KU Leuven
Humanities and Social Sciences Group
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KU LEUVEN
DOCTORAL SCHOOL
HUMANITIES AND SOCIAL SCIENCES

THE DILEMMA BETWEEN NEUTRALIZATION AND POLITICIZATION

A SCHMITTIAN ACCOUNT OF LIBERAL NEUTRALITY AS A FRAMEWORK OF POLITICAL ANALYSIS

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Dissertation presented in partial
fulfilment of the requirements for
the degree of Doctor of Philosophy

October 2023

ACKNOWLEDGMENTS

First and foremost I would like to extend my deepest gratitude to my supervisor, Professor Tim Heysse, for guiding me through the process of writing my dissertation and finding my way in the life of academia. I would like to thank him for always being available when needed, for his precision and for his kindness. Not only did he help me to finish my dissertation, but he also taught me a lot along the way and helped me to develop myself as a philosopher. I would also like to thank my colleagues – professors, post-doctoral researchers and PhD candidates – in RIPPLE for the many interesting debates and discussions, both in formal settings as well as during the lunch breaks in the kitchen. They have taught me many things about political philosophy beyond the scope of my own research project which has helped me to position my own work in a wider context. Additionally, I would like to thank Professor Herbert De Vriese and Professor Guido Vanheeswijck for the many interesting sessions and discussions on disenchantment and reenchantment at the University of Antwerp that have been a significant source of inspiration for my project. I would also like to extend my gratitude to Professor Alexander Filippov of the Centre for Fundamental Sociology at the Higher School of Economics in Moscow for our stimulating conversations about the work of Max Weber and Carl Schmitt. I would like to extend a special thank you to the members of the jury, Professor Stefan Rummens, Professor Matthias Lievens and Professor Montserrat Herrero for taking the time and energy to engage with my research. Finally, I would like to thank the FWO for the funding of my project, without which my dissertation would not have come to fruition.

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INTRODUCTION

In 1973 the member states of the European Economic Community presented a declaration on the European identity.[1] It was published in Copenhagen by the nine foreign ministers of the community's member countries. The community was still far away from the 27 member states that its successor, the European Union, has today. These 27 states make up the vast majority of states in Europe; by now, one can say that the adjective 'European' has been earned. In hindsight, it seems somewhat strange that in 1973 only nine European countries already formulated a declaration on what constitutes 'the European identity'. Nevertheless, if we read the declaration and ignore for a moment that it speaks of 'The Nine' as its contributors, we can immediately see that – despite the accession of 18 new member states that have introduced many new languages, histories and even religions – the declaration is as applicable now as it was back then. How is this possible?

It is worth quoting a short section of the declaration:

> The Nine wish to ensure that the cherished values of their legal, political and moral order are respected, and to preserve the rich variety of their national cultures. Sharing as they do the same attitudes to life, *based on a determination to build a society which measures up to the needs*

[1] European Union, "Declaration on European Identity (Copenhagen, 14 December 1973)."

> *of the individual, they are determined to defend the principles of representative democracy, of the rule of law, of social justice — which is the ultimate goal of economic progress — and of respect for human rights. All of these are fundamental elements of the European Identity*".[2]

What immediately catches the eye is how European identity is formulated not on the basis of elements that are exclusive to Europe – certain languages, cultures, historical or religious identities – but elements that, ideally, are universally valid. Representative democracy, the rule of law and human rights; these principles are generally considered to be valuable for all human beings and not merely for Europeans. As the declaration says further below: "European unification is not directed against anyone, nor is it inspired by a desire for power".[3] As such, the Community (and later, the Union) has been able to welcome many new member states, as long as these states shared the same basic commitments and did not pose a threat to Europe's 'identity'.

However, in this identity there is a built-in tension that persists until today. If the European identity is defined by values that make a claim to universal validity, then where does Europe end? Can we really pretend that these are *European* values? And what does this imply for their universality? Can any non-European country that shares a commitment to the same values join the European project or is there something specifically European that bars it from this?[4] In the meanwhile, discussions about identity – both national as well as European – have only intensified. As a 'community of values' Europe is being

[2] Ibid, 2, (emphasis added).
[3] Ibid, 3.
[4] Luuk van Middelaar, for example, argues that the European Union should be clear about 'where it ends'. van Middelaar, "Zeg Een Keer Waar de Europese Unie Eindigt."

confronted by alternative narratives on identity, such as those proposed by the so-called Visegrád countries.

This example of European identity illustrates a more general tension within liberal democratic societies. Can a political community that is founded on universal values – the rule of law, democracy, human rights – also *identify* itself, as a distinct political community, with those values?[5] Can we have a particular community of values if those values are intended to transcend political particularism? These questions go to the heart of the problem of neutrality. The liberal project has often been understood as a search for neutrality; as the search for a state that does not impose its own identity or vision on how people should live their lives on its citizens. The liberal state is not envisaged as a state that favors one way of life over others but as a state that grants individuals the basic rights to live their lives as they see fit – as much as possible. It allows or even encourages people to develop their own life paths, to pursue what they themselves consider valuable, and it allows for a plurality of individual or even group identities to exist side by side. Nevertheless, the principle of neutrality has to be implemented in a particular political community. While in principle it is inclusive of all of humanity, it is limited by the political context in which it is realized. In the call for a 'European identity,' we can identify two contrary projects at once: the forging of a distinct political identity while retaining a position of neutrality.

The principle of neutrality lay at the core of Carl Schmitt's (1888-1985) criticism of liberalism.[6] In Schmitt's view, liberalism lacks a unifying political idea; it fails to appreciate the exclusionary element that characterizes every

[5] Chantal Mouffe calls this the 'democratic paradox'. Mouffe, *The Democratic Paradox*.
[6] Schmitt, *Der Begriff des Politischen*.

viable political community. To be neutral, for Schmitt, means not being able to distinguish 'us' from 'them'. It reflects nothing more than a radical individualism that makes us blind to – what Schmitt argued to be – the reality of the political: the distinction between friend and enemy. Every political community needs an 'other' to be able to distinguish itself as a political community. Liberalism, on the other hand, provides us only with a series of 'neutralizations' or depoliticizations. It neutralizes conflict, it neutralizes the state, and it neutralizes friends and enemies; in short, it neutralizes everything that is political. Instead, it envisages a world of individuals that share no other bond with their fellow human beings than that of 'humanity'. In such a world, Schmitt says, there is no place for the political.

Still, in contemporary (post-World War II) liberal theory, the principle of neutrality is of central importance and, compared to the time when Schmitt started to develop his views on liberalism during the interbellum, has been explored in depth. As a consequence, the neutrality principle has been formulated in many well-developed variations. Moreover, and on a less theoretical level, Western liberal democracies generally pride themselves on their openness to a diversity of ways of life, one might say, on their neutrality. Against the background of Schmitt's critique as well as the visible tension in contemporary liberal democratic attempts to delineate a political identity – as in the case of European identity – this calls for a revaluation of a critical perspective. Hence, in this dissertation I will attempt to find an answer to the following question: Can a state that is founded on the principle of neutrality avoid establishing its own distinct political identity or imposing its own (contestable) values? As such, the problem of neutrality presents itself as a dilemma between neutralization and politicization. I will explore this dilemma in three different domains and bodies of literature. The corresponding aims and

methods can broadly be characterized as conceptual, conceptual-historical and applied.

The first domain will be that of contemporary liberal theory as it developed in post-Rawlsian political theory in (predominantly) the Anglo-Saxon world. This means that, chronologically speaking, I will start at the end. In this way, we will be able to start with a conceptual analysis of neutrality in its most well-developed form. In contemporary liberal theory, the principle of neutrality has crystallized into a clear concept that provides the best starting point for a discussion about neutrality. Moreover, as the aim of this dissertation is not to describe the history of a philosophical concept, it helps us to demonstrate the contemporary relevance of my general perspective. Any critical reflection of liberalism has to engage with contemporary liberal theories.[7] It is my intention to demonstrate, on the basis of a discussion of contemporary theories of neutrality, that Schmitt's work is still relevant today.

The second domain in which I will study neutrality covers the work of Carl Schmitt. This will be the main body of the dissertation. In order to understand Schmitt's views on liberalism and neutrality it is necessary to discuss his theory of the political extensively. As such, Schmitt's concept of the political as a distinction between friend and enemy will provide the philosophical backbone of the dissertation in its entirety. Schmitt develops his understanding of liberalism as a negative counter-image to his concept of the political. Moreover, he positions liberalism in a historical context and sees neutrality as a fundamental motive of European modern history, as

[7] This is specifically important since Schmitt himself also tends to start from his own 'pure' conception of liberalism, rather than from a liberalism that is constructed on the basis of certain liberal authors. Gusy, "'Entpolitisierung Durch Die Polarität von Ethik Und Oekonomie' (68-78). Entpolitisierter Liberalismus Oder Politische Einheit?," 139–40.

neutralization. Liberal neutrality thus becomes a historical concept for Schmitt. Hence, my discussion of Schmitt's work can be characterized as conceptual-historical. It should be noted that any engagement with Schmitt's work – if the intention is to engage with a specific topic, rather than Schmitt's oeuvre as such – needs some demarcation. Generally, Schmitt's thought can be divided into his political thought, his cultural thought and his legal thought.[8] Although these distinct elements of Schmitt's thought can never be completely separated, my project will predominantly focus on his political and cultural thought.

The Schmittian framework allows us to analyze the historical conditions of contemporary political developments. The third domain, therefore, will be that of contemporary politics of identity. The theoretical conclusions about neutrality will be applied to a case study. Specifically, I will focus on right-wing populist parties that adopt typically liberal values – such as freedom of speech, separation of church and state and gay rights – as a marker of identity to distinguish their own 'national' culture from that of people from migrant (predominantly Muslim) background. As a case study, it offers a contemporary example of a political movement that attempts to impose liberal, universal values in an exclusionary manner.

What connects these three different discussions is the 'Schmittian' thesis that any search for political neutrality with respect to people's identities and values ends up politicizing at least some particular values. The dissertation, then, is an exploration of this dynamic through the different domains as sketched above. In each case I will attempt to identify how and where values are located as *political* values and not as mere individual values. While throughout the dissertation a Schmittian perspective can be discerned, the first

[8] Meierhenrich and Simons, "'A Fanatic of Order in an Epoch of Confusing Turmoil': The Political, Legal, and Cultural Thought of Carl Schmitt," 49–55.

as well as the last discussion – the discussions dealing with contemporary liberal theory and contemporary political movements – can to a certain extent be read separately. In both cases I do not readily apply Schmitt's conceptual framework and his vocabulary on these topics. Instead, I attempt to find the 'political moment' in each of their own accounts of liberal neutrality.

I still need to add a few words about my overall method. The reader of this dissertation who is searching for a novel proposal for how the state can and should be neutral will search for it in vain. This also applies to the reader who looks for a definitive dismissal of the principle of neutrality. While a Schmittian account is certainly a critical one, I intend to present my overall conclusions as descriptive rather than prescriptive. As such, I adopt a Weberian method.[9] My intention is not to judge whether the ultimate value positions that underlie liberal neutrality, in its varying adaptations, are right or wrong, and whether or not the project of liberal neutrality is in itself valuable. Rather, I will attempt to identify the (in)consistencies of a concept and formulate a conceptual framework that helps us to understand its development and historical impact. This is not to say that I attribute such a Weberian method to Schmitt.[10] However, Schmitt has developed the conceptual and philosophical vocabulary that helps us to identify and analyze the ever-changing and adapting forms of the political, even when we attempt to escape them.

The dissertation will consist of five chapters. The first chapter – 'The political implications of state neutrality as a range concept' – covers the first domain that I've described above. It reconstructs the principle of neutrality as it has been developed in contemporary liberal theory. On the basis of an

[9] Weber, *Gesammelte Aufsätze zur Wissenschaftslehre*, 148–61.
[10] Seyed Alireza Mousavi argues that Schmitt was critical of Weber's ideal of a value-free science. Mousavi, *Die Globalisierung Und Das Politische*, 28–43.

analysis of its recent theorization by Peter Balint as a 'range concept', the chapter will argue that a neutral state necessarily has to pass value judgments in order to demarcate the range within which it can be neutral. As such, it becomes vulnerable to a Schmittian critique. In chapters two, three and four I will discuss Schmitt's work. Together, these chapters cover the second domain. In chapter two – titled 'Political existentiality in Carl Schmitt; reenchanting the political' – I will conceptualize Schmitt's theory of the political as a reenchantment of the political. As such, Schmitt has demonstrated the *political* nature of values. In the third chapter – 'The Janus face of liberalism' – I will discuss its conceptual counterpart: Schmitt's concept of liberalism. The opposition between the political and the 'anti-politics' of liberalism culminate in Schmitt's historical concept of neutralization, which will be discussed in the fourth chapter, 'Neutralization as a history of the political'. Finally, chapter five will correspond to the third domain and body of literature, namely that of contemporary politics of identity. In this chapter – 'Homonationalism and the politicization of liberal values' – I will demonstrate that the Schmittian 'model' can help us to understand how and why movements that are generally considered to be at odds with liberal values politicize precisely these values.

CHAPTER 1

The Political Implications of State Neutrality as a Range Concept

"That there are doctrines that reject one or more democratic freedoms is itself a permanent fact of life, or seems so. This gives us the practical task of containing them – like war and disease – so that they do not overturn political justice" – John Rawls (1993).[11]

1.1. Introduction

In contemporary normative political theory, the principle of state neutrality is a classical liberal political principle to secure citizens' freedom to develop their own ways of life. Historically, it has its origins in religious toleration (contra the substantive liberalism rooted in Enlightenment ideals).[12] Rawls's work was key in transforming the historical notion of religious toleration into a political principle that guarantees toleration for all conceptions of the good, religious

[11] Rawls, *Political Liberalism*, 64.

[12] Galston, *Liberal Pluralism*, 15–27. Galston distinguishes between the notion of liberal autonomy that derives from Enlightenment ideals and that of liberal diversity, understood as religious toleration, that was part of the "post-Reformation project" (p. 24). For the evolution of toleration to neutrality, see Balint, *Respecting Toleration*, 13–15.

and secular alike.[13] Contemporary neutralists thus hold that the state ought to be neutral to different conceptions of the good life. There is no single theory about state neutrality and the practical implications range from social-democratic to libertarian. Nonetheless, neutrality has been a central tenet of post-WWII liberalism. It was implicit in Rawls's *A Theory of Justice*,[14] became explicit in the works of Nozick and Dworkin, and continued to play a role in the writings of Ackerman, Larmore, Barry and Gaus.[15] More recently, it has played a role in the works of Kramer, Patten and Quong.[16]

Nevertheless, state neutrality is not uncontested even among liberal theorists. It has been under attack by other liberals, such as multiculturalists,[17] perfectionists[18] and communitarians[19] up to a point where it might be claimed that "the period of neutralist liberalism is now over".[20] A recent attempt to revive the principle of neutrality as a valid understanding of liberalism is offered by Peter Balint.[21] He explicitly defends neutrality against its liberal opponents

[13] Laborde, *Liberalism's Religion*, 27.
[14] Rawls, *A Theory of Justice*. In *Political Liberalism* Rawls tackles the principle of neutrality more directly, while also stating that he considers the term 'neutrality' to be "unfortunate". Rawls, *Political Liberalism*, 191.
[15] Nozick, *Anarchy, State, and Utopia*; Dworkin, "Liberalism"; Ackerman, *Social Justice in the Liberal State*; Larmore, *Patterns of Moral Complexity*; Barry, *Justice as Impartiality*; Gaus, "Liberal Neutrality: A Compelling and Radical Principle." For a historical discussion of post-war theories of state neutrality, see Wall and Klosko, *Perfectionism and Neutrality*, 2–6. For an historical overview of the debate between neutralist and perfectionist liberals, see Jennings, "Against State Neutrality: Raz, Rawls, and Philosophical Perfectionism," 5–15.
[16] Kramer, *Liberalism with Excellence*; Patten, *Equal Recognition*; Quong, *Liberalism Without Perfection*.
[17] Modood, *Multiculturalism*; Kymlicka, *Multicultural Citizenship*. See also Balint, *Respecting Toleration*, 3.
[18] Haksar, *Equality, Liberty, and Perfectionism*; Raz, *The Morality of Freedom*; Sher, *Beyond Neutrality*; Hurka, *Perfectionism*; Wall, *Liberalism, Perfectionism and Restraint*.
[19] Sandel, *Liberalism and the Limits of Justice*.
[20] Quoted in Arneson, "Liberal Neutrality on the Good: An Autopsy," 192.
[21] Balint, *Respecting Toleration*.

and incorporates their criticism in his theory of state neutrality. Balint identifies neutrality as a 'range concept' and an 'action-guiding ideal'. Emphasizing neutrality's character as an ideal, he tackles the allegation that neutrality is not feasible. But more important is the notion of a 'range concept', which has far-reaching implications. According to Balint, neutrality always operates within a range of permissible conceptions of the good life. The range thus determines the boundary between those worldviews between which the state ought to be neutral and those that become merely subjected to forbearance tolerance or shouldn't even be tolerated at all.

By emphasizing that neutrality operates within a given range and that there is no 'neutrality as such', Balint's project can be understood as making explicit what has been implicit in the tradition of neutralism.[22] As I will demonstrate, multiple authors have in one way or another made sense of the limits of neutrality. Balint manages to provide a theory of neutrality that emphasizes neutrality's limits and thereby withstands the arguments of its critics. As such, Balint has offered the most convincing theory of state neutrality. Yet this theory allows for a new line of critique. I will argue that, understood as a range concept, the principle of neutrality cannot offer the theoretical foundations of a liberal state but rather it offers a theory of neutralization. In this transitive meaning, neutrality necessarily depends on something that is prior to it. Neutrality only provides the methods to be neutral within a given range and that which constitutes the possibility of neutrality (the range itself) remains open to political contingencies. Neutrality remains at the mercy of political processes that it itself is incapable of determining. As such, I will argue, it becomes subject to a classical Schmittian critique.

[22] Hence, Balint presents his view not as a new approach to neutrality but as a "reworked traditional approach". Ibid, 10.

I will start with a brief discussion of the contemporary relevance of the neutrality principle with respect to values and identities. Second, I will discuss the principle of neutrality and the justifications that have been given for it. I will continue with an outline of neutrality as a range concept in the way it was developed by Balint and others, as well as some critical reflections. Finally, I will demonstrate how the principle of neutrality as a range concept becomes vulnerable to the Schmittian political logic of the friend-enemy distinction. In discussing different theories of neutrality, my approach will be somewhat eclectic by using arguments from different types of theories of neutrality (neutrality of effect, justification and aim). Such an eclectic discussion of theories of neutrality is justified considering that in the literature there appears to be a growing tendency to include multiple approaches to neutrality into a single theory.[23]

1.2. Neutrality, values and identity

Over time, the political context in which the principle of neutrality has been developed and applied has changed significantly. The historical origins of neutrality go back to the idea of religious toleration that was intended to end the religious conflicts in early modern Europe.[24] In contemporary liberal theory, however, neutrality is conceived of as being neutral towards 'different conceptions of the good'. Going beyond mere religious toleration, Rawls famously excluded any moral, philosophical and religious questions from

[23] See discussion in footnote 81.

[24] Ronald Beiner goes as far as arguing that outside of the context of religious wars neutrality does not make much sense as a liberal political principle. Beiner, *What's the Matter with Liberalism?*, 64–66.

political discussion.[25] Rawls's work was key in expanding the historical notion of religious toleration to a political principle that guarantees toleration for all conceptions of the good, religious and secular alike.[26] Still, there is no consensus about what a 'conception of the good' means precisely among proponents of neutrality. The term does however betray a predominant concern with value judgments since it always at least refers to controversial conceptions of the good life.[27] Thus, proponents of state neutrality have foremost described the principle as a way of being neutral to (controversial) value judgments.

Value judgments, however, are difficult to isolate from the individuals that make them. A concern with value judgments, therefore, will ultimately also be a concern with how citizens identify themselves. As John Patrick Rudisill puts it:

> We are diverse in what we value and we value things differently because of our diversity. (…) In many cases the judgments of value are partly constitutive of the citizens' individual self-conceptions. A judgment of value is partly constitutive of a citizen's individual self-conception whenever it is the case that if the citizen were to be asked to state the features that make her the distinct person she is, she would not be able to do so in any way that she would find sufficiently comprehensive without some reference to her holding these judgments of value.[28]

[25] Rawls, "Justice as Fairness: Political Not Metaphysical," 230.
[26] Laborde, *Liberalism's Religion*, 27.
[27] Wall and Klosko, *Perfectionism and Neutrality*, 25, footnote 2.
[28] Rudisill, "The Neutrality of the State and Its Justification in Rawls and Mill," 155.

This explains why the categories of diversity that liberal neutrality is concerned with have increased. When we now formulate the ideal of neutrality we no longer think merely about religious neutrality, nor is the principle restricted to individual value judgments. Rawls and Dworkin already developed their theories in a time when the 1960s civil rights struggles for African Americans, sexual minorities and indigenous groups led them to revise "the unjustifiable primacy of freedom of religion in traditional liberal thought".[29] Peter Balint speaks of the general liberal goal for people to "reasonably live their lives as they see fit".[30] To sum up, the wide array of types of diversity with which neutrality is concerned and their relation to identity as well as the relation between our value judgments and our identity seem sufficient reason to understand the concept of state neutrality as broad enough to not be restricted to its historical origin of a neutrality between religions or value judgments but to also imply neutrality with regards to identity.

1.3. The principle of neutrality and its justifications

Before discussing neutrality as a range concept, I will first present a more general explication of the principle of neutrality as well as the different ways in which it has been justified by discussing the arguments of some of its classical proponents. Although neutralists generally hold that neutrality has always been the cornerstone of liberalism, Ronald Dworkin's essay 'Liberalism' (1978) can be understood as the origin of contemporary neutralism both genealogically as well as conceptually speaking. Dworkin's theory of neutrality is particularly interesting because the opposition to perfectionism which would later be a

[29] Laborde, *Liberalism's Religion*, 28.
[30] Balint, *Respecting Toleration*, 145.

major source of critique against neutralism already plays an important role in the text. Balint's revaluation of the principle of neutrality in 2017 is to be placed against the background of this opposition between liberalism and perfectionism. After Dworkin published his essay, the view that state neutrality is a key tenet of liberalism came to be embraced by many liberal theorists. Yet this also gave rise to a new question: can the principle of neutrality itself be neutrally justified? While neutrality was often justified on non-neutral grounds – i.e. with reference to a specific conception of the good life – particularly Bruce Ackerman and Charles Larmore attempted to find justifications for neutrality that were more neutral. In this section I will first present the principle of neutrality on the basis of Dworkin's essay complemented by Gerald Gaus's moral argument for neutrality. Secondly, I will discuss the different justifications that have been offered for neutrality.

1.3.1. The principle of neutrality

Dworkin wrote his essay to counter skepticism regarding the existence of something called liberalism. The term had been applied to a diverse array of political positions, raising the question of whether one could actually claim that there is something worthy of the name 'liberalism'. Dworkin challenged this skeptical view and claimed that liberal politics had been guided by and continued to be guided by a "constitutive political morality",[31] worthy of the name 'liberalism', which he identified in the principle of state neutrality. As a constitutive morality, then, all other political principles are derived from it.

[31] Dworkin, "Liberalism," 186.

According to Dworkin, this political morality follows from the liberal aim to treat "all those in its charge *as equals"*.[32] Although this aim is not exclusive to liberals, it has brought liberals to develop a specific conception of the state to achieve it: the government "must be neutral on what might be called the question of the good life".[33] Its policies are not supposed to be justified on the basis of a specific conception of the good life. After all, this would mean that the government would consider such a conception superior to others or would side with a more powerful group in society. In such cases the government does not treat its citizens (who might disagree on the conception of the good life) as equals. Dworkin contrasts the liberal principle of state neutrality with (what in the context of American politics is considered) a conservative conception of the state. According to Dworkin, conservatives reject neutrality because in their view treating citizens as equals presupposes an idea about what a virtuous life means. In such a case "good government consists in fostering or at least recognizing good lives".[34] The aim of the conservative is 'the virtuous society'. Conservatives might share the liberal's adherence to the market economy and political democracy, but for different reasons and with different practical results. Whereas the liberal sees in the market a possible neutral system of distribution, which can be corrected when it fosters inequality (due to unequal distribution of talents), the conservative sees in it a system that rewards those with greater talents for providing what a virtuous society (should) want(s). Political democracy is not (as the liberal would have it) a political system in which majority rule should be countered by civil rights so as to protect the individual from infringement by external conceptions of the good life; it is

[32] Ibid, 190.
[33] Ibid, 191.
[34] Ibid, 191.

rather a system that "allows the community to use the processes of legislation to reaffirm, as a community, its public conception of virtue".[35]

Although Dworkin does not use the term 'perfectionism', the opposition he creates between liberal neutrality and conservatism serves the purpose of emphasizing the former's anti-perfectionist character.[36] Fundamentally, the main opponent is perfectionism rather than conservatism. Perfectionism is thereby, *ab initio*, rejected as a liberal approach to politics. Dworkin stresses that conservatism is just one of many ways of understanding equality in a non-neutral way. To the extent that conservatism's aim is to foster a virtuous society, conservatism is similar to some forms of socialism, even though their respective understanding of the good life differs and therefore their politics do as well.[37] This shows that liberalism is "not some compromise or halfway house between more forceful positions, but stands on one side of an important line that distinguishes it from all its competitors as a group".[38] The core of these non-liberal conceptions of equality is that the conception of virtue is not a private but a public matter. Members of a virtuous society "believe their community, in its social and political activity, exhibits virtues, and that they have a responsibility, as citizens, to promote these virtues. In that sense they treat the lives of other members of their community as part of their own lives".[39] We can thus see that in Dworkin's essay the dichotomous opposition between neutralism and perfectionism is already present.

[35] Ibid, 199.
[36] Larmore uses the term 'expressivism' for what I refer to as 'perfectionism'. Larmore, *Patterns of Moral Complexity*, 91.
[37] Dworkin, "Liberalism," 192; 198–99.
[38] Ibid, 192.
[39] Ibid, 198.

Crucial to the distinction between neutralism on the one hand and the perfectionism that is implicit in alternative political theories on the other, is the specific type of relationship between the private and the public spheres that these theories entail. Whereas according to non-liberal theories one's own virtuous life cannot be separated from the virtuous society and thus the virtuous lives of others, in the neutralist framework the virtuous life is entirely the individual's responsibility. The government is not allowed to justify policy by reference to any conception of the good life because it is not allowed to pass judgment on any conception of the good life a citizen might have. There is a clear distinction between the life plan of the individual on the one hand and political life on the other.

Dworkin's view, which conceives of neutrality in opposition to perfectionism and in line with the distinction between private and public, fits the broader liberal tradition. According to Habermas, for example, in "the 'liberal' or Lockean view the democratic process accomplishes the task of programming the government in the interest of society, where the government is represented as an apparatus of public administration, and society as a market-structured network of interactions among private persons".[40] The foundation of the liberal democratic process therefore consists in "liberal basic rights".[41] Liberal rights are primarily negative rights that enable citizens to pursue private interests within the legal framework. These negative rights guarantee protection by the state (against other individuals) but also from the state. Political rights also "provide a space within which legal subjects are released from external compulsion".[42] The separation between private and

[40] Habermas, "Three Normative Models of Democracy," 1.
[41] Ibid, 6.
[42] Ibid, 2.

public thus aims at the protection of the individual from state coercion. This idea is crucial to neutralist theories in liberalism.

Dworkin coins state neutrality as the 'constitutive political morality' of liberalism. However, apart from deriving it from the intention to treat people equally, he does not explain in depth why exactly it is a *moral* principle. Gerald Gaus, on the other hand, offers an explicitly moral argument for state neutrality and can therefore help us to get a better understanding of the relationship between morality and state neutrality. Moreover, as a moral argument, Gaus's argument for liberal neutrality also offers more insight into the specific relationship between the private and public spheres within a neutralist framework. Gaus starts his argument for neutrality – which he claims to be 'intuitively compelling' –with the moral objection to coercion. He extends this argument to the position of the philosopher arriving at a distinctly liberal understanding of political philosophy: "the task of political philosophy is not to legitimate current regimes, but to examine the conditions under which political coercion can be justified".[43]

Gaus's method is to deduce state neutrality from the initial intuitively appealing moral judgment that unjustified coercion is wrong, thus arriving at an argument for neutrality that is "morally compelling". He starts with the moral claims that "it is *prima facie* wrong for Alf to coerce Betty, or to employ force against her" and that "with sufficient justification, the use of coercion or force by Alf against Betty may be morally justified".[44] On the basis of these moral claims, "the problem of selecting the appropriate conception of neutrality is (…) solved by the derivation: the appropriate conception of neutrality is that which

[43] Gaus, "Liberal Neutrality: A Compelling and Radical Principle," 138.
[44] Ibid, 139.

is derived from the foundational claims about moral reasoning".[45] The moral claims that form the foundation of his argument are not political claims; they are moral claims that govern relations between private individuals. Gaus then uses these claims as a foundation for the political principle of neutrality. Hence Gaus approvingly quotes Joel Feinberg's 'presumption in favor of liberty' that states that liberty is the norm and coercion requires justification.[46] It is thus the liberty of the individual that ought to be protected from intrusion by others. Only at the point where the legitimacy of coercion has to be delineated, do we arrive in the domain of political theory. The political principle of neutrality is arrived at, in Gaus's terms, by derivation from pre-political moral claims.

Not only, then, does neutrality presuppose a distinction between the private and the political; it also establishes its theory of the political to the extent it can be derived from what can morally be said about coercive relations between private individuals. The political, then, is not an autonomous domain in the sense that it adds anything to the complex of human relations that isn't already present among private individuals. This is in tune with Habermas's characterization of liberalism. The political is understood as deriving from pre-political moral judgments (in the Lockean tradition). The function of the state becomes that of neutral arbiter and its position cannot be identified with any particular group or person.[47] As such, the neutral state aims to do justice to a given pluralism within society and attempts to treat all citizens fairly. To make this possible, individuals on a political level – as citizens – have to leave their privately held convictions 'behind closed doors' – what Wall refers to as the 'bracketing strategy':

[45] Ibid, 138–39.
[46] Ibid, 139.
[47] Habermas, "Three Normative Models of Democracy," 7.

> The bracketing strategy starts with a simple idea: to justify a conclusion to a person we need to start with premises he or she can accept. It then extends this simple idea to political justification: to justify a political conclusion to all citizens we need to start from premises all of them can accept. If the citizens in a political community hold a multitude of incompatible moral, philosophical and religious views, we are led naturally to the demand that political justification proceed from a set of shared beliefs, ideals and values. To meet this demand citizens must bracket their differences and search for common ground.[48]

1.3.2. Justifying neutrality

With the position of the citizen in a neutral state – as a citizen that 'brackets' his or her personal beliefs – we get closer to the topic of justifying neutrality. After all, a justification of the neutrality principle appeals directly to the citizen and is an attempt to provide a convincing argumentative case for citizens to embrace a state that is neutral towards their own dearly held values. An ideal of the 'neutral citizen' is therefore implied by the diverse ways in which neutralists have attempted to justify neutrality. Yet the different justifications that have been proposed by different theorists raise a new problem. Can the neutrality principle itself be justified on a neutral basis? Is it possible to make a convincing case for neutrality without ultimately appealing to a conception of the good? In order to make this problem more visible Gerald Gaus distinguishes between two levels in which a state can be neutral: with 'first-level neutrality'

[48] Wall, *Liberalism, Perfectionism and Restraint*, 44.

he refers to whether or not a state's legislation is neutral between different conceptions of the good and with second-level neutrality he refers to whether or not the neutrality of this legislation is also neutrally justified.[49] Second-level neutrality, the level of justification, has been particularly difficult to attain. As a consequence, the history of theories of neutrality appears as a search for an increasingly more neutral justification for neutrality. To sketch this tendency, as well as the conceptions of the 'neutral citizen' that the different justifications imply, I will discuss three main attempts at justifying neutrality. First, there are the non-neutral justifications; second, there is Ackerman's 'ecumenical' approach; and third, there is Larmore's neutral justification for neutrality. In that order, we can identify the tendency of theorists of neutrality to increasingly avoid grounding neutrality in a specific conception of the good.

There are three non-neutral, or 'classical', justifications of neutrality. While they represent distinct ways of justifying political neutrality that are strongly rooted in the liberal tradition, all have in common that they "invoke some view of human flourishing".[50] Hence, these justifications demand at least some agreement on the good human life, and the possibility remains that one's individual (controversial) conception of the good rejects the view of human flourishing that is appealed to. Therefore, these justifications are non-neutral justifications of neutrality.[51] The justifications appeal to skepticism, experimentation or individual autonomy. Skepticism is a ground for neutrality because in the case of clashing ideals of the good life, "some people conclude that there is no reason to prefer any of them, and so no government should seek to institutionalize them".[52] The second justification emphasizes the value

[49] Gaus, "State Neutrality and Controversial Values in On Liberty," 83.
[50] Larmore, *Patterns of Moral Complexity*, 51.
[51] Ibid, 51–53.
[52] Ibid, 51.

of experimentation with different forms of life in order to discover one's preferred conception of the good life. A government that imposes a single conception of the good life would stand in the way of this process of experimentation. The third justification appeals to the notion of individual autonomy. In this vision a flourishing life is valuable because it is the individual's own creation. The process of making mistakes is part of it and a government should refrain from making decisions for people.[53] Understood as such, neutrality stands in the liberal tradition of anti-paternalism.[54]

An alternative to these classical and non-neutral justifications of neutrality is provided by Ackerman. To avoid presenting a theory of neutrality that depends on a specific conception of the good, Ackerman presents a type of meta-justification.[55] Instead of giving a single justification for neutrality, he discusses multiple strategies without defending one in particular. This approach has also been described as the "ecumenical approach".[56] He does not argue against the 'classical' justifications of neutrality (as described above) nor does he choose one over the others; rather he considers them different pathways to the same destination. Ackerman states:

> In proposing Neutrality, then, I do not imagine I am defending an embattled citadel on the fringe of modern civilization. Instead, I am pointing to a place well within the cultural interior that can be reached by countless pathways of argument coming from very different directions. As time passes, some paths are abandoned while others are

[53] Ibid, 51–52.
[54] Ackerman, *Social Justice in the Liberal State*, 10; Arneson, "Liberal Neutrality on the Good: An Autopsy," 197–98.
[55] Wall and Klosko, *Perfectionism and Neutrality*, 4.
[56] Ibid, 11.

> worn smooth; yet the exciting work on the frontier cannot blind us to the hold that the center has upon us.[57]

His project is supposed to make "*you yourself* [recognize] that the world, as *you* understand it, makes Neutral dialogue the most sensible way of regulating our power struggle".[58] How, then, should our engagement, as citizens, in such a neutral dialogue take place?

For Ackerman what should guide our political engagement is what he calls "conversational restraint". Starting from the premise that people have moral disagreement, his answer is not to try to solve it at all. "We should not search for some common value that will trump this disagreement; nor should we try to translate our moral disagreement into some putatively neutral framework; nor should we seek to transcend our disagreement by talking about how some hypothetical creature would resolve it. We should simply say *nothing at all* about this disagreement and put the moral ideals that divide us off the conversational agenda of the liberal state".[59] By ignoring moral disagreements, they do not go away, but they become politically irrelevant. The individual still holds certain values and thus potentially disagrees with other individuals, but the moment he or she enters the area of political conversation these values are left behind. They belong to the individual, but not to the citizen. Consequently, values are valuable because individuals consider them to be so. The state has nothing to say about their value nor does it create values in their place.[60] The

[57] Ackerman, *Social Justice in the Liberal State*, 12.
[58] Ibid, 357.
[59] Quoted in Baynes, "Liberal Neutrality, Pluralism, and Deliberative Politics," 53.
[60] To this end, Rawls also developed his "method of avoidance" as a strategy to exclude controversial moral or religious doctrines when justifying political principles. It is a crucial requirement that citizens can distinguish between their public and non-public identities. Ibid, 53–54.

notion of the citizen that is constructed on the basis of Larmore's ideal of neutral political dialogue is reflected by the one in Rawls's original position and is envisaged by Dworkin's aim to treat individuals 'as equals'. After all, to do so we must first presuppose a citizen that can engage in political dialogue with its peers on an equal footing.

Larmore, however, is not satisfied with Ackerman's ecumenical approach since it still depends on (a plurality of) non-neutral justifications for neutrality and does not satisfy the demand to justify neutrality neutrally.[61] In contrast to the non-neutral, or classical, justifications of political neutrality as well as Ackerman's ecumenical approach, Larmore attempts to develop an explicitly neutral justification for neutrality. His is, he claims, a justification that is neutral to the three conceptions of the good life assumed in the classical justifications – skepticism, experimentation and individual autonomy – and can therefore be accepted by someone who doesn't accept the traditional liberal view of the person, even though he concedes that the argument he makes is not *morally* neutral.[62] Larmore justifies political neutrality on the foundation of "a universal norm of rational dialogue". "In the face of disagreement, those who wish to continue the conversation should retreat to *neutral ground,* with the hope either of resolving the dispute or of bypassing it". One's belief in the truth of a controversial belief remains intact "but for the purposes of the conversation one sets it aside".[63] To complete this argument, Larmore addresses the question as to why we should feel obliged to continue such a conversation with those whose position we feel no sympathy for and who are in weaker positions than ourselves, meaning those cases in which force or

[61] Larmore, *Patterns of Moral Complexity*, 52.
[62] Ibid, 54.
[63] Ibid, 53.

deceit might prove to be better options than dialogue. Larmore finds a neutral justification in the notion of equal respect.[64] Respect for persons requires us to "treat others in a certain way" because of their "capacity for working out a coherent view of the world".[65]

With Larmore's justification for neutrality, we arrive at an understanding of the 'neutral citizen' that is more inclusive than one based on the principle of autonomy, experimentalism or skepticism. After all, "others are due equal respect by virtue of their capacity for working out a coherent view of the world and indeed of the good life, whether or not they exercise the capacity autonomously and experimentally, or through the uncritical acceptance of traditions and forms of life".[66] His justification for neutrality encompasses but also goes beyond liberal "controversial ideals of the person"[67] and as such offers the most neutral justification for neutrality as well as the most inclusive conception of the neutral citizen with regards to the diversity of conceptions of the good life. Larmore claims that "a capacity for working out a coherent view of the world is one that everyone (except some of the clinically insane) possesses".[68] Such an understanding of citizenship as encompassing everyone gives neutrality its particular universal character. There is no theoretical reason to exclude any individual from the neutral state, except for 'some of the clinically insane', which constitutes rather a privation of the ideal than a fundamental political challenge. After all, next to the liberal state, there will be

[64] Ibid, 59–66.
[65] Ibid, 64.
[66] Ibid, 65.
[67] Ibid, 55.
[68] Ibid, 64.

no 'state of the insane'. Moreover, with 'respect for persons' as the central justification, 'neutral citizenship' is fundamentally individualistic.[69]

1.4. The range of neutrality

Whereas the tendency of theories of neutrality, since its initial conception by Dworkin, has been towards increasingly more neutral justifications of the principle, as well as an increasingly inclusive conception of the 'neutral citizen', the introduction of the range element as a defining feature of the neutrality principle indicates a reversal of this trend. By introducing the range element Peter Balint shifts the focus to the limits of neutrality. Balint introduces this notion, however, in the context of a different debate, namely the debate between neutralists in general and anti-neutralist liberals. The principle of neutrality has been criticized by liberals who were not convinced that neutrality is an adequate conception of liberalism and, instead, argued that liberalism is compatible with perfectionism. Liberalism would, for example, be better characterized as a political ideal that depends on a specific account of the good citizen, namely a citizen who exhibits the virtue of autonomy.[70] The opposition between neutralist liberalism and perfectionist liberalism can be traced back to a historical opposition between, on the one hand, a liberalism that emerged from the tradition of political toleration and, on the other, a comprehensive liberalism in the Kantian tradition (among others) of autonomy.[71] Aside from the perfectionist opposition to neutrality, objections were also raised by

[69] Neutrality's individualism does not bar people from developing collectivist life plans, an objection that has been tackled by Kymlicka. Kymlicka, "Liberal Individualism and Liberal Neutrality."
[70] See f.e. Raz, *The Morality of Freedom*; Wall, *Liberalism, Perfectionism and Restraint*.
[71] Galston, *Liberal Pluralism,* 21.

multiculturalist liberals. Instead of a state that takes a neutral position towards different conceptions of the good life, they argue for the recognition of a plurality of conceptions of the good through group rights and argue that this method does most justice to the liberal aim of respecting difference. It is mainly against the multiculturalists that Balint attempts to defend neutrality as the proper conception of liberalism, although, as we will see, his argument also tackles the perfectionist objections. In this section I will first discuss Balint's revision of neutrality as a range concept. Secondly, I will demonstrate that Balint's emphasis on neutrality's limits does not stand on its own and finds support in other discussions about neutrality.

1.4.1. Neutrality as a range concept

Balint describes his project to defend toleration and neutrality as a "reworked traditional approach" that takes into account the concerns of its critics.[72] "But", he argues, "liberal theory does not require radical modification in order to accommodate diversity. All the ingredients exist in traditional liberalism to enable high degree of accommodation, and more so than directly respecting or recognizing difference".[73] Balint summarizes two main accusations against which he intends to defend neutrality, namely that neutrality isn't feasible and that it isn't desirable.[74] These points of critique are made by liberals who argue that diversity is best protected by respect for difference and group rights, which Balint calls 'The Multicultural Challenge'. Balint confronts this challenge by rephrasing neutrality as a range concept that can either be interpreted as

[72] Balint, *Respecting Toleration*, 10.
[73] Ibid, 9.
[74] Ibid, 53.

implying a 'hands on' liberal state that supports different ways of life with active support in the cultural sphere or rather a 'hands off' kind of state that withholds active support. While Balint eventually argues for the latter, even the former, he claims, is guided by the ideal of neutrality, implying that "many of those arguing for a much more active state – and one which grants many of the claims of diversity – may be rejecting the name of neutrality, but not its value".[75] In his view, "there is no need to contrast neutrality with difference-sensitivity".[76]

So what does it mean that neutrality is a range concept? According to Balint "a policy (…) is neutral relative to a group of people and their ways of life. It is not, and could not meaningfully be, neutral among all people and their ways of life". A clear example is Rawlsian neutrality which is not neutral to the unreasonable. Complete neutrality is impossible; yet this impossibility is not an argument against neutrality. It simply means that neutrality can only exist within certain boundaries, "at most, in respect to justice-respecting ways of life". Balint, then, clarifies that range-sensitivity is not simply context-dependence; "although context will often help set the appropriate range, it is also possible that the range of neutrality could be set by first principles".[77] This mitigates the opposition between perfectionism and neutralism. Perfectionist liberals,[78] who consider autonomous lives more valuable than non-autonomous lives, are still neutral with respect to a variety of autonomously led lives. The distinction, according to Balint, between neutralist and perfectionist liberals is not so much a disagreement about the notion of

[75] Ibid, 53.
[76] Ibid, 52.
[77] Ibid, 57.
[78] In this context it is significant that Steven Wall, as a perfectionist, also coined the term 'restricted neutrality' as a principle of neutrality that is compatible with perfectionism. Wall, "Neutralism for Perfectionists."

neutrality, but rather about the range within which the state ought to be neutral, "with 'neutralists' including all *permissible* ways of life and 'perfectionists' only including *valuable* ways of life".[79]

Traditionally, a distinction is made between three types of neutrality: neutrality of justification, neutrality of intent/aim and neutrality of effect/outcome. Justificatory neutrality means that a policy cannot be justified by appealing to a conception of the good life, proponents of neutrality of intent argue that a policy cannot intend to favor one conception of the good life over others and neutrality of effect entails that policy should lead to neutral outcomes or effects.[80] For Balint, the possible contradiction between various understandings of neutrality (neutrality of justification, intent or effect) is not sufficient to reject neutrality. For example, the promotion of a national language can be justified neutrally even though such a policy has non-neutral intent. After all, we can justify the necessity of a lingua franca without appealing to a conception of the good. Simultaneously, it cannot be denied that the adoption of a national language intends to benefit a single language without benefitting others. Does this then imply incompatibility between neutrality of justification and neutrality of intent and, consequently, does it imply that neutrality is impossible? According to Balint this is not the case. What is at stake is not whether the state is completely neutral or not, but whether the state is guided by the *ideal* of neutrality. Once we accept the neutral justification for a national language, neutrality of intent still remains relevant. After all, in a

[79] Balint, *Respecting Toleration*, 60.

[80] Arneson, "Liberal Neutrality on the Good: An Autopsy," 193. See also Tahzib, "Survey Article." In addition to neutrality of consequences (which corresponds to neutrality of effect), neutrality of justification and neutrality of intent, Tahzib also distinguishes 'neutrality as equality of opportunity' as a fourth category under which Patten's more recent 'neutrality of treatment' is grouped (p. 517).

country that has adopted a national language the deliberate extermination of dialects and regional languages is still in conflict with neutrality of intent. "If (…) there are sufficient reasons of social coordination to favour one way of doing things over others, then on a neutral justification this is permitted. Neutrality of intent is not then nullified, but remains a balancing value".[81]

This balancing act is further developed by Balint into what he calls 'range-sensitivity'. Range-sensitivity allows the limits of the range to change and adjust in a society that is characterized by 'the fact of pluralism' and that is constantly changing. It is developed from a problem that relates specifically to neutrality of intent (which, as we have seen, is a balancing value to neutrality of justification). When a policy is created on the basis of neutrality of intent and this policy at this specific moment does not aim to benefit one conception of the good over another, this is no guarantee that this same policy in the future will remain neutral in this regard. For example, a required police uniform might

[81] Balint, *Respecting Toleration*, 61. Balint does, however, rule out any role for neutrality of effect/outcome (p. 60–61). Along similar lines, Collis Tahzib has developed what he calls a pluralist account of liberal neutrality in Tahzib, "Survey Article." This means that – given the disagreements that neutralists have on whether neutrality should be justificatory, intentional or consequential – neutrality is best understood as "a complex and multifaceted concept with consequential, justificatory, and intentional dimensions – a concept not amenable to a unidimensional analysis" (p. 519). All the traditional understandings of neutrality are important perspectives on neutrality yet separately they are incapable of giving a complete account of neutrality. The different components of pluralist neutrality need to be balanced against one another. Tahzib understands his theory of neutrality as a "reconciliationist project" (p. 524). Yet, in contrast to Balint, Tahzib does think that neutrality of effect provides us with a legitimate perspective on neutrality, and therefore includes the consequentialist dimension in his pluralist neutrality, whereas Balint does not. Tahzib's article starts by stating that "somewhat surprisingly" (p. 508) no one had advocated a pluralist account of neutrality. He might not have been aware of Balint's argument. For another example of a neutralist theorist who argues that different conceptions of neutrality need not be mutually exclusive, see Gaus, "State Neutrality and Controversial Values in On Liberty," 88. In this paper I will focus on Balint's theory, rather than Tahzib's, since the range element is my main concern.

fulfill the requirement of neutrality of intent at a moment when the uniform does not conflict with any type of religious garment or even fashion taste present in society. But when this changes, be it because of migration or a change of habits, the policy can no longer be considered neutral. Neutrality of intent should therefore be understood as an active and responsive ideal.[82] Since "one is never neutral in the abstract, but instead neutral among certain things (…) the state needs to be sensitive to the changing nature of the things it is neutral among".[83] Thus, it needs to be neutral to a changing range, in other words, be range-sensitive. Whereas the range manifests itself, in justificatory neutrality, by excluding certain ways of life as being inconsistent with general principles, in neutrality of intent the range manifests itself by not privileging "any *actual* ways of life".[84] The range of actual lives might also contract instead of expand. In such a case, Balint argues, there is less impetus to change the range, since this does not threaten the neutral character of a given policy and being neutral to non-existent ways of life can even be seen as valuable.[85] Range-sensitivity, then, in practice, rather points to the expansion of the range of neutrality when confronted with change and not its contraction.

On the basis of Balint's approach it is possible to support both a 'hands-on' type of government that actively supports a diversity of ways of life as well as a 'hands-off' kind of government that withdraws its support from privileged ways of life – both being equally neutral.[86] As such, Balint is able to incorporate

[82] Balint, *Respecting Toleration*, 61–62.
[83] Ibid, 62.
[84] Ibid, 63.
[85] Ibid, 62, footnote 25.
[86] Ibid, 64. Even though Balint argues for a hands-off kind of neutral state, he concedes that a hands-on approach can still be in line with neutrality; he simply argues that it is less effective in accommodating difference. Pierik and Van der Burg, in "What Is Neutrality?", also reject the idea that there's a fundamental opposition

the position of the multiculturalists into his definition of neutrality.[87] It appears, then, that if we take the liberal critics of neutrality seriously, the most viable theory of neutrality is that of neutrality as a range concept. After all, the implication of range-sensitivity is that it overcomes the dichotomy between perfectionists and neutralists as well as between multiculturalists and neutralists, by incorporating the multiculturalist and perfectionist positions within a wider neutralist theory.

1.4.2. Neutrality's limits

While Balint coined the notion of the range, it is not a new element in neutralist theory. Rather, Balint has made something explicit that has been implicitly discussed by other authors, namely the idea that neutrality has its limits. While these authors have acknowledged its role in neutralist theory, Balint has turned it into the defining feature of neutrality by coining neutrality as a range concept.[88] In this section, I will discuss two examples of discussions in which the

between multiculturalism and neutrality and that only a hands-off neutral state would be compatible with neutrality. They argue that the exclusion of culture and religion from the public sphere is simply one interpretation of the principle of neutrality. They distinguish this 'exclusive neutrality' – of which both French Laïcité and US constitutional practice are examples (p. 499) – from 'inclusive neutrality' in which differences are recognized. This can manifest itself in proportional neutrality – i.e. "representation of minority groups or state support for their culture proportional to their size" (p. 500) – or compensatory neutrality which refers to compensation by granting of special rights or entitlements to minorities, because of structural inequality or historical injustices (p. 501–502).

[87] Tahzib makes the observation that some multiculturalists are also neutralists. Tahzib, "Survey Article," 526.

[88] I do not intend to claim that there is a genealogical relation between these authors and Balint. Part of the literature that will be referenced is more recent than Balint's book. What matters, is that multiple scholars arrive at similar conclusions independently on the basis of their analyses of classical neutrality.

range element comes to the fore in order to demonstrate that Balint represents a wider trend in neutralist theory to identify the limits of neutrality and, consequently, to conceptualize the difference between neutrality and perfectionism as a matter of degree. Additionally, the second example will also help to more clearly define what exactly constitutes the range. Finally, we will be able to address a first point of critique of neutrality as a range concept.

The first example is offered by Cécile Laborde. She arrives at the conclusion that neutrality is limited or, in her terms, restricted on the basis of her analysis of Dworkin's theory of neutrality. If we follow Laborde, then, the limits of neutrality already played a role from the beginning of its contemporary theorization in the 1970s. Laborde argues that Dworkin's neutrality principle – which he developed in his 'liberalism' essay as anti-perfectionist and, in Laborde's terminology, as 'broad neutrality' – in many of his other writings actually translates into a more 'restricted neutrality' based on the value of 'ethical independence'.[89] Ethical independence refers to the right of individuals to make their own ethical judgments. Although this notion does not appear in his essay on neutrality (that I've discussed in the previous section), it plays a crucial role in Dworkin's other works. It allows him to expand neutrality to religious as well as non-religious conceptions of the good. On the basis of respect for the individual's ethical independence, there is no need to single out 'religion' as a special category in need of protection over other conceptions of

[89] Laborde, *Liberalism's Religion*, 70–82. Laborde borrows the term 'restricted neutrality' from Wall (see note 3) who develops "a principle of state neutrality that is broadly compatible with a perfectionist approach to politics" which is possible since "principles of state neutrality must specify a domain in which neutrality is to be sought". Wall, "Neutralism for Perfectionists," 233. Whereas most of the discussions in this paper point to attempts to incorporate perfectionist accounts of liberalism into the neutralist framework, Wall aimed to do something similar coming from a perfectionist perspective.

the good. This is why neutrality is broader than mere religious nonestablishment. It is respect for individual ethical independence that prompts a liberal state to be neutral towards different conceptions of the good, including religion.[90] But exactly this is why, according to Laborde, Dworkin does not live up to the claim of broad neutrality. For Dworkin, neutrality on the basis of ethical independence means neutrality towards *personal* ethics. This implies that *impersonal* values fall outside the scope of neutrality. Examples that Dworkin offers are the arts – because of their intrinsic value – and environmental preservation. In these cases state action is not restricted by the principle of neutrality, since it is presumed that state policies in support of the arts or the protection of the environment do not infringe on the individual's ethical independence.[91] It turns out then, says Laborde, that despite his initial commitment to a broad understanding of neutrality, Dworkin's liberalism "relies on a more substantive view of the liberal good than he acknowledged".[92] Hence, she argues that the liberal state is not generally neutral, "but only toward a restricted subset of religion or the good"[93] and that "different authors [on state neutrality] have in mind substantially distinct subsets".[94] These subsets, then, constitute the limits within which neutrality operates – what Balint referred to as the range of neutrality.

The second example of a discussion about neutrality in which the range element implicitly comes to the fore is the discussion about whether Mill should or should not be included in the canon of neutralist liberals. I will examine this

[90] Laborde, *Liberalism's Religion*, 71–72.
[91] Ibid, 75–77.
[92] Ibid, 82.
[93] Ibid, 69.
[94] ibid, 70. Laborde's own liberal theory, consequently, defends a more substantive liberalism as well as a crucial role for democratic procedures. ibid, 82.

discussion a bit more extensively. The debate carries a lot of weight since Mill's inclusion in the neutralist tradition would strengthen the case for state neutrality as the appropriate understanding of liberalism. Opponents of neutrality, on the other hand, emphasize the non-neutral character of Mill's political thought in order to underpin the claim that neutrality is merely a new invention and unsuitable to represent the wider liberal tradition.[95] In this debate it becomes apparent that the question is not so much whether Mill is a neutralist or not, but rather *to what extent* Mill is a neutralist. This very question implies that neutrality is a matter of degree and therefore limited.

This is best illustrated by Gaus's defense of Mill as a representative of liberal neutrality. What is at stake here, is the question about whether Mill's justification of neutrality is neutral, or in Gaus's terms, whether Mill defends second-level neutrality.[96] Gaus responds to Larmore's reading of Mill. Larmore states that although Mill's political theory defends first-level neutrality, it fails the test of second-level neutrality. This means that, while Mill's theory might be neutral towards different conceptions of the good life, the justification for neutrality is itself not neutral. The principle of neutrality is justified by Mill on the basis of ideals of individuality and autonomy that are open to contestation.

[95] Thomas Hurka, for example, uses Mill's position to demonstrate that state neutrality is a new invention rather than part of traditional liberalism, since Mill supposedly rejected neutrality. Hurka, *Perfectionism*, 36. Similarly, Arneson characterizes Mill's utilitarianism as an example of "a nonneutral political morality". Arneson, "Liberal Neutrality on the Good: An Autopsy," 193. Rudisill on the other hand treats Mill as an exponent of neutrality (even preferable to Rawlsian neutrality). Instead of seeing neutrality as a new development, he rather sees in religious toleration "the classic and perhaps original moment of liberal neutrality". Rudisill, "The Neutrality of the State and Its Justification in Rawls and Mill," 154. He recognizes the dependency of Mill's neutrality on a conception of the good, the *summum bonum* of happiness in autonomy, but argues that this is structurally similar to Rawlsian neutrality's dependence on political consensus. Compare also Laborde, *Liberalism's Religion*, 26; Tahzib, "Survey Article," 522.

[96] Compare the discussion on justifications of neutrality in 1.3.2.

Hence, Larmore argues, Mill's theory lacks second-level neutrality. Mill does not provide a neutral justification for neutrality and since Larmore considers this crucial, Mill's theory cannot be maintained as an adequate theory of liberal neutrality. This is what Gaus objects to. Gaus argues that Mill didn't only defend 'first-level neutrality' but also 'second-level neutrality'. He disputes "the currently accepted view that Mill's case for liberal neutrality necessarily depends on a controversial perfectionist ideal of individuality or a utilitarian calculus, whereas political liberalism is grounded on a core morality that is a common ground to all reasonable citizens".[97]

Here I am not so much concerned with whether Gaus's interpretation of Mill is accurate but with the manner in which he tackles this question. Gaus distinguishes between different conceptions of the good and *persons* who have different conceptions of the good. He claims that a neutral state is only neutral towards the latter. This subtle difference has important implications. A neutral state can, according to Gaus, still be neutral while appealing to a conception of the good that is not adhered to by any of its citizens. In order to be neutral, a state has to be neutral between its citizens because of their differing conceptions of the good; it does not have to be neutral to all *possible* conceptions of the good.[98] Neutrality therefore always operates "between people in a certain set (..) At the limit, neutrality might be the set of all persons, but it will almost always concern a smaller set, such as the set of reasonable citizens, or the set of tolerably rational citizens, and so on. Until we identify the set, we can't apply a neutrality principle".[99]

[97] Gaus, "State Neutrality and Controversial Values in On Liberty," 84.
[98] Ibid, 86–87.
[99] Ibid, 86.

Gaus's understanding of neutrality as neutrality within a set of persons shifts the discussion from whether or not neutrality is feasible to *the degree* to which a state can be neutral; with respect to both levels. Concerning first-level neutrality Gaus states that "no law can be neutral without limit".[100] A law cannot be neutral with regards to criminals for example. "Any notion of neutrality must identify the range of valuational disputes among citizens regarding which the law must be neutral".[101] Concerning the second, justificatory, level of neutrality Gaus argues that whether the justification of a principle of neutral legislation is neutral depends on how broad the members (the set of persons) of a dispute are specified and how broad the dispute itself is conceived: "We can see, then, that rather than asking simply whether a justification is neutral, we should think about how broadly neutral it is: the broader the range of disputes, and the broader the class of citizens among which the justification is neutral, the broader the second-level neutrality".[102] Once the question is posed in these terms, Gaus is able to argue that Mill – who is understood by Larmore to represent (on a second, justificatory level) a comprehensive, perfectionist liberalism that depends on the non-neutral values of individuality and autonomy – is not only neutral on the first level but that also on the level of justification his position is "very broadly neutral, and goes far beyond the set of citizens who embrace his ideal of individuality".[103]

[100] Ibid, 89.
[101] Ibid, 89.
[102] Ibid, 98. Gaus's own principle of neutrality that he develops elsewhere is also subject to the logic of neutrality as 'a matter of degree'. His theory of neutrality is restricted to "the set of moral persons" which "includes all but the most severely injured, insane or psychopathic personalities". Narrowing down this set "serves only to make the principle of neutrality less radical; those who seek to broaden the set will also even further radicalize the principle of neutrality". Gaus, "Liberal Neutrality: A Compelling and Radical Principle," 140.
[103] Gaus, "State Neutrality and Controversial Values in On Liberty," 98.

Neutrality as a principle between concrete persons, where both the range of persons and the limits of valuational disputes are specified, is thus no longer a matter of either-or, but of degree.[104]

The two examples discussed above – both Laborde's analysis of Dworkin as well as Gaus's analysis of Mill – reveal a common understanding of neutrality that has two interconnected implications. First, for both authors neutrality is always limited. Laborde says that neutrality always operates within a subset of the good, while Gaus conceptualizes neutrality as neutrality within a set of persons. Second, and as a consequence of the first implication, neutrality is not a question of either-or but of degree. This is implied by Laborde's adoption of the term 'restricted neutrality' – with its manner of 'restriction' being dependent on the specific principle of neutrality in question – and made more explicit by Gaus's insistence on speaking of how broad a type of neutrality is, rather than whether or not it is neutral. The same observation has been made by Collis Tahzib in a recent paper. Tahzib rejects the common assumption that neutralism equals anti-perfectionism and instead claims that "states can be more or less neutral".[105] Neutrality, therefore, "comes in degrees" and can function as an ideal between the two extremes of complete neutrality and complete perfectionism.[106] Tahzib shifts "the focus of the debate away from the question of *whether or not* states should be perfectionist (or

[104] Rudisill comes to a similar conclusion when evaluating Millian and Rawlsian neutrality: "Both of these theories, as it turns out, are neutral only to a limited range. Neither Rawls's nor Mill's theory is going to be neutral in any sense of the word with respect to, say, the Calvinistic Theory. In this respect, Rawls has not established a theory that is preferable because more comprehensively neutral than the theory offered by Mill. In addition, we must understand Rawls as accepting that the defense of an entire political theory is to be made on grounds of its *actual acceptance* only". Rudisill, "The Neutrality of the State and Its Justification in Rawls and Mill," 164–65.
[105] Tahzib, "Survey Article," 520.
[106] Ibid, 521.

neutral) and towards the question of *to what extent and in relation to what ends* states should be perfectionist (or neutral)".[107] The strict distinction between perfectionism and neutrality is, then, "implausibly dichotomous". Rather, states can be neutral in differing degree and "pursuing certain policies can increase or decrease the neutrality of the state without wholly and utterly establishing or eliminating such neutrality".[108]

The above suffices to illustrate that Balint's renewal of classical neutrality as a range concept does not stand alone. The significance of Balint's theory of neutrality lies in the fact that he turns the limits of neutrality – that are acknowledged by Laborde, Gaus and Tahzib somewhat indirectly – into its defining moment. Neutrality always has its limits. These limits should not be understood as the privation of the ideal; rather the limits of neutrality constitute its very principle. Moreover, our discussion of Gaus's interpretation of Millian neutrality not only serves the aim of mere comparison but offers an additional advantage for understanding neutrality as a range concept. Whereas the 'range' element in Balint's work appears to refer to different things that all in some way constitute neutrality's limits – it is applied to ways of life, to *actual* ways of life or to principles – Gaus's argument that neutrality is about persons upholding different conceptions of the good rather than conceptions of the good themselves more clearly delineates what constitutes the range of neutrality. Neutrality, then, is a principle applied to a certain range of individuals and a range of disputes. These two are related since non-neutrality to, for example, unreasonable values is in fact non-neutrality to the set of citizens that upholds these values.

[107] Ibid, 531.
[108] Ibid, 520–21.

Yet, this renewed definition of the neutrality principle raises new questions. If the act of being neutral requires us to first identify the set of persons to which the neutrality principle is applied, as Gaus states, on the basis of which criterion do we identify the set? Can neutrality, as an ideal, provide any guidance as to the nature of the set that is to be identified? The problem is illustrated by an argument made by Richard Arneson. If it would be in line with neutrality that political principles can be shaped by some conceptions of human flourishing as long as everyone agrees on them (and therefore do not constitute a disputed conception of the good life),[109] this would imply that in a fully Roman Catholic society the establishment of Roman Catholicism as a state religion is in tune with liberal neutrality.[110] Such a, for liberals, uncomfortable implication is caused by the fact that, as a range concept, the identification of the set of people among which the state out to be neutral is logically prior to the act of being neutral itself. Without any substantial determination of what a state in which the neutrality principle is adopted looks like, it becomes difficult to envision a neutral state at all.

[109] Arneson responds to a statement by Larmore. Interestingly, Larmore's statement appears to anticipate Gaus's theory of neutrality as pertaining to a set of persons. In Gaus's critique of Larmore's reading of Mill, however, this is not discussed. Larmore's original statement goes as follows: "We should first observe that political neutrality (…) is a relative matter. It does not require that the state be neutral with respect to all conceptions of the good life, but only with respect to those actually disputed in the society. Where everyone agrees about some element of human flourishing, the liberal should have no reason to deny it a role in shaping political principles". Larmore, *Patterns of Moral Complexity*, 67.

[110] Arneson, "Liberal Neutrality on the Good: An Autopsy," 195–96.

1.4.3. Determining the range

If neutrality is understood as a range concept, or as a principle that operates within a given set of persons, the question that neutralists have to tackle becomes that of determining the scope of the range or of, as Gaus put it, identifying the set. How does a state that is committed to the principle of neutrality determine which ways of life or which value positions fall outside of the scope of the neutral state in question? Balint has offered a range-sensitive approach which helps to deal with the changing nature of the range but this evades the question as it is posed here. To be sensitive to a changing range in itself does not give us any criterion as to how sensitive we should be and to what extent changing the range is justified. A neutral state is, then, dependent on some criterion or procedure that enables it to pass judgments of value in order to determine its range before it can apply the neutrality principle.

The necessity for a neutral state to pass value judgments is explicit in Balint's theory of neutrality. In Balint's view conceptions of the good life that are beyond a liberal understanding of justice can, at most, be subject to toleration. Toleration is here meant as 'forbearance tolerance': the state tolerates a certain position and chooses not to intervene negatively despite having a (negative) view of it.[111] Since neutrality is a range concept, this view of tolerance is compatible with neutrality. Forbearance tolerance applies once we move beyond the range of views among which the state ought to be neutral.[112] Balint illustrates this with the example of the Dutch political party SGP (Staatkundig Gereformeerde Partij) which does not allow women to hold public positions.[113] As long as the party remains a minor party, the state tolerates this

[111] Balint, *Respecting Toleration*, 28.
[112] Ibid, 32–34.
[113] Ibid, 30–31. This policy no longer exists since a court ruling of the European Court for Human Rights in 2012.

view. But it certainly would come to a different judgment if the party were to become bigger and more influential. Additionally, beyond this 'grey area' of non-neutral toleration, one might imagine ways of life that are completely rejected by a liberal neutral state, when they cause harm to others.[114] Such value judgments on behalf of the state – which signify the extent of the range within which the neutrality principle is applied – put a constraint on the commitment to 'broad neutrality' as it was initially conceived of by Dworkin. In Dworkin's essay, the difference between neutralist liberals and perfectionist conservatives was that the latter fostered a public conception of virtue, while the former did not. Hence, for example, democracy is for the liberal a political system in which majority rule should be countered by civil rights so as to protect the individual from infringement by external conceptions of the good life, while for the conservative it is a system that "allows the community to use the processes of legislation to reaffirm, as a community, its public conception of virtue".[115] Balint's example of the SGP, however, illustrates that there are instances where it becomes clear that a liberal state is also committed to some public conception of virtue.

As long as we remain within the range that limits the neutrality of the state, different conceptions of life remain the prerogative of the private individual and the state cannot pass value judgments on them. But as soon as we pass the range, a privately held conviction becomes publicly relevant and the state does pass judgment. The range – by delineating the set of persons among which the state ought to be neutral – points to the moment when initially privately held convictions become publicly relevant. The question of determining the range then becomes the question of when it is justified for a

[114] Ibid, 33–34. See also 140–43.
[115] Dworkin, "Liberalism," 199.

government to pass value judgments about people's convictions and determine whether they become a matter of public concern. In short: When does a conception of the good life become a political matter? Or, as Laborde formulates, where lies the boundary between the good and the right?[116]

The vital question governing the principle of liberal neutrality, then, is where the distinction between private and public should be drawn. This is what Laborde calls the jurisdictional boundary problem. This entails that "state neutrality, however it is conceived, requires that sovereign determinations be made about what the state is neutral about – that is, where the boundaries of the religious and the nonreligious; the political and the comprehensive, the public and the private are in the first place".[117] The question then becomes: "Who is to say what belongs to the relevant category of interpersonal relations? And can this decision be made without appeal to foundational questions – precisely of the kind that is barred by liberal neutrality?"[118] Laborde argues that liberal neutrality itself does not offer an answer to this question.[119] The answer cannot be given without referring to some judgment – substantive, metaphysical, ontological – as to what belongs to the right and what belongs to the good, i.e. "which areas of social life are justice-apt".[120] This is a matter of sovereignty and belongs to the domain of the state.[121] The challenge for liberal egalitarians, according to Laborde, is therefore to account for the sovereignty

[116] Laborde, *Liberalism's Religion*, 109.
[117] Ibid, 70.
[118] Ibid, 107.
[119] Compare Balint, *Respecting Toleration*, 141.: "Toleration cannot in itself answer the question of its boundaries".
[120] Laborde, *Liberalism's Religion*, 109.
[121] Moreover, Laborde argues that – as her discussion about Dworkin has illustrated – neutrality "is rooted (…) in a thin theory of the good." Ibid, 200. Here, I focus on the jurisdictional boundary problem.

of the state and the democratic procedure to solve these disagreements about the nature of liberal justice.[122] The range of neutrality, thus, is a political question in the sense that political decision-making determines the range, regardless of the procedures that lead up to the decision that tries to solve the jurisdictional boundary problem.

Range-sensitivity, the way Balint developed it, describes how we can react to a changing range – by finding the right balance between neutrality of justification and intent – but it does not take into account the role of political decision-making. Hence, it lacks an account of the role of political power that is needed to solve the jurisdictional boundary problem. Range-sensitivity means being responsive to change and therefore calls for a change in the scope of the range but nothing tells us to what extent the scope of the range should change. Rather than simply following societal change, the range has to be *reestablished* at any moment of reflection. Even when adapting to new circumstances it has to be decided whether expanding the range is justified or not and to what extent. Ultimately, the adaptive and responsive character of the range of neutrality is dependent on either political decisions or principles that cannot be deducted from the principle of neutrality itself. Rather than a theory of neutrality, neutralists offer a theory of neutralization. Neutralists present a theoretical foundation of the act of being neutral in a given context, but the boundaries of that within which one ought to be neutral remain indeterminate.

If neutrality applies within a range and its limits are constituted by the moment when private conceptions of the good life become of public concern, a neutral state necessarily depends on at least some contestable conception of the good life. Without it, it would not be able to judge exactly

[122] Ibid, 107–9.

when a conception of the good life moves from the range to which the principle of neutrality applies to the place where it becomes subject to either mere toleration (in terms of forbearance tolerance) or criminalization – both of which depend on a position of value. It is therefore impossible for the principle of neutrality to represent liberal's *constitutive* political morality, as Dworkin intended, since the liberal state is constituted exactly by that which is external to the neutrality principle: its range.

1.5. The enemy of neutrality

Once we adopt the perspective that the constitutive element of a neutral state is its range and not the principle of neutrality itself, it becomes clear that neutrality serves a twofold purpose. Internally, the state acts as a neutral arbiter between the different values that citizens uphold, their ways of life and their identities within the range of what is permissible. Externally, the state is able to exclude what is impermissible in order to safeguard its internal commitment to neutrality. The act of exclusion occurs simultaneously with the establishment of the range which in its turn is the precondition for neutrality. The neutral position's dependence on the range makes it justified to speak of an act of neutralization rather than a *status* of neutrality. There is no neutrality as such; since the range of neutrality is prior to the act of being neutral, being neutral takes on a transitive meaning. Neutrality 'neutralizes' with respect to the range. In other words, it is an attempt to overcome differences within specific boundaries. Both the internal act of neutralization as well as the external act of exclusion originate in the state's role as a guarantor of values. These values can come about either as the result of a democratic decision-making process or on the basis of a substantive liberal conception of the good

or a combination of the two. What is crucial is that they are political. When, then, Dworkin defines neutrality as liberalism's 'constitutive political *morality*', Larmore finds in rational dialogue a politically neutral but morally nonneutral 'universal norm', and Gaus claims that the political principle of neutrality can be derived from 'foundational claims about moral reasoning', we can observe that they fail to account for the distinctly *political* element that the range of neutrality presents us with. It appears that with regards to the principle of neutrality, we can agree with Chantal Mouffe when she says that a moralizing vocabulary does not reveal, "as some would have it, that politics has been replaced by morality but that politics is being played out *in the moral register*".[123]

The range element of liberal neutrality demonstrates that the neutral state cannot escape what Carl Schmitt has described as the core of the political, namely the friend-enemy distinction.[124] Any state or political entity presupposes the existence of an enemy. The duality between friend and enemy constitutes the political. The distinction between the two serves the same twofold purpose as does the range in contemporary theories of neutrality. Externally, a state needs to be capable of identifying the enemy in order to safeguard its own way of life in a moment when it deems itself threatened by said enemy.[125] Yet internally, potential conflict that resides in difference should be reduced to a minimum. The state guarantees that domestic differences do not become bigger than the differences between one state and another and maintains the unity of the state. Put in different words, the state has to prevent the emergence of friend-enemy distinctions within its own borders in order to

[123] Mouffe, *On the Political*, 75.
[124] Schmitt, *Der Begriff des Politischen*. I will expand on this in chapters two, three and four.
[125] Ibid, 26.

prevent political breakdown through civil war.[126] A state's main purpose on the domestic level, then, is that of pacification.[127]

While Schmitt famously criticized the liberal neutral state as it developed in the nineteenth century,[128] it is important to emphasize that he did not reject neutrality *per se*. Internal neutrality is a precondition for the unity of the state. It is exactly this kind of internal pacification that Schmitt described as a form of 'positive neutrality' – 'positive' defined as "leading towards a decision"[129] in contrast to negative as "leading away from the decision"[130] – in a short article about different types of neutrality from 1931 that was added to the 1963 edition of *The Concept of the Political*. Schmitt speaks of "neutrality as the expression of a unity and wholeness that encompasses the opposing groupings and therefore relativizes all these opposites within itself", meaning "the neutrality of the state's decision of internal contradictions, vis-à-vis the fragmentation and division of the state into parties and special interests, if the decision serves the interest of the state as a whole".[131] Schmitt formulated this as a principle of political unity. Contemporary theories of liberal neutrality have attempted to define neutrality as a principle of pluralism. However, since the range element limits the domain of applicability of the principle of neutrality, it

[126] Ibid, 30–31.
[127] Ibid, 43.
[128] I will return to this in chapters three and four.
[129] Ibid, *Der Begriff des Politischen*, 92. Own translation. Original text: "zu einer Entscheidung hinführend".
[130] Ibid, 89. Own translation. Original text: "von der politischen Entscheidung wegführend".
[131] Ibid, 93. Own translation. Original text: "Neutralität als Ausdruck einer die gegensätzlichen Gruppierungen umfassenden, daher alle diese Gegensätzlichkeiten in sich relativierenden Einheit und Ganzheit." "Die Neutralität der staatlichen Entscheidung innerstaatlicher Gegensätze, gegenüber der Zersplitterung und Aufteilung des Staates in Parteien und Sonderinteressen, wenn die Entscheidung das Interesse des staatlichen Ganzen zur Geltung bringt."

equally takes the form of a principle of unity. It allows diversity as long as it remains within the boundaries of the 'unity that relativizes the opposites within itself'. The element of the range, therefore, designates the boundary between friend and enemy. It is the confrontation of the neutral state with its own constitutive limits. To apply the principle of neutrality, a neutral state first has to decide who is the enemy.

The friend-enemy distinction, then, is predicated on some level of domestic homogeneity. Chantal Mouffe has developed a Schmittian critique of Rawls and 'rationalist' liberalism by focusing on the requirement of homogeneity underlying Schmitt's political definition of democracy.[132] Her main point of critique is Rawls's use of the notion of reasonability. Reasonability is subject to the typical Schmittian logic of exclusion. The function of the distinction between 'reasonable' and 'unreasonable' "is *political* and (…) aims at discriminating between a permissible pluralism of religious, moral or philosophical conceptions, as long as those views can be relegated to the sphere of the private and satisfy the liberal principles – and what would be an unacceptable pluralism because it would jeopardize the dominance of liberal principles in the public sphere".[133] And elsewhere: "The political liberalism of Rawls and Larmore, far from being conducive to a pluralistic society, manifests a strong tendency toward homogeneity and leaves little space for dissent and contestation in the sphere of politics".[134] Aside from Mouffe's own political project of agonistic democracy, she has highlighted the limits of liberal rationality and neutrality and its inability to escape the requirement of

[132] Mouffe, *The Return of the Political*, chapters 3 and 9; Mouffe, *The Democratic Paradox*, chapters 1 and 2.
[133] Mouffe, *The Democratic Paradox*, 24–25.
[134] Mouffe, *The Return of the Political*, 146.

homogeneity underlying any state.[135] In this chapter I have put forward a similar argument but instead of focusing on the substantive rationalism in the theories of Rawls and other liberals, the main target has been the structure of neutrality as such, as it has become apparent in more recent debates about neutrality. Regardless of its substantive underpinnings, the neutrality principle betrays a structural exclusionary function which has become conceptually visible when Balint defined neutrality as a range concept.

Although liberal neutrality is subject to the dynamics of the political distinction between friend and enemy, it would be an overestimation of my argument to claim that this is the whole story. That would imply that there is nothing distinctively liberal about theories of neutrality and liberal neutrality is a political theory as any other. Such a conclusion would not do justice to the different theories and interpretations of the neutrality principle that I have discussed. What this political – in the Schmittian sense of the word – critique of neutrality reveals, is that ultimately neutralists are forced to defend a substantive conception of liberalism.[136] I have already alluded to the individualism and universalism of neutralist theories of the citizen. In the end, it depends on the specific theory of neutrality how exactly such a substantive liberalism looks like. More striking is liberal neutrality's insistence on the primacy of morality. In a Schmittian framework, this is a non-political approach to political theory. The tension this causes with the exclusionary logic that

[135] Whereas Mouffe ultimately rejects the homogeneity embraced by Schmitt when it comes to her own democratic project, Ellen Kennedy interprets Schmitt's notion of homogeneity in such a way that it is actually compatible with Rawls's 'overlapping consensus'. See discussion in Croce and Salvatore, *The Legal Theory of Carl Schmitt*, 169–70. Dyzenhaus also argues that Rawls's political liberalism, compared to *A Theory of Justice,* has become more political in the Schmittian sense. Dyzenhaus, "Liberalism after the Fall," 19.

[136] Compare Mouffe, *The Return of the Political*, 135–36.

derives from the range of neutrality highlights what Mouffe has described as typical for "liberal thinking which disguises the necessary frontiers and forms of exclusion behind pretences of 'neutrality'".[137] It is the denial of the political nature of its own foundational principle that distinguishes liberal neutrality from other political theories. As Dyzenhaus says about Rawls's political liberalism, "it denies that it claims truth and so it claims to be neutral between all positions. But this neutrality is one between fully privatized moralities, which is what liberalism aims to achieve".[138] It is this tension between its pretension of neutrality on the one hand and its political character on the other that makes liberal neutrality conform with Schmitt's view, that "does not claim that liberalism is either political or anti-political. Rather, what is distinctive about his [Schmitt's] position is that he claims that liberalism is doomed to shuttle back and forth between these alternatives".[139] Even when understood according to its most recent theorizations, liberal neutrality still cannot escape a Schmittian critique.

To be clear, this critique should not be confused with the 'liberalism-as-power' variant of the realist critique which holds that liberal states' regulation of religion (or for our purpose, conceptions of the good) is merely a "mode of governance (…) in the interests of secular state power".[140] Neither is it the sort of criticism that communitarians have delivered. Larmore is right in defending state neutrality from the communitarian critique by insisting on the claim that neutralists present a philosophy of politics and not of man.[141] It is exactly as a philosophy of politics that it has to account for the political element – in the

[137] Mouffe, *The Democratic Paradox*, 22.
[138] Dyzenhaus, "Liberalism after the Fall," 23.
[139] Ibid, 14.
[140] Laborde, *Liberalism's Religion*, 36.
[141] Larmore, *Patterns of Moral Complexity*, 129.

Schmittian sense – of state neutrality. The critique I have advanced here is a distinctly *political* critique that is derived from a conceptual problem. It points to a tension between the stated aim of neutrality on the one hand and the range element on the other.

1.6. Conclusion

One of the strengths of Balint is that he is able to mitigate the opposition between perfectionism and neutralism, thereby not only defending neutrality from its liberal opponents but also making the argument that even proclaimed anti-neutralists are, in fact, adherents to the ideal of neutrality and the difference of opinion concerns merely the extent to which the state ought to be neutral and not whether the state ought to be neutral as such. The range within which the neutral state operates can contract and (more likely) expand. Balint's approach depends on the assumption that neutrality does not operate 'in the abstract' and is about 'actual ways of life'. As such, he is able to reposition neutrality as the core ideal of liberalism. Moreover, Balint's approach finds sufficient support in the wider neutralist literature. He has not departed from the main tenets of neutrality. It appears, then, that neutrality as a range concept is the most workable approach to state neutrality and as such is able to reimpose itself as a legitimate understanding of liberalism.

Yet the element of range allows for a new critique. First of all, it raises the question as to how the range of neutrality, or rather the limit of the set of persons that we ought to be neutral amongst, is determined. The principle of neutrality can act as a guideline to be neutral within a given set of persons upholding permissible conceptions of the good life but it cannot itself provide the criterion for selecting the set. Second, the range of neutrality coincides with

the moment when privately held conceptions of the good life become publicly relevant. Because the principle of neutrality no longer applies beyond the range, the neutral state in question relies on value judgments in order to distinguish between those privately held conceptions of the good life that are permissible and those that are not and hence become a public concern.

Ultimately, solving the problem of where the range of neutrality ends is one of political decision-making and cannot be deduced from the principle of neutrality itself. Neutrality thus cannot serve as the constitutive principle of liberalism. A neutral state is constituted by the range within which it operates. The limits of neutrality allow a state to be neutral in the first place. Without a substantive definition of neutrality, we can only speak of a theory of neutralization. Whereas Balint and other 'range theorists' have shifted the debate from whether neutrality is feasible and desirable to the extent to which one can or ought to be neutral, the question has now shifted to whether we can actually speak about a neutral state at all or merely about the act of neutralization. As a theory of neutralization, neutrality has to depend on an external political position that it is unable to determine itself. 'Range neutralists' convincingly argued that perfectionist liberals are neutralists to some degree but they appear to have simultaneously argued that neutralists to some degree are perfectionists.

As a range concept, contemporary neutralist theory becomes once again vulnerable to a Schmittian critique. Such a critique reveals that even a political theory that takes neutrality as its constitutive principle cannot escape the fact that neutrality can only materialize as an act of neutralization that – while politically neutralizing internal differences – must determine its own limits and therefore simultaneously constitutes an external 'other' with whom the relationship is one of enmity. In this sense, liberalism is 'political' like any

other ideology. Its distinct liberal character rather consists in its denial of its own political character which it is able to do by insisting on a substantive individualism, consequently a pretense to universal validity and finally, the primacy of morality. We have touched upon these issues in the third section of this chapter and will expand more on it in chapter three. But first, it is necessary to explore a major implication of the Schmittian perspective. Schmitt's understanding of the political is expressed in existential terms. If, then, state neutrality is subject to a Schmittian logic, and a neutral state's specific political character and the values that it upholds cannot be derived from the principle of neutrality itself, it must too be understood in existential terms. What are we supposed to understand by this?

CHAPTER 2

Political Existentiality in Carl Schmitt; Reenchanting the Political[142]

"(...) and despite the longstanding talk of existence and existentialism I have never been able to perceive any other existential category than the distinction between friend and enemy" – Carl Schmitt (27.10.1948).[143]

2.1. Introduction

The conclusion that the principle of neutrality – as a range concept – is vulnerable to a Schmittian critique has two important implications that need to be explored more thoroughly. Firstly, a neutral state cannot avoid passing value judgments. Secondly, a neutral state inevitably creates a new friend-enemy distinction. Both of these elements, enmity and the political imposition of values, can be captured by Schmitt's concept of the political and his theory of enmity.

[142] An earlier version of this chapter has been published online. Van de Wall, "Political Existentiality in Carl Schmitt; Reenchanting the Political."

[143] Schmitt, *Glossarium*, 155 (own translation). Original text: "(…) und ich habe trotz des langjährigen Geredes von Existenz und Existenzialismus noch niemals eine andere existenzielle Kategorie wahrnehmen können als die Unterscheidung von Freund und Feind".

Carl Schmitt famously coined the distinction between friend and enemy as the ultimate distinction to which anything political can be reduced. Enmity, according to Schmitt, is not symbolic but real enmity, which makes people go to war with one another. With *The Concept of the Political* he thus placed conflict at the center of political philosophy.[144] There is no state, no sovereignty, no international law, and even no neutrality or peace, without the possibility of real physical conflict. The exceptional possibility of war determines the political even in times of peace. Schmitt is therefore able to analyze political life as inherently conflictual by methodologically focusing on the exception. Political normalcy only exists in dependence on the extreme possibility of war.

All that can Schmitt can say about the enemy is that he is "existentially something different". The decision to wage war is, consequently, made whenever the existence of the enemy is deemed a threat to the existence of the political community making the decision.[145] Although the existential is not developed into a distinct concept by Schmitt, it appears to be crucial for understanding the political. Schmitt introduces it as a conceptual solution to indicate the foundation of political communities and to avoid offering a rational,[146] moral, economic or any other objective criterion to define friend and enemy. Only the parties that are involved in the conflict can determine who the enemy is. In this chapter, I will attempt to explore the existential element in Schmitt's *Concept of the Political*. I will do this by addressing two other discussions.

First, it is necessary to establish that Schmitt's concept of the political has descriptive value. After all, Schmitt's emphasis on conflict has led some

[144] Schmitt, *The Concept of the Political*.
[145] Ibid, 27.
[146] Compare Carl Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus,* chapter 4 on irrational political theories.

critics to understand his concept of the political as a normative theory that embraces war and conflict as the *purpose* of politics.[147] Consequently, the concept would lose its analytic value. Richard Wolin can be taken as a representative of this line of critique.[148] Wolin describes Schmitt as a political existentialist.[149] He argues that the normative predisposition of Schmitt's political philosophy is informed by an 'existentialist' philosophy and a vitalist view of politics, which has its origins in the cultural and philosophical positions of conservative revolutionaries in Weimar Germany. Wolin describes this as an 'aesthetics of horror'. The exception, according to Wolin, is not merely a descriptive concept but hides a positive appreciation of the exception in contrast to the state of normalcy.[150] Schmitt's existentialist terminology, instead of revealing the existential foundation of the political, rather illustrates Schmitt's underlying existentialist ideology. We are thus led to the conclusion that Schmitt's argument ceases to make sense if we do not adopt his specific existentialist position that forms the foundation of his understanding of the political as inherently conflictual.[151] I will follow Wolin's argument in accepting

[147] Böckenförde, "The Concept of the Political," 5. The earliest proponent of this idea was Leo Strauss who wrote a review of Schmitt's *Concept of the Political* immediately after its publication in 1932. The review is printed in Heinrich Meier, *Carl Schmitt and Leo Strauss*, 89–120.

[148] Wolin, "Carl Schmitt, Political Existentialism, and the Total State"; Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror."

[149] Wolin, "Carl Schmitt, Political Existentialism, and the Total State," 406. Wolin is not the only author focusing on Schmitt's existentialism. John P. McCormick interprets Schmitt's political existentialism in line with his views on technology in McCormick, *Carl Schmitt's Critique of Liberalism*. Ingo Elbe sees in Schmitt's "fascist concept of serious existence" (own translation) a hidden purpose of politics. Elbe, "Der Zweck Des Politischen. Carl Schmitts Faschistischer Begriff Der Ernsthaften Existenz."

[150] Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror" 431–32.

[151] Wolin's description of Schmitt as a political existentialist addresses Schmitt's work in its entirety. Here I will mainly focus on its relevance to the concept of enmity in *The Concept of the Political*.

the existential as a crucial element of Schmitt's political philosophy but instead of, as Wolin suggests, arguing that it constitutes an ideological predisposition that we need not accept – making Schmitt's concept of the political scientifically invaluable – I will defend the position that the existential approach reveals a core constituent of all things political which will be referred to as 'political existentiality'. Political norms, then, originate in existentiality in the way that principles of science originate in rationality.

I will engage in a second discussion to understand the meaning of political existentiality. I will examine it against the background of Max Weber's thesis on the 'disenchantment of the world'. This thesis, put forward in the lecture 'Science as a Vocation',[152] holds that, when all reality is explained in calculable terms, meaning and values can no longer claim to be objective and therefore retreat to the private sphere. There, they are in a state of constant struggle. I will demonstrate that Schmitt's concept of enmity politicizes this value struggle and that Schmitt – contra Weber – locates values and meaning in the public sphere. Hence, I will argue that by conceptualizing the political in terms of existentiality, Schmitt reenchants the political. Political existentiality is not the result of Schmitt's own existentialist preferences but rather reveals that the foundation of political life cannot be understood in rational and scientific terms, but nevertheless refers to something that claims a status of objectivity (or at least intersubjectivity).

In the first section of this chapter I will introduce the notion of political existentiality. I will start by addressing the key elements in Schmitt's thought

[152] Weber, *The Vocation Lectures*. In general, the literature covering the relation between Schmitt and Weber tends to focus on Weber's lecture 'Politics as a Vocation', rather than 'Science as a Vocation', where Weber's treatment of the charismatic leader is taken as a precursor of Schmitt's concept of sovereignty. For a critical perspective on this discussion, see Pedro T. Magalhães, "A Contingent Affinity."

that constitute the existential dimension of the political distinction between friend and enemy, followed by Wolin's interpretation of Schmitt's work as an expression of political existentialism. I will contrast Wolin's ideological notion of political existentialism with the notion of political existentiality as a central category of analysis for the political condition. In the second section, I will discuss Weber's disenchantment thesis and explore its implications for the ontological status of values as well as for Weber's understanding of politics and the state. In the third section of this chapter, I will then analyze Schmitt's work against the background of Weber's thesis in order to conceptualize political existentiality as a reenchantment of the political.[153] To this end, I will discuss the position of Schmitt's *The Concept of the Political* in relation to his earlier and later work to demonstrate that it is part of a broader strategy to identify the political as a locus of meaning and values. After briefly comparing Weber and Schmitt, I will discuss Schmitt's notions of the political idea and concrete order as well as his theory of values. Taken together, these different discussions on the role of meaning and values in Schmitt's work will be used to conceptualize political existentiality in terms of reenchantment.[154]

2.2. Political existentialism or political existentiality?

Since its first publication almost a century ago, Carl Schmitt's *The Concept of the Political* has been discussed extensively. A fundamental point of discussion remains whether Schmitt's conceptual framework tells us more about the

[153] The comparative analysis of Weber and Schmitt will focus on the concept of the political and the friend-enemy distinction. For a discussion about Schmitt's concept of sovereignty in relation to Weber, see Rasch, "Conflict as a Vocation."
[154] For contributions to the topic of reenchantment, see Meijer and Vriese, *The Philosophy of Reenchantment*.

political or rather about Carl Schmitt himself. I will adopt the position that Schmitt's analysis reveals something fundamental about the political and that it can serve as an analytic framework to study political developments. In this section, I will therefore first discuss Carl Schmitt's concept of the political and focus specifically on the role of existence and the existential in his conceptual framework. Second, I will present the interpretation of Richard Wolin, who argues that Schmitt's work is indebted to an existentialist ideology and therefore discards his conceptual framework altogether. Finally, I will provide a discussion of such an ideological interpretation and advocate – as an alternative – the conceptualization of political existentiality as a fundamental descriptive category of political analysis.

2.2.1. The concept of the political

In *The Concept of the Political* Schmitt argued against dominant conceptions that identified the political with the state: "The state (…) appears as something political, the political as something pertaining to the state – obviously an unsatisfactory circle".[155] This identification was rooted in a practical and technical concern of legal scholars with positive law. Since their field did not expand beyond the framework of the state itself, 'political' became synonymous with 'stately'. This reflected the traditional distinction between state and society, with the latter being politically neutral. But according to Schmitt, the increasing interpenetration of state and society in the twentieth century illustrated the potentially political nature of non-stately domains such as culture, economy and education. In order to understand the political, it was

[155] Schmitt, *The Concept of the Political*, 20.

henceforth necessary to make a conceptual distinction between the state and the political.[156] In order to study the state, we first must understand what is the political. Hence the famous opening sentence of *The Concept of the Political* claims that the concept of the state presupposes the concept of the political. The legal scholar Schmitt set himself the task to determine the nature of 'the political', the concept which is presupposed when we talk about the state, which itself is merely "a specific entity of a people".[157]

Instead of proposing a definition of the political, Schmitt's investigation focuses on establishing the categories that are specific to the political and to which in the end all political activity can be traced. Simultaneously, these categories set the political apart from other domains of human activity that have their own distinct categories. Hence, whereas morality is concerned with the opposition between good and evil, aesthetics with the opposition between what is beautiful and ugly, economics with what is useful or harmful, all things political lead back to the distinction between friend and enemy. The independence of the political from the other domains of human activity consists in the fact that the political categories of friend and enemy cannot be reduced to categories of morality, aesthetics or economy. The political enemy does not have to be morally evil or an economic competitor.[158]

Although Schmitt emphasizes the independence of the political from the moral, aesthetic and the economic, the political does not constitute a domain of its own. Instead, the distinction between friend and enemy designates "the utmost degree of intensity of a union or separation, of an association or dissociation". While the political is thus independent of other

[156] Ibid, 20–22.
[157] Ibid, 19.
[158] Ibid, 25–27.

domains of human life, and the enemy cannot be defined in moral, aesthetic or economic terms, the concept of the political does not provide us the content that defines the enemy. As a 'degree of intensity' the enemy is "the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible. These can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral third party".[159] Whether its existence is threatened by an enemy, only the political unity itself can determine, a judgment made possible by what Schmitt refers to as "existential participation". This means that no third party can determine whether the "difference of the stranger" in a case of emergency signifies "the negation of one's own form of existence", and has to be fought to preserve one's own way of life.[160]

Since the political is understood by Schmitt as a degree of intensity and not as a distinct 'Weberian' value sphere with its own content, the political remains an empty concept.[161] This allows for wide conceptual applicability since anything can become political. The political, although theoretically and practically distinct, draws its content from other domains of human life. The association or dissociation of people can originate in for example economic,

[159] Ibid, 26.

[160] Schmitt, *Der Begriff des Politischen*, 26. I've included my own translations, since in this passage Schwab's translation, either through omittance or choice of words, does not do justice to Schmitt's existentialist vocabulary. Original text: "das existenzielle Teilhaben und Teilnehmen"; "Anderssein des Fremden"; "die Negation der eigenen Art Existenz."

[161] The gradual development of this throughout the different versions of Schmitt's text, and the influence of Leo Strauss's commentary on it, is analyzed in Heinrich Meier, *Carl Schmitt and Leo Strauss*, particularly chapters 1 and 2. See also Pedro, T. Magalhães, "A Contingent Affinity," 299. Scheuerman demonstrated the influence of Hans Morgenthau's work in *Carl Schmitt: The End of Law,* 225-237.

religious or national motives. These domains, then, become political once they are able to group people into friends and enemies. In turn, these domains cease to be purely economic, religious, etc. Any domain is therefore potentially political. For example, the economic notion of class in Marxist theory becomes a political category once it confronts its enemy in the context of class struggle.[162]

Schmitt is clear about the meaning of 'friend' and 'enemy'. They should be taken in their 'concrete' and 'existential' sense. This means that we should not understand them as symbols or metaphors, nor as expressions of personal feelings of enmity. "An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity".[163] In this formula two crucial elements of enmity become clear. First, 'friend' and 'enemy' denote collectivities. The political revolves around groups of people and hence the enemy is a 'public enemy'. The foundational categories of the political are therefore public realities that are to be distinguished from personal and private enmity.[164] Second, war determines the notion of enmity, not by being normal, ideal or desirable, but by being possible. The categories of friend and enemy are determined by the reality of physical struggle as a *possibility*. War is not the content or goal of the political, but its presupposition.[165] Methodologically, Schmitt thus determines the political by looking at the exception.[166] "For only

[162] Schmitt, *The Concept of the Political*, 37–38. Compare Carl Schmitt, "Politik," 405. Schmitt, *Der Hüter der Verfassung*, 111.
[163] Schmitt, *The Concept of the Political*, 28.
[164] Ibid, 28–29. Schmitt refers to the distinction between *hostis* and *inimicus* in Latin as different words for a public and a private enemy. In the German language this distinction does not exist.
[165] Ibid, 32–25.
[166] This approach is used by Schmitt for his analysis of sovereignty as well. See Carl Schmitt, *Political Theology*, 15.

in real combat is revealed the most extreme consequence of the political grouping of friend and enemy. From this most extreme possibility human life derives its specifically political tension." [167] War is the most radical expression of political enmity. Simultaneously, war shows that the 'existential difference' between friend and enemy is to be understood as a collective experience and hence constitutes a public reality. War cannot have a normative, but only an existential meaning.[168] The killing of people can neither be justified by rational goals, norms or ideals, nor by a consistent individualism that does not recognize the enemy as a public category.[169]

2.2.2. Wolin's interpretation: political existentialism

Richard Wolin wrote two articles in the early nineties in which he attempted to demonstrate the relation between Schmitt's work and his support for national socialism by identifying a supposedly underlying ideology.[170] His position is particularly interesting because his analysis includes Schmitt's concept of the political and he focuses explicitly on the existential element. Wolin speaks about "the ultimate martial telos of politics"[171] in Schmitt's thought and claims that in *The Concept of the Political* "the infamous 'friend-enemy' distinction is

[167] Schmitt, *The Concept of the Political*, 35.
[168] Ibid, 48–49.
[169] In line with this Schmitt argues that liberalism, as an individualist theory, cannot form a political idea. Ibid, 69–70.
[170] Wolin, "Carl Schmitt, Political Existentialism, and the Total State"; Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror." These articles can be seen as a counter-movement against the apologetic revival of Schmitt's work in the Anglo-Saxon world in the 1980s. Another example of this counter-movement is Scheuerman, *Carl Schmitt*.
[171] Wolin, "Carl Schmitt, Political Existentialism, and the Total State," 406.

codified as the raison d'étre (sic) of politics".[172] He thus interprets Schmitt's notion of enmity as the *telos* of the political, rather than a theoretical framework to analyze political problems.[173] Schmitt's analysis of the political is thereby reduced to the level of *ideology*. Wolin's reading is an attempt to identify the underlying value judgments of Schmitt's text. In this reading, Schmitt's different arguments and even contradicting positions are made possible by an underlying ideology of 'political existentialism'.[174] "The ultimate martial telos of politics merely serves as a cover for the manifest paucity of intrinsic political content in his own thinking".[175] As such, Wolin offers a reading of Schmitt that functions as a meta-critique, rather than a critique of specific conceptual categories.

Here, I am not so much interested in Wolin's general reading of Schmitt's work but rather in its consequences for the concept of the political, specifically the notion of existentiality which we have set ourselves out to

[172] Wolin, "Carl Schmitt, The Conservative Revolutionary Habitus and the Aesthetics of Horror," 427.
[173] Schmitt, *Der Begriff des Politischen*, 88.
[174] Wolin presents his reading of Schmitt as a political existentialist as the key to solving the debate about how to reconcile Schmitt's concepts of decisionism in the pre-national socialist era and concrete order during the national socialist era. The legal form of decisionism, based on an *ex nihilo* decision is at odds with the legal form of the concrete order, which claims that law has its origins in a specific historical and social context. Wolin claims that Schmitt's existentialist position is the foundation of both these positions and led Schmitt to embrace national socialism. Wolin, "Carl Schmitt, Political Existentialism, and the Total State," 393–94. For more about the relation between normativism, decisionism and concrete order in Schmitt's thought, see Reinhard Mehring, "Macht Im Recht: Carl Schmitts Rechtsbegriff in Seiner Entwicklung."; for Schmitt's own discussion, see Carl Schmitt, *On the Three Types of Juristic Thought*. Leo Strauss remarked that Schmitt's shift from decisionism to concrete order was the result of his review of *The Concept of the Political* and expressed his disappointment for not being cited. Meier, *Carl Schmitt and Leo Strauss*, 130–31.
[175] Wolin, "Carl Schmitt, Political Existentialism, and the Total State," 406.

investigate and defend as a central category of analysis for the political condition. Wolin picks up on Schmitt's "existentialist phraseology"[176] and makes it the core of his understanding of Schmitt as a political existentialist. For the existentialist worldview, "the devaluation of all traditional values meant that *human existence, in its brute factivity*, became a value in and of itself".[177] In line with this, the lesson drawn from *The Concept of the Political* is that "the fundamental political value we are left with is naked self-preservation"[178] since Schmitt's existentialist approach serves to get rid of all normative justifications of the political beyond mere existence: "The sole important fact is that a state exists, not the specific content or ends of its existence".[179] We can thus summarize Wolin's characterization of Schmitt as a political existentialist in the following way: by ultimately reducing the political to pure existence, ruling out a normative approach to the political, Schmitt himself relies on a normative judgment, namely that existence, regardless of its content or ends, in itself is valuable.

Two important conclusions can be drawn from this discussion of Schmitt's work. First, Wolin argues that Schmitt's political thought can only be understood as an expression of a very specific cultural and intellectual climate of conservative revolutionary thought in Weimar Germany. He characterizes Schmitt's political existentialism as a variant of 'Lebensphilosophie' and as such "a plea for (…) 'political vitalism'".[180] Wolin traces this to the anti-rationalist and vitalist worldview of Nietzschean inheritance that characterized many of the

[176] Ibid, 398. In this instance, Wolin refers to Schmitt's concept of sovereignty, but his discussion of *The Concept of the Political* follows the same line, see ibid, 406.
[177] Ibid, 394.
[178] Ibid, 406.
[179] Ibid, 407.
[180] Ibid, 398–99. McCormick also points to the significance of 'Lebensphilosophie' in John P. McCormick, *Carl Schmitt's Critique of Liberalism*, 9.

conservative Weimar anti-democratic and 'anti-intellectual intellectuals'.[181] In Schmitt's work, it finds its expression in his emphasis on the decision, which in its extra-legal dimension is presented as a moment of irrationality in law. "Thus at the very heart of bourgeois society – its legal system – one finds an element of existential particularity that defies the coherence of rationalist syllogizing or formal reason", Wolin summarizes.[182] This moment of irrationality culminates in Schmitt's definition of the sovereign as the one who decides on the exception.[183] The 'conservative revolutionary aesthetics of horror' become most transparent in *The Concept of the Political* where "the vitalist correlation between violence and intensive life (…) receives its fullest elaboration", Wolin claims.[184] In short, Schmitt's oeuvre, in all its variety of topics, can be understood to follow a single original impulse, namely Schmitt's own vitalist ideology, which leads him to attack rationality wherever he finds it and to consistently defend moments of irrationality, conflict and pure existence in all things political.

This brings us to the second conclusion. On the basis of the reading of Schmitt as outlined above, Wolin disputes the scientific value of Schmitt's methodology. As discussed earlier, Schmitt approached the political by way of what is exceptional, namely war. The mere possibility of war, not its actual occurrence, is what constituted the political. Hence Schmitt could claim that the friend-enemy distinction is not founded on a normative appreciation of war. Expanding on this methodology in *Political Theology*, applied to the concept of

[181] Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror," 430.
[182] Ibid, 431.
[183] Ibid, 431; Schmitt, *Political Theology*, 5.
[184] Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror," 483; Wolin, "Carl Schmitt, Political Existentialism, and the Total State," 406.

sovereignty, Schmitt writes: "The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: It confirms not only the rule but also its existence, which derives only from the exception. In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition".[185] The latter sentence is interpreted by Wolin as proof of Schmitt's vitalism.[186] He argues that this methodology itself betrays a normative position. According to Wolin the exception as a concept is "far from value-neutral or merely descriptive".[187] The emergency situation is invested "with a higher, existential significance and meaning".[188] Hence, Schmitt's methodology is preceded by a personal value judgment. "Schmitt grounds the foundational concepts of his mature political philosophy in a fundamental existential value judgment: a condemnation of the prosaicism of bourgeois normalcy combined with an exaltation of the capacities for transcendence embodied in the emergency situation".[189]

2.2.3. Political ideology versus political analysis

Wolin thus treats Schmitt's work as a work of ideology rather than a work of political analysis.[190] Schmitt supposedly hides his own underlying vitalist value judgments; once we identify them, Schmitt's work would lose its analytic value. Wolin's interpretation of Schmitt's concept of the political as a work of ideology

[185] Schmitt, *Political Theology*, 15.
[186] Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror," 433.
[187] Ibid, 431.
[188] Ibid, 432.
[189] Ibid, 434.
[190] For a discussion on the relationship between ideology and theory in Schmitt, see Carlo Galli, *Janus's Gaze,* xliii-xlviii.

does not stand on its own. And it is true that often Schmitt's vocabulary gives rise to a certain ambiguity about his intentions. Günther Maschke wrote that in Schmitt's style 'rational' and ' feverishly apocalyptic' elements intermingle.[191] Similarly, Stephen Holmes characterizes his style as "an unremitting oscillation between the cold and the feverish, the academic and the prophetic, the analytical and the mythical".[192] And even though, in *The Concept of the Political,* the account of enmity is presented by Schmitt as the attempt of a legal scholar to provide a scientific and descriptive analysis of the political,[193] elsewhere, Schmitt appears to attribute a sense of meaning to enmity that goes beyond the merely descriptive.

In this light we can understand the remark of Jacob Taubes when he writes – in his book *Ad Carl Schmitt* in which he reflects on his personal engagement, as a Jew, with the thought and person of Carl Schmitt – that if we really want to understand what Schmitt means by the 'enemy', we should rather read Schmitt's 1950 booklet *Ex Captivitate Salus.*[194] This collection of texts was written during the time when Carl Schmitt was being held captive by the allies, after the end of the war.[195] The texts give us a rare (for publication intended) account of Schmitt's personal reflections, 'intimate' and 'noble' in the eyes of Taubes.[196] About the enemy Schmitt writes: "'The enemy is our own question as form.' Woe to him who has no *friend*, for his enemy will sit in

[191] Taubes, *Ad Carl Schmitt*, 16.
[192] Quoted in John P. McCormick, *Carl Schmitt's Critique of Liberalism*, 16.
[193] Compare the preface written in 1963 in Carl Schmitt, *Der Begriff des Politischen*, 12–16. Furthermore, in the earlier edition of *The Concept of the Political* from 1927 Schmitt speaks about the "objectivity" of the political, quoted in Heinrich Meier, *Carl Schmitt and Leo Strauss*, 18.
[194] Taubes, *Ad Carl Schmitt*, 7.
[195] Schmitt, *Ex Captivitate Salus*.
[196] Taubes, *Ad Carl Schmitt*, 32.

judgment upon him. Woe to him who has no *enemy*, for *I* will be his enemy on Judgment Day".[197] The enemy as the form of our own question is a description we encounter elsewhere as well but as a formula it is absent in *The Concept of the Political.*[198] The rather cryptic formula appears to suggest that the significance of enmity exceeds that of mere scientific analysis of the political and invokes a sense of meaning that Schmitt *personally* attributes to enmity. This is also visible in the essay 'The Age of Neutralizations and Depoliticizations' where Schmitt writes that "whoever knows no other enemy than death and recognizes in his enemy nothing more than an empty mechanism is nearer to death than life".[199]

One might state that the ambiguity in Schmitt's words on enmity kept haunting the debate about *The Concept of the Political*. In 1988 the legal philosopher Ernst-Wolfgang Böckenförde still considered it necessary to defend Schmitt from the "common and influential misunderstanding(…)" that he

[197] Schmitt, *Ex Captivitate Salus*, 71.

[198] See also Carl Schmitt, *Theorie des Partisanen*, 87–88, first published in 1963. A similar idea is expressed by Schmitt in 1949: "Tell me who is your enemy and I will tell you who you are. Hobbes and the Roman Church: the question of the enemy is our own." Quoted in Ulmen, "Introduction," xvi. For the original, see Carl Schmitt, *Glossarium*, 184. Taubes mentions that the formula was also written by Schmitt in the copies of his book of some of his visitors. Taubes, *Ad Carl Schmitt*, 51. Although this formula can be found only in the writings of the 'later' Schmitt, it seems to have been borrowed from the poet Theodor Däubler, a close friend of Schmitt when he was young and about whose work Schmitt wrote a monograph in 1916. In a poem published in the same year, Däubler wrote the words: "the enemy is our own question as a figure / And he will hunt us, as we will him to the same end". Quoted in Heinrich Meier, *Carl Schmitt and Leo Strauss*, 82. The use of 'figure' instead of 'form' is caused by different translations. Both are translations of the same German word 'Gestalt'. For Schmitt's monograph, see Schmitt, *Theodor Däublers "Nordlicht."*

[199] Schmitt, *The Concept of the Political*, 95. See also Schmitt's remark, written in 1948, quoted by Elbe: "It is not good, that man should be without an enemy" (own translation). Original text: "Es ist nicht gut, dass der Mensch ohne Feind sei". Elbe, "Der Zweck Des Politischen. Carl Schmitts Faschistischer Begriff Der Ernsthaften Existenz," 39. For the original, see Carl Schmitt, *Glossarium*, 110.

presents a normative theory about the political according to which "the friend-and-enemy-distinction as well as the resulting militant conflict becomes the purpose and substance of politics". Böckenförde reminds the reader that Schmitt himself wrote that war should not be seen as the goal, purpose or content of the political.[200] Is, then, Schmitt's theory of the political a normative theory –advocating a militaristic political ideal – or can we still use it in the way it is presented in *The Concept of the Political*: as a descriptive category for analyzing anything political?

I propose to take Schmitt's words – as referenced by Böckenförde – seriously and adopt his categories for their descriptive value. The category of the enemy is easily exaggerated by interpreters of Schmitt at the expense of the category of the friend. I will, therefore, adopt the position of Benjamin Schupmann who insists on the value of Schmitt's concept of the political as a theory of friendship and the political community.[201] As such, it is "a descriptive concept, which identifies when a community seeks to realize a shared basic normative commitment *concretely* as an authoritative public status or order, to create and sustain a 'right' public order – even to the point of self-sacrifice".[202] Schmitt's goal did not consist in telling how such an order should look like. "He analyzed the formal qualities of political Friendship rather than evaluating which of the various possible commitments should be the basis of political

[200] Böckenförde, "The Concept of the Political," 5–6. Elsewhere, Böckenförde repeats this argument and describes Schmitt's text as a "phenomenological-empirical demonstration" of the existence of enmity as a criterion of the political. Böckenförde, "The State as an Ethical State [1978]," 88–89.
[201] Schupmann, *Carl Schmitt's State and Constitutional Theory*, 70–71; Ibid, 83–86. Compare also Croce and Salvatore, "After Exception," 416–17 and Böckenförde, "The Concept of the Political," 8.
[202] Schupmann, *Carl Schmitt's State and Constitutional Theory*, 70.

community. In other words, Schmitt's interests were sociological rather than normative".[203]

What does this imply for our discussion of Wolin's interpretation? I summarized two conclusions that Wolin draws from his reading of Schmitt's work. The first conclusion was that Schmitt's thought is the product of a distinct cultural climate and the second conclusion was that Schmitt's methodology and conceptual framework are therefore without value. For our purpose, we can ignore the first conclusion. Schmitt's 'existentialist phraseology', his sometimes rational and sometimes ' feverishly apocalyptic' style, and his definition of enmity in his later writings surely make Wolin's reading of Schmitt as a vitalist thinker plausible. But to conclude that Schmitt's methodology of the exception and its implication for the political are therefore mere functions of a personal value judgment, does not address the question of the existential as a political category itself. Schmitt's analysis does not necessarily lose its value when we point out a certain affinity for a philosophy of life in Schmitt's overall writings. After all, if the task of identifying the ultimate ratio of the political involves the use of an existentialist vocabulary, why wouldn't this shed more light on the political itself, rather than on the author? Wolin rightfully identifies existence as the foundation of Schmitt's political philosophy, but by identifying a specific cultural context as its source of inspiration and proposing a special vitalist interpretation, he fails to contemplate the existential as a significant political category.[204] We can therefore be agnostic with regards to Wolin's first conclusion but dispute the second.

[203] Schupmann, 85.

[204] Elbe, "Der Zweck Des Politischen. Carl Schmitts Faschistischer Begriff Der Ernsthaften Existenz." Ingo Elbe constructs a similar argument. He argues that a. Schmitt's concept of the political is useless as a descriptive concept, and b. that it is in

The question as to whether the existential in *The Concept of the Political* points to a fundamentally undefinable, irrational moment in the political deserves closer analysis. I propose to conceptualize Schmitt's references to the existential as a fundamental category of political analysis by the name of political existentiality rather than as an ideological category by the name of political existentialism.[205] This seems justified for the following reasons. First, the reduction of Schmitt's vocabulary to an '-ism' or an ideology prevents a proper engagement with the text and ignores Schmitt's attempt to raise awareness of a crucial layer of human, political experience. Second, it is confusing because it ties Schmitt's concept of the political to the philosophical tradition of existentialism which he did not engage with and was even critical of.[206] But most importantly, as I will argue in the following sections of this chapter, political existentiality should be understood as the reenchantment of the political. As such, Schmitt's concept of the political is an attempt to identify the locus of values in the political, in the context of modernity. Schmitt's conceptual framework was not intended to smuggle his own values into the concept of the political but rather to demonstrate that values manifest themselves politically.

Wolin's historical positioning of Schmitt's work is by no means without merit. It has led Wolin to rightfully identify the crucial role of the category of existence in Schmitt's work. However, he too easily dismisses it on the basis of

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itself a normative concept in its dependence on the 'fascist concept of serious existence'.

[205] While Schmitt generally uses the adjective 'existential' or the noun 'existence' – and I proposes the noun 'existentiality' as an interpretive category – I have been able to identify an instance in which Schmitt also uses this form (*Existenzialität*) in Schmitt, *Der Begriff des Politischen*, 60.

[206] See the opening quote at the beginning of this chapter. Compare also *Glossarium,* 120, where Schmitt states that he did not use the word 'existential' in an existentialist way.

his reading of "the political as a celebration of violence and enmity".[207] As such, Wolin's focus on existence offers an important starting point but in order to judge Schmitt's intention with it accurately it should be investigated as a descriptive category that points to a source of normativity rather than to a lack of it.[208]

2.3. Disenchantment and the political

Before turning to the question of reenchantment – and the question of whether what I've called 'political existentiality' can be conceptualized as such – I will first turn to the background to this question: Max Weber's disenchantment thesis. Weber's thesis traces the origins of modernity to the gradual disappearance of magic in the world through a process of rationalization that culminates in the rise of scientism.[209] In these terms, it offers an account of the changing role of religion's place in the world and of secularization. However, the thesis has far-reaching implications for the ontological status of meaning and values in a world dominated by science. According to Weber, values have retreated from the public sphere to the private. Accordingly, the state is conceived of by Weber as an instrument for realizing subjective values, and the political arena is conceived of as the stage on which the conflict between these values is settled. In this section I will first introduce Weber's disenchantment

[207] Schupmann, *Carl Schmitt's State and Constitutional Theory*, 70.
[208] While Schupmann theorizes the concept of the political as a theory of the political community, he does not incorporate the notion of existentiality. Not unlike Wolin, he even claims that "Schmitt did treat enmity as an existential virtue at times" and considers "its normative usage" to be "disturbing", Schupmann, 80.
[209] Stephen Kalberg has analyzed the multiple types of rationality in Weber's work. In this chapter, I will limit myself to the understanding of rationalization as it is used by Weber in his disenchantment thesis. Kalberg, "Max Weber's Types of Rationality."

thesis and specifically pay attention to the changing role of meaning and values. Second, I will discuss its implications for Weber's understanding of the state and the political.

2.3.1. Weber's disenchantment thesis

The 'disenchantment of the world' was mentioned for the first time by Weber in 1913[210] and is a recurring theme in his work, although a systematic approach is lacking.[211] The German word *Entzauberung* literally means 'demagification', with 'magic' being understood as meaningful acts that are capable of changing reality.[212] Weber distinguished two distinct processes that brought about disenchantment.[213] First, the world was disenchanted by religion which culminated in Protestantism, and second, religion was disenchanted by science.[214] Here I will focus on the second process since it problematized the public role of (religious) meaning.[215] Weber discusses it in what comes close to his most extensive treatment of the topic altogether, the lecture 'Science as a

[210] Schluchter, *Die Entzauberung der Welt*, 1.
[211] In the revised edition of Weber's *The Protestant Ethic and the Spirit of Capitalism* sections were added in order to incorporate this work into the wider historical-cultural phenomenon of disenchantment. For a critique of Weber's additions, see Hans Joas, *Die Macht Des Heiligen*.
[212] Schluchter, *Die Entzauberung der Welt*, 3. Kalberg notes that the English word 'disenchantment' as a translation for 'Entzauberung' has contributed to a misunderstanding of Weber's understanding of rationality. Kalberg, "Max Weber's Types of Rationality," 1146.
[213] Schluchter, *Die Entzauberung der Welt*, 2–3. Mishima, "The 'Disenchantment of the World' or Why We Can No Longer Use the Formula as Max Weber Might Have Intended," 354–55.
[214] Schluchter, *Die Entzauberung der Welt*, 2–3.
[215] Ibid, 11.

Vocation',[216] which he delivered in 1917 as part of a wider lecture series organized by a left-liberal student association.[217]

In 'Science as a Vocation', Weber discusses the idea of a scientific career in modern universities and consequently the role of science in modernity. He points to modern science's main characteristic, namely its advanced stage of specialization. Any real achievement in the field of science can only occur through specialization.[218] The vocation ('Beruf') of science, therefore, consists in the ability to appreciate the limitations that come with specialization. This is reflected in the ideal attitude of the scientist: "in the realm of science, the only person to have ‚personality' is the one who is *wholly devoted to his subject*".[219] Moreover, science is characterized by progress. While the meaning of a work of art cannot be rendered outdated by another, newer, work of art, scientific work will be outdated in ten, twenty or fifty years. Weber describes this not only as the fate of science but also as its meaning and its goal. Scientists *want* their work to become outdated. Science raises new questions for others to address. As such, scientific progress is an infinite process.[220]

Weber understands scientific progress as an important aspect of a process of intellectualization and rationalization that stretches over millennia. Its meaning does not lie in the individual accumulation of knowledge. The average individual might not have knowledge of the workings of the technically advanced machines he or she uses on a daily basis, such as modern means of transportation. Compared to this, people in technically less advanced societies

[216] Weber, *The Vocation Lectures*, 1–31.
[217] Ibid, xiii. In 1919 Weber presented his lecture *Politics as Vocation* as part of the same series.
[218] Ibid, 7–8.
[219] Ibid, 10.
[220] Ibid, 11.

have a much better understanding of the tools they employ. It is therefore not the actual increase of knowledge that characterizes the rationalization typical of our modern age, but rather the belief "that in principle (…) we are not ruled by mysterious, unpredictable forces, but that, on the contrary, we can in principle *control everything by means of calculation*. That in turn means the disenchantment of the world".[221] The disenchantment of the world consists in the fact that everything is calculable and rationally apprehensible.

According to Weber's thesis, the rise of science hasn't only been to the detriment of magic. The disenchantment of the world also implies a loss of meaning.[222] Science itself is meaningless; it only assumes that its content matter is worth knowing. However, this assumption itself cannot be proven by the scientific method. That the content matter of science is worth knowing, therefore, escapes the reach of the general calculability of the world: "All natural scientists provide us with answers to the question: what should we do *if* we wish to *make use of technology* to control life? But whether we wish, or ought, to control it through technology, and whether it ultimately makes any sense to do so, is something that we prefer to leave open or else to take as a given".[223] This has an important implication. Whereas the first process of

[221] Ibid, 12–13.

[222] Mishima, "The 'Disenchantment of the World' or Why We Can No Longer Use the Formula as Max Weber Might Have Intended," argues that Weber's own interpretation of disenchantment as a loss of meaning has lost its relevance. Here I will simply follow Weber's own initial argument.

[223] Weber, *The Vocation Lectures*, 17–18. In Max Weber, *The Protestant Ethic and the Spirit of Capitalism*. a similar observation is made. Weber shows how the rationalization of economic life has an irrational (religious) foundation. Panajotis Kondylis refers to the irrational foundation of rationalism as the 'mystical-irrational' (in contrast to the 'logical-irrational' which operates within the sphere of rationality) in order to show that in the debate about rationalism, both the rationalists as well as the irrationalists rely on a foundation that cannot be grasped by the respective methods they advocate. Kondylis, *Machtfragen*, 98–100.

disenchantment by religion still allowed for rationality in service of religious purposes, the new scientific rationality did not allow for the religious notion that the world as such represents a meaningful order, willed by God. The religious outlook was pushed back into the domain of the irrational or antirational. This resulted in a clash between the religious and the scientific worldviews. The question of meaning is scientifically irrelevant and therefore pushed back to the realm of irrationality. The rational – in itself not particular to science – is now defined as what corresponds to the methods of empirical science; irrational is what falls outside the scope of it, such as religion, meaning and values.[224] The monopolization of the rational by scientific rationality thus got rid of the final objective locus of meaning in the form of the religious postulate that the cosmos represents a meaningful order.

The thesis of the disenchantment of the world by science points to the pushback of meaning and religion to the benefit of science[225] but in doing so, it simultaneously demonstrates the limits of scientific rationality. Weber acknowledges that science cannot scientifically justify its own presuppositions. "Thus, Weber's analysis of modernity is the classic problem of the self-justification of reason – its inability to ground rationally its own rational activity – extended to all spheres of society".[226] More than a mere analysis of the victory of modern science, Weber offers a historical and cultural version of the Kantian *critique* of reason. By confronting rationality with its limits, Weber raises the question about the new locus of meaning in a rationalized world.

[224] Schluchter, *Die Entzauberung der Welt*, 11.
[225] "For Weber, secularization *qua* rationalization was fundamentally about the erosion of religion as an all-encompassing and unchallengeable source of meaning." Magalhães, "A Contingent Affinity," 298.
[226] Rasch, "Conflict as a Vocation," 6.

The loss of meaning in a disenchanted world has far-reaching consequences. There is no unifying principle that has the capacity to ground values, because the main principle governing the disenchanted world, science, is not capable of providing meaning, nor can it demonstrate why specific values are worth pursuing. In short: values cannot be calculated. Since the dominant principle of rationality cannot objectively ground values, a precondition for the public acceptance of their truth disappears. Hence Weber states: "Our age is characterized by rationalization and intellectualization, and above all, by the disenchantment of the world. Its resulting fate is that precisely the ultimate and most sublime values have withdrawn from public life".[227]

Once our values have retreated from the public sphere, they have to be located elsewhere. For Weber, this can only be the private sphere. Dedication to a certain system of values is subjective: the individual "has to decide which one is the devil and which the God for *him*".[228] In a rationalized world, the world of values remains beyond the grasp of science. Weber rhetorically asks the question of how science would help to determine whether French or German culture is more valuable. In the disenchanted world we have thus returned to polytheism, albeit in a disenchanted form. Like in ancient Greece, there is a plurality of gods to which one can sacrifice but these gods have become disenchanted: "The numerous gods of yore, divested of their magic and hence assuming the shape of impersonal forces, arise from their graves, strive for power over our lives, and resume their eternal struggle among themselves".[229] In modernity, the different value systems are in a state of constant struggle.[230] Since science cannot determine which of the subjectively grounded values are

[227] Weber, *The Vocation Lectures*, 30.
[228] Ibid, 23.
[229] Ibid, 24.
[230] Ibid, 22.

'right', "the normative status of these personally subjective stands remains ultimately indeterminate, as they are inaccessible to the hegemonic, technical rationality of the objective forms they are severed from and posed against. Modernity is hence characterized by Weber as a multiplicity of value assertions, all mutually indefensible from a rational standpoint".[231] The polytheistic struggle of values, therefore cannot be solved by any higher principle.

Weber's famous idea of value-free science is based on the ontological status of values in a disenchanted world as described just now.[232] In support of this idea, Weber points to the *impossibility* of a scientific grounding of how people should act, which follows from the eternal struggle of values.[233] Science can only prove what is rational, and since values and the corresponding lifepaths are irrational, science should be value-free. Science should not determine which values are right, since it is incapable of doing so. Values should be relegated to their proper domain, which Weber identifies as that of politics. Hence, in his plea for a science that is free from values, Weber claims: "politics has no place in the lecture room".[234] Weber clearly distinguishes between scientific analysis of political matters and a political position one might argue for, and the latter has no place in an academic context.[235] It is, after all, a matter of values.

[231] McCormick, *Carl Schmitt's Critique of Liberalism*, 40.
[232] Weber's position on value freedom was not new, as he emphasized himself. For a discussion about how Weber's position related to the philosophical debates about value freedom of his time, see Hans Henrik Bruun, *Science, Values and Politics in Max Weber's Methodology*, 11–20.
[233] Weber, *The Vocation Lectures*, 22.
[234] Ibid, 19.
[235] Ibid, 20.

2.3.2. The state and politics in a disenchanted world

If politics – for Weber – has no place in science, then what does Weber's disenchantment thesis mean for politics itself? Politically, the separation between values and the world of scientific rationality has two important implications. First, when the realm of values is a polytheistic struggle of warring gods, and politics is the place where values are pursued, politics is inherently conflictual.[236] Political life is the place where views inevitably come into conflict with one another. This conflict cannot be resolved, since the values that inspire the different political views cannot be proven to be true or false. Because of the shift of the ontological status of values from the public to the private sphere, objectivity in the public domain has thus been substituted by the conflict between different subjective viewpoints.

Nevertheless, the conflict can be mitigated. In the lecture 'Politics as a Vocation',[237] which Weber delivered as part of the same lecture series two years after 'Science as a Vocation', Weber distinguishes between an ethics of conviction and an ethics of responsibility in order to make sense of the 'vocation' of the modern politician. Whereas the ethics of conviction represent a pure ethical position, which has to be adhered to absolutely, politicians have to be guided by a concern for the consequences of their actions and must be able to transgress the imperatives that follow from their ethical position, when political responsibility calls for it. "Anyone who seeks the salvation of his soul and that of others does not seek it through politics".[238] In a disenchanted world the ethics of responsibility hence serves "as a way to negotiate this 'pluriverse'

[236] How Weber's view of politics as conflict differs from that of Schmitt will be discussed in the next section.
[237] Weber, *The Vocation Lectures*, 32–94.
[238] Ibid, 90.

of 'warring gods'".[239] What distinguishes the politician from the non-politician, is that both are dedicated to a particular ‚god', but the politician strives to realize his ideals through the state apparatus,[240] necessitating the demand for responsibility. Ideally, even though Weber's two concepts of ethics are to be clearly distinguished, a politician practices both.[241] Politics remains the place where worldviews clash. The ethics of responsibility in itself is thus an ethical category that is normatively without substance. It serves to channel the conflict of a plurality of unspecified value systems whose foundation is ultimately irrational.[242]

That the vocation of politics is ultimately an ethical problem for Weber, follows from the observation that the politician deals with a specific instrument, namely the state. Politicians are concerned with leading or influencing the leadership of this instrument. This brings us to the second implication of Weber's disenchantment thesis for politics: the definition of the state. Since in a disenchanted world values have been relegated to the private sphere, the state is no longer the expression of a certain system of values, but the instrument that politicians use to realize those values that they adhere to personally. "The modern state is a mere technical tool, a neutral instrument of governance for the realization of any political and ideological end" and in itself is "devoid of any normative or substantive content".[243] Hence, Weber's

[239] McCormick, *Carl Schmitt's Critique of Liberalism*, 40. Mccormick claims this "cannot ultimately be sustained in practice".
[240] Politics as "the leadership, or the exercise of influence on the leadership, of a *political* organization, in other words a *state*". Weber, *The Vocation Lectures*, 32.
[241] Ibid, 92.
[242] McCormick, *Carl Schmitt's Critique of Liberalism*, 41.
[243] Kalyvas, *Democracy and the Politics of the Extraordinary*, 30. Kalyvas and Magalhães argue that there is more to Weber's definition and that this can be found in Weber's concept of legitimacy. In this chapter I will focus on the instrumentalist definition as sketched above. Kalyvas, 41; Magalhães, "A Contingent Affinity," 288.

definition of the state as the locus of political life is an empirical one. For a sociological definition, he argues, we cannot focus on the purpose of the state, because throughout history states have adopted different causes and nearly all causes have at some point been political causes. Neither can we point out a cause that has always been exclusively political.[244] Weber rejects a teleological definition of the state,[245] and instead defines the state on the basis of the means that is specific to it: the monopoly on legitimate physical violence. Consequently, 'politics' for Weber means "to strive for a share of power or to influence the distribution of power, whether between states or between the groups of people contained within a state".[246] For this reason, the politician is automatically faced with an ethical dilemma – the choice between an ethics of conviction and ethics of responsibility, as described above – since the politician has to deal with the 'diabolical powers' of the state: the use of violence. [247] Thus, Weber's "formal and realist definition of the political"[248] clearly delineates it as an independent sphere of human activity, institutionalized in a particular, sociologically definable organization: the state. The political is understood in terms of the state, as it was common in the German tradition of constitutional law in his time, yet Weber "radicalizes" it by defining the state as the monopoly over the legitimate means of violence.[249]

[244] Weber, *The Vocation Lectures*, 32–33.
[245] While the word ‚goal' (‚Ziel') is not mentioned in the text, Weber did write it in his lecture notes: "Charakteristisch f[ür] *Staat* nicht *Ziel*". Weber, *Wissenschaft als Beruf*, 25; 35.
[246] Weber, *The Vocation Lectures*, 33.
[247] Ibid, 89–91. "The specific use of *legitimate force* purely as such in the hands of human organizations is what determines the particular nature of all ethical problems in politics." Ibid, 89.
[248] Kalyvas, *Democracy and the Politics of the Extraordinary*, 29.
[249] Ibid, 29.

In a disenchanted world the state has become as rational as the world itself. It is merely an instrument without intrinsic meaning or value. There is no longer any place for a substantive idea of the state or of the political. In this sense, Schmitt's attempt to conceptually ground the state in the political – with the political as a form of collective existence – appears to go against what Weber called disenchantment, at least with respect to the political domain. Hence, I will argue in the next section that to get a clearer understanding of political existentiality we need to understand Schmitt's concept of the political as the reenchantment of the political.

2.4. Reenchanting the political

It is a study in itself to analyze the extent to which Schmitt has been influenced by Weber's views and it is known that Schmitt has attended Weber's lectures on science and politics as a vocation.[250] But the aims of this chapter are not historical, but conceptual. In this section, I will attempt to establish a dialogue between Schmitt and Weber and analyze Schmitt's work against the background of Weber's disenchantment thesis. I will argue that by conceptualizing the political in terms of existentiality Schmitt in fact reenchants the political. As we will see, a reading of *The Concept of the Political* against the background to Weber's disenchantment thesis has been suggested by John McCormick, Seyed Alireza Mousavi and Antonio Cerella. However, these readings remain somewhat fragmented. Here, I will therefore adopt the concept of reenchantment as an overall framework to understand Schmitt's

[250] See f.e. Engelbrekt, "What Carl Schmitt Picked Up in Weber's Seminar." On Schmitt's attendance, see John P. McCormick, *Carl Schmitt's Critique of Liberalism*, 32, and G.L. Ulmen, "The Sociology of the State: Carl Schmitt and Max Weber," 5.

work on the political. I will demonstrate that the sources of meaning and values that were pushed into the realm of subjective irrationality by Weber, resurface in Schmitt's concept of the political in the form of existentiality. But with existentiality as a political and hence public category, it gains a significantly different meaning.

A few words first have to be said about reenchantment as a conceptual framework. John McCormick, who reads Schmitt as a criticist of technology, claims that Schmitt attempts "to infuse the technologically disenchanted world with meaning through 'the concept of the political' or the 'friend/enemy' distinction".[251] Can this 'infusion with meaning' be conceptualized as reenchantment? And what does reenchantment mean? Reenchantment is not meant as a simple return to a past world that has been lost but rather as an attempt to enchant anew in an already disenchanted world.[252] Moreover, I will understand reenchantment in the more limited, transitive sense – meaning the reenchantment of a particular domain, in this case the political – rather than as pertaining to the world at large as McCormick seems to suggest.[253] Considering that Schmitt seemed to accept the disenchantment thesis as a starting point for

[251] McCormick, *Carl Schmitt's Critique of Liberalism*, 18. McCormick argues that "For Schmitt [the] intrinsic relationship between a world that is viewed mechanistically and the dramatic loss of meaning for that world is key for his critique of technology". Ibid, 86.

[252] For the latter, see Charles Taylor, *Dilemmas and Connections*, 287.

[253] De Vriese, "Theorizing Reenchantment," 105–6. Whereas the transitive understanding of reenchantment is vulnerable to the critique that it loses the overall quality of enchantment by narrowing it down to the single value sphere of the political – which is the position of De Vriese – I think it is nevertheless justified since Schmitt's concept of the political as a 'degree of intensity' demonstrates that the political is a quality that supersedes the distinction of value spheres, and is even capable of imposing itself on other value spheres.

his work on the political,[254] such an interpretation would be an overstatement of Schmitt's intentions and a disregard for the modern elements in Schmitt's thought. Nevertheless, while William Scheuerman rightfully emphasizes Schmitt's dependence on Weber's disenchantment thesis and the separation of value spheres, he underestimates the extent to which Schmitt tried to overcome its implications with his concept of the political (as will be demonstrated below by Schmitt's theory of values). Hence, it seems appropriate to analyze whether Schmitt's concept of the political is in disagreement with the politically most relevant implications of the disenchantment thesis, and can therefore be conceptualized as an attempt to reenchant the political. In line with the above, this does not mean that Schmitt aims for a universal grounding of the political in transcendence. Instead, Schmitt's project entails a specifically political (and hence pluralist) grounding of meaning and values after they became groundless and subjectivized in modernity.[255] In a disenchanted world Schmitt set out to ground meaning and values existentially and thereby reenchanted the political.

In what follows, first, the main differences and similarities between Weber's and Schmitt's analyses of the political will be summarized. Second, I will demonstrate how Schmitt – in different ways – has sought to ground meaning and values in the political domain rather than in the realm of

[254] Schmitt, *The Tyranny of Values and Other Texts*, 29–30; Scheuerman, *Carl Schmitt*, 228.

[255] For a profound discussion of Schmitt's decisionist answer to the 'Void-of-Order' and the absence of transcendence, see Carlo Galli, *Janus's Gaze,* 33-50. In Galli's view, this absence is the red thread in Schmitt's work (p. 42). As stated earlier, this chapter deals specifically with enmity in Schmitt's work as a theory of the political community. A discussion of his theory of sovereignty is therefore beyond the scope of this chapter. Nevertheless, Schmitt's 'existential' grounding of meaning and values is to be understood as a response to the same problem posed by modernity that Galli discusses.

subjectivity and thereby can be said to have reenchanted the political. From the perspective of reenchantment a line of continuity can be identified throughout Schmitt's oeuvre, despite a changing vocabulary. This justifies an expansion of the discussion on the political to include his earlier and later works in which he discusses the notions of the political idea, political myth and concrete order. Third, I will discuss Schmitt's theory of values to underpin the pluralist character of political reenchantment. I will conclude with a few remarks to distinguish reenchantment from romantic aestheticization.

2.4.1. Comparing Weber and Schmitt

There are two interdependent differences to be observed in Schmitt's and Weber's approaches to the political and the state. Firstly, with respect to the political, Schmitt's main innovation was to distinguish the political from the state. Schmitt thus broke with the tradition that understood the political in terms of the state, a tradition of which Weber was clearly part.[256] The second difference concerns their understanding of the state. Weber viewed the state as an apparatus, a tool for politicians. His non-teleological definition of the state implied that the state itself was without substance and consequently that the political was without substance. Any sense of purpose would come from those attempting to acquire power over the state. Schmitt significantly departed from this approach.[257] By distinguishing the political from the state, Schmitt allowed for a substantive understanding of the political. However, his understanding of

[256] Schmitt, *The Concept of the Political*, 20–21. In footnote 2 Schmitt explicitly rejects Weber's approach.
[257] Compare also Schmitt's critical evaluation of the Machiavellian understanding of politics as mere technique in Carl Schmitt, *Roman Catholicism and Political Form*, 16; Schmitt, *Die Diktatur*, 7–9.

the political as 'a degree of intensity of association and dissociation' instead of as a distinct value sphere, liberated him from the necessity to define its substance and allowed a moment of irrationality, or rather, existentiality to enter. Since the state presupposes the political, consequently the state is no longer defined as merely an instrument, but as "a specific entity of a people".[258] Thus, by focusing on enmity as the political presupposition of the state, Schmitt is able to bypass Weber's objection to a teleological definition of the state: the empirical plurality of the content of political associations. While Weber defined the state on the basis of its means (violence), because a common goal cannot be ascribed to the historical plurality of states, Schmitt's understanding of enmity as 'existential difference' enables him to focus on the content of the political association without having to define it.[259] Existentiality is thus a formal category that indicates where political substance appears.

There is also a similarity between Weber and Schmitt with respect to their analyses of rationality. The existentiality of the friend-enemy distinction has a structural significance similar to the polytheism of values in Weber's disenchantment thesis. Both point to a conflict that is fundamentally irresolvable, because it cannot be grasped in terms of rationality, and as such both point to the limit of rationality. For Weber, the identification of this limit served to substantiate the rational foundation of modernity, whereas Schmitt's emphasis on the exception and the existential that mark this limit, caused him to be characterized as an anti-rational 'political existentialist', in Wolin's terms.

[258] Schmitt, *The Concept of the Political*, 19.

[259] McCormick finds this "agnostic" position confusing because of its lack of clarity on Schmitt's political agenda and in this sense, while stressing the central position of irrationality in Schmitt, reads him ideologically. McCormick, "Irrational Choice and Mortal Combat as Political Destiny," 331, 337. In contrast I uphold that Schmitt's 'agnosticism' makes Schmitt analytically strong.

However, Schmitt did not reject rationality per se. As has been argued in the second section of this chapter, Schmitt considers existentiality to be fundamental to political life but, nevertheless, there is a place for rationality. Schmitt claims, similar to Weber, that its foundation cannot be grasped in rational terms. Yet, contra Weber, he looks for its foundation on a political level.

Schmitt explored this topic in his early work *Roman Catholicism and Political Form*[260] where he analyzes the relation between rationality and what he called the 'political idea', and develops a critique of non-political, technological rationalism. The notion of the 'political idea' will help us to identify the political reappearance of meaning as something that is constituted publicly, rather than subjectively.[261] As we will see, contra Weber's instrumentalist view of politics and the state, political *telos* and substance enter the political domain through Schmitt's notion of existentiality. Although in *Roman Catholicism and Political Form* the existential terminology is not yet used, the discussion therein already prefigures the discussion on the existentiality of the political.

2.4.2. Grounding meaning politically: from political idea to concrete order

In *Roman Catholicism and Political Form*[262] – published in 1923 – Schmitt contrasted the technical and economic rationality of modernity with the

[260] Schmitt, *Roman Catholicism and Political Form*.
[261] For meaning as a crucial category of reenchantment, see Charles Taylor, *Dilemmas and Connections*, 287–302. I will limit myself to meaning that is constituted politically.
[262] According to Ulmen, this work should be understood not as a critique of, but as a Catholic ‚metacritical countermodel' to Weber's *Protestant Ethic and the Spirit of Capitalism*. Ulmen, "Politische Theologie und Politische Ökonomie - Über Carl Schmitt und Max Weber," 342. Discussed in Catherine Colliot-Thélène, "Carl Schmitt versus Max Weber: Juridical Rationality and Economic Rationality," 141–42.

rationality of the Roman church, which he located in its juridical institutions.[263] Whereas technology stands at the service of anyone's needs without questioning the nature of those needs,[264] the rationality of the church and its juridical form ultimately derives from its representation of something beyond the rational: the 'civitas humana' and the sacrifice of Christ. According to Schmitt, the power of representation is what makes the Roman church superior over purely economic thought.[265] Ultimately the strength of Catholic rationality lies in its political form, not in a type of pure technical rationality. The political form of Roman Catholicism consists in its representation of an idea, rather than its worldly manifestation as a rational organization. "No political system can survive even a generation with only naked techniques of holding power. To the political belongs the idea, because there is no politics without authority and no authority without an ethos of belief".[266] Schmitt appreciates Catholic rationality, because of its service to a political idea and an ethos.[267] As he writes elsewhere, the core of a political idea is "the exacting moral decision".[268] Schmitt's rejection of purely economic and technical rationality is rooted in the absence of the idea and its service to anyone who wants to use it.[269]

Because of its foundation in the ethos of a political idea, Schmitt considered the Catholic Church as a rationalized institution to be a prime

[263] Schmitt, *Roman Catholicism and Political Form*, 14.
[264] Ibid, 14–15.
[265] Ibid, 18–19.
[266] Ibid, 17.
[267] In Schmitt, *The Concept of the Political*, 61. Schmitt criticizes liberalism for its lack of a political theory and a political idea. Liberalism's goal was only "to tie the political to the ethical and to subjugate it to economics".
[268] Schmitt, *Political Theology*, 65.
[269] This argument is further developed in Schmitt's essay 'The Age of Neutralizations and Depoliticizations' where Schmitt claims that technology will stand at the service of any political power and as such harbors a greater threat than the political conflicts of the pre-technological ages. Schmitt, *The Concept of the Political*, 90–96.

example of a political organization. Similarly, Schmitt defended the modern state, with its origins in the sixteenth and seventeenth centuries, as the pinnacle of European rationalism.[270] Here as well, the political idea is crucial. As soon as the rational state loses its foundation in the political idea, it faces the threat of dissolution into pure technicality. "The kind of economic-technical thinking that prevails today is no longer capable of perceiving a political idea. The modern state seems to have actually become what Max Weber envisioned: a huge industrial plant".[271] Schmitt thus explicitly ties his critique of technical rationality to Weber's concept of the modern state and opposes the pure rationality of Weber's instrumentalist and substanceless politics of the state with a rationality rooted in the ethos of a political idea.

Schmitt continued to sketch the fate of the modern state as a machine in his 1938 book on Hobbes's Leviathan.[272] The state as machine – "a gigantic mechanism in the service of ensuring the physical protection of those governed"[273] – ultimately falls prey to the pluralism of indirect powers, such as political parties, trade unions and social organizations, in short: the "forces of society".[274] Acting in the name of seemingly non-political domains such as religion, culture, economy or any private matter, the indirect powers use the state-machine for their own benefit until it succumbs.[275] Here we see an implicit critique of Weber's understanding of politics as the struggle for influence over the state apparatus. Instead of an instrument that is able to mitigate the conflict between different subjective value systems – the warring

[270] Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europeaeum*; Schmitt, *Ex Captivitate Salus*, 55–61. Ulmen, "Introduction," x.
[271] Schmitt, *Political Theology*, 65.
[272] Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*.
[273] Ibid, 35.
[274] Ibid, 73.
[275] Ibid, 73–74.

disenchanted gods – Schmitt sees in this type of state the future dissolution of the state itself.

The political idea in Schmitt's earlier work reveals his substantive approach to the political, in contrast to Weber's instrumentalist approach. Schmitt's article 'The Political Theory of Myth' – published in 1923, the same year as *Roman Catholicism and Political Form* – on Georges Sorel and the political power of myth seems to support this interpretation as well. Myths serve a structurally similar purpose – that is, to identify the limits of rationality – as the political idea. In the case of Soviet Russia Schmitt suggested that its power was mainly the result of its use of irrational myths.[276] He contrasted the rationalism of Marx and Engels with the politically powerful irrationalism of the national myth of Russia.[277] The successful adoption of technology by the state apparatus of the Soviet Union, ultimately derived its political force from the power of myth, rather than Marxian rationalism.[278]

Thus, in the face of the machine-like rationality of the state, Schmitt consistently discerned its irrational foundation in an idea, an ethos or a myth. In this account, a central role is laid out for the political *telos*, which is exactly what Weber discarded as a criterion for a definition of the state. In contrast to Weber's instrumentalist understanding of the state, the 'political idea' thus supports a substantive understanding of it, without needing to specify its substance. The distinction between idea and state was already a prelude to the later separation between the political and the state in *The Concept of the Political* in which the state presupposes the political distinction between friend and enemy, and the state is understood as a specific 'entity' of a political

[276] Schmitt, "Die politische Theorie des Mythus (1923)". Reprinted as chapter four in Carl Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, 77–90.
[277] Ibid, 87.
[278] McCormick, *Carl Schmitt's Critique of Liberalism*, 94–95.

people. Here the political idea translates to the existence of a political people.[279] Already in his work on Roman Catholicism Schmitt wrote that "The 'whole' of the people is only an idea".[280] The political idea is therefore not only irrational, but it also manifests itself collectively. As Schmitt favorably quoted Theodor Däubler: "First is the commandment, the humans come later".[281]

In *The Concept of the Political* the ethos or idea that lies at the foundation of any political unity according to Schmitt's earlier work is reformulated into the existential distinction between friend and enemy, as public collectives. Whereas for Weber, the state only presupposes the plurality of values, for Schmitt the state presupposes an already unified political people, bound together by a shared idea. Political conflict is thereby externalized; not the individual Weberian gods are at war, but friends and enemies as collectivities. What was implicit in the notion of the political idea and myth, is made explicit in the notion of enmity: the irrational foundation of the state is to be located in the public sphere, instead of the private. Whereas in Weber's disenchanted world, meaning has withdrawn from the public sphere, and the political (understood in terms of the state) is understood to be without substance, Schmitt infuses the political with meaning by disentangling it from the state and emphasizing the public reality of the political idea, regardless of its content. 'Existence' demands the sacrifice of individual life[282] for the sake of

[279] Compare Meuter, "Zum Begriff Der Transzendenz Bei Carl Schmitt," 488.
[280] Schmitt, *Roman Catholicism and Political Form*, 27. Quoted in: Meuter, "Zum Begriff Der Transzendenz Bei Carl Schmitt," 488.
[281] Schmitt, *Carl Schmitt's Early Legal-Theoretical Writings*, 165. Quoted in Günter Meuter, "Zum Begriff Der Transzendenz Bei Carl Schmitt," 497. In this work from 1914, *The Value of the State and the Significance of the Individual*, Schmitt developed a philosophy of the state in which the state's purpose is the realization of a norm, and the individual is merely a function of the state.
[282] Schmitt, *The Concept of the Political*, 71.

a sense of meaning that is experienced collectively, instead of privately. Hence, Schmitt argues in *The Concept of the Political*, a political idea cannot be derived from liberalism because of its consistent individualism.[283] The locus of meaning in a disenchanted and rationalized world has thus been politicized by Schmitt through the separation of the political from the state.

Political existentiality, thus, refers to a locus of meaning that expresses itself in the public domain and, because of its demand for individual sacrifice, supersedes any sense of meaning that belongs to the realm of subjective experience. But more than a locus of meaning, political existentiality also represents a foundation of political norms. This can be clarified by Seyed Alireza Mousavi's reading of *The Concept of the Political* through Schmitt's notion of concrete order. Mousavi explicitly contrasts this reading with Weber's position.[284] Two years after the publication of the second (main) edition of *The Concept of the Political*, Schmitt wrote a booklet in which he distinguished three types of juristic thought. Every legal scholar, Schmitt claimed, understands law either in terms of a rule, decision, or a concrete order. On this basis, three types of juristic thought can be distinguished: normativism, decisionism and concrete-order thinking. While all types deal with rules, decisions and order, ultimately one of them forms the final concept from which the rest can be deduced.[285] For a concrete order, norms or rules have no absolute worth, as they have in a normativist understanding of law. Norms are merely means and part of a specific order. Norms themselves cannot create order. On the contrary, they are dependent on and derive their function from an existing order.[286] The norms thus presuppose a state of normalcy, without which they

[283] Ibid, 69–70.
[284] Mousavi, *Die Globalisierung Und Das Politische*, 48; 54–55.
[285] Schmitt, *On the Three Types of Juristic Thought*, 43.
[286] Ibid, 48–49.

lose their meaning. The concrete state of normalcy is a "normative determination of the norm itself".[287] The concrete order, although preceding positive norms, therefore has a normative value in itself, from which the positive norms are derived. By insisting on the political as existential, insurmountable conflict between concrete orders as loci of meaning and values, Schmitt breaks through the routine of disenchanted politics, in which the political is reduced to the bureaucracy of the state.[288]

With the concrete order as the foundation of meaning and political norms, Schmitt's attack on normativism in *The Concept of the Political* also becomes more clear. It should be emphasized that throughout his oeuvre

[287] Ibid, 57.

[288] Mousavi, *Die Globalisierung Und Das Politische*, 57. The attribution of an important role to Schmitt's concept of concrete order in the context of his overall work might raise objections since the concept is often understood to be born out of political opportunism with respect to the new national socialist regime in Germany. As such, it is said to be theoretically insignificant, particularly compared to his earlier decisionist theory as developed in *Political Theology.* See Croce and Salvatore, "After Exception," 412. Yet recent scholarship dedicated to Schmitt's legal theory has increasingly insisted on the continuity between Schmitt's earlier work and his later institutionalist work supported by the concept of concrete order. Loughlin, "Nomos"; Loughlin, "Why Read Carl Schmitt?," 133–37; Schupmann, *Carl Schmitt's State and Constitutional Theory*, 94–95. The introduction of this concept in 1933 should not be understood as an "'institutional conversion', which would convey the idea of a cunning and opportunistic change of mind, but as an 'institutional turn', rooted in the writings of the second half of the 1920s". Croce and Salvatore, "After Exception," 413. Croce and Salvatore argue that Schmitt's decisionism as presented in *Political Theology* was a transitional stage that presented new theoretical problems that Schmitt aimed to solve by directing his attention to institutions. For them, Schmitt's institutionalism is not a theoretically insignificant anomaly but the culmination of Schmitt's legal theory and an attempt to overcome the limitations posed by decisionism. Already in *The Concept of the Political* "the key political question becomes what the relevant political unity is", a question that decisionist theory was unable to address. Moussavi's reading of Schmitt's political theory through the lens of concrete order thus finds support in recent scholarly receptions of Schmitt's legal theory. Croce and Salvatore, "The Plight of the Exception," 7. See also Croce and Salvatore, *The Legal Theory of Carl Schmitt*; Croce and Salvatore, "Little Room for Exceptions"; Croce and Salvatore, *Carl Schmitt's Institutional Theory*; Croce and Salvatore, "Beyond Emergency Politics."

Schmitt's use of the term 'normative' covers a wide array of ideas (that he rejected) and it is not always clear what is meant by it in each particular case.[289] In *The Concept of the Political* Schmitt juxtaposes the normative with the existential, with the former representing a type of universal morality that transcends political conflict.[290] In *On the Three Types of Juristic Thought* – where normativism is mostly understood in terms of Kelsen's legal positivism, which Schmitt criticized in *Political Theology*[291] – what is disputed is not the existence of norms altogether but their foundation. By introducing the notion of concrete order, Schmitt attempts to delineate the locus in which political norms are grounded. It appears that, following Moussavi's reading, concrete order thought is a continuation of the existential element in *The Concept of the Political*. Ultimately, when meaning and values manifest themselves politically political norms have their origins in a concrete political collectivity. By politicizing norms, their subjective arbitrariness is transcended to arrive at the existential foundation of political norms. The political, infused with meaning by a political idea, expresses itself collectively in an order that is the source of its own values. In this sense, we can speak of a reenchantment of the political.

2.4.3. Schmitt's theory of values

Since norms and values do not transcend political conflict, it is crucial to emphasize that reenchantment of the political should not be understood in universalist terms, as was the case in a world in which religion was the "all-encompassing (…) source of meaning".[292] The political grounding of meaning

[289] Scheuerman, *Carl Schmitt: The End of Law*, 75–76.
[290] Schmitt, *The Concept of the Political*, 48–49, 26.
[291] Schmitt, *Political Theology*.
[292] Magalhães, "A Contingent Affinity," 298.

and values implies a claim to truth on a supra-individual and public level, but due to the inherently pluralist nature of the political, any value position of one political entity will be challenged by another. Schmitt's concept of the political reenchants the political, and only the political. This becomes more clear when we take a look at Schmitt's theory of values.

Schmitt developed his own theory of values in *The Tyranny of Values,* first published in 1967. Although Reinhard Mehring argues that the text conflicts with Schmitt's earlier work,[293] it sheds an interesting light on Schmitt's interpretation of Weber's disenchantment thesis[294] and can be read in continuity with the argument I've put forward so far. In this work, Schmitt explicitly addresses Weber's disenchantment thesis and criticizes the twentieth-century philosophy of values. Since Nietzsche and nineteenth-century nihilism, Schmitt argues in reference to Heidegger, values serve as a positivist substitute for metaphysics. A dichotomy is posited between the world of science, which is now understood in terms of rational and value-free science, and a world of values. [295] This is in line with our discussion about Weber's disenchantment thesis above. Hence, Schmitt also acknowledges Weber's "clearest and (…) most honest answers" to the question about who 'sets' these values. For Weber, as we have seen, this was "the human individual, who in full, pure subjective freedom of decision sets values".[296]

Schmitt accepts Weber's position in characterizing the realm of values as irresolvably conflictual but he interprets this in a pessimistic way. He goes as

[293] Mehring, "Carl Schmitt und die Pandemie."
[294] Colliot-Thélène mentions Schmitt and Weber's theories of values as one out of three main topics of confrontation between the two authors. Colliot-Thélène, "Carl Schmitt versus Max Weber: Juridical Rationality and Economic Rationality," 140–41.
[295] Schmitt, *The Tyranny of Values and Other Texts*, 29–30.
[296] Ibid, 29.

far as describing the conflict between values as worse than Hobbes`s state of nature, the war of all against all.[297] In contrast to Weber, Schmitt considers a world in which the individual is the subject that 'sets' values, to be unlivable. While at first glance Schmitt thus seems to accept the disenchantment thesis of Weber, his pessimist twist proves to be crucial. "The relationship between Schmitt and Weber comes across ambiguously; because although Schmitt singles Weber out from all those others who represent the philosophy of values (…) for carrying the logic inherent in the language of values to its conclusion, he is not prepared to recognize the ordinary regime in this near-permanent conflictuality, nor a normal kind of functioning of the political".[298] Just like Hobbes posits the state of nature as a precondition to speak about political unity, Schmitt accepts the Weberian struggle of gods as a premise to talk about the political in a disenchanted world. And just like Hobbes's Leviathan puts an end to the war of all against all, Schmitt aims to end Weberian polytheism through political unity. The struggle between Weber's disenchanted gods is not the end, but only the beginning for Schmitt. Thus, as Antonio Cerella argues, "while for Weber the age of disenchantment represents the end of any possible ideological unity of the world and, in turn, its reversal in a renewed secular polytheism; for Schmitt, this crisis reveals the origin of politics – i.e. the political that, according to him, becomes the ultimate all-encompassing force".[299]

When Schmitt criticizes what he calls the *tyranny* of values, his target isn't Weber's disenchantment thesis, but the philosophy of values that he associates with Hartmann and Scheler. Without going into an in-depth analysis of his critique, we can understand what according to Schmitt is tyrannical about

[297] Ibid, 29–30.
[298] Colliot-Thélène, "Carl Schmitt versus Max Weber: Juridical Rationality and Economic Rationality," 140–41.
[299] Cerella, "Encounters at the End of the World," 267.

the philosophy of values. Hartmann and Scheler aimed to escape Weber's subjective foundation of values and instead create an objective philosophy of values.[300] Yet, according to Schmitt, this turn from subjectivity to objectivity cannot escape "the immanent logic of value-thinking".[301] Values do not possess a being of their own, but only their 'holding': "Value *is* not, rather it *holds*". Therefore, values continuously seek to realize themselves.[302] But this act of realizing values is achieved by concrete persons in opposition to other concrete persons.[303] The logic of enmity is equally present in the philosophy of values, because of the necessity of values to be realized by people, in opposition to other values that equally seek to be realized by other people. "The boundless tolerance and neutrality of the arbitrarily exchangeable standpoints and viewpoints immediately turns over into its opposite, into enmity, as soon as it becomes a concretely serious matter of enactment and making valid".[304] To posit a value simultaneously means to oppose its opposite and, in realizing the value, to demand its opposite's destruction.[305] The objective value systems cannot escape this logic. Instead of creating a framework to overcome the struggle of the Weberian gods, they merely arm their own subjectivity with a claim to objectivity, which causes the eternal struggle between values to be intensified.[306]

Schmitt rejects the objective grounding of values by Scheler and Hartmann as an attempt to overcome the conflict of values. But simultaneously he rejects the individualism inherent in Weber's value subjectivism. Like

[300] Schmitt, *The Tyranny of Values and Other Texts*, 30–31.
[301] Ibid, 31.
[302] Ibid, 27.
[303] Ibid, 34.
[304] Ibid, 35.
[305] Cerella, "Encounters at the End of the World," 276.
[306] Schmitt, *The Tyranny of Values and Other Texts*, 30–31; 37.

Weber's disenchantment thesis, Schmitt's discussion of values ultimately revolves around the ontological status of values,[307] as Cerella has clearly emphasized: "Schmitt's anti-liberalism, although ideological, is rooted on a precise ontology: In the void of meaning of the era of disenchantment, the individual cannot self-represent himself, is not capable of creating any unity".[308] Schmitt's response to the "void of meaning" is to seek order in political unity.[309] He advocates a philosophy of values that is political, in which meaning and values are constituted politically, always in the face of an enemy. The existential difference between friend and enemy in Schmitt's concept of the political, therefore refers to the irresolvable struggle of values between groups of people who simultaneously define their enemy as the negation of their own being, and constitute order in their own political unity. The disenchantment of the world can only be countered by reenchanting politics through the existential grounding of meaning and values in the face of the enemy. After all, "anything that concerns the vital questions of a people as a unified whole, is political".[310]

[307] Schmitt himself was probably aware that the notion of existentiality has ontological significance, although he was reluctant to express it in these terms. In the 1933 edition of *The Concept of the Political*, while discussing the connection between the political and the theological, Schmitt speaks of an underlying "ontological-existential mentality", quoted in Heinrich Meier, *Carl Schmitt and Leo Strauss*, 55. To my knowledge, the term 'ontological-existential' has not been used elsewhere by Schmitt.
[308] Cerella, "Encounters at the End of the World," 277. Note that Cerella states that Schmitt position is ideological, a claim with which I disagree.
[309] Ibid, 278.
[310] Schmitt, "Politik," 403. Own translation. Original text: "Politisch ist alles, was die Lebensfragen eines Volkes als eines einheitlichen Ganzen betrifft".

2.4.4. Reenchantment versus romanticism

To conclude my discussion on the reenchantment of the political, it is important to emphasize what is *not* meant by reenchantment. In his study of the bourgeois 'thought and life form' Panajotis Kondylis points to an interesting effect of the mechanization of the world, the process that Weber described as disenchantment. Like Weber, Kondylis emphasizes that the bourgeois conception of the world as being intelligible through the laws of nature gives rise to the question of meaning, that can no longer be answered by the new scientific paradigm that has liberated the world from theology. As a result, a second world was established next to the world as a mechanism: an ethical and aesthetic world that revolves around the beauty of nature. An aesthetic concept of nature arose that was capable of taking up the question of meaning that theology could no longer answer; as such, nature became a new locus of normativity.[311] In this way, Kondylis describes the origin of romanticism as a side effect of the triumph of scientism. The rationalization of the world by the bourgeois mode of thought led to an aestheticization of nature in order to find new normative guidance. Might it be that what I have described as Schmitt's reenchantment of the political is nothing more than an aestheticization of the political, and a romantic yearning for the irrational reality of conflict as a source of meaning in a rationalized world?

Clearly, this was the view of Richard Wolin. In his view, Schmitt's work not only depends on his vitalist philosophy, as a subjective and ideological worldview, but Wolin embraces the position of the literary theorist Peter Bürger who argues that this expresses itself aesthetically. Schmitt's work is therefore described as an 'aestheticization of the political', that in a romantic

[311] Kondylis, *Der Niedergang der bürgerlichen Denk- und Lebensform*, 28–29.

fashion uses an aesthetic appreciation of the exceptional to breach through the routine of bourgeois society.[312] It is noteworthy that in his book *Political Romanticism* from 1919, Schmitt condemned exactly this type of romanticism because of its anti-political individualism.[313] An extensive treatment of this work falls outside the scope of this chapter, but it is telling that Wolin hardly discusses its content, and describes the contradiction between Bürger's interpretation and Schmitt's book on romanticism simply as "irony".[314] Wolin's position thus matches that of Habermas, whose words are quoted at the outset of his article: "Carl Schmitt's polemical discussion of political Romanticism conceals the aestheticizing oscillations of his own political thought. In this respect, too, a kinship of spirit with the fascist intelligentsia reveals itself".[315]

On the basis of the discussion presented so far, I argue against both Wolin and Habermas. Wolin rightfully identified the crucial role of the existential in Schmitt's work, as well as an anti-bourgeois element. But the manner in which he traces this *solely* to Schmitt's subjective adherence to a vitalist philosophy, and the reduction of Schmitt's existentialist vocabulary to an aestheticized ideology of political existentialism, do not do justice to Schmitt's fundamental arguments. Rather, Schmitt has uncovered something of

[312] Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror," 434.
[313] Schmitt, *Politische Romantik*.
[314] Wolin, "Carl Schmitt, the Conservative Revolutionary Habitus and the Aesthetics of Horror," 446. See also 443. In his other article, the work is mentioned but not extensively discussed: Wolin, "Carl Schmitt, Political Existentialism, and the Total State," 393. The claimed inconsistency between *Political Romanticism* and Schmitt's later work and the interpretation of Schmitt as an aestheticist is shared by John McCormick in McCormick, "Irrational Choice and Mortal Combat as Political Destiny," 320. Yet McCormick does not reduce Schmitt's entire oeuvre to the aesthetic, but rather claims that Schmitt's "logical analysis begins to blend with an aesthetic preference for, even celebration of, the exception".
[315] Quoted in Richard Wolin, "Carl Schmitt," 424.

political reality that cannot be grasped in rational terms. The 'bourgeois' rationalist view of the world does not provide the vocabulary to understand the irrational and incalculable foundation of any political unity. Neither can it be explained in Weberian fashion, by relying on the subjective grounding of meaning and values. Through the notion of enmity meaning and values are manifested supraindividually as a public reality. Schmitt's existentialist rhetoric was not an ideological choice, but rather his attempt to provide an adequate vocabulary to explain the incalculable foundation of any political unity. As such, there is something in the political itself that can be described as 'anti-bourgeois', that can adamantly be conceptualized as political existentiality. As a last vestige of enchantment, perhaps it is no surprise that in a disenchanted world it is easily mistaken for the ideology of the scholar that tries to describe it.

2.5. Conclusion

Throughout this chapter, I have discussed Schmitt's concept of the political in relation to three different discussions. First, there is the discussion about how to understand the notion of existentiality, which has been our main point of interest. From this follows the second discussion concerning whether or not Schmitt should be read ideologically, as an existentialist. Third, I addressed the discussion about disenchantment, and consequently reenchantment, as a way of tackling the previous two discussions. A short review of my findings in relation to these discussions will serve as a conclusion.

Schmitt's *The Concept of the Political* polemicizes against approaches that attempt to derive the political from an overarching principle that transcends the distinction between friend and enemy. Any concrete political

conflict can only be justified by the parties taking part in the conflict. Schmitt rejects the idea that universal principles such as rationality or morality lie at the foundation of the political. Instead, political communities are grounded existentially. For Wolin, Schmitt's polemics against normativism and rationalism reveal his ideological affinity with the irrational and existential, within a wider cultural framework inspired by a vitalist philosophy. Consequently, Schmitt's philosophical categories are understood as normative categories in the service of an ideology. While Wolin rightfully identifies the crucial role of the existential and irrational in Schmitt's work, his persistence to read him ideologically bars the way to a clear understanding of it.

Once we bring Schmitt's conceptual framework in dialogue with Max Weber's disenchantment thesis we get a better understanding of the political and its dependence on what I've referred to as political existentiality. On the basis of Weber's fundamental distinction between the world of rational science and the world of values, Schmitt sought to counter the political effects of disenchantment by politicizing meaning and values. His early emphasis on the importance of the political idea culminated in its concretization in an existentially unified political people that is the source of its own normativity. Throughout his work, we can see Schmitt's effort to identify the world of meaning and values in the political rather than in the realm of subjectivity. Values, for Schmitt, are neither the domain of scientific rationality nor of Weberian subjectivity. Instead, they are the domain of existentiality. Existence is a collective experience and Weber's individual struggle for meaning and values is turned into a collective fight. Meaning and values are thus supra-individual, public realities. Turning away from Weber's subjectivism, Schmitt's existential grounding of meaning and values demonstrates an attempt to reenchant the political.

My goal in this chapter was not only to understand political existentiality, but also to defend it as a fundamental political category rather than an ideological one, which is the main point of opposition to Wolin. To support this position, we should perhaps ask why political existentially is an important category. What Schmitt demonstrates is that even the most rational of political discourses has to be grounded in a publicly shared *faith* in its validity.[316] Since faith cannot be rationally demonstrated, ultimately the viability of every political unity is an existential matter. The experience of the public reality of meaning and values is proven by the ultimate political demand: the sacrifice of one's own life in war. After all, after the individual disappears, values and meaning continue to exist, as long as the political collective remains. Only when values and meaning are real in a sense that supersedes the individual and subjective adherence to them does it make sense for an individual to give his or her life for their sake. Political existentiality not only means that the political is a matter of life and death, but also that its *telos* precedes any sense of value and meaning that is experienced individually.

Enmity and war are not normative categories – in the sense that they constitute something desirable or ideal – but by pointing to the sheer reality of existence as the ground of the political, Schmitt points to its inherent normativity. The rational indeterminacy of meaning and values, together with the thesis that they are constituted publicly, is what can be described as

[316] The notion of 'faith' plays an important role in Meier's interpretation of Schmitt's work. Meier argues that Schmitt should be understood as a political theologian, rather than a political philosopher, and that his work ultimately depends on faith in revelation. Here I would simply like to emphasize that the use of 'faith' does not imply an adoption of Meier's position. Meier, *Carl Schmitt and Leo Strauss*; Meier, *The Lesson of Carl Schmitt*.

'enchanted'. Hence, existentiality might appear to the rationalist's eye as a norm in itself rather than as the vessel through which any norm or sense of meaning enters political life. If we understand the world of rationality and scientific predictability as a manifestation of a bourgeois worldview, it is the political, rather than Schmitt himself, that breaks through the routine of bourgeois life.

CHAPTER 3

The Janus Face of Liberalism[317]

"Whoever invokes humanity wants to deceive". – Carl Schmitt.[318]

3.1. Introduction

The political, as we have seen, is understood by Schmitt as referring to political communities of meaning and values that confront one another as friends and enemies. Schmitt's conception of liberalism is negatively derived from the concept of the political, that is to say: liberalism, for Schmitt, is the antithesis of the political. It is, as it were, the anti-political. It is important to get a clear grasp of Schmitt's conception of liberalism as it constitutes the conceptual opposite of the political. The dynamic between political and anti-political will turn out to be crucial for understanding liberalism. In the next chapter, it will become clear that the anti-political logic underlying liberalism, for Schmitt, is the foundation of the neutral state and the main drive behind the historical process of

[317] Sections 3.2.2., 3.3. and 3.4. have been taken – in slightly modified form – from Van de Wall, "The Invisible Enemy as Absolute Enemy: What Can Carl Schmitt Teach Us about War against a Virus?"

[318] Schmitt, *Der Begriff des Politischen*, 51. Original text: "Wer Menschheit sagt, will betrügen". Schwab translates this as "Whoever invokes humanity wants to cheat". Schmitt, *The Concept of the Political*, 54. I've provided my own, slightly different, translation since I think that the connotation of the verb 'to deceive' represents the tone of Schmitt's words more accurately.

neutralization. In this chapter, however, for the sake of conceptual clarity, I will speak of liberalism as anti-politics rather than neutrality.

As explained in the previous chapter, political enmity can only be understood and justified from the perspectives of the parties involved in the relationship of hostility. There is no third-party perspective that is capable of judging who the friend or enemy is. In a way, this applies to Schmitt's perspective as well. His theorization of the political is in itself a polemical intervention. In describing the political, he "does not take an Archimedean standpoint, from where he might judge different subjects' positions". Instead, "he intervenes on the level of the spirit in order to make political conflict between different subjects possible in the first place". Matthias Lievens describes this philosophical strategy as Schmitt's metapolitical struggle. In order for Schmitt to allow philosophically for conflict between friends and enemies to exist, he has to wage his own "metapolitical struggle against depoliticizing types of spirit or ways of thinking".[319] With his concept of the political, Schmitt intervenes in a world that is characterized by types of thought that deny the existence of political conflict despite its actual presence. It is this world of political pluralism and conflict that Schmitt defends against the threat of depoliticization.[320] Thus, 'the political' itself has an enemy. It is the very structure of the political that entails a critique of ideology directed at those ideologies that negate the political and – following the logic of the political – must become its enemy.[321] This enemy pre-eminently materializes in Schmitt's

[319] Lievens, "Carl Schmitt's Metapolitics," 121. Compare also Meierhenrich and Simons, "'A Fanatic of Order in an Epoch of Confusing Turmoil': The Political, Legal, and Cultural Thought of Carl Schmitt," 22. For a discussion of Schmitt's polemical use of concepts in general, ibid. 15–21.

[320] Lievens, "Carl Schmitt's Metapolitics," 123.

[321] Lievens writes that "Schmitt's argument for the political is based on a kind of critique of ideology", Ibid, 123. I would argue that it is rather the other way around. If

conceptualization of liberalism.[322] In this chapter I will attempt to develop a typology of liberalism in Schmitt's work as the enemy of the political *par excellence*.

If liberalism is the enemy of the political and the opposition between friend and enemy is one between collective forms of existence – as I argued in the previous chapter – is there then such a thing as a liberal existence? And what does liberal existence look like? At first sight, 'liberal existence' appears to be an oxymoron exactly because liberalism is anti-political. If the political is a matter of existentiality, that which negates the political also negates its existentiality. And therefore, if liberalism is the negation of the political, isn't it also the negation of existentiality, consequently rendering the question about a liberal existence meaningless? Nevertheless, in Schmitt's work on liberalism these two distinct elements – liberalism as political existence and liberalism as the negation of the political – can be identified. This becomes more clear if we take a look at McCormick's discussion of Schmitt's theorization of liberalism. According to McCormick, Schmitt actually describes two different, and incompatible, types of liberalism. McCormick juxtaposes the liberalism in *Political Theology* with the liberalism in *The Concept of the Political* to show how Schmitt arrived at two very different conceptualizations and evaluations of liberalism.[323] It is worth quoting his description at length:

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the political, as Schmitt argues, consists of the distinction between friend and enemy, a critique of ideology of non-adversarial types of political thought follows from the very nature of the political.

[322] The tendency to deny the political is also discussed by Schmitt in other ideologies, such as pacifism and Marxism. Here I will focus on his main enemy, which is liberalism.

[323] McCormick is broadly correct in attributing the two conceptualizations of liberalism to *Political Theology* and *The Concept of the Political* respectively. Nevertheless, he oversimplifies the matter somewhat. The question of sovereignty in *Political Theology* plays a role in *The Concept of the Political* as well. F.e.: Schmitt, *Der Begriff des Politischen*, 66.

Around the time of *Political Theology* in the early 1920s, Schmitt considers liberalism a mere "provisional half-measure" in the world-historical struggle [against communism] facing contemporary Europe. Liberalism is a naïve historical anachronism unworthy of the status of an enemy, of an existential threat. In his appropriation of Donoso Cortés, the liberal is the earnest little kid who gets caught between the dueling gunslingers. But Schmitt is open to an alliance with liberals, should he successfully persuade them to make the decisive political choice.

However, in *The Concept of the Political*, liberalism is more problematic. It is the ideology behind which the bourgeois capitalist nations conceal their hegemony over the Western Hemisphere. In fact, by the late 1920s and early 1930s, liberalism seems to be the greatest manipulator of the political that the world has yet seen. Its duplicity regarding the political allows the Allies to dominate nations, like Germany, that wish to be honest about the political. International liberalism uses universal morality, pacifism, perpetual peace, and human rights to subdue nations that are just being honest about their concrete specificity. Foreshadowing the sentiments of figures as diverse as Michel Foucault and Slobodan Milošević, Schmitt argues that liberalism masks its unprecedented, aggressive, and pervasive domination under the veil of enlightenment and moral progress. The concepts of humanity and dignity, which Schmitt previously identified as the core ideas shared by Roman Catholics, French liberals, and Western socialists, are now

> simply ideological weapons wielded by the Allies to expropriate and humiliate Germany.[324]

Hence, in Schmitt's work we are presented with, first, a powerless liberalism 'unworthy of the status of an enemy', and second, a very powerful liberalism that is a global force to be reckoned with. For McCormick the discrepancy between these two conceptions of liberalism simply represent "shifts in Schmitt's thinking".[325] I agree with McCormick's assessment that we can identify these two different characterizations of liberalism in Schmitt's work. However, I will argue that they are in fact *not* contradictory – and therefore also do not represent a shift in Schmitt's thoughts on liberalism – and that, instead, they represent two contrarian sides of the same liberalism. Liberalism, in Schmitt's work, is implicitly conceptualized as a Janus face.[326] On the one hand, we have liberalism as an anti-political and powerless mode of social being and on the other hand, liberalism appears as a powerful global political force that Schmitt deemed a threat to the classical system of sovereign states and to the political itself. The link between these two is formed by the premise of what can be described as 'the permanence of the political'. In Schmitt's work, the political appears as something inescapable. Therefore, liberalism as an anti-political ideology nevertheless takes a political form, resulting in a dialectic that

[324] McCormick, "Irrational Choice and Mortal Combat as Political Destiny," 333.
[325] Ibid, 333.
[326] In the abstract of his article, McCormick describes Schmitt's critique of liberalism as "Janus-faced". Ibid, 315. Surprisingly, this term does not reappear in the article itself. In order to go beyond speaking of a mere 'shift' in Schmitt's thinking, the notion of the Janus face seems to be exactly the appropriate term to designate the two distinct, yet related, faces of liberalism.

transforms it into an all the more powerful hyperpolitical – as Lievens calls it[327] – ideology. Drawing on Lievens's analysis, I will thus establish the logical connection between the two types of liberalism that McCormick distinguished, in order to conceptualize them as two sides of one Janus-faced liberalism.

This chapter consists of three parts. I will first discuss how Schmitt came to conceptualize liberalism as an anti-political ideology. This discussion encompasses two elements: the liberal negation of sovereignty and the liberal negation of enmity. To understand the former, I will analyze the influence of Juan Donoso Cortés on Schmitt's work since he was the prime source of inspiration for Schmitt's 'powerless' variant of liberalism, as McCormick also points out. The analysis of the latter element will build on Schmitt's theory of enmity. In the second section, I will demonstrate how the liberal negation of enmity leads to a logic of hyperpoliticization that provides the conceptual missing link between the powerless and powerful types of liberalism that McCormick distinguishes. Finally, I will illustrate how the process of hyperpoliticization has led to concrete forms of a powerful liberal political existence by briefly discussing two historical examples provided by Schmitt in his book on Hobbes's *Leviathan* and his later work on sea power. These examples serve as illustrations of how, in Schmitt's view, the hyperpolitical logic of liberalism has unfolded historically.

3.2. Liberalism as anti-politics

Schmitt's characterization of liberalism as an anti-political ideology consists of two elements. The first element relates to Schmitt's decisionist theory of

[327] Lievens, "Carl Schmitt's Metapolitics," 123; Lievens, "Carl Schmitt's Two Concepts of Humanity."

sovereignty. Liberalism fails to adequately account for the political decision and substitutes it with the principle of discussion.[328] This is the main focus of McCormick when he characterizes Schmitt's early conception of liberalism as a powerless ideology not worthy to be called an enemy. This conception of liberalism that Schmitt develops mainly in *Political Theology* is significantly influenced by the work of the counterrevolutionary politician and author Juan Donoso Cortes. Following Donoso, Schmitt describes the liberal bourgeoisie as "una clasa discutidora", or a 'discussing class', incapable of making decisions.[329] The second element on the basis of which liberalism can be conceptualized as being anti-political relates to the notion of enmity. In Schmitt's view, liberalism is an individualist theory and therefore does not account for the distinction between friends and enemies as public collectivities. The reference point for liberal politics can only be either the individual or humanity, based on an economic and moral approach to politics. Both elements constitute the core of the liberal anti-political project of depoliticization and neutralization. I will start with a discussion of the first element, liberalism's indecisiveness, by investigating the influence of Donoso Cortes on Schmitt's work and its implications for Schmitt's decisionism. Thereafter, I will discuss the liberal negation of enmity. This negation, as we will see, follows from the liberal 'inversion' of the relationship between private and public spheres, in which – contra Schmitt – the private sphere gains primacy over the latter.

[328] Compare also Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, 41–50.
[329] Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 30; Ibid, 77.

3.2.1 Donoso Cortés and the liberal 'discussing class'

Schmitt's engagement with Donoso Cortes covers a large part of his intellectually productive life. Four texts provide the most expansive and explicit discussions of Schmitt about the Spanish author and diplomat. These texts were collected and published together with a newly written introduction in the small book *Donoso Cortés in gesamteuropäischer Interpretation* in 1950.[330] They were written by Schmitt during a period covering twenty-two years. The first text, in which Schmitt emphasized the historical importance of Donoso Cortes as the last and most significant representative of the line of counterrevolutionary authors – preceded by Louis de Bonald and Joseph de Maistre – was published in 1922 in a volume dedicated to Max Weber.[331] It has become most famous in its reprinted form as the fourth and final chapter in *Political Theology*.[332] In this text, Schmitt attempts to provide a historical foundation for his decisionist theory by highlighting an intellectual tradition that in his view was unjustly neglected. Donoso Cortes's position stood out, for Schmitt, for its most consistently developed understanding of the sovereign decision. The second and third texts 'Donoso Cortés in Berlin, 1849' and 'Der unbekannte Donoso Cortés' were published in 1927 and 1929 in the journal *Hochland*.[333] In October 1929, both texts were presented as a lecture in Spanish in Madrid after which Schmitt even made a name as the rediscoverer of Donoso Cortés in Spain.[334] The final text in the book, 'Donoso Cortés in gesamteuropäischer Interpretation', was originally also presented as a lecture

[330] Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*.
[331] Ibid, 7–8.
[332] Schmitt, *Politische Theologie, vier Kapitel zur Lehre von der Souveränität*, 57–70.
[333] Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 8. They were reprinted in Schmitt, *Positionen und Begriffe*, 84–96; Ibid, 131–37.
[334] Maschke, "Der Dezisionistische Freund Und Der Dezidierte Schutzengel; Carl Schmitt Zwischen Thomas Hobbes Und Donoso Cortés," 185.

in Madrid in 1944 and published in German in the journal *Die Neue Ordnung* in 1949.[335]

The presence, however, of Donoso Cortes in Schmitt's work extends beyond the texts collected in this book. If we consider the implicit as well as explicit influence of Donoso Cortes on Schmitt's work we can distinguish between an early period running from 1919 when Schmitt published *Politische Romantik* until 1929. Then, a second period of engagement with Donoso started in 1940 with the republication of previous texts. Donoso's influence then remained visible in multiple articles published by Schmitt after the war even up until his last article in 1978.[336] Nevertheless, the first monograph entailing a systematic study of the relationship between Donoso and Schmitt was only published in 1997 by José Rafael Hernández Arias.[337] Schmitt is commonly known as the "Thomas Hobbes of the twentieth century" but according to Günter Maschke, he might as well be named the Donoso of the twentieth century.[338] Yet it is important to stress that to some extent Schmitt's interpretation of the work of Donoso Cortés is also an appropriation. When Schmitt speaks about Donoso it is primarily *Schmitt* that speaks rather than Donoso. Schmitt's reception was idiosyncratic, selective and sometimes even built on falsifications.[339] An example of this is the famous phrase of 'una clasa discutidora' which Schmitt attributes to Donoso as a definition of the

[335] Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 8–9.
[336] For an overview of the bibliographical influence of Donoso Cortes on Schmitt, see Hernańdez Arias, *Donoso Cortés Und Carl Schmitt*, 24–26. According to Günter Maschke, Donoso's influence on Schmitt is already present in 1917. Maschke, "Der Dezisionistische Freund Und Der Dezidierte Schutzengel; Carl Schmitt Zwischen Thomas Hobbes Und Donoso Cortés," 185.
[337] Hernańdez Arias, *Donoso Cortés Und Carl Schmitt*, 18.
[338] Maschke, "Der Dezisionistische Freund Und Der Dezidierte Schutzengel; Carl Schmitt Zwischen Thomas Hobbes Und Donoso Cortés," 186.
[339] Ibid, 186.

bourgeoisie, as M. Blake Wilson has demonstrated. Not only does Schmitt misspell the Spanish word *clase,* neither can the phrase be found as such in Donoso's oeuvre. The original phrase that in all likelihood was Schmitt's point of reference is the plural 'las clases discutidoras' which is used only once in a letter written by Donoso on October 24, 1851, when he served the Spanish crown as a diplomat in Paris.[340] The aim of my analysis of Donoso's influence on Schmitt's conceptualization of liberalism, then, is not to discover to what extent Schmitt's representation of Donoso's ideas is historically or conceptually accurate; it is rather to unravel in which way Donoso's work has been incorporated by Schmitt to arrive at his conceptualization of liberalism via his *own* reading of Donoso Cortés.

Schmitt's first comprehensive discussion of Donoso occurs in support of his own definition of sovereignty which I will now briefly discuss. "Sovereign", Schmitt famously declared, "is he who decides on the exception". As with *The Concept of the Political* – where the exceptional possibility of war was the determining criterion – also for his definition of sovereignty Schmitt starts from the exception. His definition of sovereignty "must (…) be associated with a borderline case and not with routine", Schmitt says. Sovereignty is, consequently, "a borderline concept".[341] The exception is the moment when a state is in danger and the normal legal order no longer suffices to safeguard the existence of the state. The state is confronted by an emergency and something needs to be done to eliminate it. For Schmitt, such a moment is the moment of decision *par excellence*. After all, what the emergency with which the state is confronted will look like and how it should be dealt with is something that

[340] Donoso Cortés, "Letter of October 24, 1851 'Las Clases Discutidoras.'" For the sake of accurate reference, however, I will simply use Schmitt's falsified quote when addressing Schmitt's use of it.
[341] Schmitt, *Political Theology*, 5.

cannot be predicted in advance and can therefore not be codified in the normal legal system. At best, a constitution can indicate who should be in charge once an emergency arises. But ultimately, it can only be the sovereign who "decides whether there is an extreme emergency as well as what must be done to eliminate it". The sovereign has a unique position because he "stands outside the normally valid legal system" but "he nevertheless belongs to it, for it is he who must decide whether the constitution needs to be suspended in its entirety".[342] The opposite, then, is also true. The legal order in the state of normality is based on a decision and not on a norm.[343] General norms can only be applied when a normal state of affairs exists. "There is no norm that is applicable to chaos". Whether there exists a state of normality to which legal norms can be applied, then, also must be decided by the sovereign. Although it is in the moment of exception that the sovereign decision becomes most visible, the legal order in a state of normality can also only be guaranteed by the sovereign decision.[344]

On the basis of this decisionist definition of sovereignty, Schmitt polemicizes against liberal constitutional theories. In Schmitt's view, these theories fail to account for the exception. A general norm cannot encompass the unpredictability of the exception; consequently, for a constitutional theory that considers the legal order to be based on norms, the decision on the exception is pushed outside of the legal framework as something extralegal.[345] Schmitt, on the other hand, claims that the notion of the legal order contains both: the norm as well as the decision.[346] Both are equally legal concepts.

[342] Ibid, 7.
[343] Ibid, 10.
[344] Ibid, 13.
[345] Ibid, 6.
[346] Ibid, 10.

Liberal theorists, Schmitt claims, have managed to ignore the element of the decision, and therefore the concept of sovereignty, by relegating it to the domain of sociology. He mainly identifies this in the attempt of Hans Kelsen to arrive at a pure theory of law. In his work, the classical distinction between *is* and *ought,* fact and norm, has achieved a disjunction between sociology and jurisprudence. As such, questions that relate to the origin of law are no longer legal questions but sociological ones, while legal theory only is concerned with the system of norms that is hierarchically derived from the basic norm. The state is identical to the legal order and, from a legal perspective, to the constitution.[347] Kelsen thus "solved the problem of the concept of sovereignty by negating it".[348] As such, Schmitt argues, he stands in the liberal tradition of the rule of law in opposition to that of the state. Schmitt's own project, instead, aims to develop a legal theory in which the sociological element – meaning the question of the origin of law in a sovereign decision – is included. Yet the decision remains external to the system of norms. "Looked at normatively, the decision is rooted in nothingness".[349] But as part of the wider legal framework, the decision that suspends the constitution in a state of emergency does not serve to abolish the legal order but to maintain it.

In which respects, then, are the ideas of Donoso Cortés so important to Schmitt's concept of sovereignty and his critique of liberalism as a powerless ideology, as sketched by McCormick? I will distinguish between four different aspects which – although they are not exhaustive – have all contributed to Schmitt's conceptualization of liberalism and are explicitly embraced by Schmitt in his discussions about Donoso Cortés. Firstly, there is Donoso Cortés's theory

[347] Ibid, 18–19.
[348] Ibid, 21.
[349] Ibid, 31–32. See also ibid, 66.

of dictatorship; secondly, the situation of his political ideas in an historical context, thirdly the incorporation of theology and finally, the definition of the bourgeois, liberal class as a 'discussing class'.

Donoso's theory of dictatorship was considered by Schmitt to be the most consistent conceptualization of the sovereign decision. In support of his decisionist definition of sovereignty, Schmitt draws attention to the tradition of counterrevolutionary and catholic political philosophers comprising Louis de Bonald (1754-1840), Joseph de Maistre (1753-1821) and Juan Donoso Cortés (1809-1853). Faced by the rise of atheism and revolutionary ideals, these authors vigorously defended traditionalist Catholicism. Between atheism and Catholicism, there was no middle road but only a definite choice for one or the other.[350] These authors, then – in increasing clarity from De Bonald via De Maistre to Donoso Cortés – developed an appreciation of the political importance of the decision. Whereas De Bonald and De Maistre responded to the revolutionary threat of 1789, Donoso Cortés responded to that of 1848. The "proletarian revolution" of 1848 was more radical than the "revolution of the third estate" in 1789 which, Schmitt argues, explains why the intensity with which the decision is advocated by counterrevolutionaries increased as well. This is why Donoso Cortés departed significantly from De Maistre and De Bonald and came to advocate dictatorship instead of traditional royal legitimacy.[351] Donoso "concluded that the epoch of royalism was at an end. Royalism is no longer because there are no kings. Therefore legitimacy no

[350] Ibid, 53–54. In Schmitt's critical reflections on German romanticism in 1919, he already attempted to clearly distinguish romanticism as a politically impotent individualist movement from the decisionist tradition of catholic reactionary political thinkers. Although his focus was limited to De Bonald and De Maistre, the newly added foreword from 1924 included Donoso Cortés within the tradition of opponents of romanticism. Schmitt, *Politische Romantik*, 11.
[351] Schmitt, *Political Theology*, 56.

longer exists in the traditional [hereditary] sense. For him there was only one solution: dictatorship."[352] There is, therefore, a distinctly modern character to Donoso's embracement of dictatorship as the ultimate form of the political decision.

The theory of dictatorship brings us to the second important element that Schmitt has learned from Donoso, namely the element of history. The need for dictatorship, for Donoso Cortés, arises from a specific historical context. In his famous 'Speech on Dictatorship' from 1849, Donoso says: "it is to History that I appeal. (…) The choice is not between freedom and dictatorship. If this was the choice, I would vote for freedom. (…) One must deal with choosing between a dictatorship of insurrection and a dictatorship of the Government. Placed in this situation, I choose the dictatorship of the Government as the least wearisome as well as the least outrageous".[353] Donoso's advocacy of dictatorship is thus an advocacy of the political decision – as a clear either/or with no space for an intermediate position – necessitated by the context of a historical struggle between two poles of opposition: insurrection and government. For Schmitt, Donoso's significance as an author lies exactly in his character as a historical thinker, not as a theologian or moralist.[354] The opposition between government and insurrection is in fact the nineteenth century's opposition between Catholic reaction and revolutionary socialism. To be clear, Donoso dissolves many categories into one single enemy; whether he speaks of socialists, anarchists or atheists makes no difference. In the end, as

[352] Ibid, 51–52. Compare also Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 75.
[353] Donoso Cortés, *Selected Works of Juan Donoso Cortés*, 57.
[354] Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 12–15. Consequently, Schmitt regrets that most attention has been paid to Donoso's magnum opus, *Essays on Catholicism, Liberalism, and Socialism,* which as a work of layman theology Schmitt considers to be of lesser significance. Ibid, 69–70.

Schmitt explains, it all comes to "the bloody decisive battle that has flared up (…) between Catholicism and atheist socialism".[355] In his letter to the Count of Montalembert – written just over four months after he delivered his speech on dictatorship – Donoso situates this battle in a grand eschatological context. Human destiny has been caught between "two civilizations" between which no compromise is possible: Catholic civilization and philosophical civilization. "One is error; the other is truth. One is evil; the other is good".[356] The struggle with contemporary socialism is merely the reflection of this age-old opposition. As such, the socialist revolution is no different from the rebellion of Lucifer against God.[357]

This brings us to the third aspect of Donoso's thought that influenced Schmitt, namely the correspondence between politics and theology. For Donoso, separating the different sciences from theology is an absurdity. "Political and social science do not exist, except as arbitrary classifications of the human understanding. Man in his weakness distinguishes what is united in God in the simplest unity". "Theology", as the science of God, "is the perpetual subject of all sciences". [358] Hence, Donoso favorably quotes his adversary Proudhon who wrote that "it is wonderful how we ever stumble on theology in all our political questions".[359] In more academic terminology, Schmitt developed this insight into what he called 'political theology' or a "sociology of legal concepts".[360] He identified a structural analogy between political and theological concepts, famously asserting that "all significant concepts of the

[355] Schmitt, *Political Theology*, 59.
[356] Donoso Cortés, *Selected Works of Juan Donoso Cortés*, 59.
[357] Ibid, 62.
[358] Donoso Cortés, *Essays on Catholicism, Liberalism, and Socialism; Considered in Their Fundamental Principles*, 13.
[359] Ibid, 9.
[360] Schmitt, *Political Theology*, 42.

modern theory of the state are secularized theological concepts".[361] Applying this thesis to his concept of sovereignty, then, he claimed that the legal exception is analogous to the miracle in theology.[362] The position of the sovereign vis-à-vis the law is akin to God's position vis-à-vis creation. Both stand at the origin and have the power to suspend the constitution or the laws of nature respectively. The two opposing actors in the eschatological struggle similarly find themselves in two opposing theological camps. On the side of Catholicism Schmitt identifies the theological axiom of the natural depravity of man that Donoso Cortés defended so radically in support of his defense of the necessity of authority.[363] His anarchist opponents relied on the opposite axiom of the goodness of man. Consequently, they opposed any government as corrupt. What is good in the decision for Donoso must be evil in the eyes of the anarchist. "This results in the odd paradox", says Schmitt, "whereby Bakunin, the greatest anarchist of the nineteenth century, had to become in theory the theologian of the antitheological and in practice the dictator of an antidictatorship".[364]

Finally, against the background of this eschatological struggle between the dictatorship from 'above' and 'below',[365] theology and anti-theology, liberalism gains its distinct position in the form of the 'discussing class' – which

[361] Ibid, 36.
[362] Ibid, 36. The argument clearly resembles the section in Donoso's speech on dictatorship, in which he argues on the basis of the same analogy that dictatorship is a "divine fact". Donoso Cortés, *Selected Works of Juan Donoso Cortés*, 47–48.
[363] Schmitt, *Political Theology*, 58.
[364] Ibid, 66. The discussion about how exactly we should interpret Schmitt's political theological method has led to many discussions that, however, lie beyond the scope of this project.
[365] Donoso Cortés, *Selected Works of Juan Donoso Cortés*, 57.

is the fourth contribution of Donoso that Schmitt valued highly.[366] As we have seen, all depends on the ultimate decision either in favor of Catholicism or atheist socialism. Yet, "according to Donoso Cortés, it was characteristic of bourgeois liberalism not to decide in this battle but instead to begin a discussion. He straightforwardly defined the bourgeoisie as a 'discussing class,' *una clasa discutidora*". In this description, Schmitt found support for his criticism of Kelsen and the liberal negation of sovereignty. Liberalism is the ideology that evades the decision. It represents "a class that shifts all political activity onto the plane of conversation in the press and in parliament" and as such, "is no match for social conflict".[367] It was incapable of fighting the grand eschatological battle between Catholicism and socialism: "Liberalism (…) existed for Donoso Cortés only in that short interim period in which it was possible to answer the question 'Christ or Barabbas?' with a proposal to adjourn or appoint a commission of investigation".[368] Nevertheless, this liberal position is "based on liberal metaphysics", Schmitt emphasizes.[369] Elsewhere, Schmitt also writes that liberalism represents a consistent and complete metaphysical system in which discussion constitutes its core principle.[370] Indeed, Donoso

[366] Schmitt, *Political Theology*, 59; Ibid, 62; Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 77.
[367] Schmitt, *Political Theology*, 59.
[368] Ibid, 62. Donoso's contempt for discussion was indeed radical. He argued that – given the premise that human nature is either fallible or infallible – discussion between people who are infallible is unnecessary since they already know the truth, and discussion between people who are fallible is useless since they would not know how to recognize the truth. Donoso Cortés, *Essays on Catholicism, Liberalism, and Socialism; Considered in Their Fundamental Principles*, 39–41. In Donoso's dualistic worldview, of course, he could not imagine discussion to have any other purpose than to attain truth. For Donoso's contribution to the declaration of papal infallibility in 1870, see Johnson, "Introduction: Juan Donoso Cortés and the Philosophy of Counterrevolution," 6–8.
[369] Schmitt, *Political Theology*, 62.
[370] Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, 45–46.

insisted that liberalism, while being placed in between the theologies of socialism and Catholicism, "in its way" is theological, although "it does not know it".[371] But this theology, built on the idea of discussion, remains something vague and incomparable to real theology. "The Liberal school (…) is not theological, except in the degree in which all schools necessarily are", he writes elsewhere.[372] But its theology is far inferior to that of socialism and Catholicism:

> The Liberal school, enemy at once of the darkness and of the light, has selected I know not what twilight between the luminous and dark regions, between the eternal shades and the divine aurora. Placed in this nameless region, it has aimed at governing without a people and without a God. Extravagant and impossible enterprise! Its days are numbered; for on one side of the horizon appears God, and on the other, the people. No one will be able to say where it is on the tremendous day of battle, when the plain shall be covered with the Catholic and Socialistic phalanxes.[373]

Thus Schmitt adopted from Donoso Cortés the characterization of liberals as a 'discussing class' unwilling to choose a side in the most decisive political battle. It is this kind of powerless liberalism that McCormick described as "a naïve

[371] Donoso Cortés, *Essays on Catholicism, Liberalism, and Socialism; Considered in Their Fundamental Principles*, 167. In terms of Schmitt's political theological method, the liberal constitutional monarchy in which the power of the monarch is constrained corresponds to the theology of deism in which God has become powerless. Schmitt, *Political Theology*, 59–61. For Donoso's remarks on the relation between liberalism and deism, see Donoso Cortés, *Essays on Catholicism, Liberalism, and Socialism; Considered in Their Fundamental Principles*, 172–73.
[372] Ibid, 170.
[373] Ibid, 179.

historical anachronism unworthy of the status of an enemy, of an existential threat",[374] which Schmitt presented in *Political Theology.*

To conclude this discussion about Donoso Cortés it is necessary to add some critical remarks for the sake of a better understanding of the relationship between Schmitt's decisionist theory and his theory of enmity. On the basis of Donoso's rejection of traditional legitimacy in favor of dictatorship, Schmitt claims that he arrived at a similar concept of sovereignty as Hobbes did in the form of the adage *auctoritas non veritas facit legem*.[375] But here Schmitt all too easily conflates the positions of the two philosophers, as has been observed by both Günter Maschke as well as Panajotis Kondylis.[376] There is a significant difference between the two philosophers' concepts of sovereignty. This difference resides in their respective answers to the question as to whether the sovereign creates the law *ex nihilo.* For Hobbes, the sovereign decision is indifferent to truth and the state even decides on matters of theology in the interest of public security. In contrast, for Donoso the truth is expounded by the Catholic church.[377] These two different types of decision – the decision *ex nihilo* and the decision in service of a preexisting and absolute truth – are insufficiently distinguished by Schmitt. This causes an ambivalence that raises questions. As Maschke asks: "The state should (re)gain its unity by ending the civil war – or can this unity only be created by a victorious civil war party? Can unity be based on neutralization, or does it require an ideology that embraces

[374] McCormick, "Irrational Choice and Mortal Combat as Political Destiny," 333.
[375] Schmitt, *Political Theology*, 52.
[376] Maschke, "Der Dezisionistische Freund Und Der Dezidierte Schutzengel; Carl Schmitt Zwischen Thomas Hobbes Und Donoso Cortés"; Kondylis, "Jurisprudenz, Ausnahmezustand Und Entscheidung. Grundsätzliche Bemerkungen Zu Carl Schmitts Politische Theologie.," 351–54.
[377] Maschke, "Der Dezisionistische Freund Und Der Dezidierte Schutzengel; Carl Schmitt Zwischen Thomas Hobbes Und Donoso Cortés," 190.

the people"?[378] Or as Kondylis poses the question: "Does the decision mean the construction of a worldview and a (ideological and political) identity out of nothing, or does it merely mean the choice between two already existing and known worldviews and identities"?[379] Schmitt himself contributes to the confusion when in *Political Theology* at one instance he writes about the "absolute decision created out of nothingness"[380] after having spoken just a few lines earlier about "the exacting moral decision" as "the core of the political idea".[381] Is, then, the decision a moral decision or is it rooted in 'normative nothingness'?

Undoubtedly, Schmitt does not provide a definitive and direct answer to this question. But another observation made by Kondylis can provide a starting point. Kondylis states that there is a logical discrepancy between Schmitt's concept of sovereignty and his concept of the political. As has been discussed in the previous chapter, Schmitt made a distinction between the political and the state. And although the state is something political, what is political does not necessarily pertain to the state because the state presupposes the political. The political, therefore, is more than just the state. Kondylis emphasizes that this insight is completely ignored in *Political Theology* where

[378] Ibid, 196. Own translation. Original text in German: "Der Staat soll seine Einheit (wieder-) gewinnen, indem er den Bürgerkrieg beendet, – oder kann diese Einheit erst geschaffen werden durch eine siegende Bürgerkriegspartei? Kann die Einheit auf Neutralisierung beruhen, oder bedarf es einer das Volk erfassenden Ideologie"? Maschke identifies this ambivalence throughout Schmitt's oeuvre.
[379] Kondylis, "Jurisprudenz, Ausnahmezustand Und Entscheidung. Grundsätzliche Bemerkungen Zu Carl Schmitts Politische Theologie.," 351–52. Own translation. Original text in German: "Bedeutet die Entscheidung den Aufbau einer Weltanschauung und einer (weltanschaulichen und politischen) Identität aus dem Nichts, oder bedeutet sie bloβ die Wahl zwischen zwei schon vorhandenen und bekannten Weltanschauungen und Identitäten"?
[380] Schmitt, *Political Theology*, 66.
[381] Ibid, 65.

Schmitt discusses his concept of sovereignty.[382] The exception is developed by Schmitt exclusively in relation to an already established sovereign power. The state, then, becomes the sole bearer of the decision and the exception is not thematized with relation to the political. Yet the decision on the exception becomes necessary once a state is confronted by political enemies.[383] And just like a war is being fought to preserve the way of life of a political collective (which is not limited to life within a state), the sovereign decision on the exception serves the function of preserving that same way of life in the face of a threat posed by an enemy. I would therefore argue, that the decision does not originate in normative nothingness but in that locus of normativity that I've described as existentiality. Again, as Kondylis maintains, Schmitt's pure decisionism mistakes legal normative nothingness for ethical or *weltanschaulich* normative nothingness.[384] Yet for Donoso, the decision could not be indifferent to truth. Similarly in Schmitt's theory of enmity, the decision cannot be indifferent to the existential difference between friend and enemy.[385] Liberalism, however, not only negates the sovereign decision, it negates the existence of political enmity altogether, which brings us to the second element of liberal anti-politics.

[382] Kondylis fails to mention that Schmitt published (the definitive version of) *The Concept of the Political* ten years after *Political Theology.*

[383] Kondylis, "Jurisprudenz, Ausnahmezustand Und Entscheidung. Grundsätzliche Bemerkungen Zu Carl Schmitts Politische Theologie.," 347–48.

[384] Ibid, 355.

[385] On Schmitt's departure from Hobbesian decisionism see Croce and Salvatore, "The Plight of the Exception." Their paper relies on an exclusively Hobbesian reading of *Political Theology*. The analysis of the influence of Donoso Cortés as it is presented in this chapter provides additional support to their claim that pure decisionism proved untenable for Schmitt.

3.2.2. The liberal negation of political enmity

The second manner in which liberalism, according to Schmitt, is an anti-political ideology is developed in *The Concept of the Political*. This concerns the liberal negation of enmity. I would therefore dispute the radicality with which McCormick draws a distinction between the powerless liberalism of *Political Theology* (as discussed above) and the powerful liberalism of *The Concept of the Political*. Schmitt admired how Donoso Cortés was able to clearly distinguish between friend and enemy as they presented themselves in the historical and eschatological struggle.[386] And it is exactly the liberal inability to distinguish friend from enemy that Schmitt thematizes in *The Concept of the Political*. Just like liberals attempted to get rid of sovereignty by negating it, they attempted to get rid of enmity by negating it. As such, the two books present complementary critiques of liberalism as an anti-political ideology.[387] I will now turn to the liberal negation of enmity in which the specific appreciation that liberal theory attributes to the distinction between private and public spheres plays a central role. Since this critique follows directly from Schmitt's concept of the political, as presented in the previous chapter, it can be discussed rather briefly.

Schmitt's concept of the political depends on a clear distinction between a private and a public sphere.[388] This distinction allows Schmitt to demarcate what is specifically political and what exactly enmity means as a political category. Schmitt emphasizes the difference between the political enemy and the private enemy. Political friends and enemies designate groups of people; hence the political enemy is necessarily a public enemy. This is

[386] Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 78.
[387] Moreover, discussion remains an important part of the liberal 'depoliticizing' repertoire. Schmitt, *Der Begriff des Politischen*, 66.
[388] Compare Böckenförde, "The Concept of the Political," 14–16.

something very different from the type of private enmity that is rooted in individual feelings or preferences. In many languages, including German, there is an absence of a clear differentiation between the two.[389] Hence Schmitt refers to the Latin distinction between *hostis* and *inimicus*, and the Greek *polemios* and *echthros*. The political, and therefore public, enemy is *hostis* or *polemios*, while the private enemy is *inimicus* or *echthros*. The biblical adage 'love your enemy,' for example, speaks of the latter and not of a political enemy. Waging war with an enemy does not conflict with biblical teachings.[390] It only makes sense to love one's enemy on a private level. A political enemy does not have to be hated in order for it to be the enemy.[391] Julien Freund stresses that the public and collective nature of friends and enemies as political categories can already be found in the writings of Rousseau, who emphasized that wars are fought between public persons and that states can have as their enemies only other states. Political life is constituted by a multitude of human collectivities that can only have each other as their enemy. Political enmity occurs neither between individuals nor between a collectivity and an individual, stresses Freund.[392] Consequently, the political world as Schmitt conceived it is

[389] In Schmitt's foreword to the 1963 edition he refers to the return of the use of the word "foe" in English, aside from the commonly used "enemy"(ibid., 17). Since the semantical evolution of its use in English is rather complex (see G. Schwab, "Enemy or Foe: A Conflict of Modern Politics," 194-201), I will continue to use the English word 'enemy' here. Whenever 'enemy' refers to the private enemy instead of the political enemy, this will be specified.

[390] George Schwab adds the Hebrew distinction between private "*soneh*" and public "*ojeb*". Schwab, "Enemy or Foe," 194-95.

[391] Schmitt, *Der Begriff des Politischen*, 27-28.

[392] Julien Freund, *L'essence Du Politique*, 491. Schmitt will later (1938) emphasize that it is not enmity as such that forms the core of the political but the *distinction* between friend and enemy. The 'friend' is therefore just as important as the 'enemy,' and Schmitt even points out that in some languages, etymologically, the word 'enemy' is the negation of 'friend,' implying the primacy of friendship. This is, among others, also the case for the Latin word for private enmity, 'amicus-inimicus', and its Romance

a *pluriverse* of political collectivities. Any political unity presupposes the opposition of another political unity in the form of the enemy. The world is constituted by a plurality of states, and the hypothetical notion of a single, global state that encompasses all humans would imply the end of politics and states altogether.[393] Schmitt's concept of the political thus presents to us a pluriverse of public collectivities that engage with one another as friends and enemies, while being grounded in a clear distinction between the public sphere of political enmity and a non-political private sphere.

For Schmitt, the political, as it were, 'imposes' itself as an existential reality upon the public realm. As such, it serves as a clear indicator of demarcation of what is non-political or private. But in liberalism we can observe an inversion of the relation between the public and the private spheres. Liberalism constructs the political from the private domain and, in Schmitt's analysis, fails to appreciate the political friend-enemy distinction. Instead, it attempts to give an individualist and universalist justification for its political theory. Schmitt's criticism of liberalism is therefore not a critique based on ideological disagreement, but it follows from the structure of the political itself. Like Schmitt's concept of the political, liberalism as anti-politics should be understood on the basis of its specific appreciation of the distinction between public and private and their mutual relation. Ultimately, liberalism's insistence on the primacy of the private sphere has radical theoretical consequences for its understanding of enmity, as I will explain in the next section.

descendants, as well as for the Slavic 'pritatelj-neprijatelj', see Carl Schmitt, "Über das Verhältnis der Begriffe Krieg und Feind (1938)," 280. What is crucial here is that the core of the political is thus constituted by an opposition of *public* groups, compare G. L. Ulmen, "Return of the Foe," 189.

[393] Schmitt, *Der Begriff des Politischen*, 50-51.

As an individualist theory, Schmitt argues, liberalism entails a "negation of the political." Political enmity does not exist for an individualist theory, since the individual as such has no political enemy. Enmity implies the possibility of demanding the sacrifice of an individual's life in battle for the sake of the political collectivity it is part of. From an individualist perspective this makes no sense because it places the power over one's life into the hands of someone other than the individual in question. Such a sacrifice would be at odds with the liberal insistence on individual freedom and autonomy. Liberalism thus leads "to a political practice of distrust toward all conceivable political forces and forms of state and government," but it is unable to develop its own positive theory of state and politics. Instead, liberal theory presents us with methods to curb political power for the sake of safeguarding individual freedom and property. Its 'politics' consists in polemical opposition to all political barriers to individual freedom; rather than "liberal politics," there is "only a liberal critique of politics."[394]

As an individualist theory, liberalism's specific content is determined by the "polarity of economy and ethics" that emerges out of the central concept of private property. As such, it depoliticizes the political vocabulary by replacing it with ethical and economic substitutes. For example: a political 'battle' becomes either 'competition' (economically) or 'discussion' (ethically). The 'state' becomes 'society,' either ethically understood in terms of 'humanity' or economically in terms of a 'system of production and traffic.' Liberalism robs political categories of their specific political nature and attempts to subdue them to the logic of individualist morality and economic categories.[395]

[394] Schmitt, *The Concept of the Political*, 70; Schmitt, *Der Begriff des Politischen*, 64-65.
[395] Schmitt, *Der Begriff des Politischen*, 65-66. Schmitt sees this as part of a trend toward neutralization of political conflict in modern European history, in which the

"Liberalism (…) has attempted only to tie the political to the ethical and to subjugate it to economics."[396] The endeavor to construct a political theory on the basis of these intrinsically non-political domains, Schmitt argues, makes it impossible for liberals to see what is actually political: the distinction between friend and enemy. The public-private relation underlying Schmitt's concept of the political is inverted, and the political – no longer understood as an existential reality demanding physical battle and self-sacrifice of individuals for the sake of the political collectivity[397] – is justified only to the extent that it follows the moral and economic logic that guides behavior between private individuals.

3.3. Liberal hyperpoliticization and absolute enmity

As we have seen in the previous section, the liberal state is, for Schmitt, a state incapable of telling friend from enemy since it does not recognize the principle of enmity in the first place. Nor is it capable of recognizing when its 'way of life' is threatened and of deciding on a course of action to eliminate the threat. Always discussing, never settling for a position it deems to be true, the liberal class seems doomed to become an 'anachronism', as McCormick phrases it, and to become subject to Donoso's verdict: 'Their days are numbered'. Schmitt appears to suggest the same when he declares it impossible for a people "to bring about a purely moral or purely economic condition of humanity by

domains of morality and economy played a crucial role in the development of the liberal neutral state, see Ibid, 68-69, 73-87.

[396] Schmitt, *The Concept of the Political*, 61.

[397] In 1914 Schmitt already laid out a theory of the state in which the individual is merely the function of the state, not the other way around. Carl Schmitt, *Der Wert des Staates und die Bedeutung des Einzelnen*.

evading every political decision. If a people no longer possesses the energy or the will to maintain itself in the sphere of politics, the latter will not thereby vanish from the world. Only a weak people will disappear".[398]

However, in the case of liberalism, this is not the conclusion that Schmitt ultimately draws. On the contrary, liberalism turns out to be an all the more powerful political force in the form of the second type of liberalism that McCormick identified in Schmitt's work. As the antithesis and enemy of the political itself, liberalism intensifies political conflict. Far from being inconsistent with the kind of liberalism that Schmitt thematized on the basis of Donoso Cortés – as is McCormick's position – I will argue that this intensification follows from the typical manner in which liberal theory attempts to construct the political from the private. The resulting dialectic of 'hyperpoliticization' is the missing link between the two concepts of liberalism that McCormick attributed to Schmitt. In what follows, I will discuss the conceptual logic that underlies this dialectic. In my view, this demonstrates that, while being influenced significantly by Donoso's understanding of liberalism, Schmitt clearly goes beyond Donoso in further developing liberalism as a political power to be reckoned with.

Once liberal anti-politics constructs its theory of the state on an individualist logic that is rooted in the private sphere, this has far-reaching consequences for political enmity. According to Schmitt, the liberal and moral depoliticization of political concepts leads to the substitution of the concept of the state with the concept of humanity. When the individualist approach is applied to a supra-individual level, the only possible collectivity that can be imagined is that of humanity. After all, as Schmitt reminds us when he returns

[398] Schmitt, *The Concept of the Political*, 53.

to this topic in his last published article from 1978: "Everyone belongs to humanity".[399] The individual and humanity thus form each other's conceptual counterparts within the framework of a humanitarian morality that is at once individualistic and universalistic. The liberal negation of the principle of enmity creates a dialectic between individual and humanity – one that substitutes the Schmittian pluriverse of political entities with a universe of human individuals. Nevertheless, Schmitt warns, the adoption of the non-political terminology of ethics and morality does not make the political disappear.[400] On the contrary, the political struggle is intensified. Although the notion of humanity precludes the principle of enmity (because humanity as such has no enemy), wars can be waged in the name of humanity. This eventually proves to be a particularly useful ideological justification for war. A political entity adopting such humanitarian rhetoric is able to identify itself with all mankind and gives its war a universalist justification.

Identifying oneself with humanity transforms the quality of the enemy. As Lievens writes, "when one makes an appeal to humanity, one has to give qualitative content to this idea, drawing a distinction between what is really human and what is not".[401] The invocation of humanity implies that the enemy that is being fought stands outside of it. The enemy is, in other words, dehumanized, which enables the war to be fought in even more inhuman ways.[402] The ultimate consequence of liberal anti-politics is not the disappearance of political enmity but rather the emergence of a new friend-

[399] Schmitt, "The Legal World Revolution," 88.
[400] Schmitt, *Der Begriff des Politischen*, 71.
[401] Lievens, "Carl Schmitt's Two Concepts of Humanity," 918.
[402] Ibid, 51-52. Schmitt's rejection of the inhumanity that is entailed in the negation of enmity presupposes another concept of humanity that manifests itself in the mutual recognition of enemies as human enemies, as argued by Matthias Lievens in "Carl Schmitt's Two Concepts of Humanity."

enemy distinction in which one party denies its enemy the qualification of "enemy," placing it outside of humanity and legitimizing a "last war of humanity."[403] The mutual recognition of enemies is abandoned for the sake of the asymmetrical enmity between humanity and the non-human. Liberal enmity invokes the quality of 'humanity' and therefore produces a 'discriminating' categorization of friends and enemies, similar to the discriminatory judgment underlying such distinctions as "Greek-Barbarian," "Christian-Pagan," "human-inhuman," and "*Übermensch-Untermensch*."[404]

The dehumanized and criminalized enemy corresponds to what Schmitt in his later work describes as the absolute enemy.[405] The absolute enemy stands in complete contrast to the conventional enemy of the classical *Jus Publicum Europaeum*,[406] in the context of which Schmitt positions his book on the political.[407] Modern European international law managed to achieve something unique through the "bracketing of war": "renunciation of the criminalization of the opponent, i.e., the relativization of enmity, the negation of absolute enmity."[408] The absolute enemy, on the other hand, is the last enemy of

[403] Schmitt, *The Concept of the Political*, 79.
[404] Carl Schmitt, "Die legale Weltrevolution. Politischer Mehrwert als Prämie auf juristische Legalität und Superlegalität (1978)," 935-36.
[405] In the preface to the second edition of *Der Begriff des Politischen* and the newly published monograph *Theorie des Partisanen* Schmitt further developed his work on enmity by distinguishing between the conventional, the real, and the absolute enemy. See Schmitt, *Der Begriff des Politischen*, 16-17; Schmitt, *Theorie des Partisanen*. For our purpose, a complete discussion is not necessary. For a discussion see, for instance, Ernesto Laclau, "On 'Real' and 'Absolute' Enemies," 1-12.
[406] Schmitt consistently uses this term to emphasize the Eurocentric origins of modern international law. Schmitt discusses the gradual replacement of a terminology for international law that includes the adjective 'European' by terminology that speaks of 'international law' in general in Schmitt, "Die Auflösung Der Europäischen Ordnung Im 'International Law' (1890-1939)(1940)."
[407] Schmitt, *Der Begriff des Politischen*, 12-13.
[408] Carl Schmitt, *Theory of the Partisan: Intermediate Commentary on the Concept of the Political*, 90.

mankind. 'Enemy' becomes a moral category, enabling a particularly inhumane war, since the enemy has to be destroyed at all costs. This logic of the negation of political enmity for the sake of a final war to end all wars is observed by Schmitt in ideological currents as distinct as liberalism, pacifism and Leninism.[409] While they may be ideologically different, their structural similarity becomes clear once we analyze them on the basis of the principle of enmity. The crux of the argument lies in the fact that political enmity is turned into a moral concept. Because the political is absorbed into the hitherto unpolitical domain of morality, it is intensified. In the case of liberalism the absolute enemy is defined on the basis of an individualist theory that draws on the non-political spheres of ethics and economy. The pluralism of states is substituted by the moral notion of humanity which can only have the non-human as its enemy.

Schmitt attempted to provide a theoretical framework that represented and simultaneously defended the classical system of international law in which states confront each other on the basis of mutual recognition as friends and enemies. The liberal negation of this principle, instead of liberating the world of the political, transposes the political to "a hyperpolitical level where the conflict is intensified to such a degree that the enemy becomes moralized".[410] This moralization is the consequence of the inverted approach to politics in which primacy is granted to the private sphere over the political pluriverse. By distinguishing between the political and the hyperpolitical level as qualitatively different levels of the political, Lievens thus provides the conceptual missing link that connects the two faces of liberalism that McCormick distinguished. Exactly because liberalism negates the political, it

[409] Schmitt, *Der Begriff des Politischen*, 34-35; 51-52; 72; Schmitt, *Theorie des Partisanen*, 94.
[410] Lievens, "Carl Schmitt's Two Concepts of Humanity," 919.

turns into a powerful hyperpolitical force. For Schmitt, this is not merely a conceptual logic that follows from his concept of the political. In his later work, he would dedicate himself to the study of historical examples that show how liberal hyperpolitics materializes in political forms of existence. This will be the subject of the next section.

3.4. Political mobilization of the private sphere

Schmitt's theoretical exposition of the dynamic between public and private is continued in his later work via discussions of concrete historical developments. It appears that this dynamic is a leitmotiv throughout Schmitt's oeuvre. I will briefly discuss two main historical examples offered by Schmitt.[411] They will serve as illustrations of the second, powerful type of liberalism that McCormick sketched and help us to get an idea of how Schmitt imagined a 'liberal existence' in practice. These examples are theoretically significant, given the fact that they respectively correspond to the anti-political categories of 'individual' and 'humanity'. The first example is the dissolution of the modern state as a result of the internal political mobilization of private interests, centered around the notion of individual freedom, which Schmitt discusses in his book on Thomas Hobbes's *Leviathan*. The second example is the political mobilization in international politics of the moral category of humanity by sea powers. The statist and pluralist foundation of modern international law is thus threatened both from 'within' and from 'without.'[412] Both trends follow the logic of liberal anti-politics by politically mobilizing the private sphere –

[411] While both of these topics deserve far more expansive treatment, I will limit myself to a short discussion, sufficient for the purpose of this chapter.
[412] Compare McCormick, "Irrational Choice and Mortal Combat as Political Destiny," 329–30.

respectively through the adoption of an individualist and a humanitarian vocabulary.

Schmitt's commentary on Thomas Hobbes's *Leviathan* was published in 1938 and offers a historical discussion of the legacy of the modern state from the *Leviathan* to its downfall.[413] This downfall is the result, not of an external threat, but of the internal disintegration caused by the inner structure of the state as originally developed by Hobbes. Crucial to Hobbes's theory of the state, according to Schmitt, is that he transferred the Cartesian duality between body and soul to the state. The state thus appears as a "great man": a vast machine constitutes its body, and the sovereign-representative, its soul.[414] It is created as a rational human construct on the basis of a contractual agreement between individuals in search of security. Yet according to the logic implied by such a consensus between individuals, only an anarchist social contract comes into being, not a state contract, argues Schmitt. The contractual logic leads to the creation of a 'machine' of governance but not automatically to the establishment and recognition of a sovereign person. The sovereign person is therefore juridically transcendent to the individuals who have engaged in the contractual agreement. This twofold structure of the modern state stands at the onset of its ultimate dissolution. The Leviathan's further history is characterized by increasing mechanization of the state – a process that reduces the notion of sovereignty to just another cog in the machine.[415] "The leviathan thus becomes none other than a huge machine, a gigantic mechanism in the service of ensuring the physical protection of those governed".[416]

[413] Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*.
[414] Ibid, 48-49.
[415] Ibid, 52-54.
[416] Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, 34-35. As with Donoso, Schmitt's reading of Hobbes is

The fate of this machine was determined by a second conceptual-structural problem. Ingrained in Hobbes's state theory is a clear distinction between public and private reason. While Hobbes's notion of sovereignty, condensed in the formula "*auctoritas, non veritas, facit legem*", accomplished a far-reaching unity of political and religious power, a gap was left unfilled in order to allow space for individual conscience.[417] Schmitt illustrates this with the role of miracles in Hobbes's theory. According to Hobbes, the power to determine what is or what is not a miracle rests on the sovereign. When another individual claims that the transubstantiation is a miracle, one does not have to believe it. But when the state commands one to believe it, this command has to be obeyed. This illustrates a distinction between 'public reason' and 'private reason'; the former has its origins in the command of the state and cannot be contested, while the latter originates in the belief of a subject of the state and is without political value. "The mortal god has power (…) over miracles as well as confession".[418] But at this crucial moment, Hobbes allows for a distinction between inner belief and outer confession. The miracle is a matter of public reason, and a citizen's outer confession regarding the truth of a miracle should therefore be in accordance with the state's claim regarding the truthfulness of a miracle. But the citizen's private reason remains untouched, and citizens retain the freedom – in accordance with their own conscience – to either believe or not to believe in a miracle. Schmitt traces the origin of the liberal neutral state on the basis of individual freedom (as the

also rather idiosyncratic. Schmitt's characterization of the Hobbesian state as a 'machine' did not reflect any ongoing debate about Hobbes, nor did Hobbes himself make this argument. Nitschke, "Der Maschinenstaat Des Carl Schmitt: Die Hobbes-Interpretation Als Ideologiekritik," 123–26.

[417] Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, 84.

[418] Ibid, 55.

successor to the absolutist state) to this distinction between inner belief and outer confession. Liberal theorists, starting with Spinoza, reversed the relation between public and private which underlies Hobbes's original thesis and developed the idea that private conscience, rather than state authority, is the foundation of the state.[419]

In this way, Schmitt argues, the Leviathan as a sovereign person was destroyed from the inside in the eighteenth century. But the machine itself – the state apparatus with its army, police, bureaucracy, etc. – remained, and once turned into a liberal constitutional state, it became an instrument to contain state power.[420] This instrument guaranteed individual freedom rights, and as a consequence, the private sphere evaded control by the state. The duality between state and society that emerged provided a playing field for non-political, indirect powers to emerge and to engage in a competition over control of the state apparatus. Their struggle for control over the state – in the name of seemingly private domains such as religion, culture and economy – would ultimately destroy it. The plurality of these powers was unable to substitute the unity of political will that lay at the foundation of the Hobbesian state.[421] "The leviathan, in the sense of a myth of the state as the 'huge machine', collapsed when a distinction was drawn between the state and individual freedom. That happened when the organizations of individual freedom were used like knives by anti-individualistic forces to cut up the leviathan and divide his flesh among themselves. Thus did the mortal god die for a second time".[422]

[419] Ibid, 79-86.
[420] Ibid, 99-100.
[421] Ibid, 116-18.
[422] Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

The internal mobilization of the private sphere against the state by societal powers finds its counterpart at an international level in Schmitt's concept of 'sea power'. At an international level the private sphere is not mobilized against a specific state's power from within, but rather it can be mobilized by specific powers against the pluralism of states as such which makes up the core of classic European international law, the *Jus Publicum Europaeum*. This international order is then substituted by an international order that has turned the 'non-discriminative concept of war' – meaning that war is predicated on the mutual recognition of states' right to wage war – into a concept of war that criminalizes the enemy on the basis of a universalist conception of law centered around individual rights, thus legally creating a status of global, civil war.[423] Schmitt conceptualizes the proponents of this development through the notion of sea power. Ultimately, behind the rhetoric of universality still stands a concrete power with concrete interests that directs its energy against concrete enemies; like Schmitt continuously emphasizes, the negation of political enmity does not make it go away.

Schmitt understands all of world history as a continuous struggle between land and sea powers.[424] When the entirety of the planet was gradually explored in the modern age, it was Great Britain that turned away from its previous land-based political existence and transformed into a maritime empire stretching across all the continents,[425] a role that would be taken up by the United States of America from 1917 onwards.[426] As a sea power, it distinguished

[423] Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff*.
[424] Carl Schmitt, *Land und Meer: eine weltgeschichtliche Betrachtung*.
[425] For a more detailed discussion see Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europeaeum*, 143-55.
[426] Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte: ein Beitrag zum Reichsbegriff im Völkerrecht*, 41.

itself from land powers, because of its focus on trade. The reign of a maritime empire does not so much consist in its reign over a specific territory but rather in its control over the trade routes that connect the different territories of the empire across the globe. Schmitt argues that such an empire by necessity tends toward a universalist understanding of law. He illustrates this with an example. The British Empire had to present its own interests as the interests of humanity in order to safeguard passage between the different parts of the empire. A case in point was the Suez Canal to which free access, at a time when Britain had no control over it, was argued for on the basis of a natural right of all peoples to take part in world trade. The 'freedom of the seas' for the sake of free commerce served the interests of the state whose existence depended on it the most, namely the British Empire.[427] The universalist categories that arise from such sea-power strategy provide the perfect tool for an interventionist policy in the international sphere, warns Schmitt.[428] As such, the concept of sea power provides a theoretical framework for a critique of humanitarian interventions.

The politicization of 'humanity' by the British Empire does not stand on its own. In fact, it cannot be separated from the specific British relation to the distinction between public and private spheres. Classical international European law was characterized by the distinction between public and private law. Despite the plurality of sovereign states, the private sphere offered an international platform that extended across borders where economic actors from different states engaged with one another as non-state actors. Since British common law did not develop the distinction between public and private law in a similar fashion, Britain, as a state actor found it easier to instrumentalize international private law for its own benefits and directly

[427] Ibid, 34-41.
[428] Ibid, 34.

engage with non-state, private actors within other European states to pursue its national interests. The combination of sea power and free trade thus made it possible for Britain to bypass inter-state law and pursue its interests beyond its own borders through private, non-state actors.[429] The economy provided a universal justification for British political interests as well as the infrastructure to pursue these interests without being inhibited by the sovereignty of other states.

In this context Schmitt warns of the emergence of, what has earlier been described as, absolute enmity. Because of its appeals to universalist and humanitarian justifications, the sea power facilitates a return to the concept of 'just war', which results in the intensification of conflict. The *Jus Publicum Europaeum* had ousted the *justa causa* – the justness of a war's cause – from its vocabulary. By invoking it in a humanitarian form, sea powers turn war and enmity into moral categories, and extermination by means of modern technological weaponry becomes justified.[430] Ultimately, the sea power's enemy is an absolute enemy by necessity.[431]

Schmitt has thus applied his conceptual framework of the antipolitics of liberalism to the history of the modern state and the system of international law. Liberalism is not merely the conceptual antithesis of Schmitt's concept of the political, it is an actual political force that – on the basis of a dialectic between individual and humanity – threatens the political system based on the mutual recognition of states as friends and enemies and equal bearers of the

[429] Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europeaeum*, 183-85.
[430] Ibid, 298-99.
[431] For a discussion of how this relates to the development of a distinct type of total war, see Carl Schmitt, "Totaler Feind, totaler Krieg, totaler Staat (1937)," 270-73; Carl Schmitt, "Über das Verhältnis der Begriffe Krieg und Feind (1938)," 284.

right to wage war. The internal dissolution of states by indirect societal powers is complemented by global sea powers that threaten the classical system of international law and substitute it with a concept of law in which the enemy is criminalized. The breakdown of the *Jus Publicum Europaeum* is also the breakdown of the distinction between public and private spheres as Schmitt conceived it. Liberalism achieved a moralization of the political by criminalizing the enemy and introducing a 'discriminative concept of war'. Morality, however, has not replaced the political. It has intensified and has given form to a liberal political existence as a political force so powerful that it threatens the concept of the political itself.

3.5. Conclusion

"Whoever invokes humanity wants to deceive",[432] says Carl Schmitt, slightly modifying an expression of Proudhon. And this is exactly what the Janus face of liberalism means for Schmitt: a deception. It is by negating the political that liberalism becomes the most powerful political force imaginable. It pretends not to be political, while simultaneously using moral categories such as 'humanity' as the most powerful tools for justifying its own political interests.[433] In my view, this provides a better account of Schmitt's thematization of liberalism than McCormick's insistence on a shift between an early and a late concept of liberalism. Although the differences that McCormick identifies between the liberalism of *Political Theology* and the one of *The Concept of the Political* indeed accurately reflect Schmitt's thought – and I have followed his

[432] Schmitt, *Der Begriff des Politischen*, 51. Original text: "Wer Menschheit sagt, will betrügen".

[433] For a discussion on Schmitt's insistence on 'honesty' in politics, see Meier, *Carl Schmitt and Leo Strauss*, 19–20.

rendering of Schmitt's thought in this respect – it represents mainly a difference in emphasis. I dispute the allegation that Schmitt changed his mind. First of all, the difference between the two liberalisms is not as clear. Elements of the liberal 'discussing class' that were presented in *Political Theology* remain present in *The Concept of the Political* and the notion of enmity – while not developed explicitly – is present throughout Schmitt's discussion of Donoso's eschatological and historical worldview, in *Political Theology* and beyond.

Secondly, it was only in *The Concept of the Political* when Schmitt had developed a complete understanding of the political as the distinction between friend and enemy, that he was able to further develop its impact on liberalism theoretically and historically. In this sense, Schmitt did depart from Donoso's depiction of the liberal class as a naïve bystander in the world-historical struggle and came to acknowledge liberalism as the main historical force of his time. This is not to say that he left his earlier view behind; rather, it resolved itself dialectically through the process of what – following Lievens – I have described as hyperpoliticization. Liberalism could only become hyperpolitical and could only turn to absolute enmity exactly because it was anti-political. In this sense, Dyzenhaus's summary again proves accurate:[434] liberalism is neither political nor anti-political, in Schmitt's view, but it "is doomed to shuttle back and forth between these alternatives".[435] This is no mere accidental position in which liberalism came to find itself. On the contrary, for Schmitt it is the core of the liberal project.

Ultimately, Schmitt's relationship with Donoso Cortés remains ambiguous. His concept of sovereignty is influenced by Donoso and, consequently, so is his understanding of the liberal bourgeoisie as a 'discussing

[434] Compare section 1.5.
[435] Dyzenhaus, "Liberalism after the Fall," 14.

class'. Yet the subsequent dialectic that liberalism is subject to on the basis of its relation to enmity is clearly an invention on Schmitt's behalf. Nevertheless, Schmitt remains indebted to Donoso's historicizing of political struggle. But, in line with Schmitt's thematization of liberalism as a deceptive and Janus face-like ideology, it is ultimately the liberal 'discussing class' – in Donoso's view still condemned to be overrun by the 'Catholic and Socialistic phalanxes' – that will prove to be the chief historical protagonist. Schmitt historicized the conceptual Janus face of liberalism in his essay on 'The Age of Neutralizations and Depoliticizations' in which the 'shuttling back and forth' between the political and the anti-political is developed into a historical category.

CHAPTER 4

Neutralization as a History of the Political

"We can no longer say anything worthwhile about culture and history without first becoming aware of our own cultural and historical situation". – Carl Schmitt (1929).[436]

4.1. Introduction

Schmitt's conceptualization of liberalism – which I have described as Janus-faced in the previous chapter – revolves around a tension, namely the tension between the non-political and the political. The liberal attempt to overcome the limits posed by the political – understood as both the imposition of an existential distinction between friend and enemy as well as the sovereign decision that is necessary to distinguish friend from enemy – conflicts with the inescapability of the political that any political entity, including a liberal one, is subject to. The liberal state moves back and forth between the political and the non-political which results in a tendency towards hyperpoliticization. As we have seen, Schmitt adopts the perspective of Donoso Cortés and places the liberal worldview or 'theology' in a clear historical context. In this chapter I will demonstrate how Schmitt historicizes the liberal dilemma between the political

[436] Schmitt, *The Concept of the Political*, 80.

and the non-political to arrive at the historical category that he calls 'neutralization'. As we will see, the political will again reappear as something inevitable but its appearance manifests itself temporally. In Schmitt's work, liberal neutrality is therefore understood not so much as a political ideal but rather as the unfolding of a historical dialectic.

Liberal anti-politics originates, historically, in the neutral state of the nineteenth century. This neutral state itself is incorporated by Schmitt into a wider historical trend of neutralization in his essay 'The Age of Neutralizations and Depoliticizations'.[437] In this essay, the neutral state appears as a specific instantiation, a political form, of a historical tendency in modern European history to neutralize conflict. Building on the logic of liberalism's oscillating movement between the political and the non-political, Schmitt's historical concept of neutralization does not describe a straight line from a period of conflict to a period without conflict; instead, it shows us the continuous recurrence of conflict throughout the search for neutral ground. Not only conceptually but also historically, the political appears as something permanent and inescapable. In 'The Age of Neutralizations and Depoliticizations' Schmitt thus develops what I would call a 'modern history of the political'. This history of the political distinguishes itself from the classical Enlightenment progressivist historiographies not only because of the unattainability of the goal of neutrality but also because it is a concrete history. Schmitt does not attempt to provide a universal history of the political that describes a logical necessity deriving from the very nature of the political itself. Instead, Schmitt describes a specifically European history that derives from a very specific and contingent moment at the outset of modernity: the confessional wars. Schmitt's history is therefore a

[437] Schmitt, *Der Begriff des Politischen*, 73–87.

concrete history. As such, it is in tune with his general historical approach which, as we will see, he further developed in his postwar writings.[438] These writings, I argue, will shed more light on how we can understand Schmitt's theory of neutralization, as a history of the political. Moreover, Schmitt's view of history as radically contingent provides a theoretical framework to continue analyzing contemporary problems that relate to neutrality, neutralization and new forms of politicization – of which I will present a case study in the fifth and final chapter of this dissertation.

I should emphasize that it is not the purpose of this chapter to present a general study of Schmitt's philosophy of history.[439] The primary aim is to understand how Schmitt conceptualized neutrality; this automatically leads us to his writings on history. The search for neutrality, for Schmitt, is the main historical motive of European modernity. His postwar writings on history, then, are relevant to the extent they help to clarify his theory of modernity as neutralization as well as help to establish a framework for analyzing contemporary political developments. Hence, with respect to Schmitt's philosophy of history and the various interpretations of it, my discussion will be rather limited. Schmitt's overall work on history is broader and a general discussion would have to make sense of the relationship between Schmitt's views on history and secularization on the one hand and his views on theology

[438] I will focus mainly on the view of history presented in Schmitt, "Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West. Bemerkungen zu Ernst Jüngers Schrift: 'Der Gordische Knoten' (1955)."
[439] For a more comprehensive study of Schmitt's concept of history, with particular emphasis on the role of contingency and historical singularity, see Lievens, *Carl Schmitt's Concept of History*.

and transcendence on the other.[440] This would lead away from the topic and purpose of this dissertation.

I will start this chapter by discussing the main historical actor of liberal anti-politics from which Schmitt methodologically derived the category of neutralization, namely the liberal neutral state of the nineteenth century. Secondly, I will discuss Schmitt's essay on neutralizations and depoliticizations in which he presents neutralization as the wider epochal tendency of European modernity within which the liberal neutral state gains its meaning. Thirdly, I will relate this 'history of the political' to his postwar works to better understand Schmitt's conception of history. Schmitt understood history as contingent history. As such, far from being a determinist or even progressivist prediction of history, neutralization provides a framework for understanding our modern political predicament, while opening up history to a variety of possible repoliticizations.

4.2. The neutral state

A thorough understanding of the historical concept of neutralization starts by identifying its main actor: the liberal neutral state of the nineteenth century. In the nineteenth century, neutrality for the first time became state theory. Its neutrality, however, reflected a more general cultural and historical trend towards neutralization. The historical framework in which Schmitt positions the

[440] Montserrat Herrero positions Schmitt's theory of secularization within his wider political theological project. Herrero, *The Political Discourse of Carl Schmitt*, 157–77. Claus Heimes (comparing Schmitt with Voegelin) understands Schmitt's history of modernity as a history of immanentization. Heimes, *Politik und Transzendenz*, 131–67. However, Pedro Villas Bôas Castelo Branco argues that secularization as a gradual distancing from theology is a prerequisite for the political. Villas Bôas Castello Branco, *Die unvollendete Säkularisierung*, 171–252.

neutral state is wider in two ways. Temporally, it both predates and outlives the neutral state of the nineteenth century. Methodologically, it transcends the boundaries of mere political categories to also include the domains of theology, metaphysics, science, etc. What was special about the nineteenth century, however, was that neutrality became the foundation of the state. In this section I will explore Schmitt's theorization of the neutral state.

Schmitt evidently developed his view of liberal neutrality independent from its later conceptualization in contemporary normative, predominantly Anglo-Saxon, theory, which I have discussed in the first chapter. Nevertheless, when we look at Schmitt's work from the 1930s we can observe how he identified core elements of neutrality that remain relevant to liberal neutrality today. The notion of the 'neutral state' is used by Schmitt to describe the liberal state of the nineteenth century.[441] What I have described as antipolitics in the previous chapter is in fact the *modus operandi* of this liberal, neutral nineteenth-century state. Its anti-political character is derived from a specific polemical opposition, namely the opposition between the state and society. In the context of the struggle between these two spheres, liberalism had the function of ideologically justifying the latter's position vis-à-vis the state. Consequently, liberals demanded the power of the state to be restricted and developed the idea that the state ought to be neutral – meaning, to withhold intervention – with respect to society.

[441] The word 'neutrality' can be used in different ways. Schmitt's attempt to give a systematic overview of the different uses and meanings of the term has been published multiple times. While this text was based on multiple lectures delivered in 1930 and 1931 the complete text titled 'Übersicht über die verschiedenen Bedeutungen und Funktionen des Begriffes der innerpolitischen Neutralität des Staates' was first printed in Schmitt, *Der Hüter der Verfassung*, 111–15, again published in Schmitt, *Positionen und Begriffe*, 179–83 and finally as an addition to the 1963 edition of Schmitt, *Der Begriff des Politischen*, 89–93.

The political situation in nineteenth-century Germany, Schmitt maintains, can be summed up in this single formula: the distinction between state and society. Society is foremost a polemical concept that derives its meaning from its opposition to the state. As such, it cannot be captured by a clear definition; in the context of the distinction between state and society, 'society' is simply anything that is not the state. The term gathers a plurality of social spheres such as the religious, economic and cultural spheres. The state, on the other hand, can be clearly defined. It was the monarchical military and administrative state as it existed in Germany at the time. It was, however, not an absolutist state. 'Society' is constructed as its negative image to represent whatever does not pertain to the state. The resulting dualism between state and society creates a balance in which the state keeps its distance from society and does not intervene in religious and economic affairs.[442] This dualism was the foundation of Germany's constitutional monarchy and was visible throughout the institutions and norms of public law, such as the opposition of prince and people, crown and chamber, and government and representative assembly. In this context, parliament should be understood as the platform on which society confronts the state.[443] However, the dualist balance between state and society was open to contestation. A liberal mistrust of the government on behalf of the society – represented in parliament – led to an increasing demand for the state to develop an ever more neutral position vis-à-vis society:

[442] Schmitt, *Der Hüter der Verfassung*, 73.
[443] Ibid, 73–74. For paraphrasing, I used the translation provided by Vinx, *The Guardian of the Constitution*, 125–26.

> The tendency of the [liberal] nineteenth century, after all, went into the direction of trying to restrict the state to a *minimum*, and above all to stop it from intervening in and from intervening with the economy, and in general to *neutralize* it, as far as possible, in its relation to society and its conflicts of interest, so that society and economy can take the decisions necessary for their sphere in accordance with their own immanent principles. In the free play of opinion, based on free advertisement, parties come into being, whose discussions, through a struggle of different opinions, form a public opinion and thus determine the content of the will of the state. (…) The basic rights and freedoms of the bourgeois – in particular, personal liberty, the freedom of the expression of opinion, the freedom of contract, the freedom of economic activity, and the freedom to enter into any profession, private property (…) all presuppose such a neutral state, a state that does not intervene, as a matter of principle, unless it is for the purpose of restoring the disturbed conditions of free competition.[444]

This nineteenth-century political development towards an increasingly neutral state on behalf of economy and ethics is traced back by Schmitt to the eighteenth-century progressivist thought of the Enlightenment. It conceived of history as a progressive line toward the intellectual and moral perfection of humanity. A paradigm emerged in which fanaticism would be overcome by intellectual freedom, dogma by critique, and superstition by enlightenment. Within the confines of this paradigm, liberal thought portrayed the state and

[444] Vinx, *The Guardian of the Constitution*, 131. I added the word 'liberal' and emphasis – both omitted in the translation – according to the original German text in Schmitt, *Der Hüter der Verfassung*, 78.

politics as something violent.[445] It was a remnant of the past to be overcome by moral and intellectual progress which in the nineteenth century came to be complemented by industrial, economic and technological progress. War, the state, and politics – associated with feudalism and reaction – were things of the past. Parliament would replace what was perceived as the dictatorship of the past.[446] These are the polemical categories that made up the liberal, neutral state of the nineteenth century in which society confronted the state and which enabled the liberal state to historically position itself. It was thus governed by an anti-statist and anti-political impetus that was embedded in a historical development, or more specifically, in a view of history.

The neutrality of the liberal state, however, is not restricted to the particular form it has in the nineteenth century. The neutral state cannot be defined by those spheres of life to which it is supposed to be neutral, since its historically progressive justification allows for neutrality to be understood as something that changes and evolves over time. The neutral state can become increasingly neutral towards an increasing number of spheres of life. In the nineteenth century, neutrality predominantly meant that the state ought to withhold intervention from economic and religious affairs. This 'classical' liberal state is still far away from the neutrality principle as it would be developed by twentieth-century liberal theorists. But the seed for later types of neutrality was already planted. In Schmitt's view, the principle of political neutrality – in the sense of indifference and non-intervention – must ultimately develop into a general neutrality toward and an absolute equality of all possible viewpoints. Such a state cannot distinguish between religious people and atheists, those that are loyal to the nation or those that despise it; the state can no longer

[445] Schmitt, *Der Begriff des Politischen*, 67; compare also Ibid, 78.
[446] Ibid, 69.

defend the dominant moral beliefs against those who think differently and even citizens who serve the interests of another state, Schmitt claims.[447] The examples and categories that Schmitt refers to reflect the typical concerns of his time, but they already prefigure the extension of the principle of religious toleration to a plurality of conceptions of the good life (whether religious or not) in post-Rawlsian liberal theory. The neutral state, Schmitt argues, is ultimately "the relativistic *stato neutrale ed agnostico* that does not distinguish; the state without content or at least a content reduced to its minimum".[448]

This definition emphasizes the neutralist rejection of substantive views of the state. Moreover, the final clause of the definition makes clear that to what extent neutrality is realized is a matter of degree. As such, it provides some clarification of Schmitt's unexplained and interchangeable use of neutrality either as a transitive verb, an adjective or a noun: to neutralize, the neutral state, and neutralization. The process of neutralization refers to the gradual removal of content or substance from the state. The neutral state is at once the agent of this process as well as the ideal. As the agent, the neutral state neutralizes with respect to specific domains, such as religion, the economy or morality. As such, it aims at the exact opposite of what Schmitt deemed to be the core of political unity, namely an existential community of shared

[447] Schmitt, *Der Hüter der Verfassung*, 111–12.

[448] Ibid, 112. Own translation. Original text in German: "der nichts mehr unterscheidende, relativistische *stato neutrale ed agnostico*, der inhaltlose oder doch auf ein inhaltliches Minimum beschränkte Staat". Schmitt adds that this state can still become political because those who do not believe in neutrality can become its enemy. This is an implicit reference to the process of hyperpoliticization that I have discussed in the previous chapter. The phrase 'stato neutrale ed agnostico' is also used to describe the liberal neutral state of the nineteenth century in his essay on neutralizations and depoliticizations in Schmitt, *Der Begriff des Politischen*, 80.

values.[449] Neutralization, then, refers to a gradual process that is guided by this aim and does not denote a fixed status quo. The term describes a process that is ultimately historical. Consequently, Schmitt further developed these views into a philosophy of history as the culmination of his understanding of liberal neutrality in the famous essay on neutralizations and depoliticizations.[450]

4.3. The age of neutralizations

The neutral state of the nineteenth century is placed by Schmitt in a wider historical framework that he calls 'The Age of Neutralizations and Depoliticizations' in the essay of the same title from 1929.[451] The essay's aim is

[449] In Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, 63–64 Schmitt describes the process of technological neutralization in liberalism and Marxism as the decoupling of the political 'machine' of political goals and convictions and its conversion into a value-neutral and truth-neutral instrument.

[450] Schmitt also develops his theory of the total state on the basis of the opposition between the neutral state of the nineteenth century and its absolutist precursor. In Hegelian dialectical fashion, Schmitt argues that the absolutist state of the seventeenth and the eighteenth century and the neutral state of the nineteenth century will be followed by a total state that sublates the opposition between state and society in the form of an *identity* between state and society. Schmitt, *Der Hüter der Verfassung*, 78–84. Compare also Schmitt, *Der Begriff des Politischen*, 23–25. Schmitt's text on the total state was reprinted in Schmitt, *Positionen und Begriffe*, 166–78. Compare also Ibid, 211–16; Ibid, 268–73. It remains unclear how this historical development relates to his theory of modernity as a series of neutralizations. Here, I will focus on the latter since my main point of interest is Schmitt's account of liberal neutrality.

[451] 'Das Zeitalter der Neutralisierungen und Entpolitisierungen' was originally presented as a lecture in Barcelona in 1929 and published in the same year in the *Europäische Revue*. It was published in the 1931 and 1963 editions of *Der Begriff des Politischen* and in 1940 in Schmitt, *Positionen und Begriffe*, 138–50. Here I will refer to the reprint of the 1963 edition, Schmitt, *Der Begriff des Politischen*, 73–87, and the English translation, Schmitt, *The Concept of the Political*, 80–96. For the connection that Schmitt makes between the political principle of neutrality as non-intervention and the historical process of neutralization, see Schmitt, *Der Hüter der Verfassung*, 111–12.

to historically situate the political conditions of the interbellum in which Central Europe lives "sous l'oeil des russes".[452] The threat of the eastern communist neighbor presses Central Europe to reflect on its historical position. In Russia, according to Schmitt, Slavic and Orthodox culture blended with Marxian rationalism to give it its distinct political power, resulting in the establishment of the Soviet Union.[453] In Schmitt's view, the coming to power of – what in principle is – an economic theory, is the most consistent and radical conclusion of historical developments in modern European history.[454] Hence, to grasp the meaning of the political situation of Europe during the Interbellum, Schmitt develops his own theory of modernity in which he presents modern European history as a succession of neutralizations and depoliticizations. The essay consists of two parts. In the first part he describes modernity as the succession of multiple cultural 'Zentralgebiete' or 'central domains'; in the second part he argues that the relation between these central domains should be understood in terms of neutralization. I will discuss these two parts in the same order.

Schmitt divides European modern history into four stages each representing a distinct cultural domain. These stages correspond to the last four centuries at the time of Schmitt's writing. He identifies the sixteenth century as the century that revolved around theology; in the seventeenth century European culture moved towards the metaphysical domain; the eighteenth century was dominated by the humanitarian-moral domain and the nineteenth

[452] Schmitt, *Der Begriff des Politischen*, 73.
[453] Ibid, 73. Here, as well as in Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation*, 61–62; 77, he praises Donoso Cortés for having foreseen that the socialist revolution would start in Russia and not in Western or Central Europe. Schmitt's characterization of Russian communism as a mixture of Russian (irrational) national culture with Western rationalism is also a recurring theme that he discussed in Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, 87.
[454] Schmitt, *Der Begriff des Politischen*, 74.

century by the economic.[455] As 'central domains' they constitute the core of European intellectual life in a specific age and, consequently, determine "the thinking of the active elite".[456] Five years after Schmitt published his essay, he would refer to the stages discussed in it as "individual stages of the process of secularization".[457] His theory of modernity is thus a theory of secularization but in his essay Schmitt is quick to emphasize the difference with the more well-known secularization theses such as those of Vico and Comte or many of the variations that followed and attempted to construct some kind of historical law of progression based on the stages of modern European history.

We can identify three important respects in which Schmitt stresses how his theory differs. First of all, the four stages that Schmitt identifies are not the historical stages of mankind. Schmitt rejects the generalization of this specific *European* history into a general law of human history.[458] "One cannot positively say more than that since the sixteenth century Europeans moved in several stages from one central domain to another and that everything which constitutes our cultural development is the result of such stages".[459] There is then, in Schmitt's view, no historical law to be derived from the succession of these stages. Second, the succession of the four stages should not be understood as a progression, nor should they be understood as a decline or regression. Third, the stages should not be understood as if in each consecutive

[455] Ibid, 74–75.
[456] Schmitt, *The Concept of the Political*, 82.
[457] Schmitt, *Political Theology*, 2. The question of the exact relation between Schmitt's concept of political theology and its underlying theory of secularization on the one hand and the notion of neutralization on the other, while interesting, lies beyond the scope of this chapter. In the essay on neutralizations Schmitt is predominantly concerned with the political consequences of secularization as neutralization. This is also my focus in this chapter.
[458] Schmitt, *Der Begriff des Politischen*, 74.
[459] Schmitt, *The Concept of the Political*, 82.

century with its dominant central domain only the domain in question would exist. Rather, Schmitt claims, there is always a coexistence of a plurality of domains.[460] "The changing central domains concern only the concrete fact that in these four centuries of European history the intellectual vanguard changed, that its convictions and arguments continued to change, as did the content of its intellectual interests, the basis of its actions, the secret of its political success, and the willingness of the great masses to be impressed by certain suggestions".[461]

To return to the consecutive stages of modernity, the first shift was that of the sixteenth century of theology to that of seventeenth-century metaphysics. The seventeenth century was the age of systematic scientific thought and the peak of Western rationalism. All scientific discoveries were incorporated into great metaphysical systems. In the eighteenth century metaphysics was pushed back by a deistic philosophy. It was the age of Enlightenment and the humanization of the great systems of the previous age.[462] It was a century in which morality constituted the core of Western thought, exemplified by Kant's philosophy in which God appeared merely as a "parasite of ethics".[463] The shift from the moralism of the eighteenth century to the economism of the nineteenth century is marked by the short intermediary aestheticist stage of romanticism.[464] The Marxist idea that the economy is the substructure of all spiritual and cultural life is, in Schmitt's view,

[460] Schmitt, *Der Begriff des Politischen*, 75.
[461] Schmitt, *The Concept of the Political*, 83.
[462] Schmitt, *Der Begriff des Politischen*, 75–76.
[463] Schmitt, *The Concept of the Political*, 83–84.
[464] Schmitt, *Der Begriff des Politischen*, 76–77. For Schmitt, the aestheticization of cultural and political life is the precondition for its economization. A more complete account of Schmitt's understanding of romanticism as an individualist and subjectivist mode of thought is presented in Schmitt, *Politische Romantik*.

exemplary of the nineteenth century.[465] Marx, then, should be understood to be the main *clerc*, the sociological representative of the dominant cultural sphere, of the nineteenth century, as was the theologian for the sixteenth century, the systematic scholar for the seventeenth century, and the Enlightenment novelist for the eighteenth century.[466] The combination of the economic with the technological in the form of the industrialism of the nineteenth century already prefigured the formation of what would become the dominant central domain of the twentieth century: technology. To Schmitt, it appeared that the twentieth century would be characterized not merely by the dominance of technology as such but even by a quasi-religious belief in technology. But, as he wrote this at the outset of the twentieth century, Schmitt acknowledges that its meaning remains unknown at the point of writing and that he can only offer a preliminary description.[467]

We can distinguish two ways in which these cultural stages or central domains are political for Schmitt. Firstly, they are existential. Just like Schmitt says about the political and war, he also says that "all essential concepts of the spiritual sphere of man are existential, not normative".[468] This means that concepts gain their meaning from the specific concrete existence in which they

[465] Schmitt, *Der Begriff des Politischen*, 77.
[466] Ibid, 79.
[467] Ibid, 77.
[468] Ibid, 78. Original text: "Alle wesentlichen Vorstellungen der geistigen Sphäre des Menschen sind existenziell und nicht normativ". I've provided my own translation since Schwab's translation (Schmitt, *The Concept of the Political*, 85) omits a part of the sentence. I've followed Schwab's rendition of "Vorstellungen" as "concepts" but included a translation of "der geistigen Sphäre des Menschen" as "of the spiritual sphere of man". It should be noted that in German 'geistig' does not carry the religious connotation of the English 'spiritual' and includes all spheres of human life, such as the cultural, political, etc.

originate; their meaning cannot be determined from any other domain.[469] A concept like 'progress', for example, has a different meaning in an age dominated by morality than in an age dominated by the economic. In the former, it refers to moral perfection while in the latter it is understood as economic or technological progress.[470] The second manner in which the central domains are political concerns their influence on the state and on enmity. "Above all the *state* also derives its reality and power from the respective central domain, because the decisive disputes of friend-enemy groupings are also determined by it", Schmitt claims.[471] Hence, when disputes were mainly theological, the principle of *Cujus regio ejus religio* was the corresponding political principle and premise of statehood. Friends and enemies were understood primarily in religious terms. In an economic age, however, this has been turned into the principle of *Cujus regio ejus oeconomia* that has most consistently been developed in the Soviet Union. A state can have but one economic system. The necessary condition for any viable state, namely homogeneity, therefore adapts itself to the dominant central domain in which the state in question is historically situated.[472] The liberal state of the

[469] Henning Ottmann rightly emphasizes that Schmitt fails to investigate the relationship between the struggle between different spiritual spheres and the political struggle between enemies. For Ottmann, this is caused by the fact that in *The Concept of the Political* Schmitt's existential understanding of the political is about mere survival, detached from any spiritual significance. I disagree with this reading and as I have attempted to defend in the second chapter, existential struggle does refer to a struggle between meaning and values and therefore to the 'spiritual' domain. Nevertheless, a discrepancy between existential struggle in *The Concept of the Political* and the existential struggle between different central domains in the essay on neutralizations remains. Ottmann, "'Das Zeitalter Der Neutralisierungen Und Entpolitisierungen' (79-95) Carl Schmitts Theorie Der Neuzeit," 161.
[470] Schmitt, *Der Begriff des Politischen*, 77–78.
[471] Schmitt, *The Concept of the Political*, 87.
[472] Schmitt, *Der Begriff des Politischen*, 79–80.

nineteenth century takes up a peculiar position against this background. This state, as a neutral state, was dedicated to the principle of neutrality. Whereas the viability of states usually depends on their commitment to an idea that derives its meaning from a historical central domain, the neutral state was founded on its commitment to refrain from committing to any particular political idea. The liberal state's commitment to neutrality was, Schmitt claims, a symptom of a more general cultural neutrality.[473]

This cultural neutrality becomes visible once we look at the successive stages of European modernity not merely as succeeding one another temporally but as the unfolding of a historical logic of neutralization which Schmitt discusses in the second section of his essay, which constitutes the most significant part of his theory of European modernity. In the second section – after having discussed the division of European modernity in different central domains – Schmitt discusses the type of relation that the individual domains have with one another as a series of neutralizations and depoliticizations: "The succession of stages – from the theological, over the metaphysical and the moral to the economic – simultaneously signifies a series of progressive neutralizations of domains whose centers have shifted".[474] The first shift is the most important and influential and as such constitutes the main drive behind the series of consecutive shifts that characterize European modernity. The sixteenth century was marked by major disputes of a religious and theological nature. The only escape from conflict seemed to be an attempt to find a neutral ground that would provide a foundation for some kind of agreement between the conflicting parties. This was found in the metaphysical domain in which the

[473] Ibid, 80.
[474] Schmitt, *The Concept of the Political*, 89. Schmitt tends to use the words 'depoliticization' and 'neutralization' synonymously. Compare Schmitt, *Der Begriff des Politischen*, 63.

former disputes were superseded by a new systematic 'natural' worldview.[475] The essence of this shift is not so much the substantive change it entails but its conflict-transcending logic. "The former central domain (…) was abandoned because it was controversial, in favor of another – neutral – domain. The former central domain became neutralized in that it ceased to be the central domain. On the basis of the new central domain, one hoped to find minimum agreement and common premises allowing for the possibility of security, clarity, prudence, and peace".[476] This single impulse to find a neutral domain that was born out of the theological disputes of the sixteenth century "has been decisive for centuries".[477] It was, therefore, a single historical and specifically European event, namely the religious wars and theological struggles of the sixteenth century that lay at the foundation of all of European modernity.[478]

Against this background the significance of the neutral state of the nineteenth century – the state that rose out of the anti-political struggle of society against the state – becomes clear. It is the political symptom of a broader historical and cultural trend that has governed Europe since the sixteenth century and continues into the twentieth century.[479] But more than

[475] Ibid, *Der Begriff des Politischen*, 81.
[476] Schmitt, *The Concept of the Political*, 89.
[477] Ibid, 89.
[478] Compare also Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, 64–65.
[479] In the final part of the essay, Schmitt focuses on the technological stage of the age of neutralizations and depoliticizations in the twentieth century. Schmitt, *Der Begriff des Politischen*, 82–87. Technology appears to provide the final and ultimate answer to the search for neutral ground. Schmitt argues that the unpredictable reappearance of political struggle in an age governed by the belief in technology will prove to be all the more dangerous. Nevertheless, his predictions remain open-ended and he concedes that a precise account of how this will develop cannot yet be given. For the purpose of this chapter, I will not further discuss Schmitt's views on technology as neutralization. While it is a crucial part of his work on history in itself, it lies beyond the scope of this dissertation. Here, the focus lies on liberal neutrality, Schmitt's

a mere symptom, it is also the focal point of many centuries. Whereas the consecutive stages and central domains have always determined the character of the state (in the sense that they determine the authoritative criteria to distinguish friend from enemy), in the nineteenth century the very principle of neutrality itself became the defining feature of the state and came to constitute the manner in which it understood itself as an historical actor. "In the nineteenth century, first the monarch and then the state became a neutral power, initiating a chapter in the history of political theology in the liberal doctrines of the *pouvoir neutre* and the *stato neutrale* in which the process of neutralization finds its classical formula because it also has grasped [ergriffen] what is most decisive: political power".[480]

Yet the fundamental claim throughout Schmitt's oeuvre – namely that the political is something inescapable – also reappears in his history of European modernity. The search for a neutral domain goes hand in hand with a constant repoliticization. "In the dialectic of such a development one creates a new domain of struggle precisely through the shifting of the central domain".[481] Consequently, the new domain of struggle prompts the search for another neutral domain, which then repoliticizes and so on.[482] For this reason, we can describe Schmitt's theory of neutralization as a history of the political. It traces the metamorphosis of the political through a dialectic between neutralization and repoliticization throughout modern history. Moreover, this history of the political originates in a concrete hostile, and thus political, relationship, namely the one between the different religions in the religious

historicization of the problem of neutrality, and its continuing relevance. For Schmitt's views on technology, see mainly McCormick, *Carl Schmitt's Critique of Liberalism*.

[480] Schmitt, *The Concept of the Political*, 90.

[481] Ibid, 90.

[482] Schmitt, *Der Begriff des Politischen*, 82.

wars of the sixteenth century. This concrete situation of enmity then gave rise to the 'wandering'[483] of the defining criteria of enmity from one domain to another. The process of neutralization or depoliticization should therefore not be understood as a linear movement from a historical past in which political conflict was rampant towards a future in which a state of neutrality will be achieved. As we have seen, it is exactly such progressive historical laws that Schmitt distances himself from. As Leo Strauss commented on Schmitt's essay:

> With this description [i.e. the description of the modern ages as the age of depoliticization] he [i.e. Schmitt] certainly does *not* mean that in the nineteenth and twentieth centuries politics is to a lesser extent destiny than in the sixteenth and seventeenth centuries; today, no less than in earlier times, humanity is divided into "totalities that have a real possibility of fighting one another". A fundamental transformation has occurred, not in *the fact* that men quarrel but in *what* they quarrel *about*.[484]

Where Schmitt's discussion of the anti-political character of liberalism and its subsequent tendency towards hyperpoliticization – as I've discussed in the previous chapter – served to demonstrate the *conceptual* inescapability and permanence of the political, his theory of European modernity as an age of depoliticizations and neutralizations serves to demonstrate the *historical* inescapability and permanence of the political.

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[483] "Europeans always have wandered from a conflictual to a neutral domain, and always the newly won neutral domain has become immediately another arena of struggle, once again necessitating the search for a new neutral domain". Schmitt, *The Concept of the Political*, 90.

[484] Meier, *Carl Schmitt and Leo Strauss*, 113.

What I have described as the Janus face of liberal anti-politics is ascribed by Schmitt to the historical actor of the nineteenth-century neutral state as its mode of being. But this state is in itself the political pinnacle of a historical trend of neutralization that goes back to the sixteenth century. The Janus face is thus historicized by Schmitt. Schmitt regards the attempt to overcome the political by negating it and its inevitable repoliticization or even hyperpoliticization[485] as the fundamental drive of modern European history. It is so fundamental that both liberalism – in the form of the neutral state – and Marxism should be understood as the political results of this process.[486] At the time of publication of Schmitt's essay, however, it was the Soviet Union that most consistently followed the logic of neutralization; as a powerful political force it politicized the initially neutral domain of the economy.[487] For this reason, Schmitt started his essay on neutralization with a reference to the historical conflict between Central Europe and Soviet Russia. The search for neutral ground always ends up being politicized. Given the primacy of the political, politicization is inevitable. This raises a final question about neutrality: can a state of neutrality even exist? The answer can be found in a short lecture on public opinion delivered by Schmitt in 1930.[488] Here, he describes neutrality – in the context of technological neutrality – as something temporary. It is the expression of the feeling that a struggle is imminent but of which it is still unclear who will take up the fight. In other words, the fight has not been decided upon. Neutrality, then, is the stage of 'nochnichtentschiedensein' ('not-

[485] See section 3.3.
[486] Compare also Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, 63.
[487] As Schmitt writes in *The Concept of the Political*, the economic theory of Marx ceases to be purely economic, as soon as economic classes engage in class *struggle.* Schmitt, *Der Begriff des Politischen*, 35.
[488] Schmitt, "Öffentlichkeit (1930)."

yet-being-decided'), says Schmitt. It is the intermediate stage in which the decision is being avoided.[489] But this is merely a temporary moment, a moment that will cease to exist once the imminent struggle can no longer be avoided. Neutrality, therefore, only exists as an intermediate stage; a temporary moment that awaits the unavoidable arrival of the political.

4.4. A history of contingency

In the discussion of Schmitt's theory of European modernity as an age of neutralizations and depoliticizations some elements came to the fore that betray Schmitt's general views on history. These elements were largely presented in order to distinguish his theory of modernity from others. We have seen how Schmitt distances his own theory from theories that attempt to establish a universal law of history. Schmitt is equally opposed to historiographies that are explicitly progressivist (or regressivist, for that matter). Also, it has become clear that Schmitt emphasizes the particularity of the event that gave rise to the historical search for a neutral ground. It is only in his postwar writings that Schmitt starts to reflect on the underlying philosophy of history more explicitly and extensively. Although he does so in the context of different historical narratives, an explication of it gives us a better insight into Schmitt's views on history and, by extension, can clarify what his theory of neutralization can mean for us in a contemporary context.

I have described Schmitt's theory of modernity as a history of the political because it tries to capture the changing dynamic of conflict through the recent centuries – as neutralization and repoliticization – as well as the manner

[489] Ibid, 20. The influence of Donoso Cortés's understanding of liberalism, as has been discussed in the previous chapter, is clearly present.

in which it determines the concept of the state and specific political struggles. But in a broader way, Schmitt's historical methodology can also be described as political, since "Schmitt especially wanted to think historical singularity, which he considered as crucial for a political conception of history".[490] History is always history of unique historical events. To underpin this view, Schmitt repeatedly refers to the works of the historian Arnold Toynbee and the philosopher of history R.G. Collingwood.[491] Schmitt's view of history starts from the notion that – as one of the fictional characters in his 'dialogue on new space' says – "an historical truth is only true *once*".[492] Schmitt's idea of history is thus one of radical contingency and – as so often with Schmitt – focuses on the 'concrete'.[493] "The concrete-historical image (...) contains a dialectical tension, namely the succession of a concrete question and an equally concrete answer. This dialectic of the historical-concrete determines the structure of unique,

[490] Lievens, *Carl Schmitt's Concept of History*, 403.
[491] Schmitt, "Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West. Bemerkungen zu Ernst Jüngers Schrift: 'Der Gordische Knoten' (1955)," 534–35. In this essay, Schmitt develops a historical method in order to understand the Cold War opposition between East and West. Here, I will not concern myself with that specific case but only with the method itself. See for other references Schmitt, "Die Vollendete Reformation. Bermerkungen Und Hinweise Zu Neuen Leviathan-Interpretationen," 60; Ibid, 67; Schmitt, *Dialogues on Power and Space*, 75–76.
[492] Ibid, 79. See also Schmitt, "Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West. Bemerkungen zu Ernst Jüngers Schrift: 'Der Gordische Knoten' (1955)," 531–32.
[493] This is in tune with Schmitt's overall use of concepts. For a more general discussion of Schmitt's use of concepts as concrete concepts, see Meierhenrich and Simons, "'A Fanatic of Order in an Epoch of Confusing Turmoil': The Political, Legal, and Cultural Thought of Carl Schmitt," 17. Loughlin argues that Schmitt is conceptually a nominalist, in the sense that he rejects both universals and abstract ideas and emphasizes the specific historical context in which political and legal concepts acquire meaning. Loughlin, "Why Read Carl Schmitt?," 53; Loughlin, *Political Jurisprudence*, 131.

historical situations and epochs".[494] 'Dialectical' is understood by Schmitt to refer to the structural relationship between question and answer that we can find in history. It means that history presents itself as a series of consecutive and specific questions, each of which has to be provided with an answer by the people who are confronted with such a question. Any historical act of man is then an answer to a historical question. Without knowledge of the question that it is addressing – and in extension the historical situation in which the question arises – the historical act becomes meaningless and incomprehensible.[495] If then, 'an historical truth is only true once', it is equally true that "the historical answer that is given to a unique call is only true *once* and only right *once*".[496] With this dialectic Schmitt explains the origin of historical epochs.

Schmitt finds support for this view in Collingwood's 'question-answer-logic'. Collingwood developed this as a method to identify that which is specifically historical. Nevertheless, in Schmitt's view, Collingwood's perspective remains too individualist and psychological. In contrast to Collingwood, Schmitt emphasizes that the 'question' should not be understood as a question posed by an individual or a group of individuals but by history itself. "The question itself is a historical event, from which further historical dispositions arise through the concrete answer of people".[497] By answering a

[494] Schmitt, "Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West. Bemerkungen zu Ernst Jüngers Schrift: 'Der Gordische Knoten' (1955)," 531. Own translation. Original text in German: "Das konkret-geschichtliche Bild (…) enthält eine dialektische Spannung, nämlich die Aufeinanderfolge einer konkreten Frage und einer ebenso konkreten Antwort. Diese Dialektik des geschichtlich-Konkreten bestimmt die Struktur einmaliger, geschichtlicher Situationen und Epochen".
[495] Ibid, 534.
[496] Schmitt, *Dialogues on Power and Space*, 79.
[497] Schmitt, "Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West. Bemerkungen zu Ernst Jüngers Schrift: 'Der Gordische Knoten' (1955)," 534.

historical question through their actions, human beings transcend the state of nature and become historical beings.[498] Schmitt finds another proponent of this view of history – without falling into the trap of individualism – in Toynbee who presents his history of cultures in a structure of 'challenge' and 'response', a dialectical pair that Schmitt deems more suitable for understanding the specifically *historical* sense of what both Collingwood and Toynbee intended to grasp. They are used by Toynbee to describe the rise of a plurality of historical civilizations. For example, the ancient Egyptians saw themselves in a position of dependence on the river Nile and one of constant threat by external enemies. This constituted their challenge. The Egyptian civilization that arose was the response or answer to that specific challenge. Nevertheless, Schmitt argues, Toynbee's approach is also characterized by a flaw, but a different one from Collingwood's. By describing world history as a sequence of high cultures that follow one another, he overlooks the singularity of historical events and approaches a view of history that attempts to identify historical laws.[499] Whether Schmitt's criticism of Collingwood and Toynbee is accurate or not, what is important is that Schmitt presents his approach, again, as more concrete; that is to say, his intention is to identify concrete historical events as unique events.[500]

The question-answer or challenge-response structure of history – as formulated by Collingwood and Toynbee and interpreted by Schmitt – helps to solidify Schmitt's opposition to progressivist views of history, as he already

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Own translation. Original text in German: "Die Frage selbst ist ein geschichtliches Ereignis, aus dem durch die konkrete Antwort von Menschen weitere geschichtliche Dispositionen erwachsen"

[498] Ibid, 534. Hence, Schmitt opposes the idea of history as 'eternal recurrence', see Ibid, 531.

[499] Ibid, 534–35. Lievens, *Carl Schmitt's Concept of History*, 409.

[500] Compare also Schmitt, *Dialogues on Power and Space*, 75–76.

expressed in the essay on neutralizations twenty-six years earlier. When he speaks about the 'dialectic' of history to denote the question-answer structure of history, he reminds his reader that his use of the term should not be understood in the Hegelian sense of a historical law and an 'automatic' progress of history.[501] And again, like twenty-six years earlier, Schmitt shows his rejection of the general tendency among nineteenth-century sociologists and historians of history "to turn every concrete historical insight into a general law of historical development".[502] Instead, Schmitt aims to break "history open as a process characterized by various possibilities", as Lievens states.[503] We can observe that Schmitt himself went a long way to study the possibilities of his time. While the theme of neutralization appears to be Schmitt's main category to capture the historical tendencies of his time, his methodological openness to historical contingency might explain the plurality of historical narratives that Schmitt presents throughout his work without feeling the need to unify them systematically into a single narrative. Next to his theory of neutralization we

[501] Schmitt does not dismiss the significance of twentieth-century progressivist philosophies of history completely. In his view, however, their character is predominantly political as they serve as frameworks of historical self-interpretation in the struggle with an enemy. See Schmitt, "Die Einheit der Welt (1952)"; Schmitt, "Hegel and Marx." For a comprehensive study, inspired by Schmitt, of the development of philosophy of history since the French Revolution, see Kesting, *Geschichtsphilosophie Und Weltbürgerkrieg. Deutungen Der Geschichte von Der Französischen Revolution Bis Zum Ost-West-Konflikt.*

[502] Own translation. Original text in German: "aus jeder konkreten geschichtlichen Einsicht ein allgemeines Gesetz des historischen Ablaufs zu machen". Schmitt, "Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West. Bemerkungen zu Ernst Jüngers Schrift: 'Der Gordische Knoten' (1955)," 536. The resemblance between the argumentation given by Schmitt here and the argument presented in his essay on neutralizations and depoliticizations is striking. This makes it all the more justified to understand the theory of European modernity presented in the latter in terms of the historical method presented in the essay that I am discussing here.

[503] Lievens, *Carl Schmitt's Concept of History*, 412.

can identify his study of the continuing political force of the Catholic church in *Roman Catholicism and Political Form*,[504] his theory of the dialectical movement – in the Hegelian sense – towards a total state,[505] and the opposition of land and sea.[506] In Schmitt's view of history, progressivist and universal historiography is thus replaced by a plurality of historiographies that originate in a multitude of historical contingencies.

Schmitt's conceptualization of neutralization as one of multiple concrete historical possibilities adds an important dimension to the study of liberalism and liberal neutrality. Once liberal neutrality is understood as the political expression of a particular historiography, the debate shifts from the questions of neutrality's conceptual feasibility and its normative desirability to the dimension of historical explanation. After all, liberal neutrality was developed as an answer to a historical question. The origin of the age of neutralizations and depoliticizations clearly follows the question-answer structure of history that Schmitt provides in his later work. At the outset of modernity, Europe was presented with a clear question or challenge in the form of the confessional wars. The answer or response was found in the search for neutral ground. This occurred not because of a historical logic toward neutrality but as an active reaction to a situation that demanded a solution. As such, both the question as well as the answer were specifically European. And the answer that was given opened up a historical pathway for the next centuries. Nevertheless, the primacy and the permanence of the political cannot be

[504] Schmitt, *Römischer Katholizismus und politische Form*.
[505] See footnote 450.
[506] Schmitt, *Land und Meer*. Schmitt's theorization of the Christian notion of the Katechon is of an altogether different nature and hence not included here. As Mathias Lievens points out, the katechontic view of history is a metapolitical endeavor that serves the purpose of thinking political conflict and historical contingency at all. Lievens, *Carl Schmitt's Concept of History*, 414–19.

escaped and the newly arisen conflicts urged Europe to redefine neutrality in different terms in every century. We can still repeat after Schmitt, that "we can no longer say anything worthwhile about culture and history without first becoming aware of our own cultural and historical situation".[507] In contemporary political theory, we are still driven by a search for neutral ground to do justice to the 'fact of pluralism' as Rawls calls it. Historically, we are driven by the same motive as Hobbes was in the face of the threat of civil war.[508]

If we, then, can understand our contemporary political situation as part of the age of neutralizations, our situation remains vulnerable to possibilities of politicization as well. A variety of such possibilities have already been explored by Schmitt and those who followed in his footsteps or are still waiting to be explored. Examples include the politicization of the typical neutral category of humanity in international politics,[509] the neutralizing tendencies of technology and their politicization, European integration as neutralization,[510] etc. The overall process of neutralization, then, is not a monolithic historical movement but consists of a multitude of events. Schmitt often speaks of 'neutralizations' and 'depoliticizations' in plural form. Hence, Schmitt refers to the depoliticizing vocabulary of liberal theory,[511] describes value-free science as an instance of

[507] Schmitt, *The Concept of the Political*, 80.
[508] According to Schmitt, however, Hobbes's position within the process of neutralization is ambiguous and does not follow the logic of neutralization to the end. Schmitt, "Die Vollendete Reformation. Bermerkungen Und Hinweise Zu Neuen Leviathan-Interpretationen," 62.
[509] Odysseos and Petito, *The International Political Thought of Carl Schmitt*.
[510] Fusco and Zivanaris, "The Neutralisation of the Political. Carl Schmitt and the Depoliticisation of Europe."
[511] Schmitt, *Der Begriff des Politischen*, 63.

neutralization,[512] and applies the paradigm to case studies in technology.[513] We might refer to this plurality of neutralizations as 'small' neutralizations that take place within the overall historical and civilizational epoch that Schmitt has called the 'age of neutralizations and depoliticizations'. As such, an awareness of our historical context provides us a framework for analyzing contemporary events that take place within the horizon of neutralization. Historical contingency and the permanence of the political constitute the two pillars of this framework. In the next chapter, I will present a case study to demonstrate the relevance of the dialectic of neutralization and politicization in the contemporary debate about populism.

4.5. Conclusion

I started the discussion about Schmitt's work in chapter two with the concept of the political which Schmitt defines as the distinction between friend and enemy. By adopting the framework of reenchantment I argued that enmity serves to underpin a theory of the political community as a community of meaning and values. As such, *The Concept of the Political* designates the presence of the political in the world and should not be mistaken for Schmitt's own ideological project. I defended the position that Schmitt's concept of the political has analytic value. From this understanding of the political its opposite follows by a conceptual negation of the political. I've discussed this in the third chapter. As we have seen, and as Schmitt attempted to demonstrate, not only is liberalism the conceptual counter position of the political as such, it has also

[512] Schmitt, "Die Vollendete Reformation. Bermerkungen Und Hinweise Zu Neuen Leviathan-Interpretationen," 61; Schmitt, *Politische Theologie II; Die Legende von der Erledigung jeder Politischen Theologie*, 50.
[513] Schmitt, "Öffentlichkeit (1930)."

been a viable political force in history up until contemporary times. I have conceptualized this, at first sight, paradoxical claim by describing liberalism as Janus-faced: presupposing the inevitability of the political, liberalism gains its distinct (hyper-)political form exactly by negating the political. Liberalism is therefore destined to move back and forth between the anti-political – relying on depoliticized categories of the individual and humanity – and the establishment of new oppositions of enmity.

The opposition between the political and anti-political, discussed in chapter two and three respectively, are engaged in a historical dialectic that Schmitt attempted to capture with the term 'neutralization'. The presence of the political in European modernity has its own history and whereas the conceptual pair of the political and anti-political has analytic value of its own, it only becomes real through the historical events of a concrete and distinctly European history. In the liberal neutral state of the nineteenth century, European modernity finds its main political expression. Its neutrality – an attempt to overcome the political – is the manifestation of a process aimed at neutralizing conflict that goes back to the confessional wars. The political logic of liberalism is thereby integrated into a cultural and historical paradigm that centers around neutralization. The Janus-faced logic of liberalism translates into a continuous repoliticization of the neutral domains in which European history sought to pacify itself.

Schmitt's work on liberal neutrality moves from the formation of concepts to its application to historical actors and events and finally arrives at a historical concept itself. As a historical concept, neutralization is a fundamental motive of European modernity; not as a historical law but – following the question-answer-logic of history – as the structure within which European politics has been navigating and continues to navigate. Schmitt's aim

in his essay on neutralizations and depoliticizations is not confined to a mere history of political ideas nor does he aim to universalize a political idea to arrive at a conclusive philosophy of history. Rather, he explores how a political idea born out of complete contingency has the power to determine human political action for multiple centuries and demarcates the boundaries within which we operate.

CHAPTER 5

Homonationalism and the Politicization of Liberal Values

"A free society should not grant freedom to those who want to destroy it". –
Geert Wilders (2012).[514]

5.1. Introduction

In the previous chapters I have attempted to explore the limits of liberal neutrality on a theoretical level. In contemporary liberal theory, neutrality turns out to be a range concept, meaning that a state can only be neutral within certain limits. These limits cannot be derived from the principle of neutrality itself; they are presupposed and depend on political decisions informed by substantive principles and societal context. As a range concept, the principle of neutrality cannot escape the political in the Schmittian sense of the word. The neutral state ends up distinguishing between friend and enemy and imposing values on its citizens just like any other state. I then explored the conceptualization of liberal neutrality in the work of Carl Schmitt. I argued that his concept of the political intends to designate the public reality of meaning

[514] Wilders, *Marked for Death*, 2014.

and values. In contrast to Weber's value subjectivism, meaning, values and political norms manifest themselves on the political level; as such we can speak of a reenchantment of the political. With respect to liberal neutrality, Schmitt teaches us two main lessons. First, the liberal attempt to escape the political – to neutralize it – inevitably ends up in (new forms of) politicization. This is true conceptually (chapter 3) and historically (chapter 4). Second, the only 'law' that we can discern from this is that the political is inevitable. Its exact form, however, is born out of historical contingency. The question, now, arises whether this perspective – liberalism as a dilemma between neutralization and politicization – can provide a framework that allows us to understand contemporary problems with respect to the politicization of liberalism. This chapter will serve as an answer.

An example in contemporary politics that illustrates the politicization of liberal values is that of what has become known as 'homonationalism'. The term was coined by Puar in 2007 to designate the use of gay rights as a justification for a nationalist ideology. The acceptance of gay rights, then, is not a matter of equal and universal rights but signifies the belonging to a national community that defends these rights.[515] A striking example of this is the defense of gay rights such as same-sex marriage by political movements that are generally classified as right-wing populist. The defense of gay rights by right-wing populists is often perceived as an opportunistic strategy to justify anti-

[515] Puar, *Terrorist Assemblages*. In the aftermath of this publication, the term has been used in a variety of ways and in a variety of contexts. See f.e. Puar, "Rethinking Homonationalism"; Schotten, "Homonationalism." Here, I am not so much concerned with the discussion about its appropriate use but rather with the problem in liberalism it illustrates.

Muslim policies.[516] As such, homonationalism illustrates a more general problem in the debate about right-wing populist movements, namely how to account for the co-optation of liberal values by parties that are generally considered to be at odds with liberalism.[517] In this chapter I will argue that it constitutes an exemplary case of the politicization of liberalism.

The opportunism argument described above circumvents a proper analysis of the phenomenon. A more charitable account – in the sense that it takes the phenomenon normatively seriously – has been given by the political theorist Adam Tebble. He argues for the distinct ideological category of 'identity liberalism' to account for this phenomenon on a theoretical level. Identity liberalism refers to a political ideology that favors strong assimilationist policies and restriction of migration for the sake of preserving the distinctly *liberal* character of the political community. As such it is to be distinguished from conservative nationalism as well as the liberal nationalism associated with David Miller.[518] In agreement with Tebble's statement that this is an undertheorized problem,[519] I will investigate the co-optation of liberal values by right-wing populist parties – exemplified by homonationalism – not as a problem of populism but of liberalism. I argue that it is a distinctly liberal logic that lies at its foundation and explains how the advocacy of initially universal, neutral, liberal values can transform into the advocacy of a particular political identity. As such, what initially appears as a co-optation of liberal values by

[516] Berntzen, *Liberal Roots of Far Right Activism*; Siegel, "Friend or Foe? The LGBT Community in the Eyes of Right-Wing Populism." Also referred to as 'strategic liberalism', by Sibley, "Behind the British New Far-Right's Veil."
[517] On the basis of empirical research it can be argued that the move towards a more exclusionary liberalism is even characteristic of the general state of European liberalism and not merely that of right-wing populism. Gustavsson, "Contemporary European Liberalism. Exclusionary, Enlightened or Romantic?"
[518] Tebble, "Exclusion for Democracy."
[519] Ibid, 465.

right-wing populists, actually represents – ideologically – a distinct strand of liberalism that turns initially inclusive values into exclusive markers of identity.

My methodological approach will be slightly different from previous chapters as I attempt to distill a more general argument from an individual case study. The case study in question will be the development of right-wing populism in the Netherlands. The case study serves to show how this movement arose out of a crisis in liberalism. I will particularly focus on two texts that were presented as the founding documents of the Party for Freedom (Partij voor de Vrijheid – PVV) of Geert Wilders, which as of yet remains the largest right-wing populist party in the Netherlands. In the texts, the argument is made that a liberal crisis necessitates the establishment of a new political movement capable of tackling this crisis. The significance of the argument lies in its correspondence to a more general philosophical argument about the liberal state that has become known as the Böckenförde dilemma, named after the legal philosopher and justice of Germany's constitutional court Ernst-Wolfgang Böckenförde. The dilemma states that a secular, liberal state is dependent on presuppositions it cannot guarantee itself.[520] The Böckenförde dilemma will help to explain the liberal crisis as a distinctly *liberal* problem; simultaneously it helps to understand how the turn towards a liberal political identity is a conceivable, albeit not necessary, answer to a liberal crisis. The politicization of liberal values by right-wing populists, then, proves to be an attempt to solve the Böckenförde dilemma by turning liberal values into a marker of identity. This results in a type of liberalism that turns the initially inclusive liberalism into a politically exclusive doctrine.

[520] Böckenförde, *Staat, Gesellschaft, Freiheit*, 60; Böckenförde, *Der Staat Als Sittlicher Staat*, 36–37. Both texts have been translated into English. Böckenförde, "The Rise of the State as a Process of Secularization [1967]"; Böckenförde, "The State as an Ethical State [1978]."

I will start with an exposition of why Dutch populism should be understood as an exemplary form of identity liberalism rather than populism. In the next section I will attempt to identify the rationale of the identity liberal position. To do so, I will analyze two foundational texts presented by the PVV before entering its first elections. They will serve as a case study that I will connect to the Böckenförde dilemma. Finally, I will demonstrate how identity liberalism offers its own liberal answer to the challenge posed by the Böckenförde dilemma and can therefore be understood to represent a distinct strand of liberalism.

5.2. Populism or identity liberalism?

The main argument of this chapter will be extracted from the two documents that were presented in advance of the first parliamentary elections in which the PVV took part. But before I turn to this I will first present, in this section, a more general sketch of the topic. I will focus mainly on the case of Dutch populism, as it appears to offer the clearest example of the co-optation of liberal values by right-wing populists. In what follows, I will first briefly sketch the development of Dutch populism as well as the ideological category of what Adam Tebble calls identity liberalism. In addition, I will explain why the category of populism cannot help us to get a better understanding of this phenomenon and why an account that takes the liberal commitments of identity liberals more seriously is preferable.

5.2.1. Dutch populism as identity liberalism

The development of populism in the Netherlands presents an interesting case study to analyze the co-optation of liberal values by right-wing populist parties for two reasons. Firstly, its two main protagonists, Pim Fortuyn and Geert Wilders, both considered themselves to be liberals. They argued that they were the only liberals who were willing to defend liberal values in a civilizational clash with Islam, a religion they deemed to be incompatible with and a threat to liberalism.[521] Secondly, the success of Dutch populism under Fortuyn and Wilders was unprecedented. The breakthrough of Pim Fortuyn's party in 2002 (shortly after he was murdered) was remarkable not only for gaining 26 seats (out of 150) in its first participation in national elections – "the most impressive result ever for a new party in Dutch national elections"[522] – but also because this occurred in a country in which anti-migration parties up until then hardly had any impact on politics.[523] As such, the era in which populism became a significant force in Dutch parliamentary politics started rather abruptly. Thus, in the Netherlands populism arrived in a parliament that had seen hardly any success of anti-migration parties and it did so under the guise of liberalism.[524]

After the decline of the Lijst Pim Fortuyn (LPF) –the success of which was rather short-lived due to the murder of its leader before the election – the

[521] Vossen, "Een Nieuw Groot Verhaal? Over de Ideologie van LPF En PVV," 84–85.
[522] Koopmans and Muis, "The Rise of Right-Wing Populist Pim Fortuyn in the Netherlands," 643.
[523] Ibid, 642–43. For a short sketch of the electoral climate of the time, see Pennings and Keman, "The Dutch Parliamentary Elections in 2002 and 2003," 51–53.
[524] Vossen argues that, despite the common narrative, the LPF can in fact be labeled as a liberal party, while the PVV should be labeled as a national-populist party. Vossen, "Een Nieuw Groot Verhaal? Over de Ideologie van LPF En PVV," 86. Compare also Lucardie, "Tussen Establishment En Extremisme: Populistische Partijen in Nederland En Vlaanderen," 156–62, who distinguishes between the national-populist PVV and the national-liberal LPF.

political space left open was filled in by Geert Wilders's Party for Freedom (PVV) which is still the biggest right-wing populist party as of today. The PVV – without stylizing itself as the successor of the LPF – continued to build on the same narrative that revolved around topics like migration, Islam, a 'clash of civilizations', and a perceived division between the people and the elite.[525] Interestingly – and in contrast to Fortuyn – Geert Wilders had a long history in parliament as a member of the liberal (i.e. center-right liberal) party, the VVD. He was a pupil of Frits Bolkestein who led the party from 1990 until 1998 and who represented the more conservative wing of the party.[526] While he was influenced by Bolkestein, and continued to be so after his split with the VVD, his positions vis-à-vis Islam became increasingly more radical.[527] This trend continued after he broke away from the VVD and started his own party, even to the point of proposing policies that were more radical than those of Fortuyn, such as a ban on the Quran, and a tax on wearing headscarves.[528] It has been a matter of debate how exactly Wilders's political ideas should be classified.[529] Yet, the idea of a civilizational clash between liberalism and Islam in any case constitutes the core of his ideas.

The significance of Dutch populism lies not so much in what it can teach us about the political climate in the Netherlands specifically but in its wider relevance as an ideological category. As Koen Vossen writes, "Wilders's specific version of national populism, with its strong emphasis on the need to protect Western liberal values against Islam, seems to have the potential to become a new ideological master frame for national populist parties and movements in

[525] Vossen, "Een Nieuw Groot Verhaal? Over de Ideologie van LPF En PVV," 83–84.
[526] Vossen, "Classifying Wilders," 181.
[527] Ibid, 183.
[528] Ibid, 187.
[529] Ibid, 180. Moreover, Vossen argues, Wilders's political career can be divided in a 'conservative liberal', a 'neoconservative', and finally a 'national populist' phase.

Europe and the United States".[530] Dutch populism arose out of a political context in which there was no strong parliamentary tradition of more traditional types of nationalism and Wilders's movement originated as a split-off from the liberal party. This might be the recipe for a distinct ideological trend that is capable of competing with more traditional types of nationalism. This is of course primarily an empirical question. But it also calls for a theoretical analysis of the phenomenon of the co-optation of liberal values by right-wing populists. Such an attempt has been made by Addam Tebble who proposes to expand our theoretical vocabulary to account for this undertheorized political ideology. The political ideas of Fortuyn and Wilders are accurately captured by what Tebble calls 'identity liberalism'. With this term, Tebble wants to demonstrate that the concern with social and cultural identity as a precondition for inclusion into a liberal and democratic society – usually understood to be a concern of multiculturalists – can also lead to a right-wing, assimilationist and anti-migration perspective. He argues that many of the multiculturalist arguments for including minorities through recognition of their cultural identities can be reformulated into arguments in favor of an anti-multiculturalist political ideal, without abandoning the aim of social and political inclusion. Tebble discusses four arguments that are made by what he calls identity liberals.

The first argument is an argument for assimilation. While a multiculturalist would argue for the institutional recognition of minority groups to advance their inclusion in society and politics, the identity liberal argues that their inclusion can only be advanced through assimilation. A less controversial example of this is the insistence on learning the official language in order to advance social as well as political inclusion (since it enables participation in

[530] Ibid, 180.

democratic deliberation), while a more controversial example is that of banning certain forms of dress, such as the burka, for the sake of social inclusion. Aside from being presented as a means to advance social inclusion, assimilation is also presented by identity liberals as a means to protect individuals from being dominated by the minority group they are part of. Young women, for example, could benefit from the practice of assimilation to escape from the pressure to conform to traditional role models.[531]

The second argument is an argument for exclusion, which Tebble calls the 'Pim Fortuyn argument'. According to this argument, the exclusion or even repatriation of members of communities whose values are deemed incompatible with liberal culture is justified. Tebble draws on Fortuyn's argument against migration from Islamic countries because – so Fortuyn argued – Islam did not go through the cultural stages of enlightenment and humanism, in contrast to Christianity and Judaism.[532] Tebble gives another illustrative example from Dutch politics, namely when in 2006 "the Dutch government included a DVD showing images of gays kissing in public and of a topless female bather in a cultural test designed to gauge would-be immigrants' acceptance of Dutch liberal values".[533] For the sake of defending liberal democracy, the exclusion of people with incompatible values is justified, in the eyes of the identity liberal.[534]

The third argument is more directed at specific policies associated with multiculturalism. It holds that multiculturalism itself enables domination and oppression of the liberal community. It turns around the multiculturalist

[531] Tebble, "Exclusion for Democracy," 472–73.
[532] Ibid, 474. Compare also Lægaard, "Liberal Nationalism and the Nationalisation of Liberal Values," 49.
[533] Tebble, "Exclusion for Democracy," 474.
[534] Ibid, 473–74.

argument that recognition of group rights can help minorities escape domination by the prevailing national identity. According to identity liberals, the rights granted to minority groups on this basis can enable the marginalization of the liberal community and its values. An example is the public presence of minority religions which is said to infringe on the right of others not to partake in the belief system of a minority group. As such, the argument provides a basis for policies that restrict people's beliefs to the private sphere and reduce their public visibility.[535] A similar argument is made with respect to anti-discrimination legislation. When, for example, some modes of dress, in a given context, are allowed because of their religious significance (such as wearing a hijab) while others that lack religious significance can be prohibited (such as body piercing), a situation emerges in which liberal culture is discriminated against, since it is not recognized as a minority culture.[536] The identity liberal, therefore, argues that "a concern with discrimination means that antidiscrimination legislation should either be applied in a nondiscriminatory way or else repealed altogether".[537] Exemptions for religious minorities are perceived as discriminatory with respect to the secular and liberal lifestyle of the majority.

The fourth and final argument presented by Tebble states that liberal national culture is in fact endangered and is in need of protection in order to guarantee its survival. The presence of minority cultures is perceived as a threat to liberal culture. This threat comes in the form of, for example, parallel societies. The mere presence of a non-liberal culture is problematized. It is important to note, that what is at stake here is not merely an antipathy against

[535] Ibid, 474–76.
[536] Ibid, 476–78.
[537] Ibid, 478.

different ways of life; after all, a permissive stance to a plurality of ways of life is crucial to any type of liberalism. The argument that identity liberals make is that the reduced presence of liberal culture in public life will also reduce the societal role of the liberal values it represents.[538] This argument, then, refers back to the foundational claim that underlies identity liberalism, namely that liberalism faces a crisis. The liberal openness towards different ways of life has laid the groundwork for its own demise. "For identity liberals (…) multiculturalism as a response to diversity does not represent the equalization of cultural expression but rather can hasten the death of the very culture that permitted multiculturalism in the first place". In this sense, the "apparent paradox" of a political movement that defends assimilationist and anti-migration policies in the name of liberalism is resolved. "In order to combat the destruction of cultural permissiveness, identity liberals thus conclude that cultural selection with regard to immigration and assimilation are both necessary and desirable, showing that a concern with cultural survival need not imply multiculturalism but may justify its opposite".[539]

Of course, each of these arguments merits discussion on its own. But Tebble presents these arguments to give a typology of a category of liberal ideology that is often overlooked. The arguments are based on multiple examples of political statements, policies and developments related to the debate on migration, integration and liberal values. The general arguments constructed on the basis of these examples serve the purpose of demonstrating that a concern with identity is not reserved for multiculturalism. Nor can the type of politics they reflect be described in terms of national conservatism or the liberal nationalism of the type that David Miller defends. Tebble explicitly

[538] Ibid, 478–80.
[539] Ibid, 481.

develops his ideological type of identity liberalism on the basis of a study of political *practice* instead of theory.[540] As such, it has descriptive value since it adamantly captures the type of politics that I have presented above in the context of Dutch populism. But merely *saying* that you defend liberal values is not enough to be liberal. The category of identity liberalism thus prompts us to ask a philosophical question: can identity liberalism – or what I've referred to as the co-optation of liberal values by right-wing populist parties – in fact be understood as a liberal political ideology and if so, to what extent? Is there a distinctly *liberal* rationale underlying identity liberalism or is it simply a variant of national-populism that uses liberal values to its advantage?

From a liberal and normative perspective, identity liberalism seems rather contradictory. As Sune Lægaard observes:

> What is ordinarily referred to as liberal values, such as individual freedom and equality, and derived liberties and virtues such as freedom of expression and association, toleration of differences, equality of the sexes and the right to democratic participation, are widely endorsed, especially in the 'west' but also beyond, and claim a kind of universal validity. That is to say, they are ordinarily presented as based on a conception of all humans being free and equal. On this minimal characterisation of liberal values, the very idea of presenting liberal values as *national* values seems at best peculiar and at worst incoherent.[541]

[540] Ibid, 482.
[541] Lægaard, "Liberal Nationalism and the Nationalisation of Liberal Values," 46.

In order to investigate if and to what extent identity liberalism should in fact be understood as a variant of liberalism, we need to go beyond Tebble's analysis of it as a form of identity politics and move towards a liberal explanation of identity liberalism. To this end, in the next section, I will draw attention to two texts that were published as foundational texts of Wilders's Party for Freedom. But first, a few words should be said about the relationship between identity liberalism and populism.

5.2.2. The populist explanation

Is there any reason at all to attempt to provide a liberal explanation for the co-optation of liberal values by right-wing populists? Isn't the category of populism in itself sufficient to account for this phenomenon? My aim is not to present a liberal explanation as an alternative to a populist explanation – in the sense that it would form a counterargument against populist theories. I do intend, however, to demonstrate the necessity of such a liberal explanation because populism theories are insufficiently equipped to analyze the political category as it is described above. Specifically, the question as to why the political actors that Tebble identified as identity liberals resort to the defense of *liberal* values, rather than other values, remains unanswered if we approach this purely as a problem of populism. In the contemporary literature on populism there is much disagreement about what populism exactly is. A complete discussion lies beyond the scope of this chapter.[542] Nevertheless, I will draw out a few elements relevant to the purpose of my argument. My main objection is that, for an analysis that is concerned with the substantive values of identity liberals,

[542] For a discussion, see Taggart, *Populism*, 10–22.

populism theories are insufficient because they are not particularly interested in the content of populist claims. Consequently, they treat the liberal values that are expounded by identity liberals as accidental. This appears to be something that many different approaches to populism have in common.

One way of looking at populism is to see it as a style rather than an ideology. Conceived as a style, populism is understood to make use of a particular style of communication. Simple solutions and direct language are used by populists as a means to distinguish them from the intellectualism associated with the elites and to strengthen their appeal to the people. The appeal to the people also manifests itself in charismatic leadership. Hence, the personality of the political leader is crucial, because the leader is said to represent the will of the people most directly.[543] However, if populism is understood merely as a style of politics, the label of 'populism' is hardly connected to the ideas that populist movements and politicians represent. Koen Abts and Stefan Rummens, instead, claim that these stylistic elements are "symptoms or expressions of an *underlying populist ideology*".[544] However, populism does not "provide a comprehensive vision of society" and its ideology should therefore be understood as a "thin-centered ideology concerning the structure of power in society".[545]

This definition enables Abts and Rummens to incorporate the three main elements of populism that are discussed across the literature. The first element is the "antagonistic relationship between 'the people' and 'the elite'", the second is the restoration of popular sovereignty to "give power back to the people", and the third is the conceptualization of "the people as a

[543] Abts and Rummens, "Populism versus Democracy," 407.
[544] Ibid, 408.
[545] Ibid, 408.

homogeneous unity".[546] They finally arrive at a more precise definition of populism as "a thin-centered ideology which advocates the sovereign rule of the people as a homogeneous body".[547] The advocacy of sovereign rule of the people as a homogeneous body, then, is an ideal about who should be in power (the people), how power should be executed (sovereignly and directly) and what it should represent (the *unity* of the people). As such a 'thin-centered' ideology, populism "only implies *that* the people constitute a homogeneous body, it does not say *what* this substantive identity should be".[548] Different populist movements therefore can adopt different values to determine the nature of the identity of the people – in their conception – that is supposed to be sovereign. Hence, populist movements can take the form of a right-wing nationalist movement or of a left-wing socialist movement depending on the criterion they adopt to distinguish people from elite – in this case, ethnic or cultural versus socio-economic.[549]

Yet all the substantially different evocations of 'the people' share their same commitment to what Paul Taggart calls the heartland, the "location of 'the people'".[550] With the concept of the heartland, Taggart attempts to give more clarity to what populists mean by 'the people' since the people as such is too broad of a notion to get a proper understanding of populism. The populist conception of the people should, in fact, be understood as deriving from "the deeply embedded, if implicit, conception of the heartland in which, in the

[546] Ibid, 408. The distinction between the people and the elite forms the core of Cas Mudde's famous definition of populism as "an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and which argues that politics should be an expression of the *volonté générale* (general will) of the people". Mudde, "The Populist Zeitgeist," 543.
[547] Abts and Rummens, "Populism versus Democracy," 409.
[548] Ibid, 409.
[549] Ibid, 409.
[550] Taggart, *Populism*, 95.

populist imagination, a virtuous and unified population resides".[551] The heartland is an imaginary location that is to be distinguished from an ideal society or utopia such as we can find in other ideologies. While such ideals construct a vision of a possible future based on specific ideological values, the heartland describes a past that has been lost. It does not need to be rationally justifiable; it rather depends on the power of sentiments. The notion of the heartland provides the ground for internal homogeneity as well as the exclusion of what does not belong to it. Nevertheless, it should not be equated with nationalism because – despite its exclusionary nature – its anti-elitist character implies that not necessarily everyone *within* the nation is part of the people. Nationalism can, however, be populist if the nation expresses the values associated with the heartland. Examples of the heartland that Taggart gives include Middle America and Middle England, invoked by American and English populists respectively, and the Russian peasantry and the values of Russian rural life invoked by the *narodniki.*[552] With his notion of the heartland, Taggart attempts to get closer to the actual substance underlying the populist rhetorical use of 'the people'. Nevertheless, as an analytical category, it can merely give a formal description pertaining to the 'structure of power in society' – in the words of Abts and Rummens – as it "allows us to see the commonality across different manifestations of populism, while at the same time allowing each instance of populism to construct its own particular version of the heartland".[553]

The co-optation of liberal values by populist parties might be an example of a populist heartland. The 'thin-centered ideology' is then complemented by liberal values to create an image of the people as a liberal

[551] Ibid, 95.
[552] Ibid, 95–97.
[553] Ibid, 98.

community that evokes the sentiments on which populists capitalize. Particularly in countries, such as the Netherlands, which have a generally rather liberal culture, this might effectively mobilize the image of a lost and idealized (albeit imaginary) past that needs to be regained. Nevertheless, in such an analysis the liberal values are accidental. Even if we adopt the perspective that populism is – more than just a style – an ideology that depends on a conception of the heartland as the location of its substantive image of the people, we still cannot arrive at an explanation of why particularly *liberal* values have been mobilized in an exclusionary manner, in the form of what Tebble calls identity liberalism.

While I do not intend to disprove the populist explanation for understanding identity liberalism, it seems in itself insufficient for two reasons. First of all, it does not take the arguments put forward by identity liberals – as discussed in the previous section – seriously because the values are accidental to the function of the formal category of the heartland. The question as to whether there is a liberal argument – irrespective of its truth or validity – for identity liberalism is thereby neglected. Secondly, the populist explanation seems to insufficiently account for the increasing popularity of the identity liberal argument across borders and across parties. Thus, if we are to consider – following Vossen – whether identity liberalism is capable of providing the new 'master frame', or dominant discourse, for national populist parties, we need to analyze identity liberalism on the basis of its own substantive arguments and commitments. In the next section I will, therefore, attempt to identify a liberal, rather than a populist, argument for exclusion and homogeneity.

5.3. Defending liberalism in times of crisis

In order to get a better understanding of the identity liberal position it is crucial to pay attention to the justifications that identity liberals have offered themselves. To this end, I will take a closer look at the justifications that Geert Wilders offered for establishing his political party as a separate movement, after having left the liberal party. His party is an interesting case study for analyzing identity liberalism because he explicitly presents his motives for establishing a new party as being born out of a concern for liberal values. Moreover, the analysis of liberalism on the basis of which the PVV justifies its political program significantly resembles the philosophical analysis of liberalism that was made by Ernst-Wolfgang Böckenförde. Hence, the case study is not merely empirically interesting but also enables us to distill a philosophical argument from it. In this section I will first analyze two foundational texts (the party program and a complementary essay) of the early PVV, and then demonstrate how the argument made therein reflects the philosophical dilemma that is known as the Böckenförde dilemma. In the end, the distinct political ideology of identity liberalism consists in the answer that they present as a solution to the dilemma – an answer that, I should emphasize, is very different from the one given by Böckenförde.

5.3.1. 'Klare Wijn'

Since his split from the center-right liberal VVD in 2004, Geert Wilders spent two years in parliament as an independent member. In 2006 he presented his first party program for the first elections in which his newly established Party for Freedom (PVV) would participate. The party program – named 'Klare Wijn'

('Speaking in Plain Terms')[554] – was complemented with another foundational text about the ideological position of the party, named 'Een Nieuw-Realistische Visie' ('A Neo-Realist vision').[555] Both of these texts provide a historical and ideological background to the party's program and suggested policies, and both explicitly refer to arguments made by Frits Bolkestein who, as we have seen earlier, was Wilders's mentor in the liberal VVD and represented the conservative wing of that party. The general ideological tendency seems indeed to be of a liberal-conservative bent. Yet already in these early texts we can identify the core of typical identity liberal arguments as well as a more developed defense of the underlying logic.

The party program 'Klare Wijn' contains many of the positions that have remained guiding throughout the rest of the party's history. Among these we can find opposition to European integration, opposition to migration and the call for referenda as a more direct form of democratic government. There is also an emphasis on more typical liberal-conservative positions, such as small government and the social importance of the family. On the topic of culture, a few significant proposals are being made. The program argues for a constitutional grounding of Dutch identity and culture which is being defined as Judeo-Christian and humanistic. The only alien culture that is being identified explicitly is that of Islam. The problem of migration is primarily framed as a problem of migration from Islamic countries. The party also opposes EU membership for Turkey because of its Islamic culture. "Pure Islam", the program states, "is in our judgment intrinsically a-democratic. Investments should be made in liberal, truly moderate Muslims, including through education

[554] PVV, "Klare Wijn." The program's title literally translates as 'clear wine'. It derives from the Dutch expression 'klare wijn schenken' (to pour clear wine) which means as much as 'speaking in plain terms'.
[555] PVV, "Een Nieuw-Realistische Visie."

and by more vigorously combating discrimination".[556] Education is offered as the solution for Muslims and non-Muslims alike. The development of new Muslim schools should be stopped and the existing schools should be subject to strict control.[557]

The ideologically most interesting part of the program is the argument through which the anti-Muslim policies and rhetoric are justified. The program laments the loss of moral and cultural capital. It argues that the liberal rule of law as well as the free market cannot function properly without some cultural or moral foundation. If this is not sufficiently present, liberal democracy is incapable of fighting the threat posed by both the political theology of Islam as well as Western cultural relativism. "The order of the democratic constitutional state needs a foundation, or better yet: presupposes a foundation of virtues that teach us how to properly deal with our rights and freedoms".[558] The program directly refers to Bolkestein's calls for a need for social virtues to guarantee freedom, equality and justice and regrets that this call has been neglected.

The argument that a political society centered around individual freedom can only function properly when it is supported by a moral foundation, is explored further in similar words, and again with reference to Bolkestein, in

[556] PVV, "Klare Wijn." Original text in Dutch: "De zuivere islam is naar ons oordeel intrinsiek a-democratisch. In liberale, werkelijk gematigde moslims moet worden geïnvesteerd, onder meer door scholing en opleiding en het steviger bestrijden van discriminatie".

[557] The program is still far away from later more radical proposals to completely ban Islamic education and even the Quran.

[558] PVV, "Klare Wijn." Original text in Dutch: "De orde van de democratische rechtsstaat heeft een fundament nodig, of beter nog: veronderstelt een fundament van deugden die ons leren hoe wij op de juiste manier met onze rechten en vrijheden moeten omgaan".

the second document that was published, called 'Een Nieuw-Realistische Visie'.[559] The text – published anonymously as a party document – was written by the conservative intellectual Bart Jan Spruyt. Spruyt had already early on ceased collaboration with Wilders and, according to Vossen, his ideas were of no lasting influence on Wilders's politics.[560] While the general tone of the text is indeed more conservative compared to the tone of Wilders in his later career, the arguments developed therein do provide a basis for an identity liberal position and help us to understand the specific ideological position of the PVV. The text starts with a general outline of the cultural and political dynamics of liberal democracies at the beginning of the twentieth century. Particularly it departs from the more optimistic post-historical visions of the nineties. For Spruyt, it is clear that the prematurely proclaimed end of history had in no way materialized and the post-Cold War liberal world was confronted with new threats, mainly in the form of political Islam and Islamic terrorism. Simultaneously, liberalism – despite all its advantages – also gave rise to a general uneasiness, in the form of loneliness and a general lack of social norms.

It is against this background that Spruyt adopts Bolkestein's call for a more resilient liberalism. Bolkestein reminds us that Adam Smith's *The Wealth of Nations* was complemented by *A Theory of Moral Sentiments*. A moral basis and a sense of virtue, then, are necessary conditions for the functioning of a liberal society. He particularly stresses how the arrival of migrants with different norms and values contributes to the disintegration of liberal society. A new, resilient liberal democracy, Spruyt concludes, needs maintenance and alertness, not only to prevent it from internal disintegration due to a lack of social cohesion but also to provide a strong political society capable of

[559] PVV, "Een Nieuw-Realistische Visie."
[560] Vossen, "Tien Jaar PVV; Met Dank Aan de Media."

defending itself against the external threat of radical Islam. Spruyt (and Wilders) thus presented a critical engagement with liberalism – with its benefits as well as its shortcomings – without abandoning their commitment to basic liberal values.[561] The fundamental difference between the liberalism of the VVD and the liberalism of the PVV, then, was a perception of crisis. With liberalism in crisis, the PVV reasoned, politicians can no longer afford to take liberal values for granted. The twenty-first century would become a century in which liberalism had to be defended against its enemies. This basic idea has been guiding Wilders's politics, and particularly his fight against Islam, ever since.

5.3.2. The Böckenförde dilemma

Why is the example of Dutch populism, and specifically the argument presented in the PVV's foundational texts about its ideological commitment to a resilient type of liberalism, of any interest for a philosophical perspective on the co-optation of liberal values by populist parties? Does the example perhaps reflect more than merely the subjective perception of one individual party in a very specific political context? I will argue that it does and in support of this, I'll draw attention to the thesis that has become known as the Böckenförde dilemma. The argument that Wilders and Spruyt made for their understanding of liberalism accurately reflects the more general philosophical thesis that Böckenförde developed with respect to the modern predicament of the liberal and secular state. If we, then, take Böckenförde's thesis seriously, the crisis of liberalism as proclaimed by the PVV follows from a structural instability of the liberal state itself. This is not to say that we need to accept the conclusion that

[561] PVV, "Een Nieuw-Realistische Visie." For the original arguments of Bolkestein, see Bolkestein, *Het Heft in Handen*, 127–32.

such a crisis actually exists nor the policies that are proposed for tackling it. We can remain agnostic with respect to that question. But there is at least a liberal rationale underlying this claim.

The dilemma was formulated by Böckenförde in 1967 as follows:

> *The liberal, secularized state is sustained by conditions it cannot itself guarantee. That is the great gamble it has made for the sake of liberty*. On the one hand, as a liberal state it can only survive if the freedom it grants to its citizens is regulated from within, out of the moral substance of the individual and the homogeneity of society. On the other hand, it cannot seek to guarantee these inner regulatory forces by its own efforts – that is to say, with the instruments of legal coercion and authoritative command – without abandoning its liberalness, and relapsing, on a secularized level, into the very totalitarian claim it had led away from during the confessional civil wars.[562]

According to Böckenförde, moral substance and social homogeneity play a crucial role in a liberal state. The similarity of this view of the liberal state with the one put forward by Wilders and Spruyt – following Bolkestein – is striking. For comparison's sake, it is worth quoting the party program once again when it says that "the order of the democratic constitutional state needs a foundation, or better yet: presupposes a foundation of virtues that teach us how to properly deal with our rights and freedoms."[563] Yet, whereas in the party program it is merely presented as an analysis of the contemporary crisis of the

[562] Böckenförde, "The Rise of the State as a Process of Secularization [1967]," 167. For the original German text, see Böckenförde, *Staat, Gesellschaft, Freiheit*, 60.
[563] PVV, "Klare Wijn." It might very well be the case that either Spruyt or Bolkestein was inspired by Böckenförde. However, no reference to his work is given.

liberal state and consequently as a call for political action, Böckenförde's thesis is more fundamental in that it emphasizes the structural paradox ingrained in the liberal state. Not only does this state *presuppose* moral substance and homogeneity, but it also cannot guarantee their existence without abolishing itself.

Böckenförde's thesis is presented as a conclusion of an essay on secularization and the development of the modern state. In order to better understand how he arrived at the conclusion, I shall briefly discuss his argument. Böckenförde traces the development of the modern state back to the Middle Ages and conceptualizes this development as a process of secularization. That is to say that the development of the modern state was bound up "with the detachment of the political order as such from its spiritual and religious origin and evolution; with its 'becoming secular' in the sense of exiting a world in which religion and politics formed a unity to find a purpose and identity of its own, conceived in secular (political) terms; and, finally, with the separation of the political order from the Christian religion and from any specific religion as its foundation and leaven".[564] Rather than placing the origins of the secularization of political order in the confessional wars of the sixteenth and seventeenth centuries, Böckenförde argues that secularization goes back to the Investiture Controversy (1057-1122).[565] The power struggle between the pope and the emperor put an end to the era of Christian sacral order. Until then, a distinction between church and state and between the sacred and the profane did not exist. Instead, political order was always understood as a sacred

[564] Böckenförde, "The Rise of the State as a Process of Secularization [1967]," 153.
[565] Böckenförde, *Staat, Gesellschaft, Freiheit*, 43–49. Compare also Gauchet, *The Disenchantment of the World*, 130–44. For Gauchet, the Investiture Controversy was again a manifestation of a fundamental tension in the Christian theology of incarnation.

order and vice versa. During the Investiture Controversy, however, the church extended its spiritual authority over the empire and did not tolerate the imperial claims to spiritual authority. As a consequence, "the political order as such was released from the sacred and sacramental realm" and "set free to pursue its own development as a secular concern".[566] The papal power struggle against the empire "became, in the inexorable dialectic of historical processes, an emancipation".[567]

The new division between worldly and spiritual power had not yet come to the surface because the world in which it developed remained the same Christian world as before. This changed after the Reformation. Due to the religious schism, suddenly the question of how different confessions could share a political order became a pressing matter. The worldly powers took up the task of distinguishing the faithful from the heretics, upon which a long time of religious wars followed. This gave rise to a new stage in the secularization process, namely the turn to a worldly and secular justification of the state and, consequently, a separation of religion and politics. The supremacy of spiritual power that was set in motion by the Investiture Controversy was now inverted resulting in the supremacy of worldly power whose prime concern was peace and the security of its citizens.[568]

Against the background of this process of secularization, Böckenförde turns to its implications.[569] "What is the state's lifeblood, where does it find the strength to sustain itself and guarantee its homogeneity and the inner regulatory forces of liberty that it needs, once the binding power of religion is

[566] Böckenförde, "The Rise of the State as a Process of Secularization [1967]," 155.
[567] Ibid, 155.
[568] Böckenförde, *Staat, Gesellschaft, Freiheit*, 49–50. Here starts the process of neutralization that I've discussed in the previous chapter.
[569] Ibid, 59–61.

no longer and can no longer be essential to it"?[570] Even though the process of secularization goes back to the eleventh century, the implications of the gradual withdrawal of religion from the worldly domain have only become a pressing issue in more recent times. Well into the nineteenth century, religion was able to provide the social bond necessary to sustain the political order. But can this bond be maintained by a secular morality? "To what extent can peoples united in a state live solely on the guarantee of individual liberty, without a unifying bond antecedent to that liberty"?[571] This constitutes the main challenge for the contemporary liberal state, in Böckenförde's view. The paradox arises that if this state searches for a new bond and a new conception of homogeneity and moral substance in order to sustain itself, it cannot enforce it politically without turning back to the total claims of pre-secular politics in the form of a state ideology. This is what the dilemma – "the liberal, secularized state is sustained by conditions it cannot itself guarantee" – expresses.

Böckenförde's conception of the state is clearly influenced by Carl Schmitt. He defines the state as a unity of peace, decision-making and power.[572] As such, the state is an order of authority (*Herrschaftsordnung*). But, in contrast to Schmitt, Böckenförde takes a liberal-conservative turn and adds that the state is also an order of freedom (*Freiheitsordnung*) and has the task of sustaining the individual freedom of its citizens. These two sides of the state, however, do not exist independently. The postulate of freedom, Böckenförde claims, follows from that of security. The state as an order of authority – an order that provides security and has the power of maintaining it – is, then, a necessary condition for the existence of societal and individual freedom.[573]

[570] Böckenförde, "The Rise of the State as a Process of Secularization [1967]," 166.
[571] Ibid, 166.
[572] Böckenförde, *Der Staat Als Sittlicher Staat*, 12–15.
[573] Ibid, 16–17.

"Freedom, understood as the possibility of self-determination, is possible as a secure and constant freedom only as legally circumscribed freedom".[574] While Böckenförde takes a liberal-conservative position that cannot be attributed to Schmitt, his understanding of liberalism is clearly derived from Schmitt. Liberalism itself cannot serve as the regulating political idea of a political community. Individual freedom cannot substitute the moral substance – previously provided by a shared religion – that alone is the guarantor of political unity. A liberal democracy is therefore only viable as a political unity when homogeneity and social and moral cohesion are factually given.[575]

If, then, contemporary liberal democracy is faced with this challenge of identifying the social bond it needs for its own survival, what are the options? Böckenförde proposes what we might call the liberal-conservative option. For him, the dilemma of the liberal and secular state is an argument for Christians to actively engage with the state rather than turn their back on it. Their Christian faith can serve the purpose of providing the social glue that the state needs. They ought not to try to turn the state into a Christian state but they can work to maintain and realize liberal freedom within the state on the basis of their own Christian convictions.[576] This conservative answer to the challenge posed by Böckenförde's dilemma, however, does not follow necessarily from his analysis. While Christianity historically provided the social bond upon which the secular state was gradually built, this does not imply that it can be the only

[574] Böckenförde, "The State as an Ethical State [1978]," 91.
[575] Compare Böckenförde, "The Concept of the Political," 6–7; Ibid, 10.
[576] Böckenförde, *Staat, Gesellschaft, Freiheit*, 61. This is also the position of Joseph Ratzinger who builds on Böckenförde's dilemma in his dialogue with Jürgen Habermas. Habermas and Ratzinger, *Dialektiek van de secularisering. Over rede en religie*, 63–79.

social bond to support the secular state.[577] Böckenförde's answer is then but one of multiple possible answers. Given the similarities between the accounts of contemporary liberalism given by Böckenförde and the one given by the PVV – with the former describing it as a dilemma and the latter as a crisis – I will argue that the identity liberal position of parties such as the PVV should be conceptualized as a different answer to the same challenge.

5.4. The politicization of liberal values

I have attempted to investigate whether the specific case of the Dutch PVV can help us to find support for a more fundamental and liberal justification of what Tebble called identity liberalism – and consequently can help us to define it ideologically as a distinct strand of liberalism on the basis of its own distinct logic. This means that while I adopt the category that Tebble proposed, I argue that we can describe it as more than a mere set of arguments. The identity liberal arguments that Tebble formulated are ultimately derived from a largely coherent core conception of liberalism. It should be mentioned that the ideological category of identity liberalism that I propose is an ideal type. That means that while I deem the argument that the defense of liberal values by right-wing populists is merely an opportunistic strategy insufficient, I do not deny in some instances opportunism can motivate the adoption of an identity liberal position. Individual parties and politicians might have all kinds of reasons to adopt certain political positions. The adoption of liberal values could prove an efficient strategy for parties that hitherto employed a more ethnic vocabulary. Moreover, parties might combine classical nationalist arguments

[577] This is the position of Michael Haus, in Haus, "Ort Und Funktion Der Religion in Der Zeitgenössischen Demokratietheorie," 49–50.

with identity liberal arguments. What is at stake in an ideal-typical analysis, however, is that identity liberalism follows a distinct, largely coherent, rationale that derives from a fundamental tension concerning the core liberal value of state neutrality. Whether and to what extent some parties or politicians represent this position accurately does not make this any less true.

The specific rationale underlying the identity liberal position is to be found in the answer it gives to the challenge posed by the Böckenförde dilemma. Identity liberals recognize the need for moral substance, homogeneity and a sense of virtue – to adopt the words used by Wilders and Spruyt, following Bolkestein – to sustain a liberal democracy. Moreover, they consider it to be a pressing issue because they connect the structural dilemma of the liberal state with a civilizational struggle with Islam, whose values are deemed a direct threat to the liberal state. In other words, identity liberals intensify the structural dilemma and turn it into an imminent crisis. But the difference between identity liberals and the liberal-conservatism of Böckenförde lies mainly in the answer they give. Whereas Böckenförde advocated the conservative option and proposed a greater role for the Christian faith in a liberal democracy, identity liberals turn to liberal values for a solution to the problem. Societal homogeneity and moral substance should, in their view, be guaranteed by the citizens' adherence to liberal values. In this way, adherence to liberal values becomes a marker of identity; it signifies who belongs to the political community in question and who doesn't. According to the identity liberal, it follows that a state should actively promote assimilation and restrict migration from non-liberal countries.

The primary function of liberal values, in the eyes of the identity liberal, is no longer to guarantee diversity of ways of life. Liberal values are turned into an exclusionary marker of identity. This does not mean that the liberal claim to

universality and inclusion is completely abandoned. However, in the clash of civilizations liberalism is confronted with its own enemy in the form of an alien culture that does not respect its values, and in this clash it is indispensable to distinguish friend from enemy. Adherence to liberal values – such as the separation of state and church, tolerance of same-sex marriage and freedom of speech – becomes a marker of identity. It becomes the criterion to distinguish who belongs to the liberal community and who doesn't. The conflict between liberalism and its enemy – political Islam – thus gains an existential meaning. What is at stake is liberal existence. It is the external threat of another, incompatible, existence that has brought this to the surface. Nevertheless, The perception of crisis that is sparked by demographic change and cultural pluralization ultimately originates in the conceptual tension of the liberal state that both Spruyt and Böckenförde have formulated. The politicization of liberal values not only serves to distinguish friend from enemy but – through a call for assimilation – it is also intended to maintain social cohesion, homogeneity and a sense of virtue through a shared commitment to the same basic values. In typical Schmittian fashion, however, such a political community of values always exists in opposition to its enemy.

Hence, Triadafilos Triadafilopoulos accurately describes this type of liberalism as 'Schmittian liberalism'.[578] Schmittian liberalism "aims to clarify the core values of liberal societies and use coercive state power to protect them from illiberal and putatively dangerous groups". It is "a self-consciously liberal response to the challenges of cultural pluralisation that seeks to distinguish itself from its primary competitor, liberal multiculturalism".[579] In what way, then, should we understand the Schmittian character of this type of liberalism

[578] Triadafilopoulos, "Illiberal Means to Liberal Ends?"
[579] Ibid, 863.

according to Triadafilopoulos? He argues that Schmittian liberalism arose out of an awareness of the limitations of liberal commitments to neutrality, rules and procedures when confronted with a political enemy. The existential threat of the political struggle can only be overcome by embracing the political in the Schmittian sense.[580] This results in a type of liberalism for which "immigrant integration is not simply another public policy challenge among others; it is a crucial front in a larger war in which the very survival of 'Western civilisation' is at stake".[581] Hence, it attempts to secure a certain level of homogeneity, not on an ethno-cultural or racial basis, but on an ideological basis. The test as to whether people belong to the liberal-democratic community or not lies in their beliefs and practices.[582] Only when the conflict between the West and political Islam is understood in existential terms, can "aggressive integrationism" be justified for the sake of liberal values.[583]

In conclusion, identity liberalism is an attempt to solve the Böckenförde dilemma. Its solution is achieved by turning liberal values into a marker of identity. A common identity has to substitute the (perceived) loss of societal substance to guarantee the liberal political order, especially when it is confronted with a non-liberal enemy, usually in the form of political Islam. Adherence to liberal values signifies identification with the political community that adheres to these values. As a policy, integration is intended to guarantee the presence of moral substance among the citizenry and a sufficient degree of societal homogeneity. In addition, opposition to migration guarantees that those from incompatible cultures with incompatible values are kept at bay as much as possible. The answer given by identity liberals is a conceivable, albeit

[580] Ibid, 872.
[581] Ibid, 873.
[582] Ibid, 867.
[583] Ibid, 863.

not necessary, answer to the Böckenförde dilemma. This means that, ideologically, it is within the liberal tradition. Thus, to understand the co-optation of liberal values by populist parties we have to understand it as a transformation of liberal values within the liberal tradition, rather than as a problem of populism or as an argument born out of political opportunism.

Nevertheless, this conclusion raises the question of whether the end result is still normatively liberal. After all, Triadafilopoulos concludes that – while this kind of liberalism might be motivated by a sincere commitment to liberal values – the policies that are ultimately advocated are deeply illiberal. "Simply claiming that a policy has been enacted to preserve liberal values does not render it unproblematic (…) Liberal rhetoric should not mask what are, at heart, exclusionary moves".[584] Here, we arrive at the heart of what for Böckenförde constituted the dilemma or paradox of his thesis. After all, according to Böckenförde a liberal state ceases to be liberal if it attempts to guarantee the moral substance and homogeneity on which it depends by force. Such a state relapses, "on a secularized level, into the very totalitarian claim it had led away from during the confessional civil wars".[585]

Yet, the problem might be less black-and-white as Böckenförde suggests. Making a distinction between practices and values that can be tolerated in a liberal society and those that can't, is ultimately a question of "where to 'draw the line'", as also Triadafilopoulos concedes.[586] The identity liberal's emphasis on identity is an attempt to draw the line and, as such, is not unique in the liberal tradition. In *Political Liberalism,* Rawls acknowledges the limitations to an ideal conception of liberalism and emphasizes the importance

[584] Ibid, 873.
[585] Böckenförde, "The Rise of the State as a Process of Secularization [1967]," 167.
[586] Triadafilopoulos, "Illiberal Means to Liberal Ends?," 874.

of the presence of a liberal political tradition and culture.[587] Hence, any answer to the question of whether identity liberalism is normatively liberal should take into account that the problem is a matter of degree. Identity liberalism simply represents the extreme end of a wider spectrum of liberal positions that see themselves confronted with the limits of liberalism and in one way or another attempt to account for them either theoretically or politically.

5.5. Conclusion

The analysis presented in this chapter was motivated by the question of whether the seemingly contradictory concern for liberal values by parties and politicians that are generally understood to stand in opposition to these values – or at least to the principles from which these values are derived – might not tell us more about liberalism than that it tells us about populism or merely the specific political context within which these parties and politicians operate. An important step towards this end had already been taken by Adam Tebble when he coined the term 'identity liberalism' for this political phenomenon. He managed to describe identity liberalism as a distinct ideology by categorizing four distinct arguments. He thus took the identity liberal concern for *liberal* values seriously – for which also theories of populism are insufficiently equipped – and provided us with an adequate ideological category to capture it. Nevertheless, the question concerning the exact relationship between liberalism in general and identity liberalism specifically remained unanswered.

[587] Rawls, *Political Liberalism*, 13–14. For a critical engagement with Rawls's 'historicism', see Müller, "Rawls, Historian: Remarks on Political Liberalism's 'Historicism'."

I have, therefore, attempted to distill an argument for identity liberalism from an empirical example, namely the Dutch Party for Freedom of Geert Wilders. The case of Dutch populism in itself (going back to Fortuyn) provides an interesting example to study identity liberalism in its 'purest' form, as the first successful arrival of right-wing populism took place in a context where anti-migration parties were relatively unsuccessful; moreover, the movement represented an identity liberal position from the beginning. The core identity liberal argument, that I've identified in the first party program of the PVV, gives us a clear account of a liberalism that is in crisis and in need of a (lost) social and ethical bond. This argument reflects a structural dilemma ingrained in the modern liberal and secular state, as formulated by Böckenförde. While identity liberals share Böckenförde's basic analysis, they distinguish themselves in two important ways. First, the structural instability of the liberal state is intensified and transforms into a concrete political struggle with Islam. Second, they find a solution to this problem in the politicization of liberal values. Identity liberalism, thus, appears to be an attempt to give a distinct 'Schmittian' answer to the Böckenförde dilemma by turning liberal values into markers of identity to make up for the lack of social homogeneity in a society that is increasingly characterized by cultural pluralism.

Because of the identity liberal focus on homogeneity and its demand to recognize the enemy of the liberal society, we can define the phenomenon as a clear example of a *politicization* of liberal values. As such, it illustrates the contemporary relevance of the conceptual tension in liberalism that I've explored in the previous chapters. Liberal values are born out of a commitment to inclusion and universality. Nevertheless, they are continuously confronted with their limits. The problem of the range of permissible ways of life – as I've discussed in chapter 1 – is not merely a theoretical problem but reappears in a

radical fashion in the politics of identity liberalism. Confronted with a perception of crisis and a clash of civilizations, identity liberals see themselves forced to identify the enemy and politicize liberal values for the sake of their survival. The conclusion drawn by identity liberals is the radical variant of the conclusion that Balint drew with concern to the principle of neutrality: it can only be applied within a limited range. Stated more bluntly: if liberal values, like Rawls argued in *Political Liberalism*, need a historically grown liberal culture for them to flourish, what prevents us from taking the path that identity liberals have decided to take? In line with the question-answer logic that Schmitt derived from Collingwood and Toynbee,[588] contemporary liberals have found in a renewed form of liberal neutrality the answer to the question of increasing cultural and societal pluralism. However, the main lesson of 'The Age of Neutralizations and Depoliticizations' was that any attempt to find neutral ground carries within it the possibility of repoliticization. Identity liberalism is a clear example of this.

[588] See chapter 4.

CONCLUSION

In *The Concept of the Political* Schmitt provides us with a theory that is equipped to study the political in all its diversity and unpredictability. After all, everything can become political, Schmitt argues. Schmitt has created a conceptual paradigm and a theoretical vocabulary to capture what always eludes the analytic eye. Why do political groups arise? Why do people create a distinction between 'us' and 'them'? However, instead of focusing on the 'why', and thereby risking to reduce the multiplicity of political groups and movements to a single principle, Schmitt focuses on the 'how' and has found this in the distinction between friend and enemy. From this perspective, it appears that the world is full of values for which people are willing to fight and on the basis of which they are capable of distinguishing 'us' from 'them' or friend from enemy. For an analytical perspective that is searching for ultimate principles, these values and the identities they constitute appear to fall from the sky. They cannot be derived from a higher principle by the learned scholar, and arguing for their truth or validity – or lack thereof – is futile as long as people are willing to – in the extreme case of war – sacrifice their lives for them. In this sense, the concept of the political urges scholars to take a Weberian position that foremost attempts to *understand* the political.

Many political forms can and have been studied within a Schmittian paradigm, by Schmitt himself as well as by the many scholars who have adopted – at least to some extent – his philosophical viewpoints. The topic of liberal neutrality that I have explored in this dissertation is but one of these forms. It

is, however, a particularly interesting one. Liberal neutrality is not simply one political form among others. The core of liberal neutrality is made up of a tension caused by the coming together of two opposing tendencies: those of the universal and the particular, of inclusion and exclusion, of unity and diversity, and of political identity and political neutrality. As such, it is of crucial relevance for contemporary politics.

In this dissertation I have explored this tension in different domains with different vocabularies. The range element of the principle of neutrality, a (thin) liberal conception of the good; the possibility of liberal hyperpoliticization and the historical dialectic of neutralization and repoliticization; and finally the identity liberal 'resilient' liberalism that was formulated as a response to a 'clash of civilizations'. In different ways, these vocabularies express the same tension that becomes visible once we adopt a Schmittian approach. At the same time, however, the 'non-Schmittian' vocabularies also demonstrate the relevance of Schmitt's approach. Of course, a difficulty arises when we draw parallels between different vocabularies, theoretical frameworks and traditions of thought. Can, for example, the range element of neutrality that was identified by Balint be identified with the friend-enemy distinction that easily? And is the liberalism that Wilders defends the same liberalism as that which is developed by liberal theorists? This is not, of course, a matter of simple 'mathematical' equation. What justifies the conclusion that they do represent the same fundamental problem, however, are its implications. In each of these discussions we can observe how the tendency to include, as well as the claim to universality, is confronted with its limits and – in one way or another – has to account for these limits, in one way or another. I do not pretend that this is something that liberals are unaware of. As I have demonstrated in the first chapter, the limits to neutrality have become a core element of recent

conceptualizations of the neutrality principle. This is, however, not an argument against my approach but rather in support of it. It demonstrates that many of the 'protagonists' in the story of liberal neutrality – whether it is the 'range theorist' of contemporary liberal theory or the identity liberal in parliament – are implicitly and subconsciously 'Schmittian'. In one way or another, they profess the inevitability of the political that Schmitt dedicated his life's work to.

Schmitt's work – although often associated merely with its conflictual element and the focus on the enemy – is also a work of political friendship. It is concerned with meaning and values in the modern world. However, Schmitt does not attempt to find out which values should be defended or not. His aim is to identify the place of values and this place is the political. Hence, I conceptualized the distinction between friend and enemy and its existentiality – either as a political idea or as a concrete order – as the reenchantment of the political. In the literature on contemporary liberal neutrality we discovered that the state cannot avoid being a source of values. Similarly, identity liberals draw the radical consequence of imposing liberal values in support of an exclusionary political, yet liberal, community. In the introduction of this dissertation, I have expressed the intention to refrain from making value judgments myself, in my position of the scholar. I argued for an explicitly descriptive methodology without recommending what is politically desirable and which values are the right values. Perhaps the only value-laden message that I can give on the basis of my research is to recommend a general awareness of the reality of the political and the permanent possibility of political conflict, even in an 'Age of Neutralizations and Depoliticizations.'

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