the political, responsibility, authority, intensity, substantiality, the capacity to make decisions, the ability produce and uphold order, etc. are not social properties. On the other hand, the social is not independent from the political. This is because there is no social order without a political one. As there are many ways to organise the social, there needs to be a decision that is authoritative regarding how the social is organised. Apart from establishing it, the social needs political power to uphold order so that it does not succumb to internal tensions.

This means that, instead of separating the state and society, the total situation calls for a new conceptual distinction between the political and the social. This also answers the question: if the total situation of the 20<sup>th</sup> century establishes that the state and society have become identical, then how could any distinction not contradict this identity? However, the distinction is not about the state and society because society as a concept refers to the separation of the state from social matters. Rather, in *The Concept of the Political*, Schmitt wants to restore the distinguishing characteristics of the political in the total situation. As I will argue below, Schmitt's distinction points towards the fact that there can be nothing absolutely unpolitical or unconditionally outside the bounds of the state. However, this does not mean merging the political and the social together but, instead, establishing the political basis of the social. The relative independence of the social is secured against illegitimate forms of politicisation, which for Schmitt means that the state has legitimacy in intervening in social matters to ward off against conflicts.

## 5 POLITICIZATION OF THE ECONOMY

I have now established Schmitt's conceptual distinction between the political and social and its authoritarian implications. On the one hand, the concept of the political refers to a territorial intensive unity that is independent of the social. The special characteristics of the political, responsibility, authority, intensity, the capacity to make decisions, the ability to produce and uphold order, etc. are not social properties. On the other hand, the social is not independent of the political. This is because there is no social order without a political one. As there are many ways to organise the social, there needs to be a decision that is authoritative regarding how the social is organised. Apart from establishing it, the social needs political power to uphold order so that it does not succumb to internal tensions.

The conceptual distinction between the political and social therefore establishes normative options when it comes to the economy. First, there is no such thing as an economy independent of the state. The state has a role in organising and upholding economic order. Second, the state needs to remain independent from economic relations to properly remain unified and intensive. It could be argued that these two could lay the normative foundations for any system of politics, a liberal (albeit authoritarian one) or a socialist one. However, it is my argument that the conceptual distinction between the political and social implies a very distinct form of doing politics. This authoritarian distinction justifies a specific way of upholding economic order. The last two chapters discuss this normative aspect of Schmitt's conceptual distinction and its role in de-politicisation of the economy.

According to Schmitt, for the political to remain independent, the state needs to sustain an economy that does not succumb under various tensions. This is because conflicts within the economy threaten to intensify and therefore become political in a way that undermines the state's monopoly of the political. The state needs to de-politicise and intervene in economic matters to defend the economic order. However, such interventions have to be restricted to a very specific form. Schmitt laments that various parties intervened without distinction in the economy throughout the late 1920s and early 1930s work and therefore politicised it in a way that abolishes the distinction between the political and social. Therefore, interventions need to be limited to those that uphold the prevailing order established by the constitution.

The distinction between the political and social therefore forbids economic democratisation of any kind, but it also justifies the state in reacting to actions that the distinction allows to portray as transgressions. While the next chapter connects the distinction with Schmitt's understanding of the total state, I will focus here on how the distinction enables him to portray democratisation of

the economy as a total situation. The total situation, as I made it clear in the previous chapter, was the situation in which the state's monopoly of the political gives in to social forces and their demands. The result is politicisation of the social. Schmitt's portrayal is well known among scholars, and it is commonly tied to Schmitt's project of legitimating the strong state (Scheuerman 1997; Bonefeld 2017a; Juego 2018). Originally established by Franz Neumann, who points out that Schmitt's conservative analysis of the situation was anti-democratic because it furthered authoritarian objectives (Neumann 2009, 47). The total situation needs to be countered with the total state. The conservative analysis of the situation, as Neumann describes it, was that the unity of political power is lost in the face of multiplication of political authority and interests ("polycracy"):

The polycracy, that is, the conjunct body of independent public agencies (social-insurance institutions, control boards, publicly owned corporations, and so forth), subject to no parliamentary supervision, has destroyed the unity of political decisions. It has torn many of the vital limbs from the body politic. The federative principle, by protecting particularist interests, has made a mockery of the idea of the sovereignty of the one people (Neumann 2009, 44).

The notion that various social and welfare institutions contradict the true nature of political power and sovereignty is at the heart of Schmitt's own analysis. What is meant by polycracy here is the plurality of various social organisations and forces within the economy. The welfare state weakens the political unity because it allows private interests to divide the original unity and centralisation of power and sovereignty (Scheuerman 1997, 175).

My argument in this chapter is that the distinction between the political and the economy is an important part of Schmitt's reframing of demands for economic equality as a crisis for the political unity. The politicisation of the economy in Schmitt's diagnosis is not interpreted as a part of democratisation of the economy but as a threat that needs to be neutralised. Through an analysis of Schmitt's understanding of politicisation it becomes evident that for Schmitt the real issue is the politicisation of economic relations and an economic form of civil war.

Scholars have discussed how the diagnosis of the total situation as the intrusion of the private into politics is a major part of Schmitt's critique of liberalism. According to Galli, Schmitt's anti-liberalism "stemmed from the alleged weakness of liberal ideology, the government technique of German bourgeoisie, vis-à-vis the nobles (in the nineteenth century), and the democratic mass parties (in the twentieth century)" (Galli 2000, 1602). This form of critique is not about the inherent inconsistency of liberal principles, but their weakness in face of the "democratic avalanche" of the interwar



period, as Cristi describes it (Cristi 1998, 17). Many others have emphasised Schmitt's diagnosis of the total situation as the contradiction between public and private interests and the "weakness" of the liberal state (Scheuerman 1997, 175; Bonefeld 2017b, 751; Kiely 2017, 731; Scheuerman 2019, 1174). Private interests are antithetical to political unity.

However, none have underscored the role of distinguishing between the political and economy as the basis of Schmitt's analysis. Namely, my discussion of the distinction enables an analysis of how Schmitt distinguishes between private and public interests. This answers the question of why democratic demands for economic equality can be portrayed as if they were "egoistic interests" and not legitimate forms of politicising injustices. Schmitt's motivation to establish the conceptual distinction is to counter this development and restore the monopoly of the political. The concept of the political necessitates that in a normal situation, there is no plurality (Schmitt 1930b, 37).

On the one hand, a discussion that connects Schmitt's critique of the "weakness" of the liberal state with the distinction between the political and social makes it possible to further elaborate what is problematic about Schmitt's diagnosis as it interprets democratic demands as mere private interests. On the other hand, it exposes the distinction between the political and social as an integral part of Schmitt's diagnostic and therefore forces us to reflect on the contemporary theories that utilise such a distinction. For Schmitt, therefore, an authoritarian distinction between the political and social identifies the ways in which politics is to be re-organised so that the autonomy of the political is upheld from being overtaken by merely economic interests. The autonomy of the political reframes the welfare state as "weak" and democratic action as merely economic and not political in the proper sense.

However, an interesting conceptual conundrum follows. If the private interests and the demands, organisations and methods that are established to further them are merely economic, then why does Schmitt claim that their intrusion into the public sphere is responsible for politicising the economy? The discussion of politicisation of the economy in this chapter clarifies this issue by showing that Schmitt's concept of the political, on the one hand, delegitimises politicisation by maintaining that it does not reach the intensity of the political but is merely a threat to the already existing intensity. On the other hand, the concept of the political establishes the need to uphold the purely economic nature of economic relations within the territory. The weakness of the liberal state is due to its inability to uphold the monopoly of the political. The total situation is diagnosed to with the economy being politicised, which means the state loses its intensity. However, the forces that decrease the intensity of the state are not political in the proper sense because they are not intense enough to form their own territory according to their own

distinction between friends and enemies. This means that such forces are still social in the sense that they are not properly political but, nonetheless, are not purely social either as they threaten the unity of the state. As pointed out in Chapter 4, such forces are therefore illegitimate because they confound the political and economy, meaning that Schmitt situates them in a confused state somewhere between these two. The authoritarian distinction between the political and social necessitates that these forces, as far as they transgress the distinction, need to be countered by means of the total state. It is this transgression that is the focus of this chapter.

It seems that the distinction between the political and the social clarifies an important issue regarding Schmitt's ideas about state intervention. Many scholars seem to understand Schmitt's position as limitless state intervention. For example, Scheuerman argues that there's a break in Schmitt's thought around the time that the total state became explicit in his writings. Whereas in the early 1920s Schmitt sought to limit state interventions, in the late 1920s he "begins to outline a disturbing defence of a plebiscitary dictatorial system guided by precisely those individual measures and commands whose dangers he had warned his German readers about just a few years earlier" (Scheuerman 1997, 176; cf. Scheuerman 2000, 1884). However, Ingeborg Maus claims the opposite, that Schmitt's thought was consistent (even after 1933) in opposing democratisation of the economy and limiting the possibility to intervene in the economy by political means (Maus 1998, 209-210). My analysis of the authoritarian distinction allows for the two forms of interventions in Schmitt's thought to be distinguished. First, interventions can politicise the economy and therefore threaten the distinction between the political and social. Second, there are interventions that de-politicise the economy and uphold the distinction. It is the latter that Schmitt's theory establishes as legitimate.

Schmitt's theory of the total state is therefore an answer to the crisis that the total situation has brought about. It is not far from the truth to claim that all theories of strong sovereignty of the state have been born out of a political crisis. Most prominently, such a crisis is a civil war. For Schmitt, the crisis that pushed him towards theories of strong sovereignty was the turbulent situation at the beginning of the Weimar Republic. In 1919, Schmitt was working as a civil servant in Munich when the Spartacist revolution took place. The experiences of the revolutionary uprising, as Müller suggests, had such an effect on Schmitt that the previously apolitical public lawyer "opted in favour of the state asserting itself against the revolutionary masses" (Müller 2003, 19). This did not simply mean a coercive state that would contradict democracy, but a conceptual struggle against plural democracy. Schmitt's work on the concept of the political does not only attempt to reform the state, but to change the meaning of democracy.

Sections 5.2 and 5.3 focus on Schmitt's critique of party politics and his diagnosis of the Weimar political situation. However, I will not discuss

political issues or historical events. Rather, I am interested in how Schmitt conceptualises politicisation of the economy as a negative phenomenon. As pointed out above, conceptually this idea is highly ambiguous. The distinction between the political and the economy enables Schmitt to interpret demands for economic equality as illegitimate forms of politicisation, which are not political in the proper sense.<sup>53</sup> After this, in section 5.4, I will move on to an analysis of how Schmitt's distinction between the political and social establishes a normative basis for his analysis of politicisation. Lastly, section 5.5 is an examination of the role of the concept of the political in legitimating uniformity within a territory, which further de-legitimises politicisation. This last section will serve as a transition to the next chapter, which discusses how the total state encounters the total situation.

A major theme throughout this chapter is that Schmitt distinguishes between the masses and the people as a unified whole. As I will argue, the conceptual distinction between political and social establishes a normative basis for recognising these two from one another. For Schmitt the issue of his time is about how to de-politicize class relations. The liberal state, Schmitt laments, is unable to achieve this. "Today it is about the integration of the proletariat, the mass deprived of property and education, into the political unity. For this task, which is yet to be taken seriously, it is still the same apparatus and machines that is put into operation, and which served the task of integrating the educated bourgeoisie. The constitution is such an apparatus" (Schmitt 1928/1995, 47). What is telling about quote is that first, as a part of a "mass", the proletariat is not part of the unity but in need of integration. As I will point out below, this is because the proletariat are still tied to their social interests rather than to political ones. Second, Schmitt wants to integrate the proletariat into the already existing order rather than make room for their demands for equality. The authoritarian distinction allows to disqualify such demands as merely politicisation in need of state action.

I am interested in Schmitt's descriptions of domestic issues and the way in which the conceptual distinction portrays these issues in a way that counters legitimate state actions to counter them. However, it should be kept in mind that Schmitt's lamentations of the economic policy are not only domestic in

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<sup>53</sup> A different interpretation of politicisation is possible. In *The Communist Manifesto*, Marx and Engels point out that "every class struggle is a *political* struggle" (Marx & Engels, 2019, 49). Class contradiction in different forms is how the history of societies proceeds. The history of ideas is only the history of domination and they always belong to the dominating class (Marx & Engels, 2019, 62-63.). "The political power is in reality the organized power of one class to suppress another class" (Marx & Engels, 2019, 65). To counter this calls for the organisation of the working class and forming the communist party, which "has no separate interests from the interests of the whole of proletariat" (Marx & Engels, 2019, 54). Capital is a social power and to have it means to have a social position in capitalist production (Marx & Engels, 2019, 56).

nature. A proponent of strong sovereignty and a stark opponent of the Versailles treaty could not have left unnoticed the effect of Germany's debt to other countries, and to the USA especially. The economic crisis had disastrous effects partly because of Germany's dependence on American loans and because it intensified the Germans' resentment about having to pay reparations for the First World War (Tooze 2006, 23). According to Adam Tooze, the economic dependency and its crisis led to a reaction among Germans to call for economic nationalism (Tooze 2006, 24). He points out that by early 1930s, "the voices of liberalism were drowned out by the deafening clamour of economic nationalism" (Tooze 2006, 28). Schmitt definitely took part in amplifying such calls for nationalism against international dependency: "today the German people are presented with an easy alternative: either save their own political unity on the basis of their own political will, or to exist as a reparation unit based on external will" (Schmitt 1930/1958, 58). By the latter, Schmitt means that the republic would simply exist by other countries' will to serve as a means of extracting reparation payments.

This means that Schmitt's discussion of economic policy had also the intent of bolstering the Republic's external sovereignty. However, I would not go as far as Richard Wolin and claim that "considerations of foreign policy dominate to the point where domestic politics are stripped of all independence and integrity" (Wolin 1990, 405; cf. Habermas 1989, 129). Although it is obvious that these domestic and foreign issues cannot be neatly separated in Schmitt's theory – and that is certainly the case with the concept of the political – there still is a difference in how his theory approaches domestic and international issues. True, Schmitt's claim that the concept of the political means that plurality only takes place among political unities, and not within, ties together the domestic and the international. However, the way Schmitt's conceptualises domestic issues cannot simply be derived from his considerations regarding international law. This is especially the case with the distinction between the political and social, which, as I have pointed out above, is mainly concerned with domestic issues. This is mainly because the threat of mass democracy regarding economic interests and the problem of domestic sovereignty is conceptually a distinct issue to economic pressure and international dependency, which threaten a country's external sovereignty. Still, even if these issues require different strategies of conceiving the political, they are still interrelated in Schmitt's thought; and a good interpretation should always at the very least be conscious of both.<sup>54</sup>

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<sup>54</sup> The external issue regarding the politicisation of the economy was for Schmitt the pressure especially coming from the Soviet Union. Schmitt starts his essay, *The Age of Neutralisations and Depoliticizations*, published with his 1932 version of *The Concept of the Political*, with a remark that "we, in Central Europe, live *sous l'œil des Russes* [under the eyes of the Russians]" (Schmitt 1932/2015b, 73).

In the following, I will briefly discuss Schmitt's understanding of his intellectual enemy that he perceived as both an international and an internal threat: Marxism. Here, it is worth quoting Schmitt's words regarding the Marxist conception of class again: "As soon as economic categories take the place of political concepts and democratic homogeneity is endangered by economic contradictions in connection with a Marxist notion of class" (Schmitt 1927/1988b, 86). Three important themes can be highlighted from this quote. First, economic actors threaten the political own substance by using their economic position. Contradictions that are so intense that they actually threaten the state's own monopoly of the political are still not political enough – or that would mean a state within a state. Instead, Schmitt claims, "they are using their own position in the production process to take state power into their own hands" (Schmitt 1923, 37). The state would simply be reduced to an instrument for the cultivation of interests specific to an economic group.

Secondly, the quote illustrates that the distinction between the economic classes jeopardies the equality of citizens and their homogeneity. According to Schmitt, this event "in truth refers to an essential change in the concept of democracy, since the political aspects cannot be translated into economic relations" (Schmitt 1926, 33). By homogeneity Schmitt means democratic equality of a *demos*. If the people were heterogenic, neither the general will (in Rousseau's definition) nor the establishment of the distinction – in a democracy – between friends and enemies would be possible. In fact, Schmitt claims that the exclusion of the heterogenic belongs to the essence of democracy (Schmitt 1926, 14, 19). The crisis of democracy in the 1920s for Schmitt – and this brings me to the third aspect of the quote above – is about the modern mass democracy (Schmitt 1926, 21). Schmitt points out that the dissolution of democratic homogeneity also refers to a change in the way state finance is understood. Mass democracy differs from the 19<sup>th</sup> century political situation in the expansion of voting rights, so that those with democratic citizenship, that is, "those who 'approve' the manner of taxation and its redistribution," becomes a much bigger group than those who pay for those taxes. In the 20<sup>th</sup> century, therefore, political power and wealth become separated (Schmitt 1927/1988b, 87; Schmitt 1924/1988, 22; cf. Brunila 2020, 71-72). This means that a plurality of positions: 1. those wanting to protect private property from the will of the masses, 2. those who feel dispossessed in relation to their rights as democratic citizens. In such a situation, Schmitt laments, political power becomes disunited "to allow room for a fluctuating manifold of freely formed groups" (Schmitt 1924/1988, 21). Heterogeneity of the people is an issue, because their common interest could not be established as representing all, meaning that governing according to it becomes illegitimate and, ultimately, domination by the majority. This would mean that rebelling against the state would become legitimate, the possibility of which Schmitt seeks to categorically deny.

However, the threat to the state is not coming from Marx, who is deemed by Schmitt as being too focused on the natural scientific understanding of the economic-historical process. Rather, Schmitt sees more potential in Lenin and Sorel, who understood the praxis of revolution. For Schmitt, the bolshevist movement is political rather than merely economic since it has produced the political idea of the dictatorship of the proletariat. Instead of a mere scientific understanding of economic laws of history, the dictatorship of the proletariat refers to the task of using the state as a means of transitioning to the communist society that ultimately overcomes the state (Schmitt 1921, xv; Schmitt 1926, 77). The understanding of history and its objective laws is important here, and it serves as a legitimation of the transitional dictatorship, but this historical fact requires political action to bring it forth. The proletariat, therefore, has the right to use force, since “those who stand on the side of the things to come, is allowed to knock that which is falling” (Schmitt 1921, xvii). Lenin in particular, Schmitt claims, argued that the bourgeoisie stands in the way of historical development so that a political organization of the state into a proletarian dictatorship to deal with them.

Besides Lenin, Schmitt sees Sorel, among other syndicalists, as an intellectual enemy, who understood “what an important role the economic relations within the state become, and especially the workers unions, against which their economic practice of power, the strike, the laws of the state are almost powerless” (Schmitt 1927/1988a, 67). The point is not to win seats and represent people in the parliament, but to attack the basis of the political order as such. “The form of domination for [the bourgeois] class, the liberal democracy, is only a ‘demagogic plutocracy’” (Schmitt 1926, 81). Instead, the socialist movement uses the other means such as strikes and other economic means that take place in the economic sphere itself to overthrow the exploiting system as such (Schmitt 1926, 80-81). The problem for Schmitt with both Lenin and Sorel is that this utilisation of economic means of coercion is antithetical to the state’s monopoly on coercive power. Politicisation of economic relations threatens the political unity of the state and is therefore illegitimate. It is this threat that Schmitt seeks to counter with his own theory.

## 5.1 THE PROBLEM OF MASS DEMOCRACY

Even if Schmitt’s way of conceiving the total situation was somewhat idiosyncratic, many of his contemporaries seemed to agree with him about the fundamental problem of the inter war period. Neoliberals especially found Schmitt to be a (perhaps surprising) ally in diagnosing mass democracy as the main reason for political turmoil during the short lifespan of the Weimar Republic and the inter war period in general (Tribe 1995, 212). Originating from experiences of the strong working-class movements in the 1920s Germany and Austria, Mises, Eucken, Schmitt, and others were drawn towards

positions that countered strong mass democratic movements with authoritarian solutions. As Slobodian summarises it, the neoliberals agreed “in referring to the demands of interest groups for economic favours as the ‘politicisation’ (*Politisierung*) of the economic sphere” (Slobodian 2018, 114). This politicisation meant specifically socialist political movements that tried to unite the labour force into the proletariat class and attempts to institutionalize welfare reforms. To use Kiely’s coinage, the way to counter this was to “de-proletarianise” the working class (Kiely 2018, 44). Similarly, Schmitt argues that the task to counter politicisation was to integrate the working classes into the existing political unity.

For the neoliberals, these issues were partially caused by popular sovereignty. According to Slobodian, the general (male) right to vote had established the opportunity to legitimately demand better economic conditions, which had led to a situation in which those who sought political office would give out promises of “subsidies, jobs, wage increases, tax benefits, and tariffs of interest groups in exchange for their political support” (Slobodian 2018, 114). According to the neoliberal critics, this had brought about the democracy of the masses tying politics with representation of special interests.

Although Schmitt did see popular sovereignty in a different light, his diagnosis is in line with the neoliberal assessment that politicisation was the cause of a weak state incapable of rising above social interests trying to capture it. Here, it is specifically the idea that these interests arise from the social sphere. As Kiely emphasises, Eucken “claimed that Weimar gave rise to unrestrained socio-political forces, and thus a politicised pluralism which eventually led to mass democratic demagogy” (Kiely 2018, 55). The use of the word “socio-political” seems to accord with Schmitt’s analysis. Many of the neoliberals perceived democratisation and welfare institutions as *social* programs rather than being political in the proper sense (Scheuerman 1997, 175; Slobodian 2018, 46). Against these social institutions and forces there needed to be a strong state capable of limiting the effect social interests had on the political order.

Both Schmitt and the neoliberals would see the state as a solution to this problem. My point in comparing Schmitt to the neoliberals in the context of mass democracy is not to affirm Schmitt’s narrative as correct, or neoliberal, for that matter. Rather, because Schmitt was not alone in lamenting the problems of the democracy of masses, it will serve as a background against which the specific role of Schmitt’s distinction between the political and social will become apparent. Whereas the neoliberals might have understood “de-proletarianisation” as merely a problem that needed strong coercive methods, Schmitt thought that integration was an issue that would not be solved with methods that would completely counter popular sovereignty. Rather, sovereignty and the constituting power of the people was an aspect of political power that are necessary to political order. It is for this reason that Schmitt

took on theorising the political to re-interpret democracy, rather than merely making the state an instrument of the economic elite. Even if the result might have been the same, the founding of a strong state, it still meant a conceptually wholly different strategy to the neoliberals.

Legal theorist Richard Thoma (1874-1957), Schmitt's contemporary and discussant, argues that a democratic state must always be a party state, in which the majority is a party or a coalition of parties (Thoma 1923, 45). In a practical sense, this means a form of compromise-politics, in which different parties have to work with one another to form majority rule (Thoma 1923, 60). Furthermore, Thoma points out that parliamentary elections can never establish a direct will of the people. An election result simply cannot speak for itself. Simply because one party got the most votes does not mean that the voters were in agreement about why they voted for that specific party (as it could be a number of reasons). Therefore, in such a system it is only an illusion to think that results of a vote would mean the will of the people. According to Thoma, this is because the election result is the outcome of various methods of influencing the people. "The broad mass of people eligible to vote is on the contrary the object of a psycho-technical machine, and only material to be organized, persuaded and called to the ballot box" (Thoma 1923, 62). The will of the people neither speaks nor stands on its own. Various techniques to influence the psyche of voters further muddle the grasp of it. The popular vote is thus only a suggestion for the politicians to interpret. Rather than an immanent identity between the ruler and the ruled, Thoma sees democracy as a representational form of government that can bridge over class interests (Thoma 1923, 63). A democracy integrates by conferring citizenship rights. However, Thomas also points to a more radical possibility inherent in a democracy, which is the "political emancipation of the lower class" (Thoma 1923, 43). Democracy, therefore, could function as a way to transform the capitalist system of production.

Schmitt criticizes Thoma for giving too much leeway to political parties, which mostly represent interests of specific economic groups (Schmitt 1924/1988, 21). The political unity cannot be established on compromise (Schmitt 1928/1993, 36-54; Schmitt 1930b, 36). However, Schmitt agrees that voting does not establish the will of the people. As a matter of fact, in a liberal democratic system the people as a political unity, a *demos*, has disappeared:

The democracy today is a democracy without demos, without people. [...] The methods, however, with which the present-day democracy posits the sovereignty of the people to work, are not democratic but liberal methods. Nowadays the political decisions of the people comes through a secret singular vote into play. This means: the individuals are isolated in a single moment, in which they carry a public responsibility. (Schmitt 1928/1995, 48.)



Such a system, in which a private vote establishes the democratic legitimacy of a government, cannot establish a political unity precisely because voting is something done as an individual in privacy – both in complete opposition to the characteristics of the political, which is based on community and publicness. Public opinion and the will of the people cannot be the sum of individual and private opinions, Schmitt emphasises (Schmitt 1928/1995, 48). A sum of individual opinions does not establish the legitimacy of state governing, because such a legitimacy is strictly based on a political unity of the people. As pointed out above, democracy for Schmitt is a group of identities, such as the governed and governing, subject and object of authority etc., that is, the homogeneity of the people (Schmitt 1926, 35). Unlike Thoma, who argues that extending voting rights equals integration, Schmitt claims that integration means ascertaining consent and loyalty to the political substance of the republic (Schmitt 1928/1995, 47). No “secret singular vote” could be enough to accomplish this task.

The main theme of this chapter, the politicisation of economic relations, becomes an issue of exploitation and insecurity. Schmitt criticises liberalism for its inability to renew itself in the face of general voting rights. Parliamentarism might have worked in the 19<sup>th</sup> century, but once power relations change in favour of the masses, liberal ideas regarding parliamentary politics have become obsolete as they are no longer able to uphold the unity of the people (Schmitt 1931a, 87). This means that the problem is not simply the expansion of voting rights. Rather, Schmitt claims that mass democracy is a crisis of the homogeneity of the political unity (Schmitt 1926, 21).

The main danger against unity, according to Schmitt in 1920s and early 1930s, is that the economy had been politicised (Schmitt 1932/1995b, 73). To portray this politicisation in a negative light, Schmitt cites Rousseau’s *The Social Contract* to emphasise the difference between politics and economy: “The word *finance* is for slaves, it is unknown in a real state” (Rousseau 2008b, III, § xv; Schmitt 1927/1988b, 86). In the second book of *The Social Contract*, Rousseau does indeed emphasise that his understanding of political equality does not mean that “wealth should be exactly the same, but that, as regards personal power, it should not be so great to make violence possible” (II, § xi). Poverty and prosperity become an issue when there are citizens that have no power whatsoever and therefore are subjugated under the tyranny of the rich and more powerful. As Samuel Moyn points out, Rousseau’s argument is not going far enough to make the state directly obligated to establish some sort of a minimum subsistence – which would correspond with the modern idea of distributive justice. Instead, Rousseau simply wants to moderate wealth distribution to avoid social disasters (Moyn 2018, 20). Violence arises out of the greed of the rich and the envy of the poor citizens who can no longer restrain themselves, Rousseau asserts (Rousseau 2008b, II, § xi). The issue regarding the distribution of wealth is more a matter of insecurity than of inequality. In the chapter Schmitt is referring to, Rousseau wants to emphasise

that it is in the common interest that each citizen should remain active in the political life of the state. The affairs of the state are on a good basis when “the higher is the priority given, in citizens’ minds, to public rather than private business.” Citizens have certain obligations towards the common good that trump their private interests – or else “the state is already near to ruin.” (Rousseau 2008b, III, § xv.)

However, Schmitt interprets Rousseau’s statement so that economic and financial questions *as such* are a threat to democratic unity. The problem is not the existence of poverty but its politicisation, that is, to attempt to create a political contradiction between the poor and the rich. Rather, it is once poverty is politicised so that “economic categories take the place of political concepts and democratic homogeneity is endangered by economic contradictions in connection with a Marxist notion of class” (Schmitt 1927/1988b, 86). As pointed out above, politicisation of the economy confounds the political and the economy in a way that economises political concepts. With the liberal system’s inability to integrate the proletariat into the political unity and uphold it against party politics, Marxists find fertile ground for using political institutions as instruments to politicise economic contradictions. It is not therefore the simple economic condition that needs to be ameliorated. For Schmitt, the answer lies in reforming the political system to better counter the threats of the democracy of the masses.

Unlike the liberal separation between the state and society, which might have worked in the 19<sup>th</sup> century, when political constituents and taxpayers were identical in number, the total situation requires new distinctions to secure the political unity. One way Schmitt analyses this situation from the perspective of the problem of constituent power, is that in any democracy it seems that the people can be divided into two groups: 1. “the democratic majority, which ‘authorise’ taxing and its re-distribution”; 2. “the taxpayers, who in economic reality pay those taxes” (Schmitt 1927/1988b, 87). Old liberal methods of limiting the people from taking over constituting power is no longer possible, and for Schmitt this situation calls for integration rather than exclusion. Here, I agree with Kalyvas that Schmitt’s anti-democratic element comes from his preoccupation with the perspective of the rulers rather than the people (Kalyvas 2008, 83). The democracy of the masses presents a problem to the government due to the people being invested with constituting power. The constituting power of the people is an issue, as Kalyvas points out (Kalyvas 2008, 179), because it is necessary for the legitimacy of the state. To simply serve the interests of the bourgeoisie would reduce the state to a mere servant, “and only a weak state is a capitalist servant of private property” (Schmitt 1929/1988). By this, Schmitt does not mean that the state should give in to socialists and their demands, but simply that the state can only become strong through unity, which requires that the people’s constituting power is invested in it. A state that is a mere instrument can be used by anyone, the bourgeois

and the proletariat, and for that reason it is the opposite of a strong state, as I will point out in the last chapter.

Part of Schmitt's strategy to persuade his readers to his authoritarian solution to mass democracy is his pessimistic description of elections. According to Schmitt, democratic elections cannot function as a way of uniting the masses. Even in a direct democracy with votes regarding particular issues, "the people can only say Yes or No; it cannot negotiate, deliberate or discuss; it cannot govern or administrate" (Schmitt 1932/1988, 93). This means that some form of authority is necessary. However, Schmitt deems the parliamentary system incapable of exerting authority that would uphold the unity of the people against "the plurality of social, economic, cultural and confessional contradictions" (Schmitt 1931a, 88). Rather, the task is to re-fortify the state's sovereignty to build the political unity out of the heterogenic masses anew (Schmitt 1928/1995, 47). This means that homogeneity is not something that pre-exists political institutions. As pointed out above, political unity and intensity require strength and force. In this task, the state and its institutions are necessary, because "the institutions of a state have the function to make this uniformity possible and to renew it daily" (Schmitt 1928/1995, 47). Unlike Strauss, who claimed that Schmitt's theory ultimately does away with the indispensability of governing (Strauss 2001, 223-225), it seems that for Schmitt state power was necessary to uphold the intensity and unity of the people. The will, in order to remain unified, necessitates power capable of forming it (Schmitt 1933/1958, 370). It therefore turns out that de-politicisation advocated by Schmitt resembles the aforementioned de-proletarianisation.

## 5.2 PARTY POLITICS AND THE TOTAL SITUATION

The main target of Schmitt's antagonism towards mass democracy was party politics. Schmitt laments that party-struggles in a democracy mean that "every party does not identify itself solely with the 'true' will of the people but, above all, struggle for the political instruments that allow forming the will of the people and to direct it" (Schmitt 1924/1988, 25). This means that the state becomes a mere instrument for advancing particular interests of a social group and not the common interest of all. Politicisation of the economy grows out of this situation. The representative system becomes "an object of compromise" for economic interest groups to instrumentalize it to serve their particular interests. The unity of the political, Schmitt argues, is therefore threatened by this type of pluralism (Schmitt 1930b, 31, 34).

To lay the foundation for my analysis of the normative basis behind Schmitt's diagnosis of politicisation of the economy, I will go over Schmitt's critique of party politics. This is because in this critique the basic normative aspects are most evident. Party politics is contrasted to the unity and homogeneity of the

people constituting the political intensity. “Every democracy is based on the presupposition of an undivided uniformed, whole [and] unified people (Schmitt 1932/1988, 31) Ultimately, party politics contradicts the concept of the political. As McCormick points out, Schmitt’s presupposition that democracy can only exist when plurality is excluded – an idea that is contradicted by almost all democratic theory – is strategic in the sense that “only under the standard of such assertions about democracy can right-wing, elitist, nostalgic monarchists like Schmitt present themselves as ‘democrats’ or ‘populists’” (McCormick 2004, xxxii).<sup>55</sup> As I pointed out in Chapter four, Schmitt’s concept of the political is at the heart of reforming democracy to better reflect these conservative sensibilities.

Granted, Schmitt is not against the party-system as such. Rather, his critique of party politics is contingent as it concerns specifically the late years of the Weimar Republic, when parties no longer functioned as a means for the formation of popular will to support the legitimacy of the original political unity. The liberal state, incapable of reigning in the parties and realigning them with the political substance of the constitution, brings about a situation in which economic contradictions start to intensify in such a manner that political parties are transformed into “organisations defined by interests or simply by the class of the united masses” (Schmitt 1928/1993, 326). This quote is about Schmitt’s conservative perception of “the masses” in the aforementioned sense since it also points towards his theoretical stance that “united masses” are still masses rather than a genuine political unity. These united masses are neither political nor social in the proper sense. This is because they are neither part of the political unity nor are they merely social in the sense of remaining unpolitical. Rather, it turns out that Schmitt’s conceptual distinction between the political and the social locates the masses in a situation that conflates this distinction into one. For my general argument in this thesis, this conflation is the important part of the grievances that Schmitt has about party politics. The party-political system becomes an issue once it transgresses the distinction between the political and social.

Schmitt’s critique of democratic institutions such as elections and democratic parties is always tied to his understanding of a deeper crisis of political unity. For example, Schmitt does criticise the idea that 51 percent of the people might decide for the other 49 percent, but the problem is not that majority votes could never work (Schmitt 1932/1995a, 57; Schmitt 1932/1995b, 82). Rather,

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<sup>55</sup> Strangely enough, Julian Young argues that Schmitt was a liberal in the sense that he criticised the idea that political unity, meaning something akin to Rousseau’s *general will*. Rather, Young claims, Schmitt wanted to protect the individual in a liberal fashion against absolutisation of democracy. However, it needs to be pointed out that Young’s evidence for this is solely based on a discussion of Schmitt’s book on dictatorship. (Young, 2021, 174-175.) The issue is altogether different when Schmitt is not talking about exceptional measures but, instead, the normal situation in a democracy. For example, in his critique of parliamentarism, Schmitt fully endorses Rousseau’s ideas (Schmitt, 1926, 19).

a simple majority cannot establish unity in such an “arithmetic” manner. “The methods of will formation through a simple determination of majority is meaningful and tolerably when a substantial uniformity of the people can be presupposed” (Schmitt 1932/1988, 31). The parliamentary and electoral methods are not the real problem. Rather, the crisis of the underlying substantial unity is the real issue, which various liberal and institutional methods are incapable of resolving.

Party politics is the root cause for the total situation. Schmitt laments that in the coming German elections there is not merely a choice between five different parties but, instead, between five different ideologies (Schmitt 1932/1995b, 76). “The enormous masses of voters” have to make a decision between “totally different world views, totally different state forms, totally different economic systems” (Schmitt 1932/1995a, 57; Schmitt 1933/1988, 189). Parties present the people with a decision between systems that are mutually exclusive. Rather than bringing the will of the people together and uniting the masses, party politics channels the will into opposite directions (Schmitt 1932/1995a, 57). For Schmitt this means that the state’s capacity to uphold the distinction between the political and social is lost, because the parties have different ideas as to what is political and what is not and the state must therefore potentially change its course after every election (Schmitt 1932/1995b, 75-77).

In his discussion of the total state, Schmitt remains consistent in pointing out that in Germany, instead of an actual total state worthy of the name, there are only total parties (Schmitt 1932/1995a, 59; Schmitt 1933/1988, 187; Schmitt 1932/1995b, 76). These parties, so far as they are total, stray away from the original political unity in order to service some private interests their voters and supporters have. This means that a decision between different parties is a decision between “contradictory world views, state forms and economic systems” (Schmitt 1933/1988, 189). Schmitt argues that this is contrary to what elections are actually about, which according to him is the will formation (*Willensbildung*) necessary for upholding the constituent power that confers legitimacy to the already established system (Schmitt 1931a, 87). The total situation therefore means a situation in which everything can be politicised (Schmitt 1931/1988, 152). In such a context, the parliament is not strong enough to uphold the process that would lead to united will of the state that overcomes “egoistic” interests of the parties (Schmitt 1931a, 87).

This context of the total situation as the pluralism of total parties brings us to the issue of de-politicising the economy. Schmitt laments that de-politicisation has been misunderstood because its target is not the state but the various parties that need to be reined in by the state. The liberal de-politicisation fails because the transformation of the state into a mere instrument of administering society simply empowers the parties to become total. “The fundamental mistake of every [liberal] de-politicisation attempt is already

contained in misunderstood and misleading buzzword ‘de-politicisation.’ With this word, as far as serious motions are concerned, is actually understood usually as a disposal of a specific manner of doing politics, that is, party politics” (Schmitt 1930/1958, 56). This correct meaning of de-politicisation Schmitt defines as “de-party-politicisation” (*Entparteiopolitisierung*) (Schmitt 1930/1958, 56). What it means is that parties need to be realigned with the original political unity and therefore sever their ties to social power groups that use political institutions to further their own private interests.

The justification for de-politicisation and limiting political parties is established by Schmitt’s normative concept of the political. “Every democracy presupposes the homogeneity of the people. Only such a unity can bear political responsibility.” (Schmitt 1928/1995, 49). Without a unity intensive enough to maintain homogeneity, there is no ultimate authority and therefore no responsibility. Parties indeed can function as means of upholding this unity. However, Schmitt’s understanding of the historical situation is pessimistic about this possibility because the elections are not what they should be. “The representative is no longer a representative in the way it was conceived in the constitution, for they are no longer *independent*, a free individual against the interests of the party in favour of the welfare of the whole, but rather the representative has become a rank-and-file marching party-individual” (Schmitt 1932/1995b, 74; emphasis added). A representative must transcend private interests, which the parties have decided to serve instead of the public interest, and therefore become independent of social groups. What makes party-politics problematic is that it is dependent on social organisations and, therefore, “confounds economy and politics” (Schmitt 1932/1995b, 80). It is therefore Schmitt’s distinction between the political and social that becomes a relevant conceptual basis for de-legitimising politicisation of the economy.

For a conceptual discussion of politicisation to take place, it is useful to underline this aspect of Schmitt’s critique of party-politics as a conflation/confounding/confusion regarding the political and social. Even though the total situation is indeed political, and even if party-political forms of politicisation and using politics to achieve the objectives of the party are described by Schmitt as political acts, he still deems them illegitimate “occupations” of the state and its institutions (Schmitt 1932/1988, 18; Schmitt 1932/1995a, 59). In this total situation, the state has become weak due to it losing its strength and force to social organisations. Schmitt deplores how the will of various parties and power groups drag the state into intervening into all regions of without distinction (*unterschiedslos*) (Schmitt 1932/1988, 96; Schmitt 1932/1995b, 74). From this weakness of the state in distinguishing between the state and the social arises the total situation, that is, “the total politicisation of the whole human existence” (Schmitt 1932/1988, 93). Because it gives in to demand for fulfilling various interests, the plural state is

weak precisely for this reason of not having the strength to make the distinction between state and economy.

Schmitt's conceptual basis allows him to frame various organisations as merely social, which makes their attempts to act politically illegitimate. The parties that act on behalf of these social organisations and power groups therefore contradict the political unity. This means Schmitt's authoritarian distinction is especially present in his condemnation of any dependency on social organisations (namely labour unions), which are barred from entering the political sphere. This dependency compromises the political unity. In fact, Schmitt claims that the Weimar Republic has been compromised because, "to a greater extent, the state actually seems to be dependent of the various social groups, almost as a victim or a result of their agreements, as if the state was an object of compromise of social and economic power groups, heterogenic factors, parties, interest groups [etc.]" (Schmitt 1930b, 36). The total situation is the plurality of various *social* organisations taking over political institutions. The institutions might be political, but the groups and their demands are always portrayed by Schmitt as merely social (Schmitt 1931/1988, 156; Schmitt 1929/1988, 109-110). The party-political system reflects and serves the interests of these heterogeneous power groups, with the help of which parties have transformed the parliament into a pluralist system (Schmitt 1932/1988, 90).

The independence of the political unity from the social is what makes the state capable of upholding order as it has the power to resolve conflicts of *social* groups (Schmitt 1930b, 41). The weak state is incapable of exerting such sovereignty over social conflicts because it cannot uphold a distinction between the political and the social. Schmitt claims that the politicisation of the social ultimately leads to a situation in which the distinction between social and political proper becomes blurred in a way that threatens state sovereignty (Schmitt 1932/1995b, 73). During a time of mass democracy, everything can be politicised, at least potentially (Schmitt 1932/1995b, 74). In such a situation, a strong state is needed to uphold the distinction between these two, that is, a strong state is capable of de-politicising economic relations (Schmitt 1932/1995b, 74-75). A strong state, therefore, is one that upholds the distinction and leaves the economy to function on its own but also intervenes when its monopoly of the political is threatened. The strong state, Schmitt concludes, establishes order "through which disarray of different contradicting interests can be overcome" (Schmitt 1932/1995b, 83). I will discuss this aspect regarding state sovereignty in the last section of this chapter. In this context, sovereignty is about establishing a political unity within a territory that limits the politicisation of the social.

### 5.3 ILLEGITIMATE POLITICISATION

Politicisation of the economy takes place when political parties become servants of extra-parliamentary social forces. They become dependent on social forces and therefore stray away from the political unity. In the total situation, Schmitt claims, in order to exist politically, the parties simply cannot abstain from influencing and changing the constitution (Schmitt 1932/1988, 90-91). This means that their existence and interests is a threat to the original political unity. To repeat, the need to resolve this contradiction is the basis for Schmitt's justification of the strong state.

However, it is not at all clear why the political existence of total parties is any different from the political existence of the total state or for that matter, why the state should have power over them. A reference to the constitution and its establishing of public interests might suffice to distinguish between constitution-aligning and constitution-contradicting political actors. However, rather than focus further on Schmitt's constitutional thought, I contend that for Schmitt the problem with party-politics is not simply that they contradict the constitution, but that they serve private interests and act on behalf of social forces. This means that the parties become total precisely because they overcome the distinction between political proper and social. The concept of the political is supposed to establish limits to party-political action and rein in politicisation of the economy by demanding the political actors to remain "independent" from the social. It is the task of this section to elaborate this aspect of the distinction.

A good start to such a discussion is Schmitt's book on the crisis of parliamentarism, and especially its preface from 1926. In it, Schmitt basically explicates the problem he is about to take on in his future essays on the strong state. The parliamentary has lost its foundation and become powerless against the democratic onslaught. Even if parliament as a form of governing might have worked well as a democratic institution in the 19<sup>th</sup> century, Schmitt claims that during the 20<sup>th</sup>, "the contradiction [between parliament and democracy] is out in the open and the difference between liberal-parliamentary and mass democratic ideas can no longer be left unnoticed" (Schmitt 1926, 6). The mass democratic situation has brought about the problem of democratic institutions for those who govern because democracy needs to be limited. The democracy of the masses has shown the weakness of liberal parliamentarism.

Here, Schmitt establishes the idea that the problem is how the social and the political become increasingly entangled. Although Schmitt here does point out that the dependence of the representatives from social organisations contradicts the constitution (Schmitt 1926, 7), his arguments in the texts are not merely constitutional. Even though Schmitt had not yet published his essay on the concept of the political, his critique does assume a normative perspective laid out by a distinction between the political and social. Without it, his diagnosis regarding the intrusion of private interests into the public



sphere would simply become mere observations. However, as I have pointed out in Chapter four, Schmitt's portrayal of the parliament as a mere façade and theatre for presenting the social as if it were political is highly normative and assumes the distinction. As Schmitt claims in his introduction to the book on parliamentarism, "the whole parliamentary system is ultimately only a terrible façade in front of the rule of parties and economic interests" (Schmitt 1926, 29). It is the conceptual distinction that takes part in uncovering what's behind the coulisses, namely the entangling of social forces and political power.

Schmitt accuses especially the total parties for the politicisation of the economy. This is the situation in Germany during the later years of the republic, when Schmitt claims that *everything* has been politicised (Schmitt 1932/1988, 93; Schmitt 1933/1988, 185; Schmitt 1932/1995b, 73). To establish this diagnosis, Schmitt refers to the notion of private interests, and the threat they entail to political order. "Who organises interests as such, always organises also conflicts of interests and this organising will probably heighten also the intensity of these conflicts" (Schmitt 1932/1995b, 82). I already established in Chapter three that theories of sovereignty tend to contrast between private and public interests. As I argued in that chapter, Hobbes and Rousseau think that individuals sometimes confuse what is in their best interest, serving the public interest, and end pursuing their private interests in a way that contradicts public order. For Schmitt, the problem was social organisations and their use of economic forces to put pressure on the government. Rather than describing these organisations as political, Schmitt says that "the specific *social* power groupings [...] use their position in the process of production in order to grasp the power of the state" (Schmitt 1923, 36). These organisations are defined by their position in the economic sphere rather than political. They simply exert economic influence on the political institutions.

The interests of these organisations are social and therefore private. Through a democracy of the masses, private interests are enmeshed with political institutions. Schmitt deplors this as "egoistic," which is supposed to describe the willingness of certain organisations and parties to further their own interests rather than the public one (Schmitt 1926, 20; Schmitt 1931a, 87). They cannot be public because they do not originate from the political unity but from the social sphere. As Schmitt writes in his *Constitutional theory*, parties cease to be political in the true sense once they become "fixed organisations of interest- or class-wise bound masses" (Schmitt 1928/1993, 326). If they take the side of the social and the private interests, the individuals can only constitute a mass of heterogenic groups with various contradicting interests (Schmitt 1930/1958, 44).

It is only by forgoing private interests that the people can become politically unified and form "a people" in the political sense. This, however, means that the people exist politically rather than socially: "In the realm of the political,

people do not exist in abstract, but rather as *politically* interested and *politically* determined people, such as state citizens, governing or governed, politically allied or opposing, that is, always based on political categories” (Schmitt 1926, 17). The problem with economic organisations and power groups is that they threaten to replace political categories with economic ones (Schmitt 1926, 32, 64; Schmitt 1922/2015, 55). Rather than act on behalf of the people as a political unity, the parties represent an economic class and further its private interests. Therefore, according to Schmitt, the politicisation of the economy “in truth refers to an essential change in the concept of democracy, since the political aspects cannot be translated into economic relations” (Schmitt 1926, 33). In such a situation democracy ceases to be political in the proper sense.

For Schmitt, the political pluralism of the state reflects the pluralism of various powers in the economy. According to Schmitt, this “polycracy” of the various power groups gains its political meaning “from the alliance with those [parties] supporting the state’s pluralism, which have an interest in polycracy as long as these [economic groups] at the same time provide positions of power for their [party] organisation” (Schmitt 1931a, 93). The conflicts within the economy coincide with the political pluralism of the parties. Therefore, the state becomes an instrument for economic groups and forces to organise themselves and exert power against their own opponents in various economic conflicts. Schmitt claims that the state in this situation can only be described as “the self-organisation of society,” and which politicises without distinction (Schmitt 1931/1988, 185) By siding with private interests, total parties have obliterated the distinction between the state and economy as “the obligation to politicise totally seems inescapable” (Schmitt 1932/1995b, 75).

A weak state is one that is incapable of thwarting these social forces from using political institutions for their own gains. Schmitt portrays these methods of exerting their power as precisely economic (Schmitt 1927/1988a, 67), meaning that it is the fault of the state in not being able to limit politicisation. In this context, Schmitt wants to portray liberalism as a weak form of politics that relies on the principle of non-intervention. “Non-intervention would mean that in social and economic conflicts, which cannot be warder off with purely economic methods, the various power groups are given free reign” (Schmitt 1930/1958, 42). By limiting the state in the face of social conflicts, liberalism has made it possible for economic groups to take over in acting.

In so far as they are not part of the unity, the masses have made it possible for economic groups to influence politics (Schmitt 1930/1958, 44). The masses as a plural and therefore social phenomenon have brought about the confounding between the state and economy. “Therewith falls, as mentioned, the earlier presupposed distinction of state and society, government and people [...], [therefore] all social and economic problems become immanently problems of the state and it is no longer possible to distinguish between state-

political and societal-unpolitical spheres” (Schmitt 1931/1988, 151). This total situation is therefore the result of the masses of voters following their own economic interests rather than the public one. The democratisation of the economy or, as Schmitt describes it, “economic democracy” is illegitimate if it is the translation of political concepts into social ones. Namely, the representation of an economic class rather than the people as a political unity. This is evident in Schmitt’s way of describing it precisely as economic democracy rather than as democracy in the political sense. For Schmitt, it is unmistakably an illegitimate form of democracy, which has brought about a *conceptual* confusion. “Economic democracy has the aforementioned [conceptual] meaning of a bringing forth a *confounding economy and politics* with the help of political power to appropriate economic power into the state and in turn with the help of this so achieved economic power to strengthen its political power” (Schmitt 1932/1995b, 80). Democratisation of the economy is therefore portrayed as an illegitimate form of politicising the economy. Schmitt can transform the meaning of democracy in this context precisely because he operates with a normative distinction between the political and social. With the help of the distinction, democratisation of the economy is presented as a concern to the political unity.

Politicisation transgresses the conceptual distinction between the political and the social and establishes a conceptual space that is located somewhere in-between these two concepts. Schmitt even describes this literally as an in-between state (*Zwischenzustand*), “which allows for, on the one hand, to act as a ‘state’ and, on the other hand, as a ‘mere social quantity’ and a ‘simple party’, and therefore enjoy all the benefits of influencing the state’s will without taking responsibility and political risks and in this sense play *à deux mains*” (Schmitt 1932/1988, 91). Politicisation of the economy is about transgressing the distinction between the political and social in precisely this sense, where political power becomes an instrument to service social forces without it being political in the proper sense.

This means that politicisation is a threat that requires de-politicisation. The social forces can be recognised as a political threat once they start to enter this “in-between state” between purely social and properly political. These “merely” social conflicts are not political in the actual sense, because they do not have the authority to decide on the distinction between friends and enemies. However, since they threaten the monopoly of the original political unity, they are not purely social either. The social actors gain their political meaning from their “entanglement with those participants in pluralism within the state that have an interest in plutocracy” (Schmitt 1931a, 93). For Schmitt, de-politicisation as de-party-politicisation, is about intervening into economic matters when it is used to protect the state’s political monopoly and therefore in the name of public interests and the preserving of the original political unity. Interventions that seek to serve private interests are in this sense illegitimate. Therefore, the conceptual distinction between the political and social

establishes limits regarding legitimacy of state action and the illegitimacy of politicisation.

This brings us back to basic ideas regarding sovereignty, which will be discussed in the next section. In Chapter three, I established how Hobbes, Rousseau and Schmitt all argue for the centralisation of political power to establish the binding force of public interest and to create an obligation for the citizens to follow it. As Rousseau points out, for the democratic state “nothing is more dangerous than the influence of private interests” (Rousseau 2008b, III, § iv). There must be a power that is able to, to use Hobbes’ formulation, reduce the plurality of different wills of the citizens unto one common will (Hobbes 2018, XVII, § 87). As I will show below, this is precisely the reason Schmitt wants to fortify the state to counter democratic means of furthering economic interests. Theories of sovereignty claim, to quote Judith Butler’s elaboration, that “the coercive power of the state is necessary to contain the potentially murderous rage of its unruly subjects” (Butler 2020, 40). The possibility of conflict – the negative aspects of human sociability – establishes the need for sovereignty. This means that the concept of politicization is central to theories of sovereignty. Without the possibility of antagonism, the legitimacy of sovereignty would cease to exist.

The establishment of economically uniform behaviour within a territory becomes an important aspect of sovereignty. This is what makes Schmitt novel to both Rousseau and Hobbes. To uphold the distinction between the political and social in the time of intensified class contradictions means to establish a rule of the capital by means of the state. My analysis of the politicisation of economic relations in the context of sovereignty therefore echoes Marx’s point that the state has become a “stronghold” of capital interests.

Here, to understand Schmitt’s position, it is relevant to take a short detour to elaborate what Marx meant by this comment regarding the state as a servant of bourgeois interests. As Marx claims in his book on the events, the 1848 revolution in France means the birth of the bourgeois republic that “throws the exploiting class on the top of the state and tears away their deceiving mask” (Marx 1969, 29). The bourgeois class no longer stands behind monarchy but steps up and becomes the political subject that structures state policies. According to Marx, in the French civil war that then ensued during 1848-1850 the “veil that covers the republic is torn apart” (Marx, 1969, 31). The republic then becomes a stronghold of bourgeois order (Marx, 1969, 32). During the civil war class distinction emerges as the relevant political distinction, meaning that the unity between the proletariat and bourgeoisie lasts only for a short period when “the interests of the bourgeoisie were tied with that of the proletariat’s”, i.e., when both classes fought against monarchy (Marx, 1969, 32). Rather than representing common interest, the republic turns into a rule of the capital (Marx, 1969, 33).

Obviously, Marx's way of telling the history of 1848 as a point of complete polarisation is more strategic than factual, as Isin points out (2002, 228). However, the point is not about historical accuracy, but the fact that Marx among others discredited the new government and claimed it to be illegitimate since it served bourgeois interests. Schmitt was acquainted with Marx's analysis of the events, and he refers directly to Marx's reading of the revolution (Schmitt 1928/1993, 309; cf. Balakrishnan 2000, 38). Schmitt acknowledges that Marx was the first to understand the de-politicising nature of industrial society. The state's monopoly of the political made it seem that politically relevant groups were apolitical – the bourgeoisie and the proletariat.<sup>56</sup> Marx for his part analyses the bourgeoisie in relation to the proletariat, the existence of which negates the legitimacy of the society that works to exclude it. What Marx manages to do, according to Schmitt, is a distinction between friend and enemy – and therefore, essentially, to reach what is essential to politics (Schmitt 1931/2004, 225). What the dialectical historical method therefore manages to do is that it establishes the illegitimacy of the current political order. The knowledge that world history is the history of class struggle, and its process therefore legitimates political action that is based on this knowledge (Schmitt 1926, 68-70). This means that Schmitt's issue with Marxism is that it de-legitimizes the political order by making the state a mere instrument of a class rather than a representative of the people as a political unity. Therefore, it seems that for Schmitt, to de-proletarianise the masses, the interests of the "stronghold" need to be transformed into public interests.

## 5.4 ECONOMIC SOVEREIGNTY

The politicisation of the economy is a hostile takeover of certain political institutions in a way that remains entangled with the social. With the help of parties, various social organisations further their own interests by occupying the state. For Schmitt this was a catastrophic situation where even the basic political concepts were being transformed. In the hands of party-politics, such basic concepts like legality and legitimacy were becoming "tactical instruments" to serve anyone's interests. Rather than limiting the possibility of a civil war from erupting, the constitution becomes a site of conflicting classes that use legal means to fight against one another (Schmitt 1932/1988, 96-97).

Throughout his texts, Schmitt is worried about the state becoming an instrument of settling private grievances and striking down opponents. Schmitt singles out Marxism especially as a dangerous transgressor of the

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<sup>56</sup> However, Schmitt attributes Hegel as the originator of the "political-polemical" conception of the bourgeois class (Schmitt, 1926, 87; 1931/2004, 222-223.). Bourgeoisie is the class that "wants to be left to the unpolitical and riskless private sphere" (Schmitt, 1932/2015a, 58).

distinction between political and social, and as a movement that seeks to use the state as an instrument. In a short summary of his ideas regarding dictatorship, Schmitt defines socialism as “the proletariat’s mere capture and use of state power to contradict the bourgeoisie” (Schmitt 1926/1995b, 36). It is against this “internal” enemy, as it is sometimes described, that the concept of the political seems to be used.

Schmitt argues that there needs to be limits to economic action. The state as an economic actor *par excellence* lacks such limits, for “there is an apparent discrepancy: an economic state without an economic constitution [*Wirtschaftsverfassung*]” (Schmitt 1930/1958, 43). A constitution, as discussed in Chapter two, establishes limits to what is legitimate political action. However, since economic-wise there remains compromises and vagueness in the constitution, these limits are not quite established and give leeway to social organisations. In the total situation, this is a major defect for Schmitt (Schmitt 1931a, 96). An economic constitution would mean defining the role of the state but also that of subjects within a territory when it comes to their economic acting. As Schmitt points out, the people do not exist in the abstract in the economy, but as producers, consumers etc. (Schmitt 1926, 17). This means that to fit the purposes of an economic constitution, subjectivity will have to be re-defined: “as their capacity as an economic subject, a single citizen has no political position and rights as citizens, that is, as employers, producer, tax payer, or in any of their economic quality or capacities. The citizen is for such a state constitution always only a *citoyen* and not a *producteur*” (Schmitt 1931a, 97). This means that the political limits of economic subjectivity have not been properly established. Like the neoliberals, Schmitt seems to argue that there needs to be a decision regarding the economy in a way that establishes the limits of legitimate action (Fusco and Zivanaris 2021, 9-10; Miettinen 2021, 274; Slobodian 2018, 211; cf. Irving 2018, 115; Whyte 2019, 160). A sovereign territory presupposes the uniformity of social action, the establishment of which is a political task.

In this section, instead of focusing on Schmitt’s remarks regarding the economic constitution, I will discuss Schmitt’s conceptual basis for justifying the demand for economic uniformity within a territory. Without a strong state, party conflicts would simply engulf the state in a civil war. In fact, Schmitt claims that the methods that the state has at its disposal are essentially instituted for the function of “making this uniformity and its daily restoration possible” (Schmitt 1928/1995, 37). The role of the state is to limit domestic parties, an act that Schmitt describes as “de-party-politicization” (1930/1958, 56; Schmitt 1932/2015a, 30). A situation in which the parties would actually see each other as enemies would not mean that political unities would exist according to party lines. Instead, conflict between the parties would simply mean that the political unity engulfs itself in a civil war (Schmitt 1932/2015a, 31).

As pointed out above, Schmitt wants to integrate the proletarian masses into the original political unity established by the constitution. In order to transform the masses (a category that refers to heterogenic groups still loyal to furthering private interests) into a political unity, it is necessary to distinguish between the state and economy and therefore sever the relationship of the unified people with various social organisations. So, what ultimately is Schmitt's plan in "integrating" the proletariat into the political system? Schmitt was sceptical about using democratic means to achieve this task, because of the exceptional plurality of the situation. A normal situation would not call for strong measures. However, Schmitt emphasises, "there is no plurality in a normal situation" (Schmitt 1930b, 37). The normal situation is a production of sovereignty. Norms and the validity of law is only valid once order has been established. As Schmitt claims in the *Political Theology*, "there is no norm, that would be applicable to chaos" (Schmitt 1922/2015, 19). Without the sovereign to uphold the distinction between friends and enemies, the normal order of things would simply dissolve into chaos. It is precisely this point that perpetuates for Schmitt the justification for sovereignty.

As I emphasised in Chapter three, theories of sovereignty tend not only to theorise violence and power close to one another but also power and consensus. According to Schmitt, "every 'free' consensus is in some way motivated and induced. Power produces consensus, and often in fact rational and ethically justified consensus. It is also that, vice versa, consensus produces power, and often in fact irrational and – contrary to the consensus – ethically reprehensible power" (Schmitt 1930b, 37). In a "mass democracy" if common interest is weakened in the face of private interests, the state's political substance is ultimately reduced to an instrument of economic power. For this reason, consensus that has been produced by sovereign power is more rational, because it upholds the common interest and guarantees the existence of a political unity. It seems that for Schmitt, the German people in the early 1930s were too weak to produce consensus themselves and therefore it is the task of political power to de-politicise and integrate the proletariat back into the political unity.

Sovereignty is about establishing consent and consensus among subjects through coercive means. As both Agamben and Foucault claim, sovereignty ultimately means the establishment of an obligation for subjects to limit themselves. What is specific to Schmitt is that this obligation needs to be established in the economy. The sovereign establishes the illegitimacy of politicizing economic relations. The distinction between friends and enemies dictates that conflicts between friends can never be legitimised and therefore should not be politicised. To go against this distinction, Schmitt emphasises, means to "place oneself in the order of things on the side of the enemy" (Schmitt 1932/1995b, 49). My argument was that this de-legitimation of conflict between citizens (or "friends") is based on the idea that the political relation is the most intense contradiction between two groups. It is the task of

the sovereign to uphold this intensity and to externalise the friend–enemy distinction. The production of homogeneity, and therefore de-legitimising internal conflicts, is what justifies sovereignty.

However, as I pointed out at the beginning of this thesis, my argument here is not simply that the ever-present possibility of conflict legitimises the role of the state. Rather, the concept of the political establishes an important normative limit regarding the social. Social conflicts should not reach a level of intensity that undermines the state’s monopoly of the political. For the rest of this section, I will elaborate why this is the case.

Schmitt’s understanding of civil war is central here. To explain his stance, Schmitt refers to Plato’s distinction in the *Republic* that makes the distinction between war (*pólemós*) in the proper sense against foreign enemies and internal conflict (*stasis*) between opposing parties within a political community (Schmitt 1932/2015a, 27-28, fn. 25; cf. Derrida 2005). The former takes place between “natural enemies” (*polemiōus fýsei*), and the latter between natural friends (*filous fýsei*). Internal conflict, a civil war or a struggle between parties, takes place among people of same origin (*syggenés*) or of the same “household” (*oikos*). (470b-c.) By the latter Plato means that the issues regarding the much broader household of those who are naturally friends is about internal matters and therefore it cannot be described as war, but as a struggle (*stasiázēin*) between hostile factions (*ekhthrés*) (471a).<sup>57</sup> Such struggles mean that there is disharmony within the political unity, which disables its capacity to act and make decisions (352a).<sup>58</sup>

However, Schmitt’s own conception is closer to the modern one. Whereas ancient authors, Plato and Aristotle in particular, conceptualised civil as an *unnatural* phenomenon<sup>59</sup>, for the moderns this was not the case. The

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<sup>57</sup> The issue of instituting a correct form of political system and the problem of personal interests is why the concept of internal conflict or of civil war are central to political thought. For both Plato and Aristotle, the institution of a *polis* is good if it banishes conflicts from within the city. The centrality of the concept of civil war is obviously central in the *Leviathan*, too. Democracy, aristocracy and monarchy are evaluated according to their ability to stop civil conflicts from erupting: “The difference between these three kinds of Common-wealth, consisteth not in the difference of Power, but in difference of Convenience, or Aptitude to produce Peace, and Security of the people; for which end they were instituted” (Hobbes, 2018, XIX, § 95). As was pointed out in earlier chapters, insecurity, conflict of interests and the private use of reason justify the existence of a sovereign.

<sup>58</sup> Internal tension and indecision is what characterises the issue regarding civil war in political thought. Thucydides’ *Peloponnesian War* describes how political unities crumble under internal conflicts, which creates a situation of indecision and lawlessness that weakens the unity’s ability ward off external enemies (3, § 62). Internal conflicts therefore concern power and its perceived incorrect distribution. During the war, according to Thucydides, the struggles erupted between two parties that disagreed about the formation of political power: the oligarchic party and the people’s party. (3 § 82.) A civil war is therefore not a mere conflict but one that concerns the very basis of a political community.

<sup>59</sup> A *polis* is harmonious, according to Plato, when all of its members are in accord, so that those ruling (*archon*) and those being ruled (*arkhoménō*) are in agreement (422c-d). Disagreement and



political unity is artificial rather than natural and, because of this, it needs the state to use strong coercive methods to uphold it. Civil war is therefore a failure regarding sovereignty rather than lacking knowledge about the “true” natural order. As Rousseau claims, “the social tie begins to loosen, and the state to weaken, when particular interests begin to make themselves felt, and smaller groupings influence the greater one, then the common interest no longer remains unaltered, but is met with opposition, [...] and the general will [is] no longer the will of all” (Rousseau 2008b, IV, § i). Internal conflicts ensue once the sovereignty is not able to bind all under the common will and make people prefer common good to private interests. This means that sovereignty lays the foundation for mutual trust, which justifies coercive methods that deter social tensions from intensifying out of control. Therefore, sovereignty is about establishing subjection and citizenship within a territory. This is what Schmitt’s definition of the political as the grouping or distinction friends and enemies is aiming at (Schmitt 1927/1988a, 69; Schmitt 1932/2015a, 26). The political is an existential unity that is “definitive” (*maßgebende*) since it defines the people that take part in it. The political unity (i.e., a state) upholds the political distinction and functions as the subject of politics. (Schmitt 1932/2015a, 28, 41). Whereas a person can live in many different social relations and groups, the political is exclusive and homogenous (Schmitt 1926, 34; Schmitt 1927/1988a, 67-68).

Schmitt writes that a political unity formed by the people is existential in the sense that it concerns their independence and survival. This means that a political unity has to have a *jus belli* (the right to war), “that is, the real possibility [...] to determine the enemy and fight against it.” This means that, on top of Schmitt’s well-known definition of the political as the distinction between friend and enemy, a political unity has to have the capability to defend itself (Schmitt 1927/1988a, 69; Schmitt 1932/2015a, 43). *Jus belli* here means that war is legitimate in the aforementioned existential sense, meaning that a political unity has the right to defend itself (Schmitt 1927/1988a, 71).

The idea that the distinction between friends and enemies has to be clear means that there must be a certain form of homogeneity within those considered friends. For the state to uphold peace, it must be able to upkeep

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discord arise out of a situation where there are those who perceive their position as unjust. However, this arises from a situation in which people have different *perceptions* of the just. Once people realize what truly is best for them in their own position and organise society so that it reflects this realisation, civil war has been banished from the city (586d-867a). Similarly, Aristotle claims that there are those who are meant to rule and those that are meant to be ruled, and that internal conflicts erupt from issues regarding what people perceive as belonging to them (1254a, 1266b-1267a). These tensions are more common in oligarchies than in democracies, because in the former conflicts of interests erupt between those in power and between rulers and ruled, whereas in the latter tensions erupt only when there is uneven distribution of power, which – if democracy is correctly instituted – rarely happens (1302a).

this unity, which according to Schmitt means that in critical situations it can determine what constitutes an “internal enemy” (Schmitt 1932/2015a, 43). However, this situation can only take place when the political unity is weakened and other political groups emerge. As Schmitt points out, a state cannot wage war in the real sense against social groupings (Schmitt 1932/2015a, 40). Therefore, de-politicisation and acts taken against those dissenting are neither acts against an enemy and nor acts of war. Instead, they are policing measure that ensure order.

Every social contradiction can become a political contradiction “when it is strong enough to effectively group friends and enemies” (Schmitt 1932/2015a, 35). However, this means that the contradiction is no longer purely social. To use Schmitt’s own example, an economic class is not simply economic but rather becomes a political quantity if it becomes strong enough. Such a struggle would no longer work according to economic laws, but instead according to the political realities that it entails.

Regarding his own understanding of civil war, in *The Concept of the Political*, Schmitt establishes a tripartite distinction between levels of contradiction. If contradictions within the social are not strong enough to limit the decision to wage war – the most intense political decision there is – then “a decisive point of the political has not been reached.” However, if a contradiction becomes so intense that a group or a social force can do that, according to its own interests and principles, but not strong enough to take over the capacity to decide over war and peace, then the political unity is not at hand. However, if “the economic, cultural or religious opposing forces are so strong that it takes for itself to determining the decision over emergencies, then they have become a new substance of political unity.” Either there is a force that is capable of establishing sovereignty, which means taking over the means of fighting against an enemy and being strong enough to distinguish between friends and enemies, “or [the political unity] is in general not at hand” (Schmitt 1932/2015a, 37). This means that either the contradiction is strong enough to become a political unity, and therefore externalise antagonism to the friend-enemy distinction, or it is not strong enough and therefore becomes a threat to the already existing political unity. A contradiction does not become legitimately sovereign until that contradiction becomes external to a political unity. An intense enough contradiction decides over the *polemos*, whereas *stasis* ensues from social contradictions that fail to distinguish between friends and enemies.

If the decision over the determination is lost, so are other concepts relevant to a political order. In a situation with a plurality of conceptions of the emergency and threats to the political order, would mean that there would be a plurality of conceptions of peace (within a state). A plurality regarding the distinction between war and peace would become vague and therefore lead to an instable situation. Schmitt’s famous definition of the sovereign is that “the sovereign is

the one who decides on the state of exception” (Schmitt 1922/2015, 13). Regarding the political, therefore, “the only interesting question is always: who, in a concrete situation, decides what is right, how to achieve peace, what counts as a disturbance or an endangering of peace, and with which means are such disturbances conquered, and what counts as a normal and “pacified” situation etc.” (Schmitt 1926/1988, 50). A civil war would simply destroy the ability to make such decision and therefore the political order would cease to exist.

Even if his modern sensibilities contradict it, Schmitt discusses this distinction between *polemos* and *stasis* in the platonic sense. That is, as an understanding of *polemos* as between enemies and *stasis* between friends. “Here the idea is influential in that a people cannot wage war against themselves, and a ‘civil war’ is mere self-destruction and not really the establishing of a new state or of a new people” (Schmitt 1932/2015a, 27-28, fn25). Schmitt’s own definition is similar to Plato’s definition: “War is armed struggle between two organised political unities, [and] civil war is armed struggle within [...] an organised unity” (Schmitt 1932/2015a, 31). The former is political in the true sense, and the latter means the dissolution of the political unity. Schmitt’s distinction between politics and police goes along these lines. Within the state there are policing measures that target “conspiracies, rivalries, factions and rebellion attempts from malcontents; ‘disturbances’ to put it briefly, as Schmitt puts it in the preface to *The Concept of the Political* from 1963 (Schmitt 1932/2015a, 10). He describes this as the “classical model” of politics that he outlined in the book. The classical model was an understanding of politics that lasted from Bodin and Hobbes all the way to Schmitt himself (Schmitt 1932/2015a, 10-11). It stands for a clear distinction between the internal and external in political unities, and it therefore marks the era when state held the monopoly over decision-making – making it the sole subject of politics.

The state has power over its subjects’ lives due to the above-mentioned *jus belli*. “The state as the substantial political unity has an immense power concentrated in itself: the possibility to lead a war and thereby usually to command over the life of the people” (Schmitt 1927/1988a, 70; Schmitt 1932/2015a, 43). The political unity demands the “readiness to die and to kill” (*Todesbereitschaft und Tötungsbereitschaft*), but it also has the right to kill those that are enemies of the unity. When it comes to the internal issues within state territory – and this is crucial – the state has complete powers to ensure “peace, security and order” and therefore to “establish the *normal situation*” (Schmitt 1932/2015a, 43). Therefore, sovereignty is about establishing a space within which internal conflicts become de-legitimized. This is because the sovereign has the right to sanction and punish those unwilling to limit

themselves.<sup>60</sup> The sovereign establishes a territory within which individuals become subjected to citizenship with specific obligations. As I hope to have shown already, this establishes a distinction between *stasis* and *polemos*, between friends and enemies.

Ultimately, sovereignty is about establishing a territory within which the actions of subjects are limited. To transgress these limits means to threaten political unity and the original decision that established them. This means, most prominently, that sovereignty is about founding and sustaining the social as purely social. Social conflicts are not political in the true sense, as is evident in Schmitt's tripartite distinction. Either they fail to reach the intensity of the political, remaining as merely social or by threatening the state's monopoly of the political, or they form a new political unity. For this reason the distinction between the political and social is also relevant when it comes to Schmitt's understanding of sovereignty. I will discuss this idea further in the next chapter, in which the state as an institution capable of de-politicising is further discussed.

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<sup>60</sup> Agamben would describe this as "thanatological" and Mbembe as "necropolitical" (Agamben 1998; Mbembe 2019).

## 6 THE INSTITUTIONAL DISTINCTION BETWEEN THE STATE AND ECONOMY

I have now discussed Schmitt's distinction between the political and the social. As established in the last chapter, total parties have occupied the state and politicised the social in a way that confounds this distinction. Schmitt's conceptual distinction enables him to specify when state interventions are needed. In this chapter, I will look at this dimension of state intervention. My argument is that Schmitt's anti-liberal conceptual distinction establishes a normative basis for state intervention in so far as it limits the politicisation of the economy. What the distinction does is that it demarcates between politics proper and politicisation. The former intervenes to uphold the distinction between the political and social, whereas the latter confounds it. For Schmitt, interventions de-politicise whenever they limit the possibility of conflicts from threatening the unity of the political, and they politicise whenever they confound the political and social.

In his presentation for the industrial elite, *Strong State and Sound Economy*, Schmitt sets out to distinguish between two forms of the total state: quantitative and qualitative. The quantitative one is a state that intervenes without distinction into all domains of human existence. Such a total state has been taken over by parties representing private interests of various social organisations. The qualitative total state is a state that Schmitt describes as total due to its intensity and energy. It is a strong state because it upholds its monopoly on the political and limits the likelihood of social forces from becoming politicised (Schmitt 1932/1995b, 74). Most importantly, the strong qualitative state can de-politicise the economy and allow it to function without interference.

What is crucial in this distinction is that Schmitt deems the quantitative state weak because it expands into the economy uncontrollably and politicises it in a way that overcomes the distinction between the state and economy. The strong state, on the contrary, refrains from intervening in the economy in a way that would threaten the distinction between the state and economy. The strong state is therefore capable of limiting the influence of private interests and the ability of the parties to further them by political means (Schmitt 1932/1995b, 80-81). This is where the conceptual distinction becomes relevant as it demarcates what it takes for the state to expand too much into the economy. As Schmitt points out, the difference between the strong and total state is not about the quantity of interventions but their quality (Schmitt 1932/1995b, 74-75). I argue that the conceptual distinction is supposed to explain how this difference in quality should be understood. For Schmitt, the strong state upholds the autonomy of the political and the weak state

confounds it. A central conceptual standard is established by the idea that the political is an intensity. Whereas the weak state dilutes the political intensity by intervening in all social domains, the strong state is intense because it upholds the monopoly of the political. This means that the task of the strong state is to uphold this intensity to guarantee the social order. Such an intensity, as I have argued in the previous chapters, is only possible if the political remains autonomous to the social.

In 1932, Schmitt appeared before an audience of industrialists and economists to give a talk at an event organised by the *Langnam-Verein*, an organisation meant to further the interests of big industry. Schmitt named it *Strong State and Sound Economy* to underline that the strong state is a central institution for a functioning economy. Schmitt's presentation was well known among his contemporaries. For one reason or another, this presentation was interpreted as a foundational document for the role of the authoritarian state in the capitalist system of production. On the left, Heller commented on it in 1933 as a text that establishes an unprecedented groundwork for the total state (Heller 1971; Heller 2015).

The presentation was also known among the general public, as *Berliner Tageblatt*, a left-leaning liberal newspaper, published a short summary the same month (24.11.1932). The newspaper would describe it as Schmitt's "excursion" into politics. The summary begins with underlining that the "power-destroying party-system" (*machtzerstörendes Parteisystem*) was Schmitt's main target, and especially the social democratic party (Berliner Tageblatt, 1932). However, the newspaper article finds it difficult to understand what Schmitt means with the following proposal: "The social forces have already organised themselves in numerous organisations and, even during these difficult times, demonstrated the great capacity and productivity of the German people for social formation. It would only require the strong state to call on these forces to overcome the contemporary situation of weakness and turmoil" (Berliner Tageblatt, 1932). This refers to Schmitt's idea that the economy, once de-politicised, would function in a way that would administer and organise itself without the need for the state to take over. Schmitt's belief was that, correctly established, a state-free economy would yield the best economic results to bolster Weimar's strength. However, it is not at all clear how to separate those organisations that Schmitt diagnosed as the cause of Weimar's problems from those social forces that are responsible for Germany's economic productivity. Furthermore, the newspaper summary is sceptical about the democratic basis of such an authoritarian state capable of contradicting the will of the parties. "It would be interesting to hear from Professor Schmitt, how he thinks the situation with today's constitution of the Reich, which has made 'the people' the bearer of state authority" (Berliner Tageblatt, 1932). Taking issue with this is understandable, as it is not clear how the strong state could be democratically legitimate in contradicting democratically elected parties and their representatives. This issue is what

ends up revealing how Schmitt's position was not based on simple common sense but required a specific conceptual apparatus to argue that curtailing party-politics by authoritarian means should be considered democratic.

It is these two difficulties that I argue can be explained with the help of the authoritarian distinction between the political and social. This chapter tackles the role of the state in this context. First, what is the role of the state in producing a "state-free" (*Staatsfreie*) sphere? Second, how is limiting the democratic demands regarding the economy in the name of productivity be conceived as politically legitimate? It is my argument that answering both these questions requires the conceptual distinction I have already established.

The first section discusses some of Schmitt's contemporaries and their understanding of Schmitt's notion of the strong state. This includes Hermann Heller, Herbert Marcuse, Ernst Fraenkel, and Franz Neumann. All four analysed Schmitt's theory of the strong state, most prominently established in the presentation *Strong State and Sound Economy*. With the exception of Marcuse, all put this presentation at the centre of their critical analyses. Their interpretations provide an important critical perspective on the capitalist underpinnings of Schmitt's ideas. Furthermore, the differences in their interpretations will allow me to discuss Schmitt scholarship more broadly in this context. First, as his contemporaries (and even colleagues, as was the case with Heller and Neumann), they provide an important and critical perspective on Schmitt's ideas. All four of them argued that Schmitt's theory exemplifies how capitalism is not only co-existent with the total state but might even depend on such a state to curb democratic rights. Second, even though they disagreed on how to situate Schmitt's thought, they all understood the role of the active authoritarian state as one that the bourgeoisie found preferable to the welfare state. In this sense, all four critiques provide an important political critique that my own analysis cannot provide.

After this, I will move on with my own interpretation. The next section discusses Schmitt's conception of the state. It might be true that Schmitt never wrote a *Staatslehre* but only a *Verfassungslehre*. However, the state is still *the* institution that Schmitt focuses on in many of his political texts during the late years of the Weimar Republic. My focus here is on the relationship between the state and the political. For Schmitt these two were not identical. Rather, the state *should* have a monopoly of the political, but this is not always the case. The concept of the political is not the concept of the state. If this were not the case, then every state would be legitimate. Rather, only the strong state is political in the true sense. This means that the concept of the political is a concept that justifies the strong state. The third section will analyse the difference between the weak and the strong state. Here, my point is to flesh out Schmitt's normative understanding of the distinction between state and economy. The weak and strong state treat the economy differently. Even more important is that they differ in their intensity. Finally, I will move on to the

concept of de-politicisation. My argument is that the conceptual distinction establishes a way to define whether an act of governing is in fact de-politicising. The welfare state governs too much and the liberal state too little. However, Schmitt does not seek to find a balance between these two quantitative extremes, but a qualitatively altogether distinct form of state actions that de-politicise social relations.

## 6.1 A CRITIQUE OF STATE POWER

Schmitt's critique of the weak state is a direct attack against the political situation of the Weimar Republic. Schmitt sums up his motivation as follows: "How have we gotten involved with this state of total weakness?" (Schmitt 1932/1995b, 75). That is, what are the reasons why the state has become weak under the pressure of private interests and expanded uncontrollably. The weak state intervenes "without distinction" (*unterschiedslos*), that is, it is unable to make distinctions (Schmitt 1932/1995b, 74). The interventions of the weak state are merely volume rather than quality, and for that reason they expand uncontrollably into the social sphere. The inability to make distinction confounds the political and the social in a way that critically weakens the intensity and autonomy of the political.

However, Schmitt does not want to take the other extreme and claim that there should be a complete separation between the state and economy. Part of the reason Schmitt wants to establish a quantitative difference between the strong and weak state is that intervening in the economy has become a necessary in the 20<sup>th</sup> century. In the 19<sup>th</sup> century, according to Schmitt, this was not the case since the state used to be strong enough to separate itself from society. The state was strong enough to overcome social forces and distinguish between friends and enemies, which meant that it could also respect the autonomy of society by limiting itself from intervening (Schmitt 1931/1988, 146). This picture of the 19<sup>th</sup> century state is obviously not historically accurate. However, what is relevant about it is that Schmitt claims that the great accomplishment of the state of that time was that it was able to "construct a state-free economy and an economy-free State" (Schmitt 1931/1988, 146; emphasis added). The total political situation not only put an end to the state-free economy, but it also ends up threatening the political autonomy of the state. During the situation, non-intervention as a principle no longer applies because the total politicisation has subsumed the state and economy. Therefore, Schmitt deems interventions necessary, but not just any intervention as that would lead to more expansion and politicisation rather than de-politicisation. This means that Schmitt wants to make a distinction between the state and economy in a way that does neither end up either becoming a separation nor an undistinctive. The task is clear: "new distinctions must be made, and namely *new* distinctions" (Schmitt 1932/1995b, 79). My argument in this section is



that the authoritarian distinction between the political and the social is meant to accomplish this task of establishing a qualitative difference between interventions.

From the perspective of politics, my interpretation is that Schmitt's main goal is to attack the welfare state and the democratisation of the economy. As pointed out in chapter five, Schmitt argued that "economic democracy" is not real democracy but merely one that conflates politics with the economy. In this chapter, I will discuss Schmitt's critique of the welfare state. Schmitt's narrative of the welfare state is that it is a part of the development of the state becoming one with society, which becomes an "economic state, culture state, social security state, welfare state, provider state" according to Schmitt's enumeration (Schmitt 1931/1988, 151). For Schmitt, the welfare state is a weak one because it expands in a way that completely dissolves the distinction between state and economy. It is for this reason that Schmitt wants to establish a qualitative difference among interventions. His task was therefore to argue to his contemporaries that there is a way to distinguish between the "strong" state and the welfare state and that the former is the only viable solution to the total situation.

I argue that such a qualitative difference between de-politicising and politicising interventions can only be established by means of a conceptual distinction. Granted, Schmitt's political critique of the situation in Weimar has always heavily relied on a specific interpretation of the Weimar constitution. For example, whenever Schmitt criticises the dependence of members of the parliaments on the parties and the social organisations backing them up, he refers to the constitution, which establishes that the representatives should always remain independent from private interests (Schmitt 1932/1995b, 76; cf. Schmitt 1928/1993, 317). As Schmitt points out in his book on parliamentarism, the dependence of the representatives on various social organisations has made a sham of the whole parliament and its constitutional basis (Schmitt 1926, 9-11). However, it is not clear how such a dependence should be defined. Furthermore, the application of constitutional principles always requires interpretation. If the state were to employ extraordinary measures, which were possible in Weimar by evoking the infamous article 48 (which Hitler later on used to seize power), it would still need to justify its acts based on some sort of conceptual basis. During the last years of the Weimar Republic, Schmitt gave countless presentations urging his audiences that using exceptional measures is a good idea. In doing so, he not only engaged in discussion about how specific parts of the constitution should be interpreted, but instead, he tried to convince his audience that his solution to the political situation is the correct one. This can only be done by means of using arguments that rely on political concepts rather than mere legal analysis.

Normally, Schmitt's critique of the parliament has focused on his critique of "parliamentarism," the principle according to which parliamentary debates

are to be conducted. Here, it is often underlined that for Schmitt the important problem is that the parliament is unable to reach a decision (Maschke 1988, 63). In *Political Theology* and *The Crisis of Parliamentarism*, Schmitt sided with the conservative-catholic political thinkers who thought that the principle of discussion refers to the bourgeois unwillingness to make political decisions (Schmitt 1922/2015, 63-64; Schmitt 1926, 81-82). Parliamentary discussion is ultimately a way to defer a distinction. However, it is especially in the book on Parliamentarism that Schmitt points out that the issue is not simply discussion but the fact that parliamentary principles have been hollowed out by mass democratic means. The parliamentary discussion loses its rationale because of the entering of interest groups into the parliament. Rather than a rational discussion, the parliament has become a place for advancing private interests (Schmitt 1926, 10-11). Scholars are right to point out that Schmitt was also against the parliamentary discussion in principle and not merely because of its developments during mass democracy. For example, Günter Maschke points out that there is a metaphysical level to Schmitt's critique of parliamentarism (Maschke 1988, 61). However, in the context of Schmitt's portrayal of social forces as a potential danger for the political unity and its capacity to make decisions, I focus on how Schmitt takes issue with the parliament's inability to defend its own principles in the face of the mass-democratic onslaught. This means that the parliament has lost its political meaning, namely the capacity to integrate the masses into the political unity (Maschke 1988, 64).

My point here is not to get into an argument regarding interpretation of constitutional measures. Rather, my discussion is focused on the normative implications of the authoritarian distinction by looking at difference between the weak and strong state. During the last few years of the Republic, Schmitt constantly claimed that the solution to the total situation is not constitutional change, for he did not believe that the German people were in a position to amend the constitution or transform it (Schmitt 1932/1995b, 84). The mass democratic situation is not suitable for such a task. This is especially because of the politicisation of the economy: "If it belongs to the contemporary highly developed modern industrial state that the employer and employee face one another with about the same amount of social power, and since neither of these groups can impose a radical decision without a horrendous civil war, then it is not possible by legal means to reach social decisions and constitutional change" (Schmitt 1929/1988, 112). The politicisation of the economy, that is, the contradiction between the propertied class and the working class, has divided the people to the extent that no new constitutional decisions can be reached. For this reason, Schmitt argues that the only answer to the situation is not constitutional change but using constitutionally established instruments to re-institute the political order. This means, ultimately, that the difference between the strong and weak state is not a difference in their constitution or the any other aspect of the political system in general. Instead of being

constitutional, the difference between the qualitative and quantitative state is, their relationship with the economy.

For Schmitt, the real problem of internal politics is the relationship between the state and economy (Schmitt 1930/1958, 41). This is because of the welfare state's "unnatural growth and expansion" has cost the German economy its freedom (Schmitt 1930c, 458). This expansion needs to be curbed for it to regain the autonomy of political power from the influence of social forces and organisations that have forced the state into taking over the economy. Schmitt claims that this is indeed a political problem, and that the politicisation of the economy requires strong political measures.

However, Schmitt's constitutional theory is relevant in this context. The major decisions regarding the normal situation have been established in the constitution and it is up to the state to make those decisions a reality. The role of the state is to establish this normal situation (Schmitt 1930b, 37). In a situation when the economy has been politicised, the state is concerned with upholding the fundamental decision regarding the economic basis of the Weimar Republic because, according to Schmitt, the political situation is not suited for renegotiating that original decision. "In particular, I do not believe that at the moment [...] it is possible to raise the question of a fundamental constitutional change and say, that the state has to either establish a turn back to the capitalist system or it has to become a socialist state" (Schmitt 1931b, 255). According to Schmitt, the question between capitalism and socialism could not be raised in the current situation because the German people were not currently capable of renegotiating that decision. Rather, the state must keep enacting the original decision.

Schmitt says that the proletariat state might be just as political as the nation state or any other state form (Schmitt 1932/2015a, 36). In fact, apart from fascist Italy, Schmitt's example of a strong total state is often Soviet Russia (Schmitt 1930/1958, 44; Schmitt 1932/2015b, 74). However, in Germany's case the original decision that the state must enforce – since a new one cannot be established – is the capitalist economic system. In his book on the constitution, Schmitt writes against the socialist interpretation of the drafting of the constitution, which claims that

the actual question of the year 1919 was concerned with the class contradiction between capitalistic bourgeois and socialist proletariat, a question that the Weimar constitution contains only an unclear, dilatory compromise. That is not true. The Weimar constitution does contain a decision: the German Reich is a constitutional democracy. (Schmitt 1928/1993, 35).

The problem for Schmitt is that socialists interpret the constitution as being unclear about what the economic system is and using this indeterminateness to further their own political goals. Schmitt claims that it might be that there are indeed compromises in the constitution, but “the political alternative: soviet republic with a dictatorship of the proletariat *or* a liberal rule of law state with a democratic state form is in any case decided” (Schmitt 1928/1993, 36). As Schmitt puts it elsewhere, the decision between the west and the bolshevist east is clear and constitutes the substance of the constitution (Schmitt 1928/1995, 45).

So, the constitutional powers should be used to ensure the pre-existing order. Does this mean that Schmitt indeed supports the liberal state that gives free reign to capitalism? Certainly, it would seem so that Schmitt ultimately remains within the liberal framework as he does not want to overcome the original constitution and its decision to establish a rule of law republic within the capitalist system. To settle the question whether Schmitt’s political thought could fit within an actual, empirically existing liberal state falls outside the scope of this thesis since that would require an investigation regarding the history of the liberal states and contrasting it with Schmitt’s ideas.<sup>61</sup> The authoritarian distinction I have outlined does not establish a basis for a constitutional order but a form of governing that re-organises the relationship between the state and economy. The distinction between political and social justifies state power in a way that overcomes liberal democracy and liberal economic policies. In this sense, Schmitt is definitely an anti-liberal in both his own explicit comments and based on an analysis of his principles of governing.

Explicitly, Schmitt claims that there is no such thing as liberal politics:

The question is that could it be possible to achieve a specific political idea from the purely and consistent concept of individualistic liberalism. That has to be answered in the negative. For any consistent individualism contains a negation of the political and leads to a political praxis of suspiciousness towards all possible powers and forms of state but never to a positive theory of state and politics (Schmitt 1932/2015a, 64).

The important word here is “consistent.” Surely, there have been liberal states and also states within which the individuals have enjoyed freedoms. However, this means that liberal states have not always been consistent with their individualism since in an actual state there is for the individual only so much

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<sup>61</sup> Furthermore, when it comes to Schmitt’s critique of liberalism I have left undiscussed his Catholicism, which many argue is the intellectual basis of his anti-liberalism (Maschke, 1988, 56).

freedom as the state deems necessary (Schmitt 1930b, 38; cf. Schmitt 1932/2015a, 43). According to Schmitt, to uphold order and security, no state can be so liberal as to refuse taking control and limit individual freedoms. To understand individual freedoms in an absolute sense is simply anti-political. Schmitt points out that although there have been liberal states and politicians, they have been made possible by having coalitions with non-liberal forces, such as conservatives or socialists (Schmitt 1932/2015a, 63-64). Furthermore, he argues that the liberals have never been that liberal when it comes to issues such as the church or education (Schmitt 1926/1995a, 95; Schmitt 1933/1958, 368).<sup>62</sup>

Rather than claim that there indeed are liberal states, Schmitt wants to argue that the state is vested with its own principles that should override liberal ones and are in essence anti-liberal. However, Schmitt was never that interested in the idea that the state had its own reason, in the *raison d'état* sense of the word. This might be because Schmitt did not want to reduce the state to a mere technique or an instrument of order. "No politics can survive with a mere technic of exercising power for more than a generation" (Schmitt 1923, 35). Rather, Schmitt's issue is with the liberal understanding of the relationship between the state and the economy. What liberalism does is that it makes state intervention something that is merely violence that is external to the economy (Schmitt 1932/2015a, 71). Liberalism, with its principle of absolute non-intervention, is for Schmitt dangerous simply because without the state's authority economic contradiction will destroy the political order. The state cannot be a mere "armed servant" that the liberal order can sometimes use for support. Instead, without the state's strong authority there is no order. To be authoritative, the state must become something much more than a mere instrument. Furthermore, I established in Chapter three that to make a distinction between the state and economy is not necessarily liberal. This means that both liberalism and Schmitt's own total state are distinctively modern and capitalistic, and the specific nature of both liberalism and conservative perspectives to capitalism would be lost by conflating Schmitt's position with the liberal one. By looking at Schmitt's political theory, the role of interventions and the strong state becomes much clearer. In capitalist societies, when appropriation of the means of production is not seen as a viable option, regulation and interventions become the main tool to ensure security. The economic system that produces inequalities cannot be left to its own devices as those inequalities might lead to political conflicts.

However, there is an interesting similarity with the way I analyse Schmitt's conceptual distinction and Foucault's analysis of liberalism. Even though an

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<sup>62</sup> As Dyzenhaus puts it, Schmitt didn't simply criticise liberalism for being apolitical. Rather, "what is distinctive about [Schmitt's] position is that liberalism is doomed to shuttle back and forth between these various alternatives" (Dyzenhaus, 1998, 14).

extensive discussion of liberalism, or Foucault's interpretation of it, will have to be left to another time, there is an interesting connection that is worth discussing. This concerns the way the limits of state power are understood. First, Foucault claims that there is a quantitative difference in how limits to power are conceived in various political practices. *External* limits are those that attempt to curtail power by means of legislation. "External legal limits to the state, to *raison d'État*, means first of all that the limits one tries to impose on *raison d'État* are those that come from God, or those which were laid down once and for all at the origin, or those which were formulated in the distant past of history" (Foucault, 2008, 9-10). In contrast, internal limits emanate from within a certain governmental rationality and are internal to its own practice. The divisions and limits "follows a relatively uniform line in terms of principles valid at all times and in all circumstances. The problem is precisely one of defining this general and de facto limit that government will have to impose on itself" (Foucault, 2008, 10-11). To put it bluntly, external limits are about ascertaining the definitive threshold that should not be exceeded, whereas internal limits concern the appropriate amount of governing.

"Liberalism," according to Foucault, "is imbued with the principle: 'One always governs too much' – or at least, one should always suspect one governs too much." The concept of society is crucial here because it lays down the essential limits of too much or too little governing. It is especially political liberalism that raises the issue of whether an intervention in society is pointless or harmful (Foucault 2008, 319). More importantly, political power and regulation are seen as *interventions*. Actions by the state intervene on the autonomous sphere of society. The state becomes external to society and simply protects and ensures its functioning. As Foucault notes, "the problem of a permanent intervention of the state in social processes [is] [...] characteristic of our modern politics and of political problematics. The discussion from the end of the eighteenth century till now about liberalism [...] originates in this problem of positive and the negative tasks of the state, in the possibility that the state may have only negative tasks and not positive ones and may have no power of intervention in the behaviour of people" (Foucault 2019, 415). Society is what conditions and serves as a touchstone for acts of governing.

Even though it leaves out law as a central instrument for producing stability necessary for markets to operate (cf. Pistor 2019), Foucault's discussion of internal limits in general is relevant here. Internal limits mean that governing is measured according to its effects and not on the legal basis of its actions. In liberalism, the effects an act of governing has on society function as the way to demarcate the correct amount of governing. Simply put, to govern too much is to impede on the good functioning of society and the markets. This chapter does not claim that Schmitt was a liberal in any sense of the word. Instead, I want to generalise the issue of economic policy and de-politicization as a way to understand modern political thought as such. Both Schmitt and the liberals

hold on to the distinction between the economy and politics, and both also want to de-politicise social relations. However, this makes both Schmitt and liberalism a modern phenomenon, and not identical. Instead of looking at the legitimacy or legal limits of state power, society enables measuring the excesses of governing. The important difference is that Schmitt's conceptual distinction is meant to evaluate governing based on its effects on the state rather than society. Acts of government that uphold the autonomy of the political and its intensity, and the political monopoly of the state, are justifiable acts. This is contrasted to those measures that expand the state and politicise the economy. This is because they end up threatening the autonomy of the political and therefore threaten the intensity of the state. A state that expands in a quantitative sense is in danger of becoming weak. Ultimately, state interventions either strengthen or weaken the state. My argument is therefore that the authoritarian distinction produces a qualitative difference among interventions, which is supposed to serve as an internal limit on what are the effects of an act on the state.

## 6.2 CRITIQUE OF THE STRONG STATE BY THE GERMAN LEFT

In the following sections, I will discuss four prominent leftist reactions to the ideas established in the *Langnam-Verein* presentation. I will discuss these in chronological order, that is, Heller, Herbert Marcuse, Ernst Fraenkel, and Franz Neumann, respectively. All four responses were written almost directly after 1932 (Heller in 1932, Marcuse in 1934, Fraenkel in 1941, and Neumann in 1942). There are four reasons for this. First, it was especially on the left that the role of the capitalist economy for the total state was well understood. The total state is a device targeted against socialism and functions to secure capitalist economic relations. Second, my critical analysis benefits from complementary critiques and the critiques I discuss below have especially discussed Schmitt in the context of broader political systems.<sup>63</sup>

Thirdly, they all agree explicitly that Schmitt's theory is tied to a broader class warfare between the bourgeois and the proletariat. The strong state takes the side of the bourgeois order and attacks the proletariat and their political organising to limit their effect on capitalism. The qualitative strong state is ultimately an instrument that takes the bourgeois side in this struggle. Emphasising this point will enable me to connect Schmitt's theoretical background to a political struggle that he seeks to avoid at all costs – since Schmitt would want to integrate the proletariat into the existing order. The

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<sup>63</sup> Further discussion regarding Schmitt's thought in the context of liberalism, conservatism or Nazism see (Durst, 2004; Herf, 1986; Rasch, 2019; Suuronen, 2020)

concept of the political is a part of this strategy. Schmitt's conceptual strategy seeks to justify the dismantling of the welfare state by means of the state itself. As I pointed out in the introduction, it is supposed to transform all politics into mere policing of an order. The proletariat must give up their demands and their democratic rights by letting the state integrate them into an order that is hostile to their interests. This is ultimately what Schmitt's theory is about. Unlike Schmitt, who argues that this is in line with democratic principles, it would actually mean a hostile attack of the state against democracy.

Lastly, a discussion of Heller's, Marcuse's, Fraenkel's and Neumann's ideas will allow me to clarify the role of the state in capitalist society. All of them argue that Schmitt was a liberal but rather that he approached capitalism from the side of the state. Schmitt's conservative perspective on the state completes the image of capitalism, whereas merely analysing liberal authors would leave us with a one-dimensional image. On both the left and the right, German political thought understood the role of the state by either assessing it critically or by trying to further fortify it. This means that there is an important difference between the state and democracy as institutions, for the Germans especially, which might not be so clear to an untrained eye simply analysing Schmitt's theory, but which becomes obvious after reading the critical analyses. This will be helpful for my discussion in the conclusions about German political thought in general and how contemporary political thought should relate to it.

Heller was Schmitt's contemporary and was interested in similar topics, such as the apparent contradiction between legal positivism and sovereignty (see Dyzenhaus 1999). Heller's original article, *Autoritärer Liberalismus?* published in 1933, has recently been discussed by scholars because of it being recently translated (Heller 1971; Heller 2015). It has renewed interest in discussing Schmitt's *Strong State, Sound Economy* in the context of neoliberalism (Streeck 2015; Scheuerman 2015; Bonefeld 2017b; Popov 2021). This is because Heller ended up describing Schmitt's stance in 1932 as authoritarian liberalism. This term refers to the anti-democratic tendency in some liberals willing to protect their economic interests from democracy. "By invoking the 'authoritarian' state one polemicalises in truth, against the democratic state" (Heller 2015, 295). Heller's use of the term "authoritarian liberalism" is therefore used to bring out the anti-democratic tendencies among some German liberals who have been wary of the masses. For Heller, this authority is merely state authority that is meant to curb democratic authority. It is nothing completely novel, as conferring authority to the state has a long tradition in Germany (Heller 2015, 296-297), being a practice which according to Schmitt is animated by "state ideology" (Schmitt 1931c).

According to Heller, the important question is not the supremacy of the state but "the question of the spheres of life in which the state is supposed to conduct itself in an authoritarian way and what limits its authority ought to respect



according to the intentions of its spokesmen” (Heller 2015, 297). It is this question that draws attention to tensions within authoritarian liberalism, that is, between the state and liberal principles. According to Heller, to an extent, basic liberal tenets have always been present in modern states ever since the 16<sup>th</sup> century, that is, the state withdraws and respects the independence of certain social spheres, be it religious, moral or economic. Nevertheless, Heller steers away from equating state authority and liberalism, as their role during the history of the German state has varied. Whereas in the 19<sup>th</sup> century, German conservatives managed to integrate the liberal bourgeoisie into the feudal state, the reverse process has taken place in the 20<sup>th</sup> century, where “the ‘authoritarian’ state represents a consistent further development of national liberalism” (Streeck 2015, 299). That is, the conservatives have now been integrated into the liberal state.

According to Heller, these two forces, liberals and conservatives, have come together to form the authoritarian state, to solve questions regarding the economic order. On the one hand, conservatives need a sound economy to strengthen the state. On the other hand, the liberal bourgeoisie needed a strong state to protect their property and economic interest from democratic demands. “What is decisive, though, for the political and social character of the ‘authoritarian’ state is their view of the capitalist form of the economy” (Heller 2015, 298). What brings these two forces together is that they accept the capitalist economic basis of the economy, as it either serves their own interests or the interests of the state. According to Heller, the conservative proponents of the strong state view the economy as something that the strong state need to be leave alone: “[The state’s] purportedly ‘conservative spokesmen recognise merely one slogan: Freedom of the economy from the state! [...] The state has to take up full ‘retreat’ from the economy” (Heller 2015, 299). The authoritarian state is therefore defined not only by its authoritarian stance to democracy, but by its way of *limiting* itself in the face of the economy.

To understand how the state should limit itself from encroaching on the economic sphere, Heller turns to Schmitt’s theory of the strong state. To put it succinctly, Heller interprets Schmitt so that his theory of the strong state is about de-stating (*Entstaatlichung*) the economy (or “liberalisation of the economy,” as the translation puts it) (Heller 2015, 299). Even though Schmitt did not use the term, it is a fitting coinage as Schmitt claims the strong state needs to be strong enough to uphold the economy as a state-free sphere. According to Heller, the government of the Weimar Republic had established the separation of the state and economy with the support of strong coercive methods:

For a start, the ‘authoritarian’ state is characterised by its retreat from economic production and distribution. Papen, however, would not be the representative fighter for the ‘authoritarian’ state if he were not

simultaneously fighting against the 'welfare state'. Presumably, this does not mean abstinence on the part of the state where subsidising large banks, large industry and large agricultural enterprises is concerned. Rather, it means the authoritarian dismantling of social policy (Heller 2015, 300).

This means that the authoritarian state is in fact authoritarian about social policy. A strong state can sever its ties to the economy to limit the chance of social agendas being furthered. De-stating therefore means controlling and curbing the democratic demands for welfare. This means that authoritarian liberalism is about contradicting democratic authority by means of the authoritarian state. Ultimately, authoritarian liberalism is about authorising the state by dismantling social policies and the welfare state in favour of unencumbered capitalism. As Dyzenhaus' describes it, Heller's own position is "a commitment to democracy, to the liberty of the individual, and to social equality" (Dyzenhaus 1996, 1130). From Heller's perspective of social equality, authoritarian liberalism is undemocratic because it contradicts the interests of the majority (Popov 2021, 9). As Heller points out, this is only natural because "the German people would not tolerate for long this neoliberal state if it ruled in democratic forms" (Heller 2015, 300). Heller portrays Schmitt's position as anti-democratic since it contradicts the interests of the majority and the party-political system by taking side of the interest of the owning classes and the state (cf. Scheurman 2015, 310).

Because Heller's position is so widely known, it is worthwhile examining critically some of his ideas and their how they were received. For example, Streeck accepts Heller's definition and likens Schmitt to the ordoliberal (Streeck 2015, 363). Interestingly, Streeck uses Heller's analysis as the basis for his own diagnosis of Schmitt's authoritarian state as something that "resembles how deist theology, in its Leibnizian version, imagined God as an all-powerful clockmaker limiting himself to watching the operation of the perfect clock he has made, without intervening in it" (Streeck 2015, 362). A political theology of sorts, the state is responsible for bringing order but refrains from intervening in it once it has been brought to being. This refers to the idea that the state is both strong and weak. It is strong "in its role as protector of 'the market' and 'the economy'" but "weak in its relationship to the market as the designated site of autonomous capitalist profit-seeking" (Streeck 2015, 362). This is somewhat in line with Heller's own account, which claims that authoritarian liberalism withdraws its authority when it comes to the economy, whereas socialists would have the state to "act in an authoritarian way" in the economic sphere (Heller 2015, 301).

However, this is not a credible interpretation of Schmitt, as he was openly against deist political theology, which strips the state of its capacity to intervene (Schmitt 1922/2015, 64). In fact, Heller himself points out that

Schmitt's conception of the state "declares rules and norms as insignificant and the exception as decisive" (Heller 2015, 296). In terms of political theology, Schmitt criticises deism because it interprets god's will as something that is only expressed in the general rather than through particular acts. This was the case precisely with the metaphysics of Leibniz and Malebranch. According to Schmitt, they envision god becoming general in that he no longer represents personal authority but is identified with the general laws of nature or part of the machine "that runs by itself." God becomes a *part* of the world. Instead of being the originator and transcendent to the world, god becomes immanent within it (Schmitt 1922/2015, 52-53). Similarly, the liberal state is immanent to society and a mere technical instrument to serve its needs. This is different from strong sovereignty and its interventions, as Schmitt argues, because the liberal de-politicizing in such an operation is purely technical and not political. Bonefeld has rightly criticised Streeck's analysis for misunderstanding Schmitt's relevance to neoliberalism. As Bonefeld points out, Schmitt's role is to underline that de-politicisation is a political process (2017b, 748). The issue regarding Streeck's discussion is that it seeks to emphasise the similarities between Schmitt and neoliberals too much. According to Bonefeld, Streeck is right for the wrong reasons to emphasise the similarities between Schmitt and the neoliberal (2017b, 750).<sup>64</sup>

It might simply be that Schmitt just does not fit in the category of authoritarian liberalism. On the one hand, Schmitt does argue in favour of the state's authority over the economy. As I will argue below, Schmitt's position is that the state should cooperate intensely with the economy and economic order is ultimately based on the state's political authority – a position that is quite distinct from the isolationist politics of authoritarian liberalism. Unlike Popov's assessment of authoritarian liberalism, according to which "the essence of authoritarian liberalism lies in the fact that distribution and

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<sup>64</sup> Interestingly, political theology does come up as a theme in discussions regarding neoliberalism. To speak in terms of political theology, what Whyte underscores is that both neoliberals and Schmitt affirm the "miraculous" role of political interventions. Both Friedman and Hayek, key-figures in neoliberal theory, thought of Pinochet's Chile as a political "miracle" (Whyte 171). "For US neoliberal economists, who supposedly believe in the immanent law of the market, no miracles should have been needed" (Whyte 172). Therefore, one should conclude with Whyte that neoliberalism was therefore a rejection of conceiving the market's laws as immanent and in no need of interventions (172). However, the issue is more complex than that. As Slobodian notes, even though liberals like Walter Lippmann agreed on the importance of the political side of liberalism; they did not ascribe to social planning that would be "the kind of mastery which men have ascribed to God as the creator and ruler of the universe" (Slobodian 80). A political theology of neoliberalism is therefore riddled with difficulties if one wants to use the Schmittian distinction between theism and deism, since neither quite holds water for the neoliberals. Furthermore, Streeck's interpretation of Heller is also problematic. Unlike Streeck, for whom the state becomes an isolated cocoon that simply acts to ward off any attempt to democratise political or economic institutions, Heller argues that the state does have an active role in subsidising economic actors. However, Heller does not discuss this aspect enough – a fact that could be attributed to the fact that the text is rather short and focuses on bringing attention to the alliance between conservatives and liberals (see Popov, 2021, 8; Scheuerman, 2015, 306).

production issues are removed from the public sphere of politic” (Popov 2021, 14), Schmitt understands the economy as a part of the public sphere that needs state authority to function, as I will point out below.<sup>65</sup> On the other hand, this authority is established by the authoritarian distinction that confers autonomy to the political. This contradicts Popov’s definition, which establishes that in authoritarian liberalism “the autonomy of the political is reduced or to a pure formality or to the prospect of right-wing populism” (Popov 2021, 14). Therefore, it seems that my own analysis of Schmitt will define his theory of the strong state as something altogether different from authoritarian liberalism, as the autonomy of the political is the most crucial aspect of Schmitt’s theory of the strong state.

Be this as it may, it is nevertheless true that authoritarian forces in the Weimar Republic sided with capitalism against democratisation of the economy. This is also Marcuse’s claims in his analysis, *Der Kampf gegen den Liberalismus in der totalitären Staatsauffassung* (Marcuse 1968). Marcuse’s discussion is focused on the peculiar relationship between liberalism and totalitarianism, and Schmitt is included in the analysis. Rather than focus on the alliance of liberals and conservatives, Marcuse sees the authoritarian state as a central institution of the capitalist economic system. Rather than an alliance, both liberals and conservatives find mutual ground in affirming the economic basis of capitalism.

Marcuse defines liberalism as “the social and economic theory of European industrial capitalism in those periods in which the actual economic actor in capitalism was the ‘individual capitalist,’ literally the private entrepreneur” (Marcuse 1968, 28). Liberalism is therefore one way of organising society based on capitalism, namely as one that functions according to individual actors, industrialists, proprietors etc., rather than some form of state capitalism. Such a definition, which is not based on conceiving liberalism as a form of “liberalisation” (or de-stating), allows Marcuse to identify historical instances of liberalism without falling into contradiction. According to Marcuse, throughout the history of liberal politics, state intervention has been a standard practice and even essential to it. “Violent interventions of state power into economic life happen often during liberal rule, as long as endangered freedom and security of private property demand them, especially against the proletariat. The idea of dictatorship and the authoritarian state governance is for liberalism [...] not at all unfamiliar” (Marcuse 1968, 29). Like Heller, Marcuse points out how state power is precisely meant to serve the bourgeoisie. However, unlike Heller, Marcuse does not see authoritarian governing as something foreign to liberalism, an alliance between liberal and

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<sup>65</sup> As David Dyzenhaus establishes, Heller understands sovereignty so that “a claim to exercise sovereign power is a claim to authority over the person affected by the exercise” (Dyzenhaus, 2015, 361). In this sense, Schmitt definitely sought to reinstate the authority of the state over economic actors.

anti-liberal forces, but something that is altogether possible within the liberal framework.

Marcuse's main idea is that the total-authoritarian state and its proponents attack liberalism only for its worldview and values.<sup>66</sup> Schmitt is a prime example because of his scathing critique of liberal universalism in favour of an existential theory of the state that favours the decision and the exceptional (Marcuse 1968, 58-60). According to Marcuse, this existentialist critique of the liberal world view refers to a total politicisation of human existence, which "rejects the autonomy of thought, the objectivity and neutrality of science as heresy or even as political falsehoods of liberalism" (Marcuse 1968, 61-62). There is no neutrality, but merely liberal incapacity to think politically. What is specific about the authoritarian-total state is that it knows no private sphere. This is partly justified by Schmitt's concept of the political. To define the political as the distinction between friends and enemies means to do away with the distinction between public and private as there is no longer a social sphere that could oppose politicisation. According to Marcuse, this is because Schmitt's concept of the political posits social relations as ultimately carrying within them the possibility of war and the necessity of the state to politicise those relations to ward off the enemy. "The separation of the state and society, which the liberal 19<sup>th</sup> century sought to carry out, is overcome: the state takes over the political integration of society. The state will therefore become – by means of existentialisation and totalisation of the political – also the basis of actual possibilities of human existence" (Marcuse 1968, 66-67). The total-authoritarian state is therefore tasked with taking over society by politicising social relations. This means overcoming basic principles of the old liberal state in order to totally politicise and take rule over social relations.

However, even if the total state overcomes liberal principles, Marcuse claims that from the total-authoritarian state's rejection of liberal values does not follow a rejection of all aspects of liberalism. Instead, the total-authoritarian state uses total means to lay the foundation for liberalism's societal base (*gesellschaftliche Grundstruktur*). This is because for liberalism "the foundation was the private economic organisation of society on the basis of recognising the private property of entrepreneurs and their private initiative" (Marcuse 1968, 30). The proponents of the total authoritarian state leave intact this foundation, that is, the basis of capitalist production and its economic relations. The authoritarian total state does not therefore mean a complete overcoming of liberalism, but it is simply the re-establishment, by

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<sup>66</sup> In Schmitt's case, many scholars have pointed out that Schmitt openly detested the bourgeois a-political "decadent" mentality that was only interested in commerce and trade (Kennedy, 1986, 383; Maschke, 1988, 59). Many have also pointed out that Schmitt's critique of economic liberalism should be understood in the context of Weber's analysis of protestant ethics (Colliot-Thélène, 2000; Ulmen, 1988).

means of anti-liberal worldview and methods, of the bourgeois capitalist economic order against the socialist threat (Marcuse 1968, 31-32).

To put it bluntly, Marcuse's idea is that the total state, with its ideological and coercive apparatuses, is an instrument to ward off socialism and secure a capitalist system of production. Ultimately, even though its theorists might deny it, the total state is an institution engaging in class warfare. "The totalitarian theory of the state does not attack the foundation of this [capitalist class-based] society, that is, the economic order built on the private ownership of the means of production, but only modified to an extent" (Marcuse 1968, 46). By this modification, Marcuse refers to the role of the state in organising capitalist production by means of monopoly capitalism. Even if it might alter the old liberal order by conferring the state with a stronger role in organising capitalist production, the class contradictions of that old order are transferred to the new order, which is primarily tasked with protecting capitalist economy, "which is the ground of classes and class struggle" (Marcuse 1968, 46). The total authoritarian state is therefore as capitalist and hostile towards the proletariat and their demands as the 19<sup>th</sup> century liberal state was. The authoritarian state, however, employs a variety of methods that were unthinkable to the previous liberal system and its bourgeois supporters.

Marcuse's interpretation of the total state is a step in the right direction. He does not claim that the total state is a liberal one. Rather, the analysis points towards the fact that anti-liberal forms of governing is compatible with capitalist form of production. Unlike Heller, who claims that the conservatives have lost their ideological strength during the Weimar republic and are integrated into the economically liberal political movement (Heller 2015, 299), Marcuse is right in pointing out the anti-liberal worldview that animates the total state. Furthermore, Marcuse is correct in pointing out that, rather than a de-stating of social relations, the total state is more intense than the former liberal state in intervening and taking over social relations to secure the capitalist order.

I will now move on to Fraenkel's and Neumann's analyses of the strong state. While Fraenkel focuses on the early years of the Third Reich, Neumann analyses its later developments. Both connect Schmitt to the birth of National Socialism, especially focusing on his *Strong State and Sound Economy* presentation. Neumann interpretation of the presentation is that Schmitt, "the most intelligent and reliable of all National Socialist constitutional lawyers," managed to make the total state of the national socialists "palatable" to the industrialists and big capital (Neumann 2009, 49). The industrial elite present was convinced by Schmitt's argument that the strong state and their own economic interests were compatible.

For Fraenkel, the political system established in the *Lagnam-Verein* presentation should be understood as a dual state, which is a concept that

refers to the co-existence of two forms of state governance within a single state. On the one hand, there is the executive branch of government that Fraenkel defines as the “prerogative state,” a form of governing that acts through intervention and particular measures. On the other hand, Fraenkel calls the state’s legislative branch the “normative state”. In contrast to the prerogative one, the normative state governs through law and judicial decisions.

By the Prerogative State we mean that governmental system which exercises unlimited arbitrariness and violence unchecked by any legal guarantees, and by the Normative State an administrative body endowed with elaborate powers for safeguarding the legal order as expressed in statutes, decisions of the courts, and activities of administrative agencies (Fraenkel 2017, xxiii).

Throughout the history of the modern state, these two branches of government have existed but their co-existence has not always been seamless. In such “dualistic states” the independence of these two branches has sometimes made it difficult to establish collaboration (Fraenkel 2017, 154). The prerogative and normative state clash against one another. Judicial and law-enforcing institutions (e.g., the courts) seeks to limit the executive and the executive branch seeks to loosen its legal ties.

However, the dual state has managed to unify these two branches in a way that overcomes the friction within the dualistic state. Rather than be a compromise between two independent branches, in the dual state these two states do co-exist and function in unison. In Germany, the dual state develops to resolve the conflict between the liberal economic legal order and the police state (Fraenkel 2017, 167). The National-Socialist state is the culmination of the development of the dual state, “which is remarkable not only for its supreme arbitrary powers, but also for the way in which it has succeeded in combining arbitrary powers with a capitalistic economic organisation” (Fraenkel 2017, xxiv). According to Fraenkel, this is what makes National Socialism all the more fearsome.

Without the normative state, the dual state would simply become arbitrary. Rather, the legislative branch is used to protect private property. Legal rules are indispensable to a functioning of capitalism “in order to secure a minimum of predictability of the probably consequences of given economic decisions” (Fraenkel 2017, 185). In a state of complete lawlessness capitalist profit seeking would simply become impossible. According to Fraenkel this means that, ironically, the rule of law – despised by the National Socialists –remains in effect in the economic sphere as it is upheld to protect private business (Fraenkel 2017, 185). Frankel interprets Schmitt’s qualitative total state as precisely the kind of state that makes “room for a free individual business enterprise and for a public sphere which does not overlap the sphere of the

state” (Fraenkel 2017, 61). Like the rest of the analyses discussed above, Fraenkel identifies Schmitt’s total state as presupposing the capitalist system of production. “It is indeed for the maintenance of capitalism in Germany that the authoritarian Dual State is necessary” (Fraenkel 2017, 153). Furthermore, from this it is inferred that the qualitative total state is not a totalitarian as it does not completely engulf private enterprise (Fraenkel 2017, 61).

According to Fraenkel, the dual state’s waging of class warfare becomes evident in the stark contrast between how interests of property and labour are treated in the Third Reich (Fraenkel 2017, 186). Whereas private property and business is protected by the normative state, “it is in the field of labour that the Prerogative State has advanced into the sphere of economic affairs through the destruction of all genuine labour organisations and through the constant persecution of all former and all potential new labour leaders as ‘enemies of the state’” (Fraenkel 2017, 186). Whereas the normative state protects, the prerogative state limits by safeguarding against politicisation and interferences. To overpower the class struggle from impairing the functioning of the economy, the prerogative state suppresses the proletariat by means of coercive force. The prerogative state supports the normative state by enforcing regulations and limiting the freedom of economic action when it comes to organising the working classes into a force capable of threatening the capitalist economic order (Fraenkel 2017, 186-187).

In the National-Socialist dual state the rights of owners has been limited. However, according to Fraenkel, they are not limited to the extent that would abolish capitalism. Rather, the dual state is a way of reinforcing capitalist production by the cooperation of the state with economic forces. For example, the state increases profit margins by attacking labour unions to halt demands for better wages (Fraenkel 2017, 184). This means that the dual state unites two branches of government to engage in an intense and thorough form of class warfare:

Viewed sociologically, the Dual State is characterised by the fact that the ruling class assents to the absolute integration of state power on the following conditions:

1. that those actions which are relevant to its economic situation be regulated in accordance with laws which they consider satisfactory,
2. that the subordinate classes, after having been deprived of the protection of the law, be economically disarmed (Fraenkel 2017, 154).



The normative state protects the bourgeoisie, and the prerogative state attacks the proletariat. Law becomes an instrument that grants protection but also opens up spaces within which it steps aside to let the executive organ of the state force the working classes into submission. The two states give each other space to act where needed. The legislative branch steps aside where the prerogative state needs to act and the legislative state functions where the executive branch does not need to intervene (Fraenkel 2017, 58).

Moving on to Neumann, his book on National Socialism, *Behemoth*, is a monumental study of the later developments of National Socialism, especially its later developments. Early developments go along the lines of the theory of the total state, whereas later during the Third Reich the state became irrelevant in the situation of pure lawlessness. In contrast to Fraenkel, Neumann argued against the interpretation of the National Socialist behemoth as a dual state (Neumann 2009, 468). Rather than being a state, Neumann claims that the Third Reich is an amalgam of various institutions and power holders, the rule of which is void of legality. While this side of National Socialism and its forgoing of the state as a central institution is not relevant in my present study, it is useful to discuss briefly the contrast Neumann establishes in this context. For Neumann, this means that the Third Reich becomes a mere “Behemoth” in the Hobbesian sense, which “was intended as the representation of a non-state, a situation characterised by complete lawlessness” (Neumann 2009, 459). Without law or a constitution as the basis of government the Third Reich is no longer a Leviathan, a sovereign state, but domination by means of various organisations. There is no need for a state, as the various leaders and organisations that have taken over to rule the German people can dominate better without the need to tie themselves to laws or legal or procedural principles. The plurality of various powers within the Third Reich leads Neumann to state that “it is thus impossible to detect in the framework of the National Socialist political system any one organ which monopolizes political power” (Neumann 2009, 496). There is no one instance of power that would be the origin of law and order, a sovereign leviathan, but simply a behemoth that swallows up the whole of society to dominate without law or order.

For Neumann, Schmitt’s theory presages the earlier developments of National Socialism in the first years of its being in power. This is when there still was a state, albeit a totalitarian one, which accorded with the tradition of state sovereignty:

The totalitarian doctrine of the state thus satisfied the various traditional partisans of the German reaction: university professors, bureaucrats, army officers and big industrialists. It was also acceptable to the western world in general. For, any political theory in which the state is central and dominant and entrusted with the guardianship of

universal interests is in line with the tradition of western civilization, no matter how liberal that tradition may be. [...] State sovereignty expresses the need for security, order, law, and equality before the law, and the National Socialist emphasis on the totality of the state had not yet broken with this European tradition (Neumann 2009, 50).

It is this earlier version of National Socialism that is of interest here. The total state remained within the framework of state sovereignty and its tradition. Neumann describes it as being “palatable” to various conservative forces and economic elite.

The total state is authoritarian to the core but presents itself as representing “real” democracy. According to Neumann, Schmitt is the main ideologist of this “sham,” that is parading itself as democratic while making a mockery of democratic institutions. By means of diagnosing Weimar as a mass democracy, Neumann argues that Schmitt and his allies “paraded” National Socialism “as the salvation of democracy” (Neumann 2009, 42-43). On the one hand, this requires democracy to be misconstrued as a system that presupposes the total unity of the people. Neumann identifies as Schmitt’s main strategy the portrayal of the liberal state as a mere machinery without substance, meaning that the state is incapable of making decisions. This is based on the idea that a substantial state can be based on a democratic system that is homogenous, namely a system that “will express the complete identity between rulers and the ruled.” (Neumann 2009, 44). On the other hand, politics needs to be interpreted in a way that necessitates total forms of governing. The concept of the political is central here. “Politics, Schmitt declared, is the relation of friend and foe. The foe is in the last resort anyone who must be exterminated physically. Every human relation can become a political one in this sense, for every human opponent can become a foe subject to physical examination” (Neumann 2009, 45). Like Marcuse, Neumann interprets the total state as politicising all social relations in order to ward off the enemy.

Neumann and Marcuse are also in agreement when it comes to the economic basis of the total state (cf. Marcuse and Neumann 1994, 128). The total state does not take over the economy, as that would mean overcoming the capitalist system of production. “Once the state has become the sole owner of the means of production, it makes it impossible for the capitalist economy to function, it destroys that mechanism which keeps the very processes of economic circulation in active existence” (Neumann 2009, 224). The capitalist foundation cannot be appropriated totally without destroying it. The total state, Neumann points out, therefore does not totalise the economy as it still remains within the capitalist system of production. Rather, the total state intervenes into the rights of citizens to protect the inviolability of private property. “Fundamental rights were denounced as incompatible with democratic philosophy, while the fundamental rights of property and equality

were given an extent and depth they never had before” (Neumann 2009, 44). In order to protect private property and the foundation of capitalism, the state limits the possibility of intervening into the system of property, that is, private property is fortified to protect capitalism from socialism (Scheurman 2019, 1171). This is in line with misconstruing democracy, Neumann argues, and “the logical outcome of this deliberate manoeuvre was a demand for a strong government, culminating in the slogan ‘All power to the president’” (Neumann 2009, 44). The president hinders political parties from making economic demands and thus channels the democratic sentiment in a way that does not threaten private property.

I have now discussed four critical analyses of the total state that were contemporary to and conscious of Schmitt’s active support for it. In all four, the total state was understood as an instrument in class struggle and as upholding the capitalist system of production. They also established that state interventions should not be seen as antithetical to capitalism but a necessary aspect of it. The total state is not a liberal state, but it does not radically transform the liberal state’s economic basis. Rather, it is a radical attack on democracy and social demands to protect the economic foundation and the interests of the propertied class. Therefore, the total state is not a state of arbitrary interventions and engulfing the social completely in an uncontrolled manner. State interventions cannot be studied as a mere issue of quantity, which would claim that the liberal state intervenes the least and the total state the most. Interventions have a logic that target certain aspects of society instead of being tyrannical whims of those in power. All four of them agree that the interventions are not random but are rationalised based on fostering the productive capacities of capitalist means of production. It is in this context that democratisation of the economy becomes the main target of state interventions.

### 6.3 THE STATE AND THE MONOPOLY OF THE POLITICAL

I want to complement these analyses by bringing out the conceptual basis for justifying such interventions. Rather than merely understanding the actions of the state as ways to uphold the capitalist order, my analysis excavates the conceptual basis for justifying such methods. This means that the state does not only violently block the demands of the working classes, but it also seeks to integrate them into the political order. For this reason, the acts of the state must at least appear as if they were legitimate and justified. De-politicisation is not about simply using violence and other state measures to extinguish protest. In fact, state violence and interventions, perhaps more often than not, increase tensions rather than dissolve them. Such measures need to be legitimate so that citizens consent to them rather than dissent. An act of

legitimate violence does not meet resistance. As Hobbes claims, since citizens (at least implicitly) consent to the sovereign order, to act against it means to authorise one's own punishment (Hobbes 2018, XVIII, § 98). I have argued elsewhere with Mattias Lehtinen that theories of sovereignty are all about authorising violence and limiting dissent against it to a minimum (Lehtinen and Brunila 2021, 7). This does not mean that unanimity needs to be constantly secured, but at the very least, that reacting against the actions of the state become de-legitimate and warrant further actions (Lehtinen and Brunila 2021, 8). The citizens are asked to withhold their dissent and resistance against the measures of the state.

Authority, as Arendt defines it, is unquestioned obedience so that coercion and persuasion are unnecessary (Arendt 1969, 45). "Where force is used, authority itself has failed" (Arendt 2006, 92). Similarly, Alexandre Kojève argues that an act based on authority is one that does not encounter resistance. It is based on free consent, meaning that the subjects could resist the acts of an authority, but this remains merely potential as the subjects withhold from actualising this possibility (Kojève 2014, 7-10). Both Arendt and Kojève deny that violence could ever be authoritative – on the contrary, violence and authority are mutually exclusive. However, what theorists of sovereignty want to establish is the authorisation of state violence. The subjects, when encountering legitimate violence, should accept them as authoritative and refrain from resisting. Schmitt's conceptual work seeks to establish the authoritative nature of state action. However, unlike Marcuse and Neumann, this is not only because Schmitt defines the political as the existential distinction between friends and enemies. The conceptual distinction between political and social is supposed to legitimise state violence. Instead of legitimising all state actions, Schmitt's establishes a qualitative difference between legitimate and illegitimate forms of intervention.

The total state wants to present itself as a Leviathan, a state that does not sublate private property. As Neumann puts it, "the Leviathan, although it swallows society, does not swallow all of it" (Neumann 2009, 459). The total state does not appropriate the economy completely. Be as it may, Neumann steers clear from calling Schmitt a liberal (Neumann 2009, 45). Schmitt uses this analogy of a mythical creature feasting upon a victim to elaborate his own understanding of the state. Human existence, according to Schmitt "has in its historical actuality, potentially at least, a state over it, a state that becomes stronger and more powerful from such contents and substances, like the mythical eagle of Zeus that feeds itself on the innards of Prometheus" (Schmitt 1930b, 41). Apparently for Schmitt the state is not something that swallows the social sphere whole, but simply feeds on its regenerative organs to strengthen itself. The state feeds off on the resources of its people (perhaps this could be interpreted as referring to the economy that re-produces itself daily). For Schmitt, however, a strong state is worth the sacrifice.

In this section, I will discuss the state in relation to the political. In a short article regarding the situation in Germany, Schmitt establishes an elaborate metaphor of the state as a machine and his own role in its maintenance:

I feel [...] like I am in the position of a technician, who warns about replacing a part of the machine to another during the ride. As a jurist, I do not want to be accused of overrating the constitution; and therefore, to be cautious, I will not say that it is the motor of the vehicle. However, it is an important part, without which it does not move and which one should for the moment leave alone. That is, if one does not want to allow unforeseeable and dangerous experiments to take place (Schmitt 1931b, 256).

With this metaphor, Schmitt evokes the idea of the state as a machine that has an engine and various other parts vital for its functioning. The constitution is central to the machine's functioning. Although the machine would not cease to exist without a constitution, it would become dangerous to its subjects. According to Schmitt, there is always the danger that some group can occupy the state and use it as an instrument for their own purposes. For this reason, the acts of the state are not by definition legitimate. The constitution is a way of keeping the machine in check and secured, that is, the state needs to be reined in to reflect the original political unity. Schmitt's idea is that the state should have authority and the monopoly over the political, but this is not always the case. The concept of the political establishes when the state does have authority.

I will take a short historical route through Schmitt's narrative of the birth of the modern state. For Schmitt, the modern state begins with 16<sup>th</sup> century absolutism and its practice of governing. "The state as a whole seems like a great, elaborately constructed, purposeful mechanism, which is a well-functioning machine under the leadership of the prince" (Schmitt 1926/1995a, 95). From this well-functioning machine, it becomes instrumentalised to serve liberal interests. As I discussed in Chapter four, for Schmitt the liberal instrumentalisation means that the state becomes a mere servant of economic interests. Once the state has become a mere instrument without a substance, organisations hostile to the state can take it over to use it as a means to their own private objectives. The state ultimately becomes an instrument in the sense Schmitt attributes to Marxist socialism, that is, as an "armed servant of one of the economic and social classes" (Schmitt 1929/1988, 110; Schmitt 1931c, 271). Schmitt wanted to tie the state to the constitution and the political unity to ward off political parties from capturing the state's power to serve their own interests (Schmitt 1924/1988).

Schmitt takes issue especially with the Marxist thesis that portrays the state as merely an armed servant of the ruling social class, the bourgeoisie (Schmitt 1929/1988, 110). For Schmitt, the state should not be reduced to a mere instrument. The reason is that if the state is a mere instrument, it could serve any social class, including the proletariat, and therefore function as an instrument for the institution of socialism. An instrument can serve any demands. This is especially a problem in the modern total state that has at its disposal various apparatuses for instituting order. “The decision over freedom and servitude is not in the technology as technology. It can be revolutionary and reactionary, it can service freedom and domination, centralisation and decentralisation” (Schmitt 1932/2015b, 84). Technologies are neutral in the sense that they can serve any political interests. By using their economic power, the various economic organisations can force the state as a mere instrument into serving their own private interests. For these pluralistic forces, “the state is an apparatus of governing, an administrative machine, in brief things that self-evidently have only instrumental value, and which are not at all an object of fidelity and loyalty” (Schmitt 1930b). A state, which is not strong enough to uphold the monopoly of the political is not strong enough to stop various social powers from turning it into a mere instrument. It is against this threat, which Schmitt portrays as a situation when “the parties slaughter the mighty Leviathan and cut a piece of flesh from its body for themselves” (Schmitt 1930b, 33), that Schmitt wants to strengthen the state.

It is obvious that Schmitt wants to counter these pluralistic forces from transforming the state into a *mere* instrument. However, Schmitt does not want to do this by equating the state with the political. The reason for this is basically that identifying the state with the political would simply make every state authoritative. In the total situation, when there is no longer a separation between state and society, the political cannot be simply equated with the state. Rather, it is a question of taking back the state from the pluralistic forces and re-establishing the state into a monopoly of the political.

The concept of the political and the state are not identical, and I will now discuss their relationship in more detail. As I established in Chapter four, the political denotes a degree of intensity, referring to the most intense contradiction between friends and enemies (Schmitt 1930b, 41). Before the end of the Weimar republic, Schmitt held on to the idea that the state is the only institution that can uphold the intensity of the political and establish an order within a territory (Schmitt 1932/2015a, 44). So much so that he boils it down to a sentence: “a flight from politics is a flight from the state” (Schmitt 1930/1958, 57).<sup>67</sup> After the Second World War, Schmitt pointed out that his

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<sup>67</sup> A flight from politics might even be a flight from human nature, as Schmitt claims in a short essay on Machiavelli (Schmitt, 1927/1995). This idea of “political anthropology” was developed to an extent in *The Concept of the Political* as well (Schmitt, 1932/2015a, 55-63).

thought during the inter-war years was tied to the classical era of politics when the relationship between state and politics was yet to be questioned as there were no other contenders for the monopoly of the political. As Schmitt reminisces in his preface to *The Concept of the Political* from 1963 that “there really was a time when it was meaningful to identify the concept of the *state* and *political* with one another” (Schmitt 1932/2015a, 10). As I pointed out above, Schmitt tells the history of the state as a unification of political power on the prince, which sets off the modern centralised and unified state. For Schmitt, the modern state begins where “the state as such becomes the absolute instance, the ultimate judge over good and bad” (Schmitt 1926/1995a, 96). Back then, Schmitt maintained, the modern state really was the monopoly of the political, whereas later on after the two World Wars this classical relationship between the state and the political disappears completely (Schmitt 1988, 271).

However, this self-evident identity between the state and the political is no longer the case during the total situation. Because everything has become at least potentially political, the political monopoly of the state is not a simple fact, so that “a reference to the state is no longer enough to establish the specific distinctive characteristics of the ‘political’” (Schmitt 1932/2015a, 23). As I established in Chapter five, this is because total situation conflates the political and the social. For Schmitt, the problem with the total situation is that the “political substance wanders off into the social system” (Schmitt 1930/1958, 47). Rather than define the political by means of the state, Schmitt’s task is to define the concept of the political which will then establish the normative criterion of the state. Not all states are truly political anymore, as the welfare state has expanded to the social in a way that destroys the classical connection with the state and political as the political is dragged over to the social sphere in a way that decreases its intensity. Schmitt’s first sentence in *The Concept of the Political* is: “The concept of the state presupposes the concept of the political” (Schmitt 1932/2015a, 19). This means that Schmitt’s conceptual work seeks to establish the need for the state to be transformed back into a political monopoly. The concept of the political is therefore an attack against the quantitative total state in favour of the qualitative total state – or in other words, with the help of authoritarian distinction Schmitt can make the claim that the state is no longer a political unity but an economic state (*Wirtschaftsstaat*), that is, a welfare state (Schmitt 1931a, 84). The struggle against the welfare state should therefore also be fought with conceptual weaponry.

Part of Schmitt’s diagnosis of the damage of the total situation is not merely to be a series of lamentations but also an attempt to locate what has remained intact from the party-political onslaught. Schmitt says that the president and the government (which in Weimar was appointed by the president) are basically the last pillars of order, and without them chaos would engulf the political order (Schmitt 1932/1995b, 77). Schmitt always saw the president as

the solution to the situation. On the one hand, he argued that the president has more authority than the parliament because the president is elected by the whole and therefore “the people’s trust is united in a single person, while in a parliament hundreds of representatives divide it” (Schmitt 1925/1995, 25-26). On the other hand, the president and his government have the constitutional measures available for restoring order. This means especially article 48, which gives the president exceptional powers to ward off a state of exception. Without going into a discussion about an altogether complex and murky constitutional issues regarding the state of exception, it should be noted that especially in the early 1930s Schmitt refers to article 48 as a way out of the quantitative total state (Schmitt 1932/1995b, 78). For Schmitt, using the article is a good option in the total situation as it makes it possible to defend against the forces hostile to the state that have occupied the parliament (Schmitt 1932/1995a, 63).

To give a short summary of the various state instruments, technics and mechanisms that come up in Schmitt’s work during this period, I will briefly sketch three sectors of the executive branch that are especially considered the powers (or *Machtmittel*) to constitute the “position of power” (*Machtposition*) of the state. It is the task of every state, to uphold their rule and dominance, to strive for these various powers and seize them (Schmitt 1933/1988, 185). First, there is naturally the army, which has always belonged to the state. Schmitt, like Weber, sees the right to wage war and the monopoly of the means of violence as having belonged to the modern state from its very beginning. This means that subjects “are protected from coercion by the numerous small feudal lords; private feuds and self-help of individuals or estates are blocked in the interest of state order; trade and commerce are promoted under state supervision with mercantilist methods” (Schmitt 1926/1995a, 95). It is this capacity that makes the state necessary for a political unity to exist, so much so that if a people were to give up their army they would simply cease to exist politically (Schmitt 1927/1988a, 72). By means of legitimate violence, the state rises above various social organisations. According to Schmitt, this is especially the case due to development in military technology which has increased the capacities and positions of power to a completely unprecedented level (Schmitt 1933/1958, 367). “The modern weapon technology makes all ideas about resistance impossible and leads to wholly new methods of state domination as well as resistance” (Schmitt 1932/1995a, 58). It is not only that resistance has become difficult, if not completely impossible, but also that the state’s capacity to protect creates an obligation to obey as well. The army is a way of ensuring obedience.

Next, there is the state officials and civil servants (*Beamtentum*), who constitute the bureaucratic branch of the state. Schmitt describes them as the part of state machinery that is “technical-rational-value-neutral.” With the army, they constitute the technical apparatus of the state (Schmitt 1932/1988, 16). In fact, Schmitt puts a lot of faith in the German civil servants, as they are



independent from the various parties and are neutral towards the various conflicts – or, according to Schmitt's praise, they constitute the basis of "objective spirit" of the state (Schmitt 1931c, 271). Because the officials and civil servants are loyal to the state and the constitution rather than to the parties, they can be still counted on to serve the public interest in times of stark contradictions (Schmitt 1931b, 254). Like the army, the public servants are there to rise above internal conflicts and make sure that the state can function in a way that can counter such conflicts.

Lastly, there are the economic capacities of the state. Schmitt claims that for the most part, both foreign and domestic politics concerns the economy (Schmitt 1931/1988, 150). "State power today means in a completely unprecedented sense both power over a large part of national income and national economy in itself" (Schmitt 1933/1958, 370). According to Schmitt, the modern industrial state has various means of exercising economic power over the economy such as legislation over labour, taxation and its expenditure (Schmitt 1927/1988b, 86-89; Schmitt 1931a, 81; Schmitt 1931/1988, 150; Schmitt 1932/1988, 39; Schmitt 1933/1958, 370-371). To achieve its goal of establishing economic order, the state needs to take control of these various economic instruments. In the wrong hands, they could become dangerous because "they provide the ruling party with access to 'loot' and 'spoils' in the old way, but also together with the right to impose taxes and duties, in a quantitatively total state to decree over the whole national income" (Schmitt 1932/1988, 39). This means that the various economic instruments, when at the mercy of total parties in a quantitative total state, could organise the economy itself to favour the interests of a group of people. That is, the state has at its disposal the means to transform itself into a welfare state – a possibility that Schmitt wants to avoid at all costs.

Schmitt put a lot of faith in these institutions. In fact, Schmitt argues that the constitutional measures are strong enough to oppose parliamentary forces (Schmitt 1931b, 256). In the total situation, whenever Schmitt discusses the political institutions that are still intact and can serve as the basis for re-establishing the strong state, he refers to *Reischwehr*, *Reichsbürokratie* and *Reichsbank* (Schmitt 1931b, 254; Schmitt 1931a, 93; Schmitt 1932/1995b, 78). They reflect the respective institutions of the army, civil servants and the economic policies of the state. According to Schmitt, only these instruments can save the state and Germany, so that "if the specific means of power, the army and state officials are intact [from party-political influence], then a strong state is still possible" (Schmitt 1932/1995b, 78). It is with the help of these instruments that de-politicisation will become possible.

## 6.4 THE QUALITATIVE VERSUS QUANTITATIVE TOTAL STATE

From a discussion of the state in general, I will now move on to the qualitative difference between the weak and the strong state. As I have established above, only the strong state is a real state as it has a monopoly of the political. To analyse the theory of the strong state means that I am going to turn to a discussion of the relationship between the state and economy. As pointed out above, Schmitt argues that the total situation brings the 19<sup>th</sup> century “axiom of state-free (unpolitical) economy and the economy-free state to an end” (Schmitt 1932/2015a, 25). My interpretation is that the total situation has made this axiom obsolete because it can neither be taken for granted nor be re-established according to 19<sup>th</sup> century ideas. Only the strong state can guarantee a state-free sphere of the economy, which means that the economic order has a political basis. The identity between the state and political is something that needs to be achieved with strong coercive measures rather than taken for granted, and similarly the relative independence of the economy cannot be accomplished by withdrawing the state completely. The relationship between the state and economy needs to be re-established according to Schmitt’s conceptual distinction between the political and the social and I have analysed it above. Only a strong state that monopolises the political can stand against social forces and have the kind of authority necessary for resolving social conflicts.

Whereas after the fall of Weimar Republic, Schmitt abandons the state as the primarily subject of politics, in the early 1930s he still thinks that the state can be rescued and re-instated, albeit in a total rather than classical sense. However, although Schmitt does point out in *The Concept of the Political* that the total state has made the traditional Hegelian state theory outdated (Schmitt 1932/2015a, 23-24), there are some obvious similarities between his own interpretation of what the Hegelian state is and his own theory of the qualitative total state. Schmitt elaborates his understanding regarding the Hegelian state and its meaning to German political order in a short text, *Staatsideologie und Staatsrealität in Deutschland und Westeuropa*, written in 1931. In it, Schmitt argues that German political thought and politics are based on “state ideology,” which has its unique characteristics in contrast to other western countries.

The state<sup>68</sup> in western powers shows great variation. The USA is an actual state of liberty, in which the concept of democracy corresponds with the concept of freedom. USA has a minimum of state power and almost absolute religious and economic freedom and knows no professional civil service (*Berufsbeamtentum*). [...] [In France] there is no self-administration [in the economy], no local authorities.

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<sup>68</sup> Literally “reality of the state” (*Staatsrealität*)

Instead, it is firmly centralised. France is then no land of freedom but a democracy ruled by the parliament. The civil service apparatus is taken over by the absolutist system. [...] [English] administration used to be a very liberal self-administration (government) by volunteer citizens. The English have antipathy towards professional civil service (Schmitt 1931c, 272).

The USA, France and England all differ in their own ways from the German ideology of state by having either no extensive state administration or economic administration. The German case is unique because the state has traditionally been strong and the economy has enjoyed (relative) independence. Even though the traditional understanding of sovereignty is of English heritage, “because of the American influence, the English people see in government an organisation, a machine, an apparatus, which society must seize. Thus, it becomes laughable to deify such a machine” (Schmitt 1931c, 271). Like the Americans, the English have therefore turned away from Hobbes and reformed the state into an instrument of society by putting society above the state.

The American and English systems are contrasted with the German system that has always put the state *over* society, that is, the state has ultimate authority and has power over society. In the American and English systems, the economy is neutral, and “in the economic sphere of free competition social politics has a merely the role of red cross rather than a comrade-in-arms” (Schmitt 1931c, 271). By red cross-style social politics Schmitt means a state that does not take an active role in cooperating with economic actors to reach a mutual objective. As I will discuss below, Schmitt’s understanding of economic policy of the state is one of “intensive cooperation” (Schmitt 1932/1995a, 62). According to Schmitt, social questions have always been solved from above by the state. Even though the integration of “masses of workers” has not been as smooth as the integration of the bourgeoisie into the state, “the German metaphysics of the state is not at all fantasy but a more or less realised actuality” (Schmitt 1931c, 272). Furthermore, Schmitt insists that this will also dictate Germany’s future, as every country should develop those forms of politics that come natural to it (Schmitt 1931c, 272).

Schmitt refers to Hegel’s tripartite distinction to make clear what the German state ideology conceptually means:

Hegel distinguishes three spheres: 1. The sphere of natural community (family, tribe); 2. The sphere of bourgeois society (of the individual in individualism, of rationalism, of egoistic profit-seeking); 3. The sphere of the state (of objective spirit). [...] It is the last great philosophy of

the state that puts the state *over* society. From this, it follows that German ideology is ultimately state ideology (Schmitt 1931c, 271).

From this tripartite distinction, which posits private, societal and state spheres, it might be inferred that Schmitt's own distinction in the *Langnam-Verein* presentation between private, public and state might simply be a continuation or even a return to this Hegelian distinction (Rasch 2019). However, my argument is that this is not the case because the conceptual distinction that Schmitt wants to establish is altogether different and posits an explicitly different tripartite political system.

First, I have already pointed out that Schmitt considers the Weimar situation to be very different from the 19<sup>th</sup> century German political context. Schmitt ends his discussion of the German ideology of the state by establishing that "every land has to develop their conception and form of living in a way that matches their own specific nature, without having to continue with former friend-enemy-position" (Schmitt 1931c, 272). By this Schmitt refers to the polemical nature of all political concepts. In a different political context with a new friend-enemy distinction the same concept will have a different meaning. This is especially the case with a concept like the "state." In a short essay regarding Hugo Preuss' (a legal scholar in charge of forming the constitution of the Weimar Republic) concept of the state, Schmitt begins by pointing out that "all political concepts come from a concrete, foreign or domestic political contradiction and are without this contradiction merely unclear and meaningless abstractions" (Schmitt 1930a, 5). This means that the concept of the state during the Weimar Republic must be understood in its own situation with its contradictions and friend-enemy-positions.

Apart from the fall of monarchy, Schmitt claims that the concept of the state transforms mainly because the relationship between the state and social has altered. The central issue for 19<sup>th</sup> century is the relationship between the state and bourgeois society. The state theory of that time posits that the state is above society and what needs to be integrated into the political is the bourgeois "in order to get the ruling class of society involved with the state and thereby to cultivate its societal power for rational and moderate usage" (Schmitt 1930a, 13). As I pointed out in Chapter four, Schmitt deemed this development possible because the societal and state interests were commensurate. However, the Weimar republic points towards an altogether different situation because the relationship between the state and the people. The 19<sup>th</sup> century tradition ends with the party-political situation, which has seen the rise of parties using constitutional measures to strike down an opponent (Schmitt 1930a, 19). Such a situation makes it untenable for the state to remain liberal, that is, a "non-interfering, non-intervening, passive, agnostic state" (Schmitt 1930a, 19). This is because if it remained liberal, the state would become ultimately a mere instrument for social forces.

At the end of his discussion of Preuss' ideas, Schmitt suggests that the neutral state could be transformed. "The current neutrality of the passive, agnostic state is in today's socio- and economic-political state, which in Germany is also a reparation state, is no longer possible. There is only one type of neutrality that is possible, which enables an objective and just decision, and whose sociological presupposition is an understanding that is not bound to political parties" (Schmitt 1930a, 24). This type of neutrality is one that would limit parties from furthering those interests that contradict the political unity. For Schmitt, this is an essential task of the state, as it is established to overcome internal tensions that threaten the political unity (Schmitt 1930a, 26). It is the strong state that could accomplish this and bring about the normal situation.

According to Schmitt, the current German state is a total state only by quantity as it lacks the intensity and political energy to stop the parties from politicising the social sphere indefinitely to serve their own interests. Such a state knows no state-free sphere as it is "total out of weakness and inability to resist, out of incompetence, to withstand in the face of onslaught of parties and their organised interests" (Schmitt 1932/1995b, 75). The state is not able to uphold political unity but, instead, gives into the various demands made by interest groups and organisations. In Chapter five I discussed the idea that party-politics is somewhere in-between the political and social. In the context of the weak state, the parties have inserted themselves "in-between the state and its government and the masses of citizens" (Schmitt 1932/1995b, 75). By situating themselves somewhere in-between the state and the masses, the political parties have subdued the political monopoly to serve the interests of the masses.

According to Schmitt, this ultimately destroys the political order. Its major problem is that it politicises totally and without distinction. Such a state is weak because it does not have the power to distinguish between the state and economy. The quantitative total state has brought about the conflation between state and economy (Schmitt 1932/1995b, 77). Here we can clearly see Schmitt's conceptual distinction between political and social functioning as a basis for diagnosing the weakness of a state. The reason a state is weak is because it cannot maintain the political unity and re-establish the state as distinct from the economy. "This is today in Germany the prevailing type of quantitative total state, which cannot distinguish neither itself as a state nor something else as not-state. Who should then be able to distinguish between various domains in general when state and non-state spheres and functions are jumbled in this grotesque way together?" (Schmitt 1932/1995b, 78). The political is not autonomous to the social in a state that has entangled itself with the non-state sphere in a way that conflates the political and a social. According to Schmitt, the total political parties are to be blamed as they have destroyed the German statehood and, ultimately, have destroyed the state power (Schmitt 1932/1995b, 79). Without the monopoly of the political, the state no longer is a state in contrast to the non-state. Furthermore, without the

unity of political power, the state has lost its capacity to act and make decisions.

Total parties are especially a problem for the economic sphere (Schmitt 1932/1988, 96). The primary issue for Schmitt is that the total state has democratised the economy in a way that apparently has destroyed the German democracy. The total political parties destroy all democratic institutions and the possibility of establishing democratic authority (Schmitt 1932/1995b, 79). A plural party-state is total because of its weakness, that is, due to the incapability of the state to limit interventions demanded by various interest groups (Schmitt 1932/1988, 96). This is because “party-politicisation” (*Parteipolitisierung*) of the economic sphere has caused the German state to become a mere “economic democracy,” where political concepts have lost their political meaning and translated into economic ones. “This economic democracy has brought about precisely the *conflation of economics and politics*. Then, with the help of political power, to appropriate economic power to the state, and then, with the help of this acquired economic power to further strengthen political power” (Schmitt 1932/1995b, 80). Political and economic power are united in a quantitative total state in a way that confounds the economics and politics with one another. This destroys the autonomous nature of the political and political power. According to Schmitt, the state has been “disguised and hidden” in a way that requires immediate action. “The state seems like an economic subject in every thinkable costuming; on the level of public and private law, as a state, as a treasury, as a supremacy, as an Ltd., and as a shareholder” (Schmitt 1932/1995b, 81). The state functions like a state, rather than acting as if it was an economic actor. The quantitative total state is a confounding of the state and economy (Schmitt 1933/1988, 187). This means that intervening into the economy without distinction is to not only politicise the economy but also to transform the state into an economic actor, so much so that it becomes impossible to conceptually distinguish between the state and the economy.

Schmitt refers to this development as a “structural transformation” (*Strukturwandel*) to underline that the difference between the weak and strong state is not merely a quantitative issue of how many times does the state intervene in economic matters (Schmitt 1931/1988, 152). This transforms the state into an economic and welfare organisation, that is, a welfare state. “This type of total state is a state that enters into domains, into every sphere of human existence without distinctions [*unterschiedslos*], so that it knows no state-free sphere in general because it is no longer able to establish distinctions” (Schmitt 1933/1988, 187). For Schmitt it is clear that the welfare state is a weak state as it is unable to halt the expansion of political power into the economy (Schmitt 1931/1988, 154-155.; Schmitt 1933/1988, 187).

The apparent contradiction is that Schmitt blames this expansion of state on the liberal aversion towards any expansion, that is, the liberal principle of non-

intervention or “non-politics” (*Nichtpolitik*) (Schmitt 1932/1995b, 73; Schmitt 1933/1988, 185). An absolutely apolitical economy demands non-intervening. As Schmitt sees it, in such a system there is no political authority as everything is a private matter (Schmitt 1923, 58). The liberal neutrality towards the economy refers to “non-intervention, disinterestedness, *des laisser passer*, passive tolerance etc.” (Schmitt 1932/2015a, 89). The economy does not require governing, as “neither people nor things need a ‘government’, if they are left into the hands of economic and technical mechanisms and their immanent order” (Schmitt 1923, 74). To protect the freedom of society and social actors, liberal politics has however achieved the opposite because it is unwilling to enforce its own order. The masses no longer form a political unity but group according to their economic interests, which has made it possible for total political parties to occupy the parliament and politicise the economy. Schmitt claims that mass democracy poses a specific dilemma for states: “either relinquish the liberal concept of freedom, or give up a deciding part of [the state’s] power, that is, its own political existence” (Schmitt 1933/1958, 368-369). The principle of non-intervention is antithetical to the political unity as it brings about the conflicts within the economic sphere and is in danger of engulfing the state into a civil war.

Schmitt’s analysis of the weak state is also a diagnosis of the damage done to the political order. The state has become a mere instrument that mirrors the pluralism of social powers (Schmitt 1931a, 94). In fact, various institutions have become something that they are not supposed to be. The former distinction between state and non-state has been overcome, which for Schmitt has basically transformed all political institutions beyond recognition (Schmitt 1932/1995a, 58). The parliament has become a mere stage for party-egoism (Schmitt 1930/1958, 46). Schmitt laments that “like the representative is no longer a representative, the *parliament* is no parliament anymore” (Schmitt 1932/1995b, 76). Many more institutions have lost their original meaning established in the constitution. The total parties have been successful in transforming these institutions to serve their own interests, as for example “a representative is no longer the independent free person who furthers the public welfare in contrast to party-interests” (Schmitt 1932/1995b, 76). The state is weak for its incapacity to stand strong against the various demands of the parties and the social organisations that they represent.

However, the weak state is still a total state as it has at its disposal instruments that enable politicising all domains of social life. Whereas the weak state expands uncontrollably, the strong state is a proper state since it adheres to the basic normative characteristic of an actual state by centralising and unifying political power in order to remain authoritative. “Every state strives for seizing the means of power that the political rule requires. To do so is the reliable characteristics of a real state.” (Schmitt 1932/1995b, 73). The strong state is one that has appropriated the means of power to form a monopoly on political power. This means that this monopoly needs to be maintained by

making sure that the power of the state is increased to overpower forces antagonistic to state order. It is especially the development of various technologies and instruments of subjugation that have made the state's political power total in a real sense – so much so that “gatherings on the street, barricades and such appear as children's toys in this context of modern means of power” (Schmitt 1932/1995b, 74). Every state must have the means of overpowering or else it becomes weak in the face of pluralism (Schmitt 1930a). Only such a state can limit the likelihood of a conflict erupting among conflicting groups.

The various methods and means of exerting dominance have made the modern state empirically more intense. This intensity allows it to make sure that internal tensions do not become politicised. A strong state, a state that is total in quality and energy rather than quantity, “does not allow the emergence of any forces antithetical to the state or such that would restrain or dissolve the state” (Schmitt 1932/1995b, 74). Such a state is intense in the way the concept of the political prescribes it as a political unity capable of distinguishing between friends and enemies (Schmitt 1933/1988, 186). The qualitatively strong state is therefore able to hold on to the monopoly of the political and establish an internal territory within which there is order. As pointed out in Chapter four, Schmitt's understanding of political power is that the more centralised political power is, the more intense it becomes and therefore the less possibilities there are for conflicts to emerge.

According to Schmitt, the total state is therefore capable of overcoming the conflation between state and economy and re-establish a distinction between state and non-state spheres. Schmitt describes this as a “chirurgical” intervention, in so far as it needs to be decisive and drastic (Schmitt 1932/1995b, 77). The German state is in desperate need of such a chirurgical operation and, to continue with Schmitt's medical metaphor, although it might be painful, it is necessary to regain a strong state and a *healthy* economy, as Schmitt's original title for the *Lagnam-Verein* presentation suggests. Such an intervention is only possible by a strong state, as the distinction between the state and non-state is an intense political process. “It cannot come about on the basis of party-political motives, whether they are of economic, cultural or confessional type, but, rather, only on the basis of the state as a whole” (Schmitt 1932/1995b, 77). This does not only mean that the economy is rescued, but also the state. One can almost hear the wistfulness in Schmitt's writing when he demands that “the state should again become a state” (Schmitt 1932/1995b, 77).

Schmitt's main idea regarding the strong state is that “only a strong state can de-politicise [...] [because] the act of de-politicising is especially intensive political act” (Schmitt 1932/1995b, 81). The strength of the state is in fact understood as the capacity to act in a way that de-politicises the social. Namely, the strong state is one capable of governing in a way that limits the



possibility of conflicts from erupting. In fact, there is no order without a strong state because it is the sole means of stopping the total situation, in which private interests prevail over the public one, from destroying the political order altogether. Schmitt likens it to a magnet that brings together metal (Schmitt 1932/1995b, 83). Similarly, the state unites political power once again to de-politicise the economy. These, intensity and centralisation, are important aspects of the strong state since they are the very characteristics of the political. As I have argued, the concept of the political prescribes monopoly of the political as the basis of all order (Schmitt 1932/1995b, 75). It is the task of the state to uphold this intensity and further centralise political power to itself in order achieve this task.

Moving on to the economic sphere, Schmitt proposes a tripartite distinction of spheres within the German economy. First, there is the state's economic sphere. As I have enumerated it above, this refers to the various economic tasks, capacities and powers of the state. Second, there is the purely private sphere of the economy, referring to individual companies and other economic actors. Third, there is a space in between which is "non-state and yet public." This is what Schmitt describes as the sphere of "economic self-administration," meaning tasks that are important for public welfare, but which are not organised by the state. Rather, these publicly relevant tasks are organised by the economic forces themselves. This contrasts with the socialist confounding of economy and politics, which forces the state to expand in a way that destroys the political intensity of the state. The economic self-administration refers to the idea that "there is an economic sphere that is of public interest and cannot be withdrawn from it, and which does not belong to the state as it belongs to the real self-administration, that is, it can be organised and administer by those who bear this economy" (Schmitt 1932/1995b, 80). This means simply that there are some public tasks that can be given to purely economic actors to fulfil. Because the tasks are strictly economic, they can be left to be organised by the markets.

According to Schmitt, self-administration allows for the social forces of the German people to be unleashed. With the help of a government, the "great and strong productivity of the German people, which has emerged over the centuries in German history again and again, can be made to bear fruit" (Schmitt 1932/1995b, 85). With exaltations like these, it seems that Schmitt wants to define the *German* form of capitalism. Rather than the American or English versions that put the state under society, the German political tradition sees the strong state as a necessary aspect of capitalist production. Without a strong state, the economy, especially the sphere responsible for public welfare, would collapse under conflicts among various contradicting forces. By means of the German political tradition, Schmitt establishes that the strong state is necessary for the capitalist economic order as it unleashes the German people's capacity for labour and to organise themselves in the economic sphere (Schmitt 1932/1995a, 64). For him, this is evident because in

a mass democratic weak state “we have sadly lived for decades under a conceptual confusion, which declares the public as belonging to the state, and it is no longer possible to construct that, which really was the great accomplishment of the German people was namely, namely a real self-administration,” (Schmitt 1932/1995b, 80). Without the state, there is no ultimate authority that would establish the foundation of economic order (Schmitt 1930b, 34; Schmitt 1929/1988, 109). The distinction between state and economy should therefore not be a separation but refer to the possibility of “intensive cooperation” in order to further the public interests (Schmitt 1932/1995a, 62).

Schmitt believes that this plan is possible within the current political system (Schmitt 1932/1995a, 62-63). The *Langnam-Verein* presentation ends with Schmitt telling his audience that the plan he has just outlined is practically possible:

The forces are there. They only wait for the call. If they are grasped, then are rational distinctions again possible, especially the one of state administration, real economic self-administration and individual sphere of freedom. Then, on the basis of such a distinction, the German people will find their political unity and strong state over the turmoil of parties and statehood plurality (Schmitt 1932/1995b, 85).

As pointed out at the beginning of this chapter, Schmitt still believes in the current system of government and its capacity to overcome the current situation. The state still has the capacity and the energy to de-politicise. This means that the state draws all political power from the social sphere back to the state, thus producing a de-politicised economy. By reining in the various total parties, the state overcomes the conflation of the political and the social, thus becoming truly political in the intensive sense. In the next section, I will discuss this relationship between the state and economy in the context of de-politicisation. My argument is that the strong state’s relationship to the economy mirrors the conceptual distinction between the political and economy.

## 6.4 DE-POLITICISATION OF THE ECONOMY

De-politicisation is a term that Schmitt rarely mentions in a positive sense. Often, Schmitt discussed “absolute,” “complete,” or “radical” de-politicisation, which refers to the complete end of politics altogether, which is not de-politicisation at all, but rather is a liberal form of non-politics incapable of upholding political order. For this reason the *Langnam-Verein* presentation is an important document. As Schmitt claims at the very beginning of it, “the process of de-politicisation, *the establishment of a state-free sphere* is namely

a political *process*” (Schmitt 1932/1995b, 71; emphasis added). The first thing I have emphasised in this quote is that de-politicisation produces a state-free sphere. According to Schmitt, the central political problem is the relationship between the state and economy (Schmitt 1931/1988, 153). The task of the strong state is to re-establish a relationship between the state and economy that does not conflate the two together, that is, de-politicise. My second emphasis brings out the fact that de-politicisation is a process. De-politicisation is not simply an intervention, as it refers to broader political processes initiated by the state to reduce tensions and limit politicisations. Since de-politicisation is a political process that curbs the politicised total situation, de-politicisation refers to a broader process that produces order within the state’s territory. This means that, even though de-politicisation in this sense is rarely mentioned in Schmitt’s works explicitly, de-politicisation is precisely what his whole theoretical edifice is after.

However, there are many examples of Schmitt referring to de-politicisation in the “absolute” sense I discussed in Chapter four. Almost all of references in *The Concept of the Political* are about this form of de-politicisation, which Schmitt sometimes refers to as “radical” or “complete” de-politicisation (Schmitt 1932/2015a, 51, 52). As such, it would mean a stateless situation, where only a de-politicised society would remain (Schmitt 1932/2015a, 54). Such a radical de-politicisation would entail that all purely social issues could be answered with factual expertise (Schmitt 1933/1988, 185). If this were the case, then political systems would become obsolete as everything could be resolved with technical expertise and on a factual basis. For Schmitt, this would establish a world in which all of humanity is united as there is no longer distinctions between friends and enemies (Schmitt 1988, 272).

A brief discussion of Schmitt’s short but well-known essay, *The Age of Neutralizations and De-politicisations* from 1929, reprinted in the 1932 book version of *The Concept of the Political*, is helpful here. Curiously enough, Schmitt uses the word “de-politicisation” only once, which refers to “absolute de-politicisation.” This absolute de-politicisation refers to the idea that at some point all politics would ultimately cease and universal peace could be secured (Schmitt 1932/2015b, 86). In the text, this idea is discussed under the name of neutralisation, a striving for a neutral ground that would end all conflicts by means of a domain that would function as a shared premise to overcome the gap between opponents. For example, economy could function as an objective basis for neutralisation. However, Schmitt’s argument is that such a neutralisation can only be temporary and is ultimately bound to fail because “the European people keeps on wandering from a domain for struggle to a neutral domain, and this neutral domain will always become a domain for struggle” (Schmitt 1932/2015b, 82). A people deciding to not exist politically and have their own state would not de-politicise the world but, rather, “so disappears only a weak people” (Schmitt 1927/1988a, 72).

Such an absolute de-politicisation has an economic meaning. For example, in the *Roman Catholicism and Political Form* Schmitt argues that various capitalist forces want to do away with the political to institute the rule of economic forces. By using the various positions in the production process, a struggle to dismantle the state and politics is pursued (Schmitt 1923, 52). In *Political Theology*, Schmitt claims that

Today, nothing is more modern as the fight against the political. American financiers, industrial technicians, Marxist socialists and anarcho-syndicalist revolutionaries are united in their demand that the incorrect rule of politics over economic life has to be stopped. There should only be organisational-technical and economic-sociological tasks but no political problems. The dominant style of today is economic-technical thinking, which is no longer able to perceive any political ideas (Schmitt 1922/2015, 68-69).

This struggle against the political is radical de-politicisation because it claims that politics are not necessary. Both Marxists and industrialists argue that economic matters could be organised in a way that would ultimately function without the state and politics (Schmitt 1932/1995b, 73). If they were successful, Schmitt suggests, a complete economisation would ensue and a “utopian objective would be realised to bring about an absolutely unpolitical situation of human society” (Schmitt 1923, 52). This possibility is something that Schmitt wants to deny. De-politicisation in the positive sense of establishing a state-free sphere is something that Schmitt deems necessary for stable authority (Schmitt 1932/1988, 93). The strong state coincides with this form of de-politicisation because only the strong state can establish a state-free sphere of the economy (Schmitt 1932/1995a, 58). Ultimately, what Schmitt wants to establish here is that the economy has a political basis as its state-free sphere is produced via political means.

However, actual de-politicisation is necessarily a political act. As Schmitt puts it in a footnote in *The Concept of the Political*, de-politicisation “is a typically and especially intensive type and manner of doing politics, which posits the opponent as political and oneself as unpolitical (i.e.: economic, just, objective, non-partisan etc.)” (Schmitt 1932/2015a, 20, fn.22). Even though Schmitt argues here against liberalism by pointing out that in politics there is no such thing as an unpolitical position, the point is still the same: de-politicisation is an intense political process. By underlining this, Schmitt wants to establish that no social contradiction can be resolved in an unpolitical manner (Schmitt 1923, 37). Similarly, in the 1933 preface to *Political Theology*, Schmitt claims that “the decisions whether or not something is *unpolitical*, is always a *political* decision” (Schmitt 1922/2015, 7). There is

nothing truly unpolitical because behind everything that seems unpolitical a political decision can be discovered.

Schmitt's idea that absolute de-politicisation is impossible is not a mere empirical observation. Rather, it arises from his concept of the political, which establishes that the political is not a sphere but an intensity that can take place in any social sphere or relation (Schmitt 1930/1958, 56). To do away with the state as its own sphere does not absolutely de-politicise. The political intensity just takes another form. This means that Schmitt's critique of neutralisation is neither against de-politicisation as such, nor is it a critique that is meant to simply assert that the world without politics is something that needs to be avoided. Instead, it is supposed to re-establish the primacy of the state. Without the state's monopoly of the political, the political does not disappear but new conflicts emerge chaotically in the social. The de-politicisation of the state leads to the politicisation of the social, the fact which, in turn calls for de-politicisation by the state, according to Schmitt. To ward off the politicisation of the economy, "the answer lies therefore not in unpolitical factuality, but in fact-informed politics capable of making decisions that keeps an eye on the interests of the whole" (Schmitt 1930/1958, 57). The situation cannot be solved with the liberal principle of non-intervention (Schmitt 1930/1958, 41).

Intervening into the order of things in the social sphere means to produce order. As I pointed out in Chapter four, Schmitt thinks that the role of sovereignty is to restore and uphold the political unity. One technical resource the state has access to is what Schmitt constantly refers to as "psycho-technical" (Schmitt 1927/1995, 104). By it, Schmitt refers to the various means of exerting influence on citizens' psyche to foster the consensus of the people (Schmitt 1930b, 39). Of these, film and radio broadcasting are most often mentioned (Schmitt 1931/1988, 186; Schmitt 1932/1995a, 58; Schmitt 1933/1958, 368). Such apparatuses and technological means of forming consensus are necessary in the total situation, because the total parties have destroyed the will of the people by reducing the people into mere masses of heterogeneous voters (Schmitt 1932/1995a, 56). These "propagandistic treatment of the masses" (*propagandistisch Massenbearbeitung*), as Schmitt calls them, are an important aspect of upholding unity and consensus, and for that reason they are essential for the daily restoration of political unity (Schmitt 1933/1958, 368). Furthermore, they have to be appropriated by the state to ward off the possibility of such technologies falling into the hands of forces antithetical to the state (Schmitt 1931/1988, 186). In fact, the state would cease to exist without the control of the state on various technologies and means that allow for upholding the political unity (Schmitt 1930b, 40).

I interpret these techniques and the ones I have discussed above as instruments for de-politicisation. Namely, they are meant to re-establish and uphold political unity and order within a territory and therefore limit the possibility of politicisation. Furthermore, Schmitt wants to establish that the

state needs the consensus of the people in a way that muddles the distinction between actual consensus based on the free will of the people and one that is motivated by various techniques and mechanisms that political power has at its disposal. Like Hobbes, to whom consent is consistent with fear, Schmitt wants to make consensus and power inseparable. “The will of the people cannot be formed with external mechanical methods, and vice versa it would be a dangerous falsification to present the true and real will of the people as a conceptual opposite to the political power of the state” (Schmitt 1933/1958, 370). Rather than claim that the relationship between consensus and power is one sided, Schmitt argues that power is just as important as consensus in upholding the will of the people. The various methods and technical instruments of state power are important because with their help the opinion of the people, the “*plebiscite de tous les jours*”, as Schmitt puts it, is formed daily (Schmitt 1933/1958, 368). These instruments are essential since without them the political unity would ultimately disappear.

It is in this context of psycho-technical apparatuses that Schmitt mentions an interesting aspect of the state’s role as “exercising far-reaching *control* over radio and cinema” (Schmitt 1933/1958, 368; emphasis added). One way the state ensures order is through controlling various instruments and domains from not becoming a basis for politicisation. In that context, “there does not exist a state in the world that would be so liberal as not to exercise very intensive control over the before free domain of ‘meaning formation’” (Schmitt 1932/1995a, 58). Once again, we are dealing with intensity, meaning that control over various domains requires it. Control can also be economic, and according to Schmitt it is more and more taking the form of economic policy of the state. As Schmitt points out, more than a half of the German national income is controlled by the state (Schmitt 1933/1958, 370). The various economic powers the state has at its disposal make it possible to control the economy without appropriating it.

This idea of control can be further developed as one of the various ways that Schmitt sees the role of the state in the economic sphere. Liberalism has made the state weak because the state becomes subjugated to society and the state’s interventions are limited to the extent that the state is “supposed to protect the free play of economic and social forces, which actually means the *uncontrolled* power of stronger” (Schmitt 1926/1995a, 98). The role of the state is to cooperate with the economy in a way that strengthens the state (taxation) and enables the smooth operation of the economy (labour laws). However, de-politicisation is something much more, as it resolves conflicts within the economy but also limits the possibility of politicisation. De-politicisation is a process that produces order by limiting politicisation. For this reason, de-politicisation cannot come about with party-political means, as these means only serve to conflate the political and social. Instead, only the strong state can establish the institutional distinction between the state and state-free sphere

(Schmitt 1932/1995b, 77). The reason for this is that only the state is capable of hinder the party-political forces from occupying democratic institutions.

To achieve an economic sphere that is responsible for producing public welfare without the expansion of the state into a welfare state, Schmitt posits that the strong state is necessary because only the strong state is capable of establishing long-term plans and putting them into practice (Schmitt 1931a, 91). Such plans are necessary even if “the objective of this plan is an economic system that functions without plans” (Schmitt 1933/1958, 370). Only a strong state can establish plans that would allow the capitalist production to function without hindrances, because the execution of these plans requires the capacity to make decisions and stick to them. A party-political state, on the other hand, is incapable of long-term planning, as it seems to be incapable of forming coalitions that could act decisively and consistently. Simple “negative majorities” can block all state action (Schmitt 1932/1995a, 63; Schmitt 1931a, 91). If a social group has enough strength to limit the capacity of the state to make decisions, the political unity will ultimately be destroyed (Schmitt 1932/2015a, 36). This would also mean the incapacity of the state to make economic plans, since a plan requires uniform and unified political power. As Schmitt puts it provocatively, “it is not those who make plans that rule but, on the contrary, those who rule that plan” (Schmitt 1933/1958, 370). Therefore, Schmitt deems the functioning of economy impossible without a state that has a strong government.

In another presentation from 1932, *Constructive Constitutional Problems*, Schmitt explains that the distinction between the state and economy should not be a separation but a distinction that allows for intense cooperation (Schmitt 1932/1995a, 62). The strong state is the necessary element in this development, as it is the only way of establishing a state-free sphere of the economy. “My opinion is that today the desirable cooperation between the strong state and a free, be it economic or cultural, self-administration is in fact possible without any alterations to the constitution” (Schmitt 1932/1995a, 62). This means especially disengagement of the political unity with the political parties that have confounded the state and economy. Here Schmitt uses the metaphor of “costuming”, so that the strong state would liberate the economy from “false political costuming,” which would also re-establish the strong and autonomous state (Schmitt 1932/1995a, 62). De-politicisation would then mean allocating tasks between politics and economy in a way that would not end up conflating them. This would mean ending the pluralist partitioning of the state and the total politicisation of the economy. To achieve that, Schmitt demands that party-politics have to be neutralised by strong state measures (Schmitt 1931a, 93).

The process of de-politicisation is also about re-organising the state and limiting its actions from expanding too much into the economy. This has been

a problem for Schmitt from the very beginning. In *Political Theology*, Schmitt points out that:

Moreover, whoever takes the effort to examine the concepts and arguments of late in the public law literature of positive jurisprudence, will see that *the state intervenes everywhere*. Like *a deus ex machina* the state decides by means of a positive statute on a controversy that the independent act of juristic perception failed to solve in a generally acceptable manner. On other occasions as the benevolent and merciful state that proves its superiority over law by pardons and amnesties. There always exists the same inexplicable identity: [the state] as lawgiver, as executive power, as police, as pardoner, as welfare institution (Schmitt 1922/2015, 44; Schmitt 2005, 38; translation modified and emphasis added).

Interventions are essential to the state. For Schmitt, they should be understood neither as a mere form of violence external to society (liberalism), nor as a practice to be used without distinction (socialism). Rather, there must be principles regarding interventions that do not shy away from granting the state the power it already possesses, but neither should it simply claim that everything goes. Acknowledging that the state has the capability to intervene without limit, Schmitt's point is to articulate a theory that establishes the legitimate limits to state action. Schmitt's point is not to establish an absolute limit, a liberal principle, which for him has become outdated (Schmitt 1931/1988, 153). Instead, Schmitt wants to establish an internal limit that informs the ruler when to intervene and what would be too much.

A crucial part of the process of de-politicisation is the re-forming and upholding of political unity and its intensity. Only an intense unity can establish an internal sphere of friends and order, and deal with enemies in a way that makes them external to the political unity. The state is tasked with upholding the political intensity so that it keeps the monopoly of the political. Only such a state has the authority and capacity to make decisions. The political becomes more intensely centralised, and it is up to the strong state to bolster this intensity by making sure that no social force is capable of becoming political and therefore weaken the intensity of the state. The political is a relation rather than a sphere, and for this reason the state cannot just assume the monopoly of the political but, instead, it must keep a hold on it. This means hindering all conflicts from reaching a certain intensity. This means especially taking control of the economy in a way that limits the conflicts within it.

De-politicisation is the task of establishing a state-free sphere of the economy. Only the strong state is intensive enough to accomplish this (Schmitt 1932/1995b, 83). However, this state-free sphere is not absolutely



independent of the state, because without the political unity there is no social order. This relative independence means that the economy remains public in the sense that “everything, which of public interest, is in some way political, and what essentially concerns the state can be de-politicised” (Schmitt 1930/1958, 56-57). The economy is state-free in so far as the state does not simply take over its functions, but it is not autonomous in relation to the state. The distinction between the state and economy is not a separation, but an intensive cooperation of the two. The state is not external to the economy since there is no economic order without it. The economy does not become unpolitical, but it is de-politicised. Without the strong state, the economy would simply be engulfed by conflicts that would need political authority to resolve them (Schmitt 1932/1995b, 81). The strong state does not merely reduce its own interventions but rather it *produces* a de-politicized economy. State interventions, as Meiksins Wood points out, are essential to ensure stability and predictability, which are necessary for markets to operate (Meiksins Wood 2003, 17-18). State power as coercive force is needed, and therefore the independence of the markets does not do away with the state, but simply limits its role.

These limits refer to the fact that the autonomy of the state from the economy is not completely one-sided. As I pointed out in Chapter four, Schmitt conceptualises the political in a way that gains its force from the social. The political intensity draws its force from the social. Like the mythical eagle feeds on the liver of Prometheus, so does the state in a capitalist system require an economy capable for re-production of basic material necessities. Because the state is dependent on the markets for the production of necessities and revenue, it has a stake in the smooth operation of the markets. Regulation and detachment ensue from this. Since the state is dependent on the markets, it cannot completely detach itself, but neither does it want to interfere too much.

Schmitt’s position is that the strong state is tasked with making the conceptual distinction between the political and social a reality. This is the case once the state is the monopoly of the political and the economy relatively free. As I have argued in this chapter, this cannot simply be assumed but it needs active political actions by the state. The politicisation of the economy threatens this relationship by conflating the state and economy, meaning that the intensity of the political becomes weaker due to it becoming less and less autonomous to the social. The real problem in the total situation is that the masses have been divided according to private interests, which various social forces take advantage of by using political parties to further their own interests. This process conflates the state and economy in a way that produces a situation that is in between the political and social. If the state wants to remain intense enough, it must end this dependence and transform itself into being autonomous from social interests and forces. The state should lay the foundation for the social order and not the other way around. From this role of the state, it follows that there are interventions that are order-producing

and those that create disorder. The former are de-politicising and the latter politicising. Those acts that uphold the intensity and the autonomy of the political are de-politicising and those acts that cause the state to expand in a way that dilutes this intensity by confounding the political and social are politicising. According to Schmitt's authoritarian distinction, the excessiveness of political interventions, insofar as they are too extensive, can be defined according their effects on both the political and social order. Such interventions would make the political unity less intense and increase tensions in the social sphere.

Ultimately, Schmitt's conceptual distinction between the political and the social is anti-democratic, and therefore it makes sense to call it authoritarian. It finds targets for de-politicisation in democratic forces that want to renegotiate certain decisions and demand their voices to be heard. Rather than allow democratically elected members of the parliament to represent these demands, Schmitt's conceptual distinction defines them as politicising social forces that threaten the intensity of the political. The task of the state is to uphold political unity among people and therefore counter such democratically established movements. The distinction therefore polices what proper politics is about. To strengthen the state a surgical operation needs to be accomplished to make the political autonomous in relation to the social. This means upholding the self-administrative sphere of the economy by strong coercive methods. De-politicisation, the establishment of a state-free sphere of the economy that upholds the autonomy of the political, is an intense process that has to disregard democratic authority of the parliament: "A government that is dependent of the parliament does not have the possibility of execute a five year plan. [...] And still the necessity of such a plan is at hand" (Schmitt 1931b, 255-256). Only a government that is politically intense enough can take the necessary course of action and bring back the normal situation through executing various economic plans. This is an anti-democratic measure as it is based on the idea that the constitutional methods that the president has access to are specifically meant to counter the parliament.

Rather than listen to the economic demands of the working class, the government needs to integrate them back into the political order established in the constitution. The parliament has lost the proper way of doing politics as it threatens the autonomy of the political by politicising the social. The parliament is a mere theatre stage on which the social is donned in the costume of the political. Such a costuming has made the whole parliament and democratic system into a façade for economic forces to make the social seem as if it was political. However, Schmitt says that there is always hope and that such a deceptive political theatre could be brought to an end and the "true" democratic forces could "enter the theatre stage and tear down the coulisses of pseudo-statehood" (Schmitt 1931b, 255). However, Schmitt declares that the German people are too weak to accomplish this task and make political power responsible again. Rather, it is up to the strong state to create a distinction

between the state and economy in a way that reaffirms the autonomy of the political.

## 7 CONCLUSIONS

### 7.1 SUMMARY

I have now analysed Schmitt's conceptual distinction between the political and the social and the normative implications it entails for the state's relationship with the economy. I have analysed this as an authoritarian distinction, a term that brings together the conceptual distinction and the normative implications it has for institutions, as a specific manner of understanding the relationship between the state and economy. The guiding idea of my analysis was that the institutional distinction between the state and economy proposed by Schmitt in his work in the latter years of the Weimar Republic entailed a conceptual distinction that sought to justify the re-organisation of the relationship between the state and economy. I have called this distinction the authoritarian distinction. Schmitt's theoretical work establishes a normative basis for re-organising politics and limiting politicisation by conceptualising a clear limit between the political and the social. Many theories seek to change the political situation of their time and reform politics to achieve certain ends. In Schmitt's case, the authoritarian distinction was supposed to show the weakness of liberalism against the problems that the democratic state faces in a time of mass democracy. I argued that the authoritarian distinction was both anti-liberal and anti-socialist in the sense that it sought neither to establish an institutional separation between the state and economy, nor to justify the state's appropriation of the capitalist means of production.

I identified the modern problem of how to organise the relationship between the state and economy as a site of theoretical struggle. Modern development of politics is crucially about the differentiation of the economy from political power. In this process, the state and the economy become mutually co-dependent. The state needs the economy for the reproduction of material necessities, and the economy needs the state to deal with possible hindrances to its own functioning. As I pointed out, this creates a novel problem regarding political power, that is, how is the state supposed to act in the economic sphere, when are the state's interventions necessary, and what protection should the economy have against the state's power over it. During political modernity, various answers to this problem have been formulated among political philosophers, legal scholars, and economists. In fact, the state itself becomes a site of contestation. In explaining this modern development of politics, recognised by a variety of scholars, I suggested that, rather than equating Schmitt's position with that of the liberals, they both belong in the same tradition of modern politics with their own respective answers to the problem of the state's relationship with the economy.

In the context of this modern development of politics, Schmitt's conceptual distinction between the political and the social is connected to theories of sovereignty in general. I argued that both Hobbes and Rousseau authorised the state's coercive methods and its power over society to secure the order. This meant especially countering private interests that contradict with the public ones and establishing limits to the actions of subjects in the social sphere. State power is authoritative because it is foundational for the social order. Both Hobbes and Rousseau see political power as the basis for property in the actual sense. Without sovereign power that has power over the social sphere, there is no economic order. However, this does not mean that the state should take over society. Rather, theories of sovereignty authorise state power if it limits the opportunity of subjects to politicise the social order. For this reason, I described the conceptual distinction as an authoritarian one, as it seeks to authorise the state's coercive power in upholding the prevailing order against democratic contestation.

I analysed how Schmitt's theory of the political contains an authoritarian distinction that establishes the autonomy of the political to the social and the relative dependence of the social to the political. The political as an intense distinction between friends and enemies is something qualitatively altogether different from the merely social. The political unity is authoritative and has the capacity to make decisions, and for these reasons it has the capacity to produce and uphold order. Political power capable of founding a sphere within which there are no political contradictions is foundational in the sovereign sense. Without such a unity and power, there would be no social order as it would simply be engulfed in conflicts among various groups trying to further their own interests. This is why the political is independent of the social, in so far as it has authority over the social sphere, and the social only enjoys relative independence because every social order and its contingent relations rely on political power. The task of Schmitt's conceptual distinction between the political and the social is to authorise political power over the social sphere in a way that upholds the autonomy of the political – to remain authoritative – and the social order.

The authoritarian distinction is inherently anti-democratic as it authorises the state to counter democratisation. Democratisation of economic relations endangers the autonomy of the political by expanding the state uncontrollably into the social domain. This dilutes the intensity of the political distinction and threatens the state's monopoly on the political. Schmitt portrays these forces as merely social, which is in line with the authoritarian distinction that deprives the democratic forces of their political nature. Instead, Schmitt argues that economic organisations have occupied the state by using their position in the capitalist system of production to their advantage to further private interests of various economic groups. The authoritarian distinction portrays democratisation of the economy as conflating the political and the social in a way that threatens the political unity. Such a confounding of the

political and the social endangers the autonomy of the political unity as it ties political power to private interests and expands the state uncontrollably into the social sphere. Through identifying (mass) democratic forces as means of conflating the political and the social, Schmitt authorises the state to use coercive methods to counter politicisation to restore the political unity and order within it. In this sense, the authoritarian distinction is meant to limit the possibility of democratic action.

I identified as the most important normative implication of the authoritarian distinction the qualitative difference it established between state interventions. Schmitt argues both against the liberal principles that seek to minimise state intervention and against the socialist expansion of the state. It is not simply a quantitative issue of finding a balance between intervening too little and too much. Rather, the authoritarian distinction seeks to establish qualitative criteria as to when interventions and state actions are order-producing and therefore proper. To limit the state's capacity to act based on law is not enough, as legislation and legal procedures themselves have become an instrument for various total parties to politicise the economy. In contrast, the authoritarian distinction establishes criteria regarding the effects of state actions on the social sphere and its own autonomy. Interventions are necessary because they uphold the state's monopoly of the political and the social order. The qualitative difference therefore distinguishes between those political actions that de-politicise and those that politicise.

Ultimately, I have argued that Schmitt's political theory should be seen as supporting de-politicisation in general, and not just in his explicit remarks regarding the role of the state in de-politicising the economy. The authoritarian distinction takes part in justifying strong coercive means to limit democratic politics. This means that Schmitt's theory establishes normative limits that are authoritarian in so far as they counter the possibility of democratic re-politicisation. As theories do not simply seek to reflect but re-organise politics, Schmitt's political theory sought to re-organise the state to strengthen it against democratic forces. His theory is ultimately on the side of the prevailing modern political order, as it seeks to justify the stabilisation of the capitalist means of production with the means of an authoritarian state. In this sense, the authoritarian distinction and the theory that supports it should be seen as inherently on the side of de-politicisation.

## 7.2 DISCUSSION

Ultimately, in this thesis I have argued that Schmitt's political theory cannot be separated from his normative ideas regarding how to organise politics. The authoritarian distinction is a term that I have used to outline the inseparable relationship between Schmitt's conceptual and institutional work in the context of de-politicising the economy. I have done this to suggest that political

theories that seek to utilise Schmitt's own conceptual distinction cannot simply put aside his endeavour to re-organise politics in an authoritarian way to counter democratic forces. The authoritarian distinction problematises the appropriation of Schmitt's theory that seeks to use it for democratic means.

Furthermore, by using the name authoritarian distinction, I have sought to make room for other ways of conceptually distinguishing between the political and the social. Not all such distinctions that see the political as autonomous to the social are necessarily anti-democratic. By connecting Schmitt's theory to other theories of sovereignty, I wanted to underline that his political theory seeks to establish incontestable authority of political power. In the authoritarian distinction, the political is autonomous to the social because political power rules over the social. Whereas Schmitt connected the autonomy of the political with authority, centralisation of power, internal order and limits to politicisation, other conceptualisations of the political as autonomous to the social might define it differently. It has been my contention throughout this thesis that Schmitt's theory conceives the autonomy of the political in an authoritarian sense that justifies strong coercive methods against democratic forces.

However, part of the reason I was interested in discussing the de-politicisation of the economy was that the relationship between sovereign power and its limits has been understood in a very one-sided manner. It is not so that theories of sovereignty simply seek to re-form state power into absolutely unlimited and arbitrary power. Sovereignty does not refer to tyrannical power that acts as if there was no distinction between the state of nature and civil society. On the contrary, my discussion of Schmitt's theory of the strong state sought to understand power and its limits from a perspective that does not view them as contradictory categories. By this perspective, I mean that we should not view all power as limitless and all limits to power as contradicting power. Instead of discussing the external legal limits to state intervention, I have analysed Schmitt's authoritarian distinction as a conceptual strategy that establishes internal limits to the actions of power. Since Schmitt theorises political power in an authoritarian way, the theory sought to justify those acts that uphold order and de-politicise. As I argued in Chapter six, the authoritarian distinction establishes a qualitative difference between various state actions. Political power is not arbitrary but it is necessary to limit the possibility of politicisation, and for this reason, the state must curb its "uncontrollable" expansion into the social domain. This does not make Schmitt's theory any less dangerous. However, it does point towards the need to understand power and limits in a way that does not simply understand them as contraries.

In the introduction, I mentioned a curious contradiction that concerns recent discussion of Schmitt's theory and neoliberalism. Whereas some have argued that Schmitt's understanding of the autonomy of the political is an important

predecessor to their own critiques of neoliberalism, others have pointed out that neoliberal theory drew influence from Schmitt's theory of the strong state. The authoritarian distinction I have analysed points towards the idea that simply claiming that the political is autonomous to the social is not enough to challenge the state's role in limiting democratisation of the economy. On the contrary, to further such a conceptual strategy, a political theory has to distinguish itself from the authoritarian distinction. In addition, this would require understanding the state's role in furthering policies that some have described as neoliberal. I argued in Chapter one, that this requires tackling economisation in the substantialist sense. Instead of conceiving neoliberal practices and economisation as something that threatens the political, the authoritarian distinction allows to uncover the role of political power in laying the foundation for such an order that limits democratisation of economic relations. For this reason, simply arguing that the political must remain autonomous to the social is not enough to protect democracy.

What future political theory needs to do, if it wants to further democratisation of the economy, is to theorise the relationship between the political and the social in a way that does not fall into the authoritarian distinction. Below, I will consider two aspects regarding this task. First, I will discuss research on neoliberalism that discusses the connection between Schmitt and neoliberal theory. After this, I consider some recent developments in political theory in the context of distinguishing between the political and the social. I argue that the crucial issue is the conception of political power and conceptualising it in a way that does not police what politics should be.

### 7.2.1 NEOLIBERALISM

In the context of neoliberalism, Schmitt's theory has been most prominently connected to Eucken, Röpke and Hayek. As I pointed out in Chapter five, the neoliberals and Schmitt had a similar understanding about the political issues of the Inter War period. However, this does not mean that Schmitt's connection to neoliberalism is uncomplicated. It is a rather curious affinity as their difference regards their relationship with the Third Reich. On the one hand, after initial hesitance, Schmitt embraces National Socialism. The neoliberals, on the other hand, are united in their clear disavowal of National Socialism. In fact, an important part of neoliberal rhetoric is the claim that only those societies that are organised according to neoliberal ideas can ward off totalitarian political systems. For example, Hayek explains this opposition to totalitarianism in *Road to Serfdom* as something that is explicitly anti-Schmittian. He mentions Schmitt as the one who destroys the boundary between the state and the economy in favour of the totalitarian state (Hayek 1945, 187). According to von Hayek, ideas such as Schmitt's are collectivist in the sense that they try to organize society to reach a collective goal:



The various kinds of collectivism, communism, fascism, etc., differ among themselves in the nature of the goal towards which they want to direct the efforts of society. But they all differ from liberalism and individualism in wanting to organize the whole of society and all its resources for this unitary end and in refusing to recognize autonomous spheres in which the ends of individuals are supreme. In short, they are totalitarian in the true sense [...] (Hayek 1945, 56).

Hayek's argument here is that Schmitt's overall project is anti-liberal because it wants the state to organize society according to its founding political idea. The autonomy of the economy, and therefore freedom of the individual, is lost to collectivist planning.

Discussing similarities in the face of this glaring contradiction might seem pointless. As Cristi points out, "perhaps no one has denounced Schmitt's intellectual work so steadfastly as Hayek" (Cristi 1998, 146). However, Cristi continues, Hayek's condemnation of Schmitt's theory in general still allowed him to find parts of Schmitt's thought to be compelling. Furthermore, whether Hayek admitted it or not, his ideas regarding the authoritarian state brings him very close to Schmitt's own ideas about the state (Cristi 1998, 148-149). It is especially his anti-pluralism and his contrast between the state and democracy that bring him very close to Schmitt. So much so that, according to Biebricher, "it threatens to undermine some of his own most fundamental commitments" (Biebricher 2018, 106; cf. Irving 2018 124). Here, I agree with Biebricher that the similarities should neither misguide the reader into thinking that Schmitt was a proto-neoliberal, nor into analysing Hayek's theory of the state as a Schmittian one. It bears repeating that Schmitt was not a liberal in any sense. As I argued in Chapter four, Cristi is right for the wrong reasons in claiming that Hayek defended the Schmittian view that "democracy and liberalism were unrelated answers to completely unrelated questions" (Cristi 1998, 147, 166; cf. Irving 2018, 117). Cristi's interpretation is that both defend a similar idea of liberalism against democratic contestations of it (Cristi 1998, 148). Even if they did agree on this distinction, they did so based on different ideas regarding liberalism, with Hayek defending his own neoliberal interpretation of it and Schmitt formulating his own answer against liberals of his time (Irving 2018, 115).

It seems that Schmitt and the neoliberals understood that the capitalist economy requires political power. An interesting example here, which brings us to the affinities between Schmitt and neoliberalism, is the neoliberal regime in Chile during Pinochet's military junta. Whyte points out that the neoliberals in Chile understood that their own policies were in fact political decisions as they sacrificed the interests of the poor for the economic stability (Whyte 2019, 171). Furthermore, the junta had to use political power to counter the policies

of Allende's government: "Allende's government had challenged the myth of the market as a realm of voluntary, non-coercive and mutually beneficial relations. The junta [...] sought to undo this politicisation, decimate collective political identities, and inculcate norms of submission, personal responsibility and self-reliance" (Whyte 2019, 160). Such practices are authoritarian and pointed towards the need for political power. In fact, according to Whyte, the Chilean neoliberal experiment points towards a general fact about neoliberalism, mainly that it always understood itself to be a political project (Whyte 2019, 171). Hayek, for example, refers favourably to Schmitt's political theory in discussing the junta. Specifically, Hayek agrees with Schmitt's critique of mass democracy and sees that Schmitt's pessimism towards the democratic masses is justified (Hayek 1998, 194). In fact, neoliberals in general understood the role of the state as a fundamental one for securing market relations.

The neoliberals understood political power as necessary for securing market relations. They sought to counter politicisation of the economic sphere and the expansion of social welfare programmes (Slobodian 2018, 114). As Kiely puts it, "what was needed was a strong state that could order the market economy, so that liberalism, according to Rüstow, has to 'look outside the market for that integration which is lacking within it'" (Kiely 2018, 44). The neoliberals sought to re-instate an authoritarian state capable of countering democratic forces (Tribe 1995, 212; Kiely 2018, 54). This means that they understood politics and the economy as interrelated. As Whyte puts it, Friedman "stressed the necessary relation between economics and politics," a relationship that referred to the necessity of coercion to limit politicisation (Whyte 2019, 168). In contrast to classical liberals, neoliberals understood that the markets are not independent but rely on extra-economic violence (Whyte 2019, 175; Slobodian 2018, 79). That means that neoliberals rejected the idea that the social sphere could be completely independent of politics (Slobodian 2018, 2; Whyte 2019, 172). Like my analysis of Schmitt's political theory, neoliberals were focused on re-organising the state and other political institutions to limit the politicisation of the markets (Slobodian 2018, 6).

Therefore, it seems that the neoliberals had a similar understanding of the relationship between the state and the economy. However, what I find important in discussing Schmitt's authoritarian distinction is that it does not see the state as a mere instrument for the operation of market relations. To clarify this, it is useful to quote Mises's understanding of the state here:

The state, the social apparatus of coercion and compulsion, does not interfere with the market and with the citizens' activities directed by the market. It employs its power to beat people into submission solely for the prevention of actions destructive to the preservation and the smooth operation of the market economy. It protects the individual's

life, health, and property against violent or fraudulent aggression on the part of domestic gangsters and external foes. Thus, the state creates and preserves the environment in which the market economy can safely operate (Mises 1998, 258; cf. Whyte 2019, 170).

There are many similarities between this quote and Schmitt's ideas regarding the strong state. However, here too the issue is that Mises interprets the state as a mere instrument of violence, not as an institution that has sovereign power, that is, power that has authority and legitimacy. Obviously, Schmitt would agree that the state does indeed have the power to beat people into submission. However, his own authoritarian distinction did not merely seek to state this fact, but rather to establish a normative basis for submitting to the state's power. The important difference is that Schmitt focuses on securing sovereignty and establishing its legitimacy, whereas the neoliberals are more interested in the autonomy of the markets from democratic forces. Slobodian has pointed out that for Mises, "Foreign competition, and by extension the rhetorical weapon of invoking the world economy, was a bludgeon to beat back social policy gains in worker insurance, severance pay, and unemployment benefits" (Slobodian 2018, 46).

My analysis of the authoritarian distinction has been to bring out in more detail this aspect of theories of sovereignty when it comes to countering democratic forces in the economic sphere. This does not mean that Schmitt and the neoliberals were completely different. The way I see it is that they seek to counter democratisation from different perspectives, which may or may not be complementary. What I hope to have shown is that scholars should not only focus on state violence but also on the various strategies that this violence is authorised. The authoritarian distinction is one such way to rationalise strong coercive methods of the state to ensure the de-politicisation of the economy.

### *7.2.2 CONTEMPORARY POLITICAL THEORY*

As promised at the beginning of this thesis, I will now discuss what my results entail for political theory. My focus will be on post-foundational political theory, which has been inspired by Schmitt's theory and his concept of the political. Mouffe, who is the most vocal appropriator of Schmitt's ideas, claims that Schmitt "makes us aware of the dimension of the political that is linked to the existence of an element of hostility among human beings" (Mouffe, 2005b, p. 2; cf. Mouffe, 2013, p. 138). This hostility or "antagonism" shows that no social system can be total or objective, as all social relations are contestable and contingent (cf. Marchart 2018a, 33). Similarly, Laclau argues that this contestability and contingency shows that all social order can never be stable without political power. Instead, "'society' as a unitary and intelligible object which grounds its own partial processes is an impossibility" (Laclau 1990, 91).

This, it seems is a very similar argument to Schmitt's critique of the liberal notion of society as independent from political power. It is this similarity that I claim needs to be discussed in the context of the authoritarian distinction.

Post-foundational theory tends to agree that all social orders are based on a political foundation (Flügel-Martinsen et al. 2021, 8). For both Laclau and Mouffe, political power is necessary for a (relatively) stable social order. As Laclau puts it, this is because all political systems establish limits that exclude other possibilities (Laclau, 2007, p. 38; Marchart, 2018b, p. 20–21). These limits are political as they exclude and therefore create antagonisms (Laclau, 1990, p. 90–91, 2007, p. 35, 37; Mouffe, 2000, p. 98–99). Similarly, Mouffe argues that political power is necessary for order because “things could always be otherwise. Every order is predicated on the exclusion of other possibilities” (Mouffe, 2013, p. 131; cf. Mouffe 2005b, 141). This means that there is no such thing as a society, which Marchart describes as an impossible object (Marchart 2018a 13).

Social relations are ultimately political as they require power. Mouffe draws from this fact the idea that for politics hierarchies are necessary (Mouffe 2005b, 152). This is a very similar idea to the one Hobbes has about the need for sovereign authority. In fact, for Mouffe, to recognise the ineradicable nature of antagonisms is to “acknowledge that ‘state of nature’ in its Hobbesian dimension can never be completely eradicated but only controlled” (Mouffe, 2005b, 6). The state of nature is precisely what establishes the need for power capable of establishing limits. Mouffe argue that it is because the political as the possibility of hostilities and violence is ineradicable, “the need for institutions to deal with them will never disappear” (Mouffe, 2013, 84). However, this position is specific to Mouffe's theory, as I have pointed out in another contribution regarding the similarity between post-foundationalism and Schmitt (Brunila 2022). I argued that there is a crucial difference between Mouffe's and Laclau's theoretical positions as only Mouffe appropriates Schmitt's anti-pluralist concept of the political. Unlike Schmitt, Laclau's understanding of antagonism makes room for different degrees of antagonism that can take place within the internal sphere (Laclau 2005a, 154; Laclau 2005b, 107; Howarth 2014, 15; Brunila 2022, 8). Be as it may, my argument in this thesis has not been that the conception antagonism or the state of nature as the sole basis for establishing the legitimacy of state intervention. Rather, post-foundationalism's relationship to Schmitt needs to be discussed in the context of the conceptual distinction between the political and social.

In post-foundational political theory, the concept of the political is used to establish the primacy of the political to the social (cf. Marchart 2018a, 11, Marchart 2018b, 18). Originally, Laclau and Mouffe developed this argument in order to counter Marxist claims that the economy conditions politics. They counter this idea by pointing out that the economic and political struggles are not symmetrical and there is no necessary overlap between them (Laclau and

Mouffe 2014, 6). As Devenney puts it, this simply means that antagonism does not follow class lines (Devenney 2020, 39). For Mouffe and Laclau, the economic base never necessitates a political identity, so that it is incapable of guaranteeing class unity (Laclau and Mouffe 2014, 74). According to Mouffe's summarisation, the thrust of this argument is to reject "class essentialism," which is the Marxist idea that "political identities were the expression of the position of the social agents in the relations of production and their interests defined by these positions" (Mouffe 2018, 2). That is, political identities and interests cannot be derived directly from the economy, as this would affirm the existence of "objective interests", a possibility that post-foundational understanding of the political nature of social relations categorically denies (Mouffe and Laclau 2014, 73). Instead, all interests are deemed to be the outcome of political articulations and organising.

The argument that the political is independent from the social and the rejection of social objectivity is also targeted against those liberals who claim that there could be a rational basis for politics (Mouffe 2013, 3). Such ideas are deemed technocratic as they promote that politics is not confrontation but "neutral management of public affairs" (Mouffe 2018, 4). Post-foundationalists use the concept of the political to reject these ideas as no government is based on objective facts. Rather, they are just as political and contestable as any other form of government.

I want to question the underlying conceptual distinction that is claimed to make the critique of neoliberalism possible. While it might be important to criticize technocratic perspectives on capitalist exploitation, it seems harmless against those perspectives that emphasise the role of politics. As I have discussed above, Schmitt himself was open about the political basis of the capitalist means of production. Furthermore, Mouffe and Laclau seem to argue something similar to Schmitt's authoritarian distinction in so far as they call their theoretical objective the "autonomisation of the political" (Mouffe and Laclau 2014, 25). In a familiar move to the authoritarian distinction, this autonomy of the political is used to discredit economic interests as a necessary basis for political action.

Now, to be fair, post-foundationalists disagree with Schmitt on many accounts. For example, Mouffe argues in favour of some internal disagreements as "a healthy democratic process calls for a vibrant clash of political positions and open conflict of interests" (Mouffe 2005b, 6). Similarly, Marchart claims that Jacobinism constitutes an origin for his own theory of democracy as its objective is the development of democratic egalitarianism (Marchart 2021, 30). Egalitarian demands are at the heart of the democratic deepening of its core principles.

However, as Stuart Hall argues, while the post-foundational critique of Marxism was indeed called for, Mouffe and Laclau go too far in the opposite

direction of making the political radically independent from the economy (Hall 1985, 94, cf. Sundell 2021, 18). Similarly, Meiksins Wood deconstructs Laclau and Mouffe's position as claiming that "there is no social basis for *any* kind of politics" (Meiksins Wood, 1998, 74). In a more sympathetic reading by Devenney, it is noted that Laclau and Mouffe are mistaken in too overtly focusing on the political side of this relationship (Devenney 2020, 14). For Devenney, such an approach runs the risk of relying on a too strict distinction, which will end up justifying the policing of any attempt to overcome the limit between the economy and the political (Devenney, 2021, 31).

The autonomy of the political argues that politics is not determined by the economy. This is derived directly from the idea that there is no society independent from politics. Devenney has used this idea to develop an understanding of the political basis of property, so that "if the social is not a closed structure, defined by an underlying essence, then there is no original property, no original structure that later takes on legal form" (Devenney 2020, 39). Instead of being pre-political and purely economic, property is a strictly political institution. It is the task of democracy as a political project to interrupt this proprietary order (Devenney 2020, 23). Similarly, Marchart argues that democracy is a strictly political project, one that has "is an end in itself, and not for the sake of some external considerations on its usefulness or optimality" (Marchart 2021, 39). Because of democracy's strictly political nature, Marchart argues that socialism is not necessarily democratic (Marchart 2021, 38). From this it can be gathered that the economic inequalities do not necessitate democratic action to relieve them.

It is precisely this point that I find similar to Schmitt's idea that political power must remain autonomous to the economy. Although post-foundationalism and its normative project is on the side of democratic pluralism, its critical potential against the authoritarian distinction, which does not argue in favour of an objective or a rational basis of politics, is weak. Unlike Marxists,<sup>69</sup> who could endeavour to unmask sovereign power by uncovering the economic basis of state repression (cf. Therborn 2008, 165), post-foundationalists do not have a recourse to economic objectivity. What I find problematic in this is that it seems to uphold the belief that political equality (e.g. the rule of law or pluralism in general) comes first and the economic equality either flows from it naturally or is irrelevant. For example, in emphasising that the Jacobins are the first fight for democratic equality, Marchart misses out that Jacobinism was also a movement for basic subsistence and economic equality. As Moyn has argued, Jacobins were the first to argue against the idea that economic

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<sup>69</sup> For example, Daniel Loick claims that the state merely maintains and protects property (2018, 22), sovereignty should be analysed as an idea that state power is productive in establishing stable economic relations.

hierarchies are a part of the natural order (Moyn 2018, 21-23). Challenging these hierarchies is as much a political as it is an economic task.

While I do not want to claim that the economic side is the only thing that matters, it does seem that many theorists tend to somewhat ignore it. Scheuerman is an interesting example. In a recent article, he develops critique of Donald Trump's economic policies, he also focuses on political aspects rather than economic. This is surprising, as Scheuerman leans on the Frankfurt School's Otto Kirchheimer and Neumann to argue that Trump's government works according to Schmitt's principles in protecting capitalist private property with authoritarian means (Scheuerman 2019, 1171). His focus is on pointing out that populist politics and its hostility towards the rule of law does not contradict economic liberal principles but, rather, they form an "odd" alliance (Scheuerman 2019, 1175; cf. Harvey 2020, 25). This enables Scheuerman to criticise Mouffe's idea that such right-wing populism can only be countered with left-wing populism (Mouffe 2018), as it does seem that populism is more likely to serve authoritarian interests rather than democratic (Scheuerman 2019, 1181). While I agree with this assessment of Mouffe, his own critique seems to be based on a simply notion of the rule of law, which allows him to discuss the anti-democratic nature of populism. This focus on the political side leaves out the economic basis for repressive governments.

To be sure, the main point of post-foundationalism is, as Marchart puts it, that "there is no social relationship that is not at the same time also a relationship of conflict, power, and exclusion" (Marchart 2018b, 99). Indeed, all social relations are power relations. However, I have argued the political cannot be separated from politics, and, similarly, politics cannot be separated neatly from the economy. Schmitt's theory takes part in the struggle for economic order against the working class, meaning that the economic aspects of his theory also need to be considered. Rather than conceive the economy and politics as distinct or by means of the authoritarian distinction, they should be conceptualised as tied together as both influence the other. Political movements take place in an economic context and the economic system is the site of struggles and contestations. As Benno Teschke and Hannes Lacher point out, capitalism that conditions the development of the state's autonomy (Teschke and Lacher 2007, 568; cf. Teschke 2011, 171). In order to challenge exploitation, it is important to also take into account economic sphere and interests.

### 7.3 OPPORTUNITIES FOR FUTURE RESEARCH

My analysis of Schmitt's theory was limited for a few reasons. First, I have solely focused on Schmitt's Weimar-era work. This means that I have not attempted to explore discovering the authoritarian distinction in Schmitt's writings that have forgone the state as the central subject of politics. For this

reason, the relationship between the state and the authoritarian distinction remains inconclusive. To fully grasp the specificity of the state as an institution in contrast to other political institutions in the context of the authoritarian distinction, an analysis of Schmitt's later theories would clarify how new post-state monopolies of the political relate to the authoritarian distinction. Such an analysis would further elaborate whether the state is just one political institution among many or was there something particular in the state's relationship with the economy in contrast to other political systems.

Second, because I focused on the authoritarian aspect of the distinction, the specifically "German" aspect of this distinction could not have been developed further. As I have pointed out throughout my study, Schmitt sees the authoritarian distinction as something that is essentially German. To pursue this aspect of the distinction, Schmitt's theory would have to be contextualised in the German political tradition, namely Hegel and the right-wing Hegelians. Furthermore, this would also require a closer reading of the development of the modern relationship between the state and economy in Germany. For example, Thornhill argues that "the basic premise in modern German political thought is that the political sphere has a particular autonomy – that it is situated above the social arena" (Thornhill 2000, 2). Whereas I focused on simply positing Schmitt in a general development of modern European politics, a more particular reading might have analysed the German development of modern politics differs from French absolutism and British industrial capitalism.

Third, a more thorough reading of Schmitt's theory of constitutional democracy might have uncovered further anti-democratic elements. This would have required a focus on Schmitt's interpretation of democratic legitimacy and his constitutional thought. Through an analysis of Schmitt's constitutional thought, the anti-democratic nature of his theory could be made more apparent and nuanced. Whereas I have discussed the state and the way Schmitt's theory authorises its actions against democratic forces, his interpretation of the constitution is also meant to counter various democratic forces from re-negotiating certain elements of the political order. This is in line with recent discussions regarding constitutionalism as a way to limit the possibility of accomplishing democratic change.

Lastly, I have not developed my own understanding of democracy or democratic theory. I have simply drawn out the possible anti-democratic normative implications in Schmitt's theory. Without a democratic theory of my own, my critique has remained rather cursory. As the focus of this thesis was on analysing Schmitt's theory, the notion of how the distinction between the political and the social *should* be conceptualised has not been further elaborated. A normative theory of democracy would further strengthen the critical argument regarding what makes Schmitt's distinction authoritarian, and further clarify its anti-democratic elements. For example, while



republican political theory might have criticised the idea that political power needs to be centralised, a socialist one would have argued against coercive suppression of social organisation. Both would perhaps point out that in a true democracy, social injustice is a political issue and in need of democratic political action. However, this thesis has focused on clarifying Schmitt's authoritarian distinction in itself, and therefore can only suggest possibilities for further conceptualisation for democratic theory.

To further a democratic theory capable of countering authoritarianism, it becomes necessary to further a conception of power that does not establish the authoritarian autonomy of the political. This means a normative concept of power that is conscious of the problems of sovereign power. Theories of sovereignty understood sovereign power as unified, centralised, and possessing absolute authority. In such theories, the role of the state was to uphold the original decision that founded society against demands to re-negotiate this foundation and make a new decision. To counter this authoritarian autonomy of political power, future research might find inspiration in the following verses of T.S. Eliot's *The Love Song of J. Alfred Prufrock*, which promise the reader that there is still time:

*And time yet for a hundred indecisions,*

*And for a hundred visions and revisions,*

*Before the taking of a toast and tea.*

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