ii TAKE ~~BELIEVE~~

I am always writing a book in opposition to something
(Schmitt 2014 [1921–1924]: 473)

In the battle for Rome,
the victor is Rudolph
Sohm

(Carl Schmitt, oral communication)

Thus the [Catholic] Church can be in but not of this
world.

(Schmitt 1996 [1917]: 52)

Charisma lives in, not off, this world.
(Weber 2013 [1922]: 1,113)

The Church of Christ is not of this world and its history,
but it is in this world.

(Schmitt 2014 [1970]: 65)

Max Weber's 'charismatic legitimacy' or
'inner-worldly asceticism' could only have been
conceived of in the domain of a Protestant parsonage.
The antithesis of the questions 'How can I get this?' and
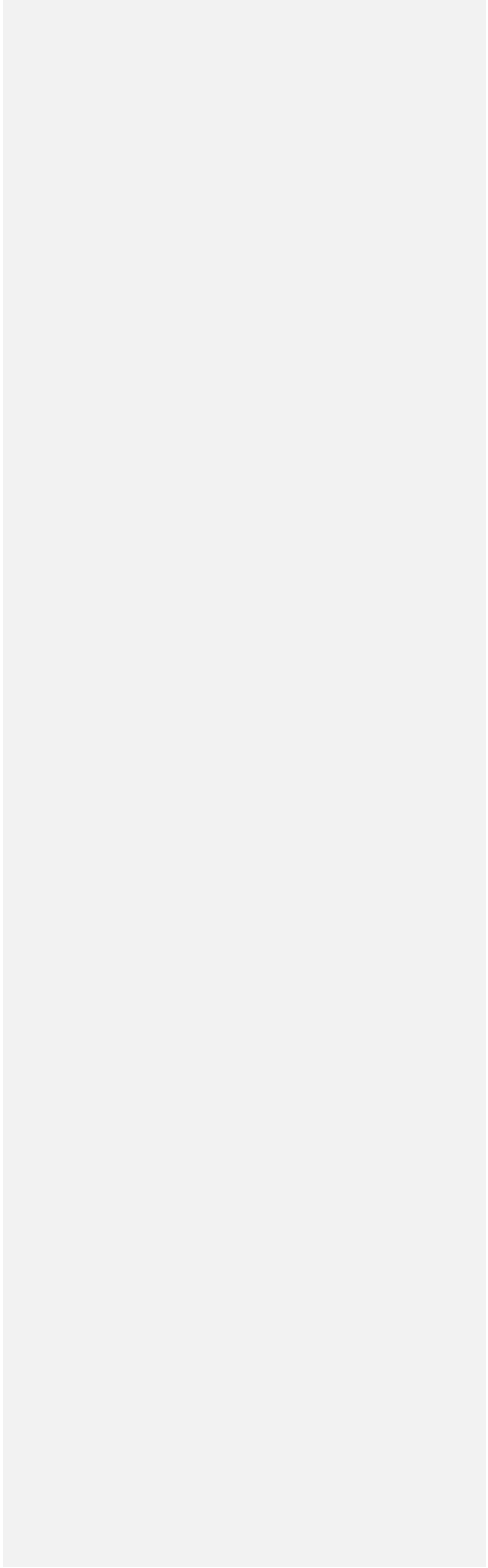'Where is the extreme state?' will occupy me for a long
time to come.

(Letter to Hans Blumenberg, 31 March 1971)

In this world, but not off it

In his short essay *Christ as Emperor*, which was based on a lecture he gave in 1934,[32] Erik Peterson explores the reasons for the imperial cult of Augustine, which Peterson argues, particularly in the Secret Revelation of John, also led to 'Christ being equated with the Emperor' in the form of Christian 'warrior symbolism' (Peterson 1994 [1936]: 88). According to Peterson, the Roman imperial cult of the Augustinian era, which once again depicts Christian imperial symbolism in religious terms, is a reaction to the political crisis faced by the Roman Empire at the time, a crisis resulting mainly from the fact that, due to the real expansion of the Empire, 'the imperial institutional basis had been lost' (Peterson 1994 [1936]: 89).

The 'transition from a state-institutional structure to dynamic political action' was reflected in the cult of the personality. Where before the 'institutions of the state' had also showed 'considerable tolerance towards outsiders', 'the imperial cult was inevitably intolerant'—as this complied with the 'political logic of a heathen state', in other words to declare those 'who do not honour the image of the Emperor' 'opponents of the existing political regime'. 'One is forced to swear by the imperial Tyche, the imperial genius, because in political life you are bound to them. Faith in the Emperor's success becomes an obligatory part of *devotion*, as the Tyche of the Emperor guarantees victory. There can be no defeat. The *princeps* is always victorious' (Peterson 1994 [1936]: 90). And so on and so forth. Peterson's lecture was held after 1 August, the day on which, following Hindenburg's death, Adolf Hitler had become Führer and Reichskanzler — a course of events that had been received with enthusiasm, for example by German Christians. Given the scant attempts at historical encryption, the highly political, contemporary relevance of Peterson's statements is likely to have been obvious to the vast majority.

The turmoil of 1934 was not the first time the

relationship between primitive Christianity, Roman Caesarism and ecclesiology formed an explosive political constellation in terms of the history of ideas. Indeed, this had been evident since as early as the late nineteenth century and the beginning of the era of mass democracy, although the contemporary relevance of the reference to antiquity was not always quite as transparent and the authors themselves were not always as fully cognisant as Erik Peterson was. Anyone wishing to shed light on the contemporary context of the debates in terms of a political history of ideas and on the 'afterlife of Antiquity' contained within this, would not only have to quote Mommsen and Droysen and refer to German classical scholarship as important agencies of mediation of such a reception (Momigliano 1991 [1955]; Nippel 2008), but also cite Protestant theology and the biblical philology taught at universities, including Harnack's *Dogmengeschichte* (History of Dogma) or Sohm's *Kirchenrecht* (Canon Law) (Sohm 1912, 1970 [1923, 2nd editions, first published 1892]). It was certainly no coincidence that Weber largely derived the inspiration for his main concept of charismatic authority from Rudolph Sohm's influential study on canon law (Anter 2016, Chapter III). The concept developed in Sohm's study of a church of primitive Christianity, communitised based exclusively on pneumatic charisma, took recourse, in particular, to the spiritual gifts referred to in Corinthians (1 Corinthians 12:4) — the χαρίσματα(Haley 1980).[33] What Sohm and Weber certainly had in common was their search for a role model to explain the reality of power and influence from within itself.

Although it was the first volume of Sohm's *Canon Law* that sparked what would go on to be referred to as the Harnack-Sohm controversy, an intra-Protestant debate about the legal status of the early church, this was

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already closely examined by Schmitt at a very early stage. Schmitt in fact wrote a tract about Sohm as part of his PhD thesis, in which he reflected on legal philosophy and legal theory. However, his work also addressed the significant potential of Sohm's work to provoke, given that his entire historical account revolved around the central thesis that canon law, in other words Catholicism, should be seen as the sole epochal deformation of the primitive Christian pneuma (see Reischle 1895).[34] As we will see, Sohm's notion of this historical process of routinisation and legal objectification (and thus 'distortion') of charisma had a lasting impact on Weber's use of the concept. Against this background, Schmitt's *Political Theology*, originally comprising three chapters and written for the Max Weber commemorative edition, appears to be something of a concealed explosive device mounted on the fundaments of Weber's sociology, in particular on his concept of charisma which Schmitt sees as the 'most striking example of new political theology' (see below). Erik Peterson's 1935 work *Der Monotheismus als politisches Problem* (The Political Problem of Monotheism) (1994 [1935]), in which he argues against any possibility of a real *Christian* political theology, forms the basis of a line of response which remains influential to this day and which is critical of a political theology allegedly found in Carl Schmitt's work, failing to recognise that Schmitt's work is none other than a fundamental critique of Weber's veiled political theology.[35]

The 'Catholic degeneration of the Christian faith'

In the first volume of the *Geschichte des Kirchenrechts* (The History of Canon Law, hereafter KR), but also in the short work *Wesen und Ursprung des Katholizismus* (The Nature and Origins of Catholicism) (Sohm 1912, hereafter WUK),[36] which appeared just 20 years later, Sohm described his main thesis in a dense

sequence of pointed, almost apodictic sentences. The main point of departure for his deliberations is the irreconcilability of religion and law: The world of 'the spiritual cannot be grasped using legal concepts. More than this, its essence stands in opposition to the essence of law. The spiritual essence of the church excludes every ecclesiastical legal order. Canon law was created contrary to the nature of the church. This fact dominates the history of canon law from the earliest of times to this day. And it is precisely this fact that has to be clarified' (KR: X).[37]

According to Sohm, therefore, this fundamental irreconcilability must be repeatedly emphasised: 'Canon law stands in contradiction with the nature of the church' (KR: 1). Or: 'It is inconceivable for God's kingdom to bear human (legal) constitutional forms, for the body of Christ to be subject to human (legal) rule' (KR: 2). The primitive church is ruled solely by God's 'distribution of different gifts (charismatic organisation).'

The sovereignty of salvation is expressed 'exclusively as "pneumocracy", not in the form of the law and statutes' (WUK: VIII). Or, even more pointedly: 'In primitive Christianity, canon law [was] excluded' (WUK: IX; banned in the original). Instead, according to Sohm, in primitive Christianity, it was 'a charismatic-pneumatic form of organisation' which dominated, and this is 'the opposite of any legal constitution' (WUK: IX, fn. 4).[38] For Sohm, therefore, it was also 'the most incontrovertible fact of the whole of church history, that the primitive church was not Catholic' (WUK: XXXII). Conversely, this means that: 'the Catholicism of the present day is, by law, an improved, reshaped, deformed version of primitive Christianity' (WUK: 2).

This also implies a specific concept of Ecclesia. According to Sohm, the primitive church was 'incapable of legal organisation.' It 'has its bodies, but its organisation cannot be of legal nature' (KR: 22).

Rather 'the doctrine of the constitution of the Ecclesia, which was derived from the divine word, but in truth was apostolic in that the organisation of Christianity is not legal but charismatic in nature' (KR: 26). Yet, charisma is not conferred by the assembly of Christians. It either exists or it does not: 'The assembly is in no way capable of granting charisma, ability, the vocation of teaching […]. The assembly itself has no charisma. Only the individual with the gift of the spirit has charisma. A decision made by the assembly itself is thus only of importance for Christian life in that it serves as an act of recognition.'[39] As a result, the primitive church has 'no democratic constitution' either (KR: 54).[40]

As a consequence, the history of canon law is understood here as the gradual, insidious usurpation of charisma by a group of church functionaries over a prolonged period: 'An almost 200-year development was needed for the Catholic dogma of the legally established particular church (headed by a bishop) to succeed in contradiction with the primitive Christian religious faith' (WUK: XXX). Sohm essentially sees this development as a triumph of 'little faith' and doubt over idealism, a victory of 'the power of sin' over the 'power of love': the ideas behind primitive Christianity signify bold idealism that is bolstered by the strength of Christian faith. They denote the conviction that canon law (the legal order of the Ecclesia) is not only impossible, but also unnecessary. The power of love is stronger than the power of sin, and more importantly: in the Ecclesia the Holy Spirit is more powerful than the spirit of the world. This is the firm belief of the early period. This is why no legal order is needed. In fact, legal order, coercive

order, formal powers kill the spirit of the church! (KR: 162)

Yet it is precisely this primitive form of idealism that falls victim to canon law, which 'originated in the lack of faith in Christian epigonism [...]' (KR: 162): 'Canon law, and with it Catholicism, was born from the power of sin, which also gained ground in Christendom' (KR: 163).[41]

What this led to, however, was the 'misrepresentation' of the Christian faith (KR: 456). For Sohm, therefore, the history of canon law was 'the history of the continued distortion of Christian truth' (KR: 458), or the history of 'the degeneration of the Christian faith through the ever-increasing importance of canon law' (KR: 459). This distortion, degeneration, misrepresentation is ultimately the result of Rome's pursuit of hegemony, the expression of its claim to (Christian) world domination: 'Catholicism appears in the Epistle of Clement, yearning for domination in the church. It was through this letter that it was first conveyed by the Roman to the Corinthian community. Catholicism seeks to establish its domination over the Christian world from Rome' (KR: 164).

For Sohm, therefore, canon law is essentially a huge, epochal, Catholic aberration. It is the destructive, ultimately futile attempt—and one that the Reformation then put an end to— to 'judicialise that which cannot be judicialised' (Spindler 2011: 43). The legal and the institutional, in other words Catholicism, are the enemy of the original pneuma, of charisma, of enthusiasm (Holl 1898), of emotion ['Ergriffenheit'] (Neumann 2010)—in other words of Protestantism in its original form, which the Reformation ultimately restores in an act of reappropriation of the spirit. In the timeline of world history, canon law, the visible church as a legal institution, comes along long after the primitive church that is unified solely on the basis of charismatic pneuma,

and it appears as a deformation, a "distortion", that is essentially a reinterpretation driven by the self-interest of a group of church functionaries, a kind of deception by the

priesthood and bureaucratic alienation of faith. It is a process whereby charisma becomes routinised, a victory for office over pneuma, bureaucracy over the spirit and grace. One and a half millennia later, this mistake was corrected by the eminent German reformer, Martin Luther. The Reformation stopped Catholicism from advancing further along its misguided path and, according to Sohm, the church hierarchy and canon law was, with Luther's help, replaced once again by a purely charismatic understanding of the Church Magisterium (Sohm 1970 [1923, 2nd ed., first published 1892]).[42]

Charisma as a derivative of Protestant theology

In adopting Sohm's concept of charisma, however,
Weber had then also largely adopted his idea of the logic of processes of historical and social change—including the underlying Protestant structure.[43] In Weber's works, too, history thus unfolds against the backdrop of what are essentially the same dualisms: office versus charisma, rationalisation and formalisation versus enthusiasm and love, the routine versus the extraordinary, etc. At least in Weber's later works, in which he develops the beginnings of a theory of parliamentary democracy, and which are particularly pertinent in our context, we find the idea of 'constant interplay between rationality and charisma' (Breuer 1994a: 2). This is driven by—if you will—a dialectic of 'diametrically opposed' charismatic authority with the 'extraordinary', on the one hand, and routine authority, which is both 'rational, and in particular bureaucratic' and 'traditional, as well as

patrimonial or patriarchal' in nature, on the other (Weber 1922: 180; see Weber 2009 [1920]).[44] Here, the political is brought in to counter a process of advancing rationalisation and objectification, but this, too, is largely intended not to be based on institutions: charismatic authority establishes itself rhetorically (pneumatically) in the heated debates of parliament, and from there it extends beyond the realm of parliament.

Weber also takes up Sohm's notion of a form of idealism which is invariably primitive, one which can only exist 'in its pure form…*in statu nascendi*', merely to become traditionalised, rationalised, legalised and deformed all at the same time (Weber 1922: 182). Charisma is thus always no more than 'a phenomenon typical of…expansive political movements in their early stages' (Weber 2013 [1922]: 362), which will ultimately have to give way to 'the forces of everyday life'. Just as in Sohm's *Canon Law*, these forces result predominantly from the respective allegiances' desire to routinise (Weber 1922: 184), in other words are the result of the particularism of groups of functionaries, and their interest in the 'legitimisation' of their 'social position of power' (ibid). This interest is often relevant, when, for example, the question of 'choosing a successor' arises, in other words when a charismatic leader is replaced. As a typical example here, Weber describes the appointment of Catholic bishops and, in particular, the election of the Pope himself (ibid). At these critical junctures, the mode of legitimisation is adjusted, supporting what with respect to the organisations involved would be described as oligarchisation, and with respect to the original spirit would be referred to as routinisation. For the functionaries, on the one hand, the focus is on securing their power, but their interests also have a direct material basis: they no longer merely wish to live *for* the organisation, as they have done hitherto, but now they at last want to live *from* it. After all, it is true to say of charisma that it 'lives in, but not off this world' (Weber 1922: 833).

> **Kommentiert [CH6]:** 'Charisma is a phenomenon typical of prophetic
> movements or of expansive political movements in their early stages'.
>
> Weber, Max. Economy and Society: An Outline of Interpretive Sociology. United Kingdom: University of California Press, 2013.

In Weber's view, therefore, charisma stands in stark opposition not only to traditional or functional bureaucratic authority, but also to (what in a calculated way of living is rational) accumulation of capital. For Weber, charisma is 'in fact...*the* strongest anti-economic force' (Weber 2013 [1922]: 1113), and this rejection of the material is interpreted as meaning that 'those who have a share (χληϱος) in the charisma must inevitably turn away from the World of charisma' (Weber 2013 [1922]: 1113–4). For Weber, too, charisma thus becomes a fundamentally anti-capitalist force. Hence it appears as 'the second important representative of communism, defined here as the absence of formal accountability in the consumption sphere, not as the rational organization of production for a common account (as under socialism)' (Weber 2013 [1922]: 1119); charisma means gift and extravagance.

Politically, Weber (like Sohm) sees charisma as being free from institutions and only loosely democratically conceived, if at all, given that in politics 'the great ruler, ultimately bound only by themselves and their own self-imposed "last values"' is to be found at the heart of the concept (Mommsen 1989: 532).[45] This reflects the milieu-specific longing for the return of a 'Bismarck-like "Caesarist" statesman' (Mommsen 1974 [1959]: 369), the longing for a Bismarck of the post-Bismarck era, using words such as 'calling' or 'mission', the longing for the dream of the 'plebiscitary charismatic authority' of a great man (ibid). In Weber's sociology of domination, charismatic authority was, however, the sole concept which attempted to capture the essence of the political. For Weber, charismatic authority had become no less than 'the specifically "creative" revolutionary force of history' (see Schmitt 1984 [1970]: 78; Weber 1922: 759). After all, his triad of what he claimed was every possible form of legitimate authority—traditional, legal and charismatic— includes, with charisma, just one form of legitimisation which unlike the other two does not stem from the acceptance of authority as an unchangeable system based on its de facto existence' (Mommsen 1989: 538).

But by 1918, traditional authority could widely be seen as discredited and rational-legal authority had become fundamentally problematic—since it had become completely unclear what role the constitutional state played in a democratic society, given that in late constitutionalism, the constitutional state no longer functioned as an instrument for the defence of the bourgeoisie.

A funeral oration at sociology's grave

'I dreamt I wrote a treatise; the justification for a request, submitted to the General Command, to be allowed to hold a funeral oration at the grave of sociology.' (Schmitt 2005 [1915–1919]: 128)

Carl Schmitt had already addressed Sohm's influential essay in his postdoctoral thesis. Three years later, in an essay entitled 'The Visibility of the Church' (Schmitt 1996 [1917]), he also responded to the culturally repressive content of Sohm's work. Of course, he was well aware of the 'latent, yet very strong connection' between Sohm and Max Weber (Schmitt 1982 [1965]: 156; 2015 [1991]: 150; Ulmen 1991: 159), especially their consensus in what we would have to refer to as the revisionism and aggressive social imperialism of the camp that they both represented, a consensus to which Schmitt on occasion and with feigned innocence liked to refer:[46] Weber, the 'great power chauvinist' (Balakrishnan 2000: 64–65). Indeed, he had already had first-hand experience of this chauvinism during discussions with Weber in Munich in 1919/20. The contribution to the Max Weber commemorative edition provided an ideal opportunity to bring these different points together.

For Schmitt, the question of canon law and thus also Sohm's treatise, was of major importance, first and foremost because it enabled him to demonstrate the fundamentally problematic relationship between the idea of law and its realisation, taking canon law as an example. His dispute with Sohm, therefore, was not centred on the question of the historical viability of Sohm's theses (and their significant potential for religious provocation) at all. Initially, Schmitt was much more interested in what would happen if the idea were to become reality, if, for instance, the state were to use the law to 'turn the empirical world into something definite' (see Krauss 1935). What are the consequences of 'the inclusion of the idea in the temporal?' (Vinx/Zeitlin 2021: 211, fn. 4). For the church and the concept of the church, everything revolves around this question. If, 'when the "essence" of the church is being discussed' the important question is what happens and how are we to gauge the fact that the idea itself (in this case, religion) 'cannot define the statues and rules of its realization in time, since these rules pertain wholly to temporality' (ibid). This notion of religion being in the world, and thus also of being entangled with the sinfulness of the world, is, as Schmitt remarks, a condition of possibility of Protestantism.

Against this background, Schmitt's dispute with Sohm begins to take on huge significance in the context of fundamental questions of legal theory. What he hoped was to find an answer to the question of how law comes into existence **once** the state no longer enforces religious obligation, a question he would explore by examining how religion itself came into being and, in particular, whether it had been established legally and with what consequences. When it comes to the two answers to this question that were, in principle, possible, in as early as 1914, Schmitt reaches the same conclusion that canonist and theologian Hans Barion, a close intellectual companion of Schmitt's in his later years, would go on to draw in his inaugural lecture in Bonn 17 years later:

Kommentiert [CH7]: Lars Vinx and Samuel Garrett Zeitlin, Carl Schmitt's Early Legal-Theoretical Writings. Statute and Judgment & the Value of the State and the Significance of the Individual. Cambridge: CUP, 2021.

'The only remaining alternative is to acknowledge the validity of the Catholic teachings, or accept Luther's position as described by *Sohm* (KR: 460 f.) and *Stutz* (KR: 883, esp. § 44), and to view every law as being incompatible with the essence of the Church' (Schmitt 2015 [1914]): 82; see Barion 1984 [1931]). But these two options essentially remain possible, and, contrary to what Sohm claimed, the choice between one or the other cannot be made *scientifically*. Such an assertion is simply proof of the specific ideological (denominationally biased) character of his position.

Schmitt, however, believed that, for the law, this analysis provided an important insight: If the idea always appears as an unfamiliar guest, what is then pivotal is the *form* in which it does so — *how* it is conveyed. This, it follows, is the substance that lies in the form and the Protestant rejection of formality ("the official rejection of the official"). Justified by a rhetoric of immediacy, emotion, enthusiasm, the latter automatically becomes a decision about substance. Schmitt's aim is to make it recognisable as a choice and *Political Theology* and *Roman Catholicism and Political Form* are then both centred on the question of the substance that lies in the form and the concept of form.

Schmitt's essay on the 'Visibility of the Church', published in the Catholic journal *Summa* three years later, which played a vital role in his understanding of representation and therefore his political theory, was thus a response to the religious provocation in Sohm's *Canon Law* treatise (Marschler 2004). With the latter, Sohm had continued along the lines of the *Kulturkampf* or "culture struggle" and led to the possibility of a self-interpretation of cultural Protestantism in an expansive body politic. In his essay, Schmitt expressly insisted that the church be visible from the perspective of its institutional and legal form.

According to Schmitt, the all-important certitude of faith which the church was built upon was the incarnation of God in Christ. This was therefore the event that triggered the '"mediation" that […] constitutes the essence of the Church'. To use Schmitt's words: 'It presents a whole hierarchy of mediation, the ground of which is none other than the Word of God. The consolidation of these relations as legal relations, the transition to firmer foundation, which religiosity obtains in the framework of the Church, […] the limitation of the pneumatic in the juridical, also follow the rhythm of the origin of the visible in the invisible God' (Schmitt 1996 [1917]: 56).

This constitutes the true character of the church, the concrete representation: 'there is no invisible Church that is not visible' (Schmitt 1996 [1917]: 52). From a Catholic perspective, the church only implements the salvation history—and this takes place as an intervention in the world that the church is part of. Schmitt emphasises 'that no one can ignore the fact that the concrete historical process of the incarnation of Christ is bound with the concrete present—the visible institution that bears the unbroken chain' (Schmitt 1996 [1917]: 52). 'Although the Church of Christ is not *of* this world, its history, however, is *in* this world. This means it takes and gives space, and space here means impermeability, visibility and publicness' (Schmitt 1984 [1970]: 50).

Four years later, in his article on Weber, Schmitt consequently identifies Weber's concept of charisma as a secularised form of an idealistic Protestant concept of the church, as developed by Sohm, for instance, a secularised form which is not even capable of considering its fundamental alternative, and thus assumes the fundamental ideological dimension of Sohm's position. For Schmitt it is quite clear that both the political concepts and the 'metaphysical' ideas are profoundly influenced by

the true social status of this specific Protestant milieu in the waning empire and the nascent Weimar Republic. The specific situation of a specific social group turns them into the product of a specific worldview. Thus, characteristically, Schmitt's dictum pertained to Weber's concept of charisma. He argued it was only the 'conceptually represented social structure of a certain epoch' (Schmitt 2010 [1922]: 45), the expression of a national Protestant camp's self-contained claim to hegemony, a self-referential, inward-looking construction of legitimacy that was entirely unsubstantiated historically speaking. Thus, it becomes evident that the hitherto unappreciated[47] but central point of Schmitt's contribution to the Max Weber commemorative edition, for which Schmitt, in fact, originally wrote his *Political Theology*,[48] was that the renowned introductory thesis of the third and final chapter of his work was in fact aimed at the most succinct term in Weber's sociology of domination itself: charismatic authority. The thesis read as follows: 'All significant concepts of the modern theory of the state are secularized theological concepts' (Schmitt 2010: 36).

Charismatic authority: 'deformation of a theological archetype'

What textual evidence can this thesis draw on, if Schmitt's contribution to the Weber commemorative edition predominantly involves a subtle and yet utterly systematic attack on Weber's sociology? First of all, it must of course refer to the text of the original three chapters themselves, and the starting point here is a negative finding, but one of considerable importance. To date, the literature has mainly concentrated on those parts where Schmitt makes explicit reference to Weber, but has neglected to examine the parts where he does not. However, the point Schmitt makes in general about the political concepts also applies to his

works themselves: only when you have recognised their polemic content, i.e. when you have identified what or who exactly they oppose, can they be understood.

In this context, first of all, it is important to note one striking omission. In a contribution to the Max Weber commemorative edition, which includes the term political theology in its title and was written by an author intimately acquainted with the works of both Weber *and* Sohm, one who was particularly knowledgeable about the denominational lineage of Weber's most important sociological concept, this very concept is not mentioned once—although it is nevertheless undoubtedly what is meant by the description 'secularisation of originally theological concepts'. Had Schmitt otherwise considered Weber's concept of charisma to be a significant contribution to an action science that facilitates understanding, surely nothing would have been a more obvious contribution to a commemorative edition on the topic of political theology than a polite posthumous tribute to Weber?

And yet, if, in 1921/22, all Schmitt was trying to do was to justify the successful coup d'état, as methodologically quite untroubled retrospectivism is wont to do (Neumann 1980, 2015; see Niethammer 2000), why did he then not refer to Weber's plebiscitary leader democracy? Anyone who believes they have reason to describe Schmitt either as Weber's 'natural son' (Habermas) or a 'docile pupil' (W. Mommsen), would have to explain what prevented him from acknowledging this lineage, especially as there was the perfect opportunity to do so. As we will see, the suspicion aroused by Schmitt's telling omission is confirmed when he, in hindsight, quite unequivocally (dis)qualifies Max Weber's concept of 'charismatic legitimacy' as a 'derivative of secularised Protestant theology (originating from Rudolph Sohm)', a 'deformation of a theological archetype' or as 'the most striking example of the latest

political theology' (Schmitt 1984 [1970], see below).

However, anyone who wishes to question the unequivocal nature of these harsh descriptions, perhaps considering them to be a late, retrospective and self-interested representation, is confronted with another important piece of evidence supporting the deconstruction thesis, a clue as to the origin of the text in Schmitt's contribution to the Weber commemorative volume. And this clue came from Schmitt himself. In his late response to Erik Peterson's *Monotheism*, Schmitt had criticised the author for not adequately taking into account the fact that *Political Theology* was closely 'related, temporally, materially and systematically' to other works of the time, citing specifically *Political Romanticism*, *Dictatorship* and *The Crisis of Parliamentary Democracy* (Schmitt 1984 [1970]: 28, fn. 5).

In this regard, Wolfgang Spindler expressed his surprise that *Roman Catholicism and Political Form*, an essay Schmitt had published in 1923, which thematically was really quite pertinent, did not appear on this list (Spindler 2011: 226, fn. 188). But Schmitt is an author who uses feints and reflections, disguises and distractions, unfathomable quotes and ambiguous theses, someone who with each newly laid trail always manages to destroy at least one old clue. And as we would expect from such a writer, Schmitt's list is quite accurate, at least insofar as *Political Theology* and *Roman Catholicism* were not in fact 'closely related temporally' but rather appeared at *exactly* the same time: 'Schmitt remarked on the front page of the first edition of *Political Theology* published in 1922: "The four chapters of *Political Theology* were written at the same time as an essay about 'The political idea of Catholicism' in March 1922". Said "essay" was then published as a book entitled *Roman Catholicism and Political Form*' (Spindler 2015: 33, fn. 112).[49]

The two works must therefore be understood as two versions *of one single* argument.

In this respect, Erik Peterson seeking to reconstruct Schmitt's political theology based solely on the latter's eponymous book, and Hans Barion, in contrast, wishing to do the same exclusively on the basis of Schmitt's work on Catholicism, are both also abbreviated interpretations (Barion 1984 [1958]). Instead, *Political Theology* and *Roman Catholicism and Political Form* should be read as *one* text. It even seems plausible that Schmitt's essay on Catholicism contains some of the points he felt unable to include in the Weber commemorative edition—and this goes beyond targeted spitefulness akin to that which makes an appearance in the second book when Auguste Comte is referred to as 'the greatest sociologist'.[50] What, however, does an intertextual reading that connects the two books to one another as well as to Weber's sociology reveal?

It has already been frequently remarked that the explicit reference to Weber in the three chapters on 'The Sociology of the Concept of Sovereignty and Political Theology' never goes beyond 'courtesies' (Breuer 2012: 84); nowhere does it become substantive, and nowhere does it provide evidence of genuine convergence. Indeed, at one point, Schmitt even somewhat mercilessly ridicules Weber's 'sociological methodology', which in fact amounts to nothing more than fine literature. If our intention is to define the juridicial realm 'in sociological terms', through those who represent it, the lawyers, this is akin to trying to define Hegelian philosophy more closely through its typical supporters, the 'professional lecturer' (Schmitt 2010 [1922]: 44). This is already quite the insult.

Similarly frequently noted is the mismatch between Schmitt's broad brush secularisation thesis and his rather thin 'body of evidence' (referred to by Scholz 1983 [1978]: 153, as 'rather unimpressive'), which solely comprises a reference to the

analogy between theological miracle and legal state of

exception, along with a reference to the congruence between the deism of the 19ᵗʰ century and the bourgeois concept of the rule of law where the monarch floats above social interests, seemingly uninvolved, *le roi qui regne et ne gouverne pas*,[51] yet remains bound to the laws he passes. In particular, the text fails to answer the obvious question of what the theology or metaphysics of the present look like. If, however, in *Political Theology* (without naming any names) a fundamental disagreement between Schmitt and Weber becomes evident relatively quickly, the *Catholicism* essay ultimately reveals itself to be a point-by-point riposte to Weber's sociological blueprint. Here Schmitt now also gives us an idea as to what he sees as the metaphysics of the present.

The concrete foundation of a substantive form

In his *Theory of Social Economy,* Weber argued that 'neither a political organisation, nor the "state", can possibly be defined in terms of the **purpose** of its organisational action' (Weber 2019 [1922]: 135), but rather can '**only** be defined in terms of the **means** […]: as an institutionally organized political enterprise (Anstaltsbetrieb), which has the monopoly of legitimate physical force' (ibid).[52] In his contribution to the commemorative edition, Schmitt immediately sets out the exact counter-position, emphasising that 'the essence of state sovereignty should rightfully not be legally defined as a monopoly over coercion or power, but as a monopoly over decision-making' (Schmitt 1923a: 10; 2004 [1922]: 19). As a consequence, politics cannot, unlike in Weber's works, be attributed to domination over instruments of

Kommentiert [CH9]: Weber, Max. Economy and Society: A New Translation. United Kingdom: Harvard University Press, 2019

power, a fact which tellingly 'makes of politics a mere technique' (Schmitt 1996 [1923]: 16). It would be more accurate to say: 'To the political belongs the idea, because there is no politics without authority and no authority without an ethos of belief' (Schmitt 1996 [1923]: 16). The understanding of domination can therefore not be reduced to the concept of legitimation—if the question of legitimacy is even raised, everything will already be lost anyway (Breuer 2012)—but rather on the concept of representation. And, for Schmitt, one example of this very type of representation, is the Church of Rome.

Here, Schmitt is in fact getting closer to the question of the metaphysics of the present, as even in the modern European (read: secularised) society, there was 'a religion of privacy' (Schmitt 1996 [1923]: 28–29). Wherever religion had become a private matter (or one could also say: where Protestantism had made it a private matter), the private sphere became religion. In a society of liberated individuals, with their liberated purposes, the predominance of dualisms, argues Schmitt, gives a clear indication of the distinct consonance 'between its conceptual structure … [and] the conceptual elaboration of the social structure of a particular epoch' (Schmitt 2005 [1922]: xiv). Schmitt's Catholicism essay uses slightly modified wording to describe the exact same thing: according to Schmitt, the ubiquitous dualisms are 'pertinent to the time, as their spiritual structure corresponds to a reality' (Schmitt 1984 [1923]: 16). But exactly what reality is that? 'Their point of departure is actually a real cleavage and division, …he makes of Catholicism nothing more than an antithetical extreme … that calls for a synthesis or a polarity that has an "indifference point"; a condition of problematic disunity and profound indecision from which the only escape is self-negation in order to arrive at positive positions. Every sphere of the contemporary epoch is governed by a radical dualism' (Schmitt 1996 [1923]: 9)— that of personal/impersonal,

specific/general, the individual/universal, and finally the person (command) and the idea (norm) (Schmitt 2004 [1922]: 36). And in the political theology of the time, what applied to these diverse dualisms was the idea that they essentially move in an identical direction: 'the form should be transferred from the subjective to the objective' (Schmitt 2010 [1922]: 29).[53]

These dichotomies characterised the spiritual structure of a bourgeois society which was 'no longer capable of any representation' and thus succumbed to the 'fate of universal dualism' (Schmitt 1984 [1923]: 33–34). These dichotomies determine society's spheres of values. The domination of the economy and technology drives rationalisation and objectification for the purpose of technical precision. Drawing on this, economic thinking develops 'its own reason and veracity in that it is absolutely material, concerned only with things' (Schmitt 1996 [1923]: 16). Modern society, therefore, groups itself, in its own economic model, 'functionally, namely according to position in the production process': in other words, into those who own the means of production and those who do not. It is an imagined world which, as everyone knows, dreams of things governing themselves: 'The machine now propels itself', even the state as an institution rises into bureaucracy and regularisation through law, in legality, while in this context, politics still appears to be irrelevant, as an 'outside interference, a disturbance of the self-propelling machine' (Schmitt 1996 [1923]: 27). According to economic thinking, political and juridicial forms are 'immaterial and irritating' (Schmitt 1996 [1923]: 27), a personal, subjective, and thus potentially irrational aspect.

Refuting this position, Schmitt underscores the need for a 'sufficient minimum of form to establish order'. Exactly how, by means of the law, 'the concrete foundation for a substantive form' (Schmitt 1996 [1923]: 30) is laid can be seen in Roman Catholicism.

Kommentiert [CH11]: Schmitt, Carl. Political Theology: Four Chapters on the Concept of Sovereignty. Ukraine: University of Chicago Press, 2010.

According to Weber, the formal is only a prerequisite for the 'causal components of consensual acting' for the purposes of conceptual precision of the law—in other words, simply for the individual's obedience to the law which is being measured empirically, or in the form of regularity and rationalisation as a prerequisite for a modern exchange economy in the interest of 'smooth functioning' (ibid). For Weber, 'formal' is therefore only equated 'with the words rationalized, professionally trained, and finally, calculable' (Schmitt 2010 [1922]: 27). But, according to Schmitt, this understanding of form and the formal aspects of the law does *not* in fact concern 'the legal form' (ibid), because this lies in the decision. 'Because the legal idea cannot realize itself, it needs a particular organization and form before it can be translated into reality' (Schmitt 2010 [1922]: 28). Just as things cannot govern themselves and the machine does not run on its own, nor does the law realise itself. And this is the blind spot of the shift to the objective; in fact, '[i]n the contrast between the subject and the content of a decision and in the proper meaning of the subject lies the problem of the juristic form' (Schmitt 2010 [1922]: 34–35). This is a question that cannot be pushed aside, just to be sporadically rekindled in interventions that can only be understood as irrational—like in Weber's concept of a counter-cycle of power, in which charismatic political forms of authority sporadically interrupt the process of rationalisation with pneumatic discourse. When in *Political Theology,* Schmitt levels the accusation at Weber that 'the confusion spreading in philosophy around the concept of form…[has] especially disastrous results in sociology and jurisprudence', it is no coincidence that his work on Catholicism has the term 'political form' in its title.

Schmitt sees all of this as evidence of how sociology, with all its theories of rationalisation and objectification, itself remains woven into a process of secularisation. This process generated the 'science of society' in the first place, and sociology, in turn, continued to advance secularisation

without even being able to systematically reflect on this process or its own role therein. A sociology of this type confines itself to being a 'science of modernity, free of religion' (Joas 2019: 361). If we examine this more closely, however, it is in fact no more than a cultural Protestant narrative and a specific milieu that embeds itself in a historical process that it itself has introduced. The following two statements by Schmitt focus on the self-same issue: 'the whole of the German university is of a "Protestant lineage"' and: 'There is an anti-Roman affect'. The process of secularisation still shapes the concepts that a sociology of this type believes it can use to analyse that very same process. In Schmitt's view, Auguste Comte is qualified as the 'greatest sociologist', because in Comte's works the neo-theological claim of the discipline is fleshed out in almost mind-boggling detail. To begin with, sociology made 'the remains of secularised theology' serviceable, only to ultimately eradicate it in favour of complete self-legitimation and self-empowerment.

But the less the present has to be seen through the ancient scriptures, the more likely it is to craft justifications from within. These are the prerequisites for the fateful mythomoteur of modernity which inaugurates its new religion, a religion resulting from the demise of German idealism, under the banner of the demystification and objectification. If the time horizons get shorter, the metaphysical relations become more hermetic. Sociology itself contributes to the self-mythologising of contemporary societies, as 'today sociology has assumed functions that were exercised in the seventeenth and eighteenth centuries by natural law, namely, to utter demands for justice and to enunciate philosophical-historical constructions or ideals' (Schmitt 2010 [1922]: 38). It has become political theology. In Schmitt's view, positivism is a manifestation of Protestantism:

'Max Weber's "charismatic legitimacy" or even "inner-world asceticism" could certainly only have been conceived in the sphere of the Protestant parsonage'. And:

'Thus I have realised how significant it is that "secularisation" in today's understanding as per Ernst Troeltsch and Max Weber in fact prevailed' (Letter to Hans Blumenberg, 31 March 1971).

In this context, the Catholic church represents the obvious counter-principle: 'It does not conceive of Christ as a private man and Christianity as a private matter and as interiority but rather considers it to have been created as a visible institution. This is the great treachery that the Church of Rome is accused of. Rudolph Sohm believed he had discovered the Fall of Man in the legal realm' (Schmitt 1984 [1923]: 53–54). From this position, Schmitt then refuted the Sohm/Weber formula point by point. Charisma is in fact not the counter-principle of economic efficiency. Instead, with its interiority and subjectivity, it is the pendant of a bourgeois society whose religion has become a private matter or, in its economic form, religion has become capitalism. It is this internal and not the institutional religion that becomes the exact 'complement to capitalism', it degrades religion to a 'hygienic institution for enduring the rigors of competition, a Sunday outing or a summer sojourn of big-city dwellers' (Schmitt 1996 [1923]: 11). Communism—along with charisma, the concept communism is said to be built on—does not represent the counter-concept to capitalism but rather is the Catholicism of both capitalism and communism, which are in complete agreement when it comes to their endeavour to achieve material and technical rationalisation, in fact simply representing two paths heading towards the same final destination, i.e. the total electrification of the earth. The separation of office and charisma should not be lamented as routinisation. On the contrary, it should in fact be welcomed, as '[s]uch a ceremonial function precludes all the fanatical excesses of an unbridled prophetism'. (Schmitt 1996 [1923]: 14)

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Thus, the concept of the miracle itself actually already refers to the basic, exceedingly polemic constellation directed against Weber, based on which Schmitt writes his *Political Theology*. In Weber's works, charismatic legitimation

emerges among other things from followers' faith in the leading figure's ability to work miracles. It is in this context, in Weber's 1920 lecture on constitutional law (which was also examined in Weber's seminar for lecturers that Schmitt attended as well) that the name Kurt Eisner appears (Weber 2009 [1920]: 78). Thus, for Schmitt, seconded to the I Royal Bavarian Corps as Deputy General Commander until 1919, where he worked for the censorship office, in light of the revolutionary turmoil in Munich during the immediate post-war period, it is by a miracle of the state of emergency that it was possible to put a stop to a 'fanatical excesses of an unbridled prophetism' such as this, and in so doing to restore order.

It thus follows that processes of the objectification of charisma cannot be discredited as particular protection strategies employed by association members, since the alleged oligarchic tendencies do not in fact exist. Instead, within the Catholic church, for instance, democracy prevails. Indeed, in the Catholic church 'even the least shepherd of Abruzzi' can be elected 'autocratic sovereign', in other words can become Pope (Schmitt 1996 [1923]: 7). The hierarchy is simply inconceivable without the idea that it represents, and the concept of the church can be found in none other than, no less than the incarnation of God. A sociology of ecclesiastical organisation cannot abstract from this without immediately becoming ideological. At the very start of his work on Catholicism, on the second page in fact, Schmitt, invoking a Weber reference, uses the term 'celibate bureaucracy', and here, too, he clearly repudiates the concept. For Schmitt, the quality of celibacy is not, as it is for Weber, a sign of unwordliness or rejection of the world but quite the opposite, in fact, for him, the quality of celibacy is a specific worldliness of the Catholic church in its specific form.

The official rejection of the official

On the one hand, all of this is a scathing ideological criticism levelled at a national Protestant camp, a camp

which, with its sense of social dominance and superiority, with its hegemonial position, could indulge in the illusion that its claims could be justified 'from within and not through external order', and indeed that 'the qualitative limits of its mission and power' lie solely in the superiority of its 'calling', quite irrespective of its historical and institutional manifestations. Here, institutions are declared to be forms of a spirit which embodies progress through its media, that is through its members, and which, historically, is personified in the exceptional figures of great men: the apostle Paul—Luther—Bismarck. While for Sohm, the Protestant church is a purely 'pneumatic' expression of the religious self-organisation of a collective, for Weber, in contrast, it clearly remains inconceivable that the charismatic authority figure he yearns for might want something other than the national great state policy his milieu considered right and good.

After all, Weber even believed he would be able to make his concept of plebiscitary leadership democracy politically palatable to social democracy, pointing out that social democracy

ought to 'bear in mind that the much talked about "dictatorship" of the masses calls for a "dictator", a self-appointed confidante of the masses, who would subordinate themselves to him for as long as he had their trust' (Baehr 1989; Weber 1988 [1919]: 499). In light of such extreme political naivety, Schmitt could but warn: 'Public order and security manifest themselves very differently in reality, depending on whether a militaristic bureaucracy, a self-governing body controlled by the spirit of commercialism, or a radical party organization decides when there is order and security and when it is threatened or disturbed' (Schmitt 2010 [1922]: 9–10).

This manifests the fatal lack of an understanding of institutions, ultimately tantamount to the lack of political understanding of the national Protestant milieu at the end of the German Empire and beyond the era of the Weimar Republic. And the highly ideological image that Lutherans like Sohm and Holl held of the primitive Christian church, is closely connected to the fateful deficits of the Weimar imperial constitution and its pathological concept of politics. Schmitt ruthlessly exposes this: 'The metaphysical image that a definite epoch forges of the world has the same structure as what the world immediately understands to be appropriate as a form of its political organization' (Schmitt 2010 [1922]: 46). From Schmitt's point of view, it was hardly surprising that to one of the most prominent representatives of the Protestant camp something made sense that this camp had metaphysically (albeit under the label of the 'History of Primitive Christianity) worked out was a form of political organisation (Merklein 1987).[54]

Here, the absence of a reflexive concept explaining what institutions are and what they do, resulted from the fact that the cultural Protestant elites took up and embodied official positions as a matter of course: 'victors do not develop intellectual curiosity'—nor do they develop institutional curiosity, that is curiosity about the institutions that they privilege, or regarding the specific positions which authorise decision-making.

That said, this is also a fundamental criticism of sociology, which has proven to be incapable of recognising

the specific contemporary and denominational character of its allegedly timeless typologies, the 'structural convergence of theological and (secularised)

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forms of argumentation rooted in other sciences' (Marschler 2004: 404). Sociology thus also proves incapable of reconstructing socio-historical development—and its own role in this—in any other than a biased manner. In order to do so, it would first have had to undertake a conceptual sociological self-analysis.

Almost 50 years later, Schmitt clearly hinted at this polemical thrust that his *Political Theology* had, **something which** up till then had not really been appreciated, and which still had to be worded in a very oblique way in the commemorative edition in order not to cause a stir.[55] Half a century later, however, Schmitt's intimation was overlooked yet again 'because *Political Theology II* was only read from the perspective of its critical examination of Erik Peterson's work on monotheism (and as an addendum to Hans Blumenberg's *Legitimacy of the Modern Age*) (Blaquart and Bourdin 2009; Brokoff/Fohrmann 2003; Schindler 1978).[56] Now, in contrast, Schmitt expresses his polemic openly, almost directly paraphrasing Rudolph Sohm's thesis of Catholic deformation of what was allegedly (the) original Christianity: Max Weber's sociology 'of "charismatic legitimacy" […] [was] only a derivative of secularised Protestant theology (originating in the works of Rudolph Sohm), the deformation of a theological archetype', as 'the charismatic legitimation of the apostle Paul in the New Testament remains the theological source for all that Max Weber has said sociologically about charisma' (Schmitt 2014 [1970]: 67). Just a few pages later, Schmitt's hidden clues to the actual point of his work become even more unmistakable when he—always under the guise of an ostensible dispute with Peterson—describes Max Weber's 'charismatic legitimacy' as 'the most striking example of the latest political theology' and 'a case of sociologically secularised theology' (Schmitt 1984 [1970]: 62). Max Weber's concept of charisma as 'the deformation of a theological archetype', as

'a derivative of secularised Protestant theology'—and therefore as none other than political theology, which is unenlightened when it comes to itself and wishes to remain so. This could not be clearer.

It is particularly ironic that Schmitt had to point out to Peterson (posthumously) that the latter's thesis of the closure of any political theology is profoundly mistaken, not least because the thesis itself does not know whom it is addressing—a mistake that the relevant secondary literature then perpetuates in claiming that 'Schmitt, the propagandist of political theology was [the] true addressee' (Hebekus 2003: 106) of Peterson's monotheism tract. Consequently, the questions asked of Schmitt's 1922 work: 'What is the theological substance of Schmitt's legal teachings?' (Scholz 1983 [1978]: 157), or: 'What are the theological aspects of Schmitt's postulates hidden behind this heading?' (Lennartz 2018: 15) simply perpetuate the exact same misconceptions. There is thus a body of literature that is trying to make Schmitt into a proponent of a new political theology, Schmitt whose favourite citations include Alberto Gentili's '*silete, theologi*' and who, in the Preface of the second edition of *Political Theology*, especially with reference to the relevant contributions of Protestant university theology, once again emphasises the epochal nature of the process of secularisation. Finding no textual evidence for its interpretation, this very body of literature thus persists with the question that the premise it makes gives rise to, a question that poses itself: 'And what does all this have to do to with theology?' (Neumann 2015: 46; see Blumenberg 1999: 105)—A question which it fails to provide a convincing answer to. The scholars behind this interpretation blame their lack of understanding of Schmitt's theories on his contradictions. This is made all the easier since it seems people had formed an opinion on the author a long time ago. However, when Schmitt insists, as many as fifty years after his original publication, that his essay is of purely legal character, anyone who wishes to oppose this unequivocal self-disclosure by an author who is more aware than any other of the structural analogies as well as the differences between theology and jurisprudence, must come up with some very good reasons—reasons that this

literature has so far failed to provide.

The closure of the closure

But with so much 'dialogue among absentees' (Heinrich Meier), with so many 'conversations with ghosts' (Christoph Schmidt)—between Leo Strauss and Carl Schmitt (Meier 2013 [1988]), between Walter Benjamin and Carl Schmitt (Schmidt 2009), between Hans Morgenthau and Carl Schmitt (Gangl 2011; Koskenniemi 2001), between Erik Peterson and Carl Schmitt (Blaquart/Bourdin 2009; Brokoff/Fohrmann 2003; Schindler 1978)—the dialogical relationship between Schmitt's *Political Theology* tract and Max Weber's political sociology has so far remained overlooked.[57] But how can we even imagine that, when writing an article for the Weber commemorative edition, Schmitt did not (also) seek to engage with Weber and his works? All the more so because looking at the subsequent fate of this text, irony of ironies, nearly 50 years later Schmitt's so-called response to Peterson's critique was dedicated to Hans Barion, canonist and close intellectual collaborator, to mark his seventieth birthday. The first edition even appeared, for Barion, in a recurring pattern of camouflage, in the commemorative publication Eunomia; Forsthoff 1969. However, unlike Weber, Barion was able to recognise and voice that Schmitt, with his (ostensible) dispute with Peterson and the actual dispute with Blumenberg, in fact first and foremost 'wanted to hurt' Barion himself (Spindler 2011: 21–22, fn. 11;

for more evidence of this, see Schmitz/Lepper 2007a: 263–264), more specifically in an attempt to 'parry and push aside' his critique of Schmitt's *Political Theology* (Spindler 2011: 21–22, fn. 11).[58]

Anyone who overlooks the polemic of Schmitt's 1922 work is then quite free to bypass Schmitt, to go over his head, and indeed ultimately even go against the information he himself provides to prove their own political theology. It should be noted, however, that 'Schmitt's observations on the tendencies of modernity do not make him a political theologist, but rather an inquisitive observer and critic of the temptations of a whole succession of secularised political theologists' (Rasch 2000; 2003: 41).[59] Just as the desire to 'lend validity to a firm Catholic belief in social reality is in itself not justification for calling someone a political theologist, the concept should nonetheless not be left entirely to arbitrary definition' (Scholz 1983 [1978]: 160). Anyone 'providing free access to the complete works of Schmitt for the purpose of citation', will of course find it rather easy 'to cite the relevant quotes that are imbued with theology from the most diverse of contexts' (Schmidt 2009: 147). Nowhere in Schmitt's works, however, does this amount to Christian legitimation of secular authority and in fact it cannot detract from one fundamental insight: 'Carl Schmitt was a man of the law, not a theologian, a legal theoretician who had entered the controversial territory theology had left behind' (Taubes 1987: 7). Looking at secularisation and its political consequences from an entirely new and radical perspective does not mean one believes it can be undone, let alone that it has started to move in the reverse direction.

Indeed, Schmitt's interest in the 'controversial territory' never results in him attempting to theologise political authority. Quite the opposite in fact.

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He values formalisation, mediation and bureaucracy as motors of secularisation. In his 1922 essay, and even the works he wrote in the 1930s, which can be accused of many things when it comes to legitimising the existing political regime (Schmitt 2021), he never attempts to misuse 'the

Christian proselytisation to justify a political situation' (Peterson 1994 [1935]: 59).[60]

That said, retrospectively and with biting ridicule (and once again in his typical devious manner, under the guise of his ostensible dispute with Peterson), Schmitt does not pass up the opportunity to highlight the politically ominous aspects of Weber's concept of charisma—accusing Peterson, with reference to the charismatic legitimation of an Adolf Hitler or Kurt Eisner, of 'worse neutralisation than Max Weber's value-free scientificity' (ibid.). With this sentence, if we let it sink in a little, Schmitt challenges Weber's claim to a non-judgemental, purely objective reincorporation of the (very much excluded) question of God as much as he does his political acumen.

If, however, contrary to Schmitt's many clear self-testimonies, someone still insists on considering him a political theologist, they must be overlooking his core concern, that is the 'separation of the "political" and the "theological" from the perspective of political interest', and be missing the fact that this is primarily about the 'emancipation of the political from all theological illusions' (Schmidt 2009: 19). Even the expressly 'purely politically' defined friend/foe distinction described in Schmitt's later work *Begriff des Politischen (The Concept of the Political)* (Schmitt 1988 [1927]) is 'no less than an attempt to neutralise the theological in politics' (Schmidt 2009: 19, fn. 26). In this respect, 'Schmitt's political theology is in fact "completed" or "concluded" in the *Concept of the Political*' (Spindler 2011: 231). Eleven years later, in his book *Leviathan*, Schmitt once

again adopts a very clear position on this, describing Hobbes as someone who led 'his great contemporary historical battle against political theology in all its forms'; he then goes on, in the very last sentence of the book 'over the centuries', to call out to him: *Non iam frustra doces!* (Schmitt 1982 [1938]: 22 and 132)—but also in light of the call of *Silete jurisconsulti* to the new theologians, exclaims: *doceo sed frustra.*[61]

Schmitt reacts even more aversely to attempts to pin undeclared theological cliches on contemporary political ideas and concepts—as Weber does in the context of writing a Protestant history of victors. In contrast, Schmitt insists on one fundamental fact: 'Sohm is the father of the theory of the charismatic leader; it is not about Max Weber, it is about Rudolph Sohm' (Arvidsson/Brännström/Mankkinen eds. 2015: 199), he is the writer of the history of canon law, which provided scientific 'evidence' that Catholicism was 'a falsification of the Christian faith.'[62] He then goes on to reinforce this in one of his satirical poems:

Führer, Lenker, Steurer, Leiter,
Diese Reihe geht noch weiter;
Leiter, Führer, Lenker, Steurer,
Diese Sache wird noch teurer;
Steurer, Leiter, Führer, Lenker,
Hier versagt der schärfste Denker,
Lenker, Steurer, Leiter, Führer,
Welche Hüter! Welche Schürer!
Charisma auf jeden Fall.

Leader, guide, helmsman, chief,
And the list goes on;
Chief, leader, guide, and
helmsman,
The issue grows more costly;
Helmsman, chief, leader, guide,
Even the sharpest thinkers fail,
Guide, helmsman, chief and leader,
What guardians! What fomenters!
Charisma in any case.

Here, we could most certainly interpret 'the sharpest thinkers fail' as being aimed at Max Weber.

The crux of Schmitt's position would therefore also consist in the fact that Weber's belief in three types of legitimacy does *not* actually constitute 'an instructive example of the virtual atheism of his sociology' (Böckenförde 1983: 18). In Schmitt's view, the exact opposite is true. Indeed, it is in the very works that explicitly claim to be creating a 'scientifically neutral conceptualisation' in the treatment of religious contexts (Böckenförde 1983: 18, fn. 5) that secularised Protestant theology is smuggled in with even more fatal consequences. This is particularly the case when it comes to charismatic legitimacy.[63] Jacob Taubes is undoubtedly on the right rack when—contrary to the majority of interpretations of the work—he considers it significant that the first three chapters of *Political Theology* were originally written for the Weber commemorative edition (Taubes 1987: 11). Given the highly polemic character of the book, however, one would have to come to the exact opposite conclusion to Taubes, who remarks that Schmitt presents himself 'here as the legitimate and not illegitimate son of Max Weber' (Taubes 1987: 13). Whether legitimate or illegitimate, each label is as misleading as the other. All this does is document the ignorance to the fact that, in his work, Schmitt is mounting a fundamental attack against Weber and his charismatic temptations—not to mention the sufficiently well-known fact that Schmitt was far too ambitious to define himself through his friends (let alone his "Father"). It was Schmitt's enemies that were of more interest to him because he felt driven by them to achieve greater clear-sightedness, something that was evident, for example, in the following statement: 'I am always writing a book in opposition to something.'

Dogma, hierarchy, publicness, representation

Of course, Schmitt's criticism of the political theologists

of the time is clearly influenced by his Catholic background and, unlike in the case of Weber's concept of charisma, he is under no illusion about the consequences of this: his fate is to be the outsider.[64] But he must also have deemed it quite legitimate to point out to a Protestant theology and biblical philology the fact that, from a Catholic perspective, secularisation had other political 'survivals' (Edward B. Tylor). In this sense, we must agree with Christoph Schmidt, if his intention is 'to construct an alternative secularisation to that which originated in Protestantism, one which instead of secularising the divine predicate of justice and reason, secularises that of power and plays it against the principle of justice' (Schmidt 2009: 149). This is not the 'tactics of an esoteric concealment of the "theological"'; quite the opposite, in fact, it is conscious striving towards the emancipation of the political from the theological, shifting 'the weight of God's sovereignty to the question of the enemy' (ibid), endeavouring to rehabilitate the succession, the public, mediation, dogma, hierarchy, office, representation against emotion, charisma, vocation, enthusiasm, etc.

Such 'esoteric concealment' is at best required where Schmitt cannot let it become too obvious just how thoroughly he is deconstructing and indeed destroying Max Weber's political sociology in the commemorative edition for the very same.

In this context, it also becomes evident that Schmitt's attempt to de-theologise the political is *not* 'anchored in a theoretical tradition that goes back to the apostle Paul and can only grasp the law from the perspective of its inadequacy for the subject' (Schmidt 2009: 163). It also becomes clear that it is *not* correct to understand Schmitt's concept of the political as 'an epiphenomenon of a Christian critical stance against the law which the name of the apostle Paul represents' (ibid). When, in Schmitt's works, has any kind of 'inadequacy for the subject' ever become an argument for or against anything? On the contrary, such an argument embodies everything he deems problematic about modernity.

Schmitt—like Peterson—positions himself *against* the 'grazing Paulinism' of their time (Söding 2012: 188),[65] in which they emphasise the precedence of the twelve over the

thirteen, the significance of office over charisma, the figure of legal continuity and the apostolic succession, of the hierarchy and dogma, of the public sphere over introspection, of the church of truth *over* the apostle Paul, as the existing institution 'goes down on bended knee' and indeed must do so before the apostle Paul (Weidemann 2012). And both Schmitt and Peterson are in complete agreement that the original sin in Protestantism can be seen in the 'official rejection of the official'. Schmitt also clearly points to this fifty years later in *Political Theology II*, when, directly linked with his identification of charisma as Protestant secularity, he underlines that 'Apostle Paul – the *triskaidekatos*, the thirteenth over and above the twelve […] – could not legitimate himself as charismatic in the face of their concretely established order (Schmitt 1984 [1970]: 67). The Christian point of reference, also for Paul himself, has to be the 'concretely established order' by the apostles. Charismatic legitimacy only becomes necessary outside this. But this concretely established order is naturally none other than the church, a concrete institution which provides and takes up space—impermeable, visible, public, and self-evident: in the respective legal form.[66]

Among the many legends touted, the 'closure of any political theology' is first the claim that Peterson's *Monotheismus* essay was to be seen as a 'reckoning' (Schmidt 2009: 15, fn. 9) or 'attack' (Vatter 2016: 258) directed against Schmitt or a 'battle plan' against 'Carl Schmitt, the spiritual father of the term "political theology" and many other intellectuals of Catholic, Protestant and atheist provenance who had been seduced by him.' (Schlier 1980 [1960]), quoted from Nichtweiss 1992: 736)

It is not even entirely clear that this really was Peterson's self-misunderstanding of his own work, which would be far more plausible from an internal theological position—after all, the all-important concluding sentence focuses quite explicitly and incontrovertibly on 'the *theological* impossibility of a

"political theology"' (see below).[67] Also part of this is the claim that Schmitt did not react to Peterson's fundamental challenge, his Parthian attack, until publishing his *Political Theology II* (Schmitt 1984 [1970]), 35 years later. One reason why this is rather unlikely is that various factors indicated that the name of the actual addressee of *Political Theology II* was not Erik Peterson but in fact had to be Hans Barion (see Spindler 2011: 22, for further evidence of this). Another reason, however, was the fact that, had Peterson's critique ever even have been a 'Parthian arrow' aimed at Schmitt, the latter had already painlessly removed said arrow 20 years earlier.

After all, Schmitt had already written in 1950—and it was patently obvious who he was responding to: 'I have been taught that a political theology has become impossible because of the Christian dogma of the trinity. *I believe that without a doubt.* From the very beginning, however, this has always been about something quite different, that being the historical and sociological fact of a present reality which overwhelms us. It is about the mythologisation of the impulses and dreams of the masses, guided and steered by small groups. At its first stage, this mythologisation works with the remnants of a secularised theology. The impetus is provided by a historical theology of the trinity, the teaching of Joachim von Floris, according to which the Kingdom of the Father was superseded by the Kingdom of the Son, with a third Kingdom, that of the Spirit, now awaiting us.

The next stage has long since gone beyond this and needs no theological, even secularised theological concepts. For the masses, pure wordliness has, to a large extent, become the norm. They have become—and I would not dare to use the world had P. Alfred Delp S.J. not already done so—*godless*. At this stage, the masses no longer ask about theology or morals. The myths in which they find their impulses and dreams are of a different nature. For the most part, they are born of the demise of the philosophy of German idealism and essentially originate in a philosophy of history' (Schmitt 1950: 10–11, italics in the original).[68]

Anyone who seeks to interpret Schmitt's *'I believe that without a doubt'* in reference to Peterson's theological closure of every political theology as a revision of his previous position (Greiffenhagen 1961), has failed to correctly understand his earlier position in the first place.[69] In both 1950 and 1970, Schmitt highlights the exact same point, namely that for him, it was never about a 'theological dogma, but rather a problem rooted in the theory of science and conceptual history': 'the structural identity of concepts, of theological and juridical argumentation and cognition' (Schmitt 1996 [1970]: xiv). Accordingly, Schmitt already points out to Peterson at an early stage that his critique, had it in fact been directed at him, had fallen on deaf ears. Schmitt's early reaction to Peterson's work then raises the question of whether and if so, how in 1969/1970 Schmitt himself may in fact have been interested in adding another political theology to the myth of the closure of every political theology. The fact that he does not mention his response to Peterson, which he had already given in 1950, may be read as an indication of this. And there can be no doubt that this interest was there. This was partly to distract from the true target and addressee of his 1970 work. Another reason might be that Schmitt wanted to send out clearer signals as to his perpetually misunderstood motivation for

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his original 1922 article, especially of his hidden target Max Weber. Ultimately, this framing of the controversy also allowed Schmitt to convey his position as more important for

Peterson's work than it probably actually was.

Indeed, the view, described as a factum in Schmitt's work, almost an expression of 'inner necessity' and an anthropological constant, that in fact the 'thoughts of humanity are never independent of the *here and now* of a political order' (Peterson), but equally that metaphysical fundamental beliefs influence the legitimacy of political order in a fundamental way (Nichtweiss 1992: 788–789), is a view that itself bears fruit on many levels in Peterson's oeuvre. And this even applies to the work on monotheism which, entirely consistent with Schmitt's thesis, argues that 'the last formulation of unity of a metaphysical worldview is always determined and predetermined by the decision in favour of the opportunities for political unity' (Peterson 1994 [1935]: 53). To want to 'close' this connection forever, would thus be illusionary and must have appeared so to Peterson as well.

The thrust of Peterson's work is thus essentially an internal, theological one.[70] His 1935 tract was a response to the multiple contemporary attempts by both the Protestant and the Catholic side to make themselves available to the new regime from a theological perspective, be it in the form of a Reich theology, or a German church. Peterson's thesis is therefore in essence also 'a *theological* judgement' (Nichtweiss 1992: 789, emphasis in the original). And, irrespective of what has been said (by both Schmitt *and* Peterson) about the almost inevitable connection between the political and the metaphysical, this judgement has and maintains its place. For Peterson, it is about the possibility of religious sovereignty, which

the individual has to clarify for itself. Thus, Schmitt's examination ends with the somewhat lapidary statement: whether or not 'monotheism as a political problem is brought to an end; and theologians would have to decide among themselves whether this is the case whenever they wanted to solve political problems' (Schmitt 2014 [1970]: 104), and with a familiar '*quis judicabit*?' counter: if, however, and this is something which remained unclear in the 1935 oeuvre, Peterson was not referring to *every* political theology at all but in fact only those that were misused, whose place is it to decide whether 'such misuse is present or absent in concreto'?[71] The equally terse response: 'apparently this is supposed to be theology' (Schmitt 1984 [1970]: 96). Yet, Schmitt is no theologist and never aspired to be one.[72]

A 'legitimate student of Max Weber'

For Schmitt as a legitimate student or 'natural son of Max Weber' (Habermas 1964: 81), the decision to adopt this obvious critical position has its intellectual price. Using the Schmitt of 1933 ff. to criticise the Weber of 1918–1920 blocks our view of the fundamental critique of Weber that Schmitt wrote in 1922 and, at the same time, attempts to externalise, as it were, the real problem with Weber's program.[73] This clears the path for digging deep into the Weberian theory of rationalisation once again. Office versus charisma becomes—in telling privatistic exaggeration—a question of system versus lifeworld. The illusion that the machine is now running on its own is delegated to systems theory. There is no more talk of politics in any serious sense of the word, instead the focus is on the state as 'a self-regulated social system', on purposive-rational administrative action, on the fact that the cultural tradition is now no more than

'raw material for purposes of ideology planning' (Habermas 1987: 309). Capitalism and executive power have become nuanced 'media-steered subsystems'

(Habermas 1987: 267), which have been converted to money and power and thus to—and what an absurd notion this is – 'language-independent steering media' (Habermas 1987: 263), thus becoming spaces of 'norm-free sociality' (Habermas 1987: 173) and naturally 'develop *irresistible inner dynamics*' (Habermas 1987: 331; italics in original).[74] Politics appears at most just as a caricature, a crude idea of a direct exchange of gifts: 'political decisions' in exchange for diffuse 'mass loyalty' (Habermas 1987: 346). This, too, is envisaged as being entirely free of institutions, not least because collective actors—such as parties or trade unions—are placed under sweeping suspicion of particularism (Joas 1986 [2002]: 166).

This most recent example of a political theology formulates its 'critique' from the comfortable perspective of a lifeworld[75] with its purportedly 'spontaneous opinion formation and discursive will formation' (Habermas 1987: 364), and as the idea of a conflict between a "life form" which is not described in any more detail but is obviously envisaged as the nuclear family on the one hand, and the 'overpowering instructions of an authority organised in legal form' (Habermas 1981b: 477), on the other—a disastrous obfuscation of the concept of form. With 'colonisation' being interpreted as another of these 'dangerous concepts of process' (Joas 2019: 356), Weber's thesis of a process of rationalisation which is purported to cover all social spheres, is simply adopted. The especially kitsch nature of this concept and how charged with meaning it is, is evident where the capacity for a fully 'secularised form of the religious brotherly ethic' (Habermas 1981a: 331) is attributed to the communicative rationality with. There is no doubt as to who is seeking legitimacy as a student of Max Weber here,

in particular by perpetuating the shortcomings of Weber's programme.

So, we cannot really expect any answers here, least of all to what for us are the follow-up questions: How does this machine run exactly? What happens to the economy in a world of total immanence, where mankind takes the place of God and, out of the bankrupt estate of German idealism, sets out to shape the world according to their own ideas? What does the capitalism of anarchic freedom look like? In the following chapter we must therefore return to the answers to these questions, which Carl Schmitt sought to provide from the mid-1930s.