

Editorial

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With Schmitt, Against Schmitt, and Beyond Schmitt: Exception and Sovereign Decision to 100 Years of *Political Theology I* and *Roman Catholicism and Political Form*

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A century ago, Carl Schmitt published two key works for contemporary political thought: *Political Theology I* and *Roman Catholicism and Political Form*. In recent years, the approaches that this jurist made in these books seem to gain particular relevance, not only among conservative and Catholic political thinkers – which would be anticipated, but also – paradoxically – among liberal democrats and thinkers from other ideological currents against which Schmitt himself opposed during his lifetime. The unusual interest in Schmitt's philosophy of conflict may be because this thinker offers two elements absent in the liberal hegemonic framework but deeply necessary in the foundation of all political ideas in the twenty-first century: the need to understand what role they fulfill in both exceptionality and sovereign decisions in contemporary politics. In other words, one of the reasons why decisionism and the theory of Schmittian exceptionalism draw attention in the twenty-first century from different ideological shores is that this author proposes an explanation of the emergence and conservation of the rule of law. Facts outside the law cannot be allowed by the liberal framework of thought, even though it predominates ideologically today.

These questions, so in demand today, were addressed in *Political Theology* (1922) and *Roman Catholicism and Political Form* (1923). In these works, Schmitt raised a critique of the positivist conceptions of law and politics that suppose a break with the theological field, a break that is, from Schmitt's view, an opportunistic fiction. Decision and Exception are positioned, based on these two books, as two central concepts of the "Schmittian universe" that, for better or worse, retain their validity in the twenty-first century.

We publish this special issue of Open Theology within the framework of the centenary of these works. The issue combines five articles on the validity of the central concepts Carl Schmitt proposed a century ago in these two critical works.

First, the book *Political Theology*, published in 1922, materializes this thinker's effort to constitute a non-liberal political theory of Modernity. Its central argument condenses in the well-known sentence: "All significant concepts of the modern theory of the state are secularized theological concepts." This statement implies that the passage from tradition to Modernity displaces the figure of sacred transcendence as the ultimate source of legitimacy of the order but simultaneously reveals its necessity.

The idea of a secularized theological concept implies that if God, as an unconditioned central source of power, disappears, by doing so, he leaves his place free as an absolute deity so that an earthly instance can occupy it. The exercise of government, on its own, continues to be a necessity that operates theologically, even when the secularization of politics substantially implies a break with tradition. Said place of government in Schmitt is Sovereignty, in such a way that there is, in his argument, a correspondence between Sovereignty and the belief in a transcendent God. Schmitt's *Political Theology* is, consequently, a manifestation of the

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importance that the return to the concept of Sovereignty has for the jurist in a historical age in which notions such as *God*, the *miracles*, and *redemption* pass from transcendence to immanence, secularizing them in terms of *power*, *exception*, and *revolution* suggesting, at the same time, the rupture in substance and continuity in form. In *Political Theology*, Carl Schmitt presents, for the first time, a definition of Sovereignty that accompanies him throughout his work, stating that “the sovereign is the one who decides on the state of exception.” For Schmitt, the consideration of the exceptional situation is one which only the Sovereign can take. It belongs to the Sovereign to decide about the State of Exception. The decision on the extreme case thus opens the time of Sovereignty.

Schmitt challenges legal positivism by indicating that the exact moment the “right” arises is the moment of the decision about the exceptional. Then, the decision about the exceptional situation becomes the gateway to Sovereignty and Law. According to Schmittian decisionism, sovereign power falls only on “who decides” from outside the legal system to suspend it and achieve conditions of normality that allow the development of legality. This “science of illegality” is a theoretical commitment that rescues what is outside the law and the state to pose, precisely, a possible answer to the question about the origin of the law and the states that, even today, it is helpful as an alternative to the liberal paradigm. By choosing this path, Schmitt presents us with an access route toward an approach that complains about the “nonsense” of defending the perfection and neutrality of liberal states of law to give – vainly – them a foundation. The Schmittian decision, as the “creative miracle” of law, is fundamental to any understanding of the political vicissitudes of the twenty-first century.

Second, in *Catholicism and Legal Form*, Schmitt argues that politics in a State is the earthly management, on a human scale, of the theological dialectic of death-resurrection, which in political terms would be called conservation-revolution. In other words, politics in a State aims to find an “arrangement” (through a decision) between the new blood and necessary to break the crust of the established rationale and what is already exhausted, ossified, and fossilized. In this game of death and resurrection, the drama of history unfolds, and significant changes, Constitutions, and political revolutions occur.

In *Catholicism and Political Form*, Carl Schmitt explains that, as in secular states, there is a gap between idea and reality; the Catholic Church manages the aporia between faith and reason. In the Church, its officials operate through the authority that comes to them from the top down without thereby replacing the place of absolute power. For Schmitt, the Catholic Church, having placed itself as the legitimate heir of the old Roman Law, has made its logic of power clear: the sentence, as a legal form par excellence, decides, but that does not mean it occupies the place of absolute power. The authority of those who manage the law in the Catholic Church does not come from below, nor is it derived from earthly procedures. It does not ascend but descends. That is, it results from a higher constituent power. Consequently, in this institution, the division between law and power is administered through the obligation that comes from the idea, not the rule, in such a way that the authority of a decision is based on the fact that it seeks to give direction to the human soul, without bringing to light the irrational darkness that characterizes it.

In the modern context, the Church becomes, for Schmitt, the reference for how made decisions by the force of a constituent power that does not ascend but instead descends. For Schmitt, applying the theological form of decision to secular States is the key to rescuing the political from liberal neutralization. It is about locating the place of the deity as a constituent power and appealing to it as a higher law. A decision that is not the result of a descending power and seeks to replace the absolute superior is a decision without authority. Consequently, these decisions would not be binding. Liberal States are, consequently, States without authority. Since there is no politics without authority, Schmitt infers, with concern, that the end of politics comes with the advent of the liberal bourgeois state.

The articles in this issue establish a dialogue with the explicit arguments that Carl Schmitt contributed to the theory of law through these two works. The articles also analyze his silences and the terrain Schmitt did not want (or decided not to) to tread.

This is the direction of Montserrat Herrero contribution of the double function, constituent, and deconstituent of the Schmittian Exception. Herrero explores under the mask of the legality of the Modern State and finds that behind the appearance of the “established order” is the living germ of the Exception remains an inexhaustible force of revolutionary destabilization. The result of this exploration leads to a novel question about this author, traditionally linked to conservative thought: Is there a political theology of revolution in Carl

Schmitt? The article takes the French Revolution as a milestone to analyze the legal genealogy and the theological–political transfers that shape modern revolutionary politics, paradoxically, based on the ideas of conservative jurist Carl Schmitt.

The centenary of *Political Theology I* and *Roman Catholicism and Political Form* also gives rise to systematic analyses of Carl Schmitt's work. Luís Carneiro provides new results on the traditional discussion about the exact role of theology in Schmitt's political theology. Carneiro avoids the common places into which both theologians, jurists, and Schmittian and non-Schmittian philosophers have fallen by indicating that Schmitt prioritizes the political over the theological and that political theology is, itself, a theology and metaphysics of the political. This conclusion arises after a reconstruction of the theological question in Schmitt's work and, in it, a follow-up to the relationship between the notion of a Trinitarian stasiology and the figure of the *katechon*. Carneiro reaches an analytical conclusion about the role of theology in Schmitt's political theology, according to which the *katechon* is the metapolitical and transcendental condition of the possibility of the political.

Justin Smolin presents us with an original work on the particular difficulties involved in applying Schmittian concepts to the figure of a non-Western sacred king. This article raises the question of secularization in a specific case from early modern South Asia, shedding light on current debates on the early secularism of premodern Mughal politics attributed to King Jalāl ud-Dīn Akbar (1542–1605 CE). Smolin analyzes the case of King Akbar within the conceptual framework of the Schmittian Sovereign and the application that Schmitt's famous dictum would have in his reign: "All significant modern political concepts" are "secularized theological concepts." According to Smolin, Akbar is not a precocious emblem of the neutral state but an Ideal Type Schmittian Sovereign who remains a golden middle between Schmitt and his liberal opponents in his stance toward religious pluralism.

Almudena Molina also sheds light on new areas in the academic debate on the possibility of a political theology. Molina takes the argumentative thread of Schmitt's political theology as a starting point, which allows him to "go beyond" Schmitt to highlight the figure of the Catholic priest Hans Urs von Balthasar. This journey allows him to demonstrate that Balthasar's thought contains the features of a theological–political discourse that also directly challenges the Schmittian concepts of Sovereignty and representation. Opposite of Schmitt, Balthasar proposes the concept of community rooted in a shared gift. Molina affirms that this "other political theology," that of Balthasar, is a negative political theology that deconstructs and corrects the basic assumptions of the debate on the correlation between the theological and political fields. Balthasar's potential political theology is beyond this debate since it is more comprehensive than seeking direct correspondence between theological concepts and the political sphere. Furthermore, he rejects the analogical correlation drawn by Schmitt and his detractors between the theological and the political.

Schmitt's critical thinking about liberalism and its institutions has been as forceful as it is helpful for liberalism itself. Sjoerd Laurens Victor Griffioen discusses this idea in his article regarding what he considers a project of neutralization of Schmitt in post-war West Germany. Griffioen analyzes the work of renowned members of the Ritter School – Hermann Lübke, Ernst-Wolfgang Böckenförde, and Odo Marquard – and the contributions of Hans Blumenberg and concludes that, in them, concerning Schmitt, an instrumentalization of decisionism has taken place. The result is a kind of "weak decisionism" that consists of critically inverting Schmitt's thinking to evade the state of Exception and accommodate his theory of the political within the framework of the Hobbesian fiction of the origin of the modern state. This operation of neutralizing Schmitt's thought gives rise to what Griffioen calls a "political polytheology," an option that Carl Schmitt would already contemplate in his study on "political theology" and, consequently, on duality: friend–enemy.