

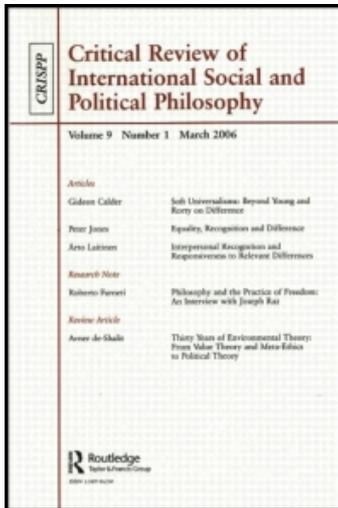
This article was downloaded by: [Fischer, Karsten]

On: 8 June 2010

Access details: Access Details: [subscription number 922632839]

Publisher Routledge

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Critical Review of International Social and Political Philosophy

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t713634601>

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Online publication date: 28 May 2010

To cite this Article Fischer, Karsten(2010) 'Hobbes, Schmitt, and the paradox of religious liberality', Critical Review of International Social and Political Philosophy, 13: 2, 399 – 416

To link to this Article: DOI: 10.1080/13698231003787828

URL: <http://dx.doi.org/10.1080/13698231003787828>

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Hobbes, Schmitt, and the paradox of religious liberalism

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Research into the connection between Hobbes and Schmitt is still both needed and worthwhile, because Schmitt's criticism and appropriation of Hobbes not only show Schmitt's categorical anti-liberalism, but also highlight what is currently a hot topic of political theory: the compatibility of politics and religion, especially the preconditions for religious liberalism. Thus, the present article begins by examining the complicated relationship between religion and politics that underlies Hobbes's and Schmitt's different approaches to politics and religion. While Schmitt rightly recognized Hobbes's role in founding the liberal approach to politics and religion, he misappropriated Hobbes's liberalism for his own anti-liberal political theology. Yet, despite its distortions, Schmitt's reading of Hobbes also forced him to confront the universality of the Western model and the paradox of religion within the liberal system by which *religious* liberalism, for the sake of *political* liberalism, cannot be the result of coercion but must result from a contingent evolution within religion itself. This leads to some concluding questions about the prospects of a religious liberalism.

Keywords: Hobbes; Schmitt; liberalism; anti-liberalism; politics and religion; religious liberalism

Sensible is he who avoids the state of exception. (Marquard 2000, p. 107)

The nature of the relationship between Carl Schmitt and Thomas Hobbes has long vexed historians of political theory. While Schmitt referenced Hobbes more than any other classical thinker of political philosophy, his work was far removed from Hobbesian aims and positions (Hofmann 1995, p. 161).

Schmitt's assertion (Mehring 1989, pp. 194f) that, like Jean Bodin, Hobbes was his 'friend' (Schmitt 1950, p. 67) and intellectual mentor, is at best, as Stephen Holmes puts it, a 'half-truth' (1993, p. 41). Taking this at face value risks succumbing to Schmitt's postwar efforts to play down his early flirtations with totalitarianism and to misinterpreting them as mere Hobbesian statism.¹ This is where research into the connection between Hobbes and Schmitt is still both needed and worthwhile. Schmitt's criticism

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and simultaneous appropriation of Hobbes show not only his categorical anti-liberalism in all its instructive plainness. His dogmatism also highlights a currently hot topic of political theory: the compatibility of politics and religion, or, more precisely, the preconditions of religious liberality. This essay begins by examining the complicated relationship between religion and politics (I). Insofar as this relationship proves to be a core determinant of liberalism, the different approaches of Hobbes and Schmitt to religion and politics can be confronted with each other and their respective characters – proto-liberal in Hobbes’s case, anti-liberal in Schmitt’s – can be defined (II). This leads to some concluding questions about the prospects of a religious liberality (III). My main point is that, while Schmitt rightly recognized Hobbes’s role in founding the liberal approach to politics and religion, Schmitt misused Hobbes’s liberalism to justify his own anti-liberal political theology. Yet, despite its distortions, Schmitt’s reading of Hobbes also forces him to confront the universality of the Western model and the paradox of religion within the liberal system whereby religious *liberality*, for the sake of *political* liberality, cannot result from force but must result from a contingent evolution within religion itself.

I

As is often the case, the best way of approaching a complex theme such as politics and religion is through history. Doing so allows one to see that politics and religion have only recently gained an equal footing. In the pre-modern period, revealed monotheistic religions, with their claim to all-embracing truth, were the primary determining agents of social structure, metaphysical mission, scientific sense, and political practice. It was not until the appearance of modern democratic political systems that religion’s traditional ascendancy was challenged. As Christian Meier (1990, p. 191) observes, democratic politics has its basis in the self-empowerment of man that resulted from the emergence of a political ‘consciousness of ability’ in ancient Greece. This development laid the foundation of democratic politics by fostering a shared conception of the free citizen whose sovereignty alone confers legitimacy on political power. In this respect, all forms of democratic politics imply acts of secularization. The power of democratic political decisions to be binding results from a procedure that guarantees accountability for such decisions based on general equality and transparency. Political power is legitimate insofar as its subjects can attribute responsibility for political decisions and amend or correct those decisions by reversing the distribution of power.

Modern politics has presented religion with two rivals: political absolutism, which enthrones a powerful charismatic leader at the expense of traditional religion (a phenomenon that culminated in the political religions of the twentieth century); and political liberalism, which, as Hermann Lübbe

(1985b, p. 50) observes in his critique of Carl Schmitt, affronts the totalizing aspect of revealed monotheistic religion and the unconditional devotion demanded by its concept of salvation.

The explosive political content of religious truth claims sheds light on the general relationship between politics and religion (and, with that, the relationship between Hobbes and Schmitt, as we shall soon see). Religiously based claims to truth embracing the whole of human existence not only rule out the primacy of democratic politics but are themselves mutually exclusive. As terrible as they were, the bitter religious wars across Europe in the sixteenth and seventeenth centuries were entirely predictable as a consequence of the prior splintering of unified Christian faith. The modern nation state emerged in part as a response to those wars.² The institutional territorial state internalized earlier religious conflict making it a struggle between religion as such and the political order. This new form of struggle found expression in Thomas Hobbes's famous view that the state can guarantee religious peace by permitting private faith while insisting that its citizens publicly profess that *Jesus is the Christ*. In this way, Hobbes – whom nothing terrified more than civil war and who, as a perceptive contemporary witness of the religious schism, discerned in it the imminent threat of political conflict – sought to secure civil peace at all costs, even if it meant supporting political absolutism.

Hobbes nevertheless signaled the beginning of 'the historical origin of political liberalism (and of liberalism more generally)' (Rawls 1993, p. 21). For Hobbes – whose awareness of religious and political problems was based on both history and experience – political liberalism was first and foremost a 'liberalism of fear ... born out of the cruelties of the religious civil wars'; only later did this liberalism of fear come 'to be integrated with the liberalism of rights' (Shklar 1984, pp. 5, 239).³ Though Hobbes's political theory led to an absolutism of fear, his concept of religious freedom revealed a 'common filiation' between liberalism and absolutism in which the privatization of religious quarrels 'was acclaimed as sovereignty-enhancing' (Holmes 1995, p. 102). Absolutism forged something like a marriage of convenience with religious liberality to the extent that the latter 'strengthens the state, makes possible an armistice among rival sects, and promotes the supremacy of the crown' (Holmes 1995, p. 125). For Hobbes, the 'state-building function of the depoliticization of religion' (Holmes 1995, p. 102) manifests itself in the demand for a minimal public confession within an otherwise private religion. The genuinely liberal emphasis of Hobbes's political theory lies in this form of negative political theology (Schieder 2001, p. 89). This 'implicitly anticlerical' concept of sovereignty was significant not only to Hobbes, but also to Bodin (Holmes 1995, p. 123), a fact that Schmitt overlooks in his reading of these thinkers. However justified Schmitt was in seeing Hobbes as the involuntary promoter of modern liberalism, it is just as evident that liberalism's true political and religious genealogy

thoroughly discredits his attempts to normalize totalitarianism by placing it in the tradition of Bodin and Hobbes.

From John Locke to John Rawls, the various attempts to connect the liberalism of fear with the liberalism of rights have never truly abolished the former. In a sense, the liberalism of fear has actually expanded, as the private sphere to which Hobbes's public confession was subsequently relocated, cannot be accessed by liberal politics. As for Hobbes's separation between private and public spheres of faith, it can be said that democracy tends to welcome those religions that focus on private belief and to mistrust those that demand public confession. As a rule, politics seeks to restrict sectarian conflicts and transform them into debates about the legitimate use of freedom. Before Hobbes, religious violence had influenced politics indirectly, albeit violently, in the form of religiously fuelled civil wars. After Hobbes, the modern state became central precisely because it claimed ideological neutrality – which it sought to guarantee, for the sake of civil peace, through its monopoly on force. State-organized politics thereby became the primary enemy of religious groups who held their beliefs to be absolute and universal. The institutional territorial state of the modern era is thus not only a result of secularization, but also, so to speak, the heir to the religious wars of pre-modern Europe.

This religious legacy of modern politics is the mainstay of Carl Schmitt's political theory, from his basic distinction between friend and enemy and his anti-liberalism to his claim regarding the demise of the modern state and his attempt to reintroduce political theology. The goal of liberal democracy is to limit, as far as possible, the inevitable partisanship of the modern state in ideological conflicts – an objective the spirit of which is captured by this essay's epigraph from Odo Marquard warning against the use of the state of exception. Schmitt, by contrast, welcomes the civil war-like state of exception as the *katechon* of liberal politics responsible for the state's downfall. He also greets the state of exception, paradoxically, as a kind of divine miracle that can generate sovereignty in the sense of what Bodin called 'puissance perpetuelle et absolue' (1583, p. 142), a manifestation of state power better explained by the privatization of religious conflict. In this way, Schmitt reverses the material and intellectual history of secularization and turns it, completely misinterpreting Hobbes and Bodin, into an eschatological account in which the sovereign as *katechon* guarantees the state of exception that precedes the supposed arrival of the Antichrist (Meuter 1994). The belief that 'All significant concepts of the modern theory of the state are secularized theological concepts not only because of their historical development ... but also because of their systematic structure' (Schmitt 1976, p. 36) is a construct of Schmitt's worldview not at all consistent with actual historical developments. It is a belief that runs counter to the successful tradition of the West in which 'the de-politicizing of religious conflict is accompanied by the secularization of political conflict' (Holmes 1995, p. 224).

This ideological battle – Hobbes on the one side as ‘one of the major progenitors of liberal political theory’ (Holmes 1995, p. 69), Schmitt on the other side as the promoter of a totalitarian-leaning political theology – repeats itself at another level of social analysis. The pre-modern subordination of politics to a multi-denominational Christianity was followed by an equal position of both within the functionally differentiated modern society described by Niklas Luhmann, in which society, politics, law, economy, science, religion, art, and other social subsystems function according to their own binary coded logic. In the pre-modern world, religion and society could not be distinguished (Luhmann 1993, p. 259). But under conditions of modernity, religion is only one social subsystem among others. Unlike in premodern times, a modern political system knows no total inclusion of society within the community of the faithful, not even nominally. As Luhmann points out, religion today cannot stand in for other functional subsystems. Ironically, it can guard against neither inflation nor unwanted change of government nor the increasing dullness of an affair nor the scientific refutation of one’s own theories (Luhmann 1993, p. 69).

Yet another characteristic of a functionally differentiated society is that each of its subsystems believes itself to stand for the whole; and in such delusions of grandeur politics and religion are especially close. According to Luhmann (2000a, p. 84), the function of politics is to provide the capacity for making collectively binding decisions and the function of religion is ‘to safeguard the perceptibility of all meaning against experienced reference to the indeterminable’ (p. 127, my translation). When these two functions are wired together against the logic of functional differentiation, we are faced with a form of politico-religious pathology – an anti-modernist danger to which the last century has born witness multiple times. At one extreme, we find totalitarian political religions with a quasi-religious understanding of collectively binding decisions that nevertheless ignore the people’s democratic will. At the other extreme, fundamentalists of all stripes draw meaning from religion, claiming that collectively binding political decisions must conform to religious scripture or practice. It is thus in the interest of the democratic rule of law that the functional differentiation of politics and religion be maintained. Democratic constitutions, which constitute the structural coupling of politics and law, contribute to that differentiation by protecting certain values – say, religious freedom – from the vagaries of public sentiment.

Following the differentiation of modern society into equal-ranking functional sub-systems, ‘the autonomy of politics’ as Holmes argues, ‘increases simultaneously with the autonomy of religion’ (1995, p. 207). This process is maintained by what Holmes calls *gag rules*, i.e., ‘rules that preclude cooperation-shattering debate of emotionally charged issues’ (p. 10). In this way, the strict division between private and public freedom is overcome in a manner analogous to how the semantic coup of liberalism freed the common good from its traditional opposition to private interest, thereafter understanding it

as the rational maximization of utility guaranteed by an invisible hand (Fischer 2006, pp. 48ff). ‘The decision to protect individual conscience from interference by public officials,’ Holmes continues, ‘is simultaneously a decision to secularize political life and to remove from the public agenda issues that are impossible to resolve by either argument or compromise. In other words, private freedom serves public freedom’ (1995, p. 10).

Liberal democracy’s ‘politics of omission’ (Holmes 1995, p. 202ff) is a striking solution to the paradoxical relationship between religion and politics, a relationship in which ‘a religiously pluralistic country devoted to majority rule can be *united* by a deftly drawn *division* between public and private spheres’ (p. 206). Through separation, the problem of identity does not lead to fanaticism but breaks into alternating part-identities, ones shaped by the distinction between private and public existence as well as ones shaped by political, economic, scientific, and religious activities (Holmes 1985, Luhmann 2000a, p. 130). Anticipated in the liberalism of fear, gag rules offer a way for religion and politics to work together. The solution they offer nevertheless remains under constant threat. To understand the nature of that threat, we must now turn to the instructive and multi-layered relationship of Thomas Hobbes and Carl Schmitt.

II

In the central chapter of his book on Hobbes, Schmitt unveils his polemic against his ‘friend’ from Malmesbury. According to Schmitt, the very weakness of Hobbes’s theory is supposed to lie in the notion of a sovereign power that generates religious and political unity. By placing the public confession of faith, even belief in miracles, under the control of the sovereign, Hobbes emphasizes the individual, thus laying the foundation for the constitutional state and for the rights guaranteeing individual freedoms in the eighteenth century. Schmitt condemns these defensive rights of the liberal state as ‘the seed of death that destroyed the mighty leviathan from within and brought about the end of the mortal god’ (1996a, p. 57). For Schmitt, Hobbes’s approach is only conceivable within an agnostic framework that validates the neutral worldview of the liberal state because it holds truths about substance to be unknowable.

Schmitt’s polemic contains his anti-Semitic claim that Spinoza, the ‘first liberal Jew’, exploited the weakness of Hobbes’s theory in order to reverse the relationship Hobbes had intended between the public and the private (1996a, p. 57). In answer to Schmitt’s anti-Semitic resentment one can only reply that, while Spinoza’s thought did indeed provide later liberalism with some useable material, Schmitt’s criticism of it reveals a disposition more totalitarian than anti-liberal. For in alluding to the eighteenth century as the hour of birth of the constitutional state, Schmitt not only turns away from the ideals of 1789; the insinuation that it was careless of Hobbes to permit private

faith also shows Schmitt's refusal to accept the possibility that one might *intentionally* plan in as much freedom as could be had without increasing the risk of civil unrest. Schmitt is not concerned with concrete (and contained) dangers like civil wars; his dissatisfaction is directed rather toward the fact that Hobbes's public confession implies a private, interior faith that is unknowable and hence beyond the grasp of political power. Of course, this is the kind of dissatisfaction that only a totalitarian grip on society could assuage. When Curzio Malaparte writes in his novel *La Pelle* that in totalitarian systems, what is not prohibited is compulsory, he precisely captures the Schmittian idea. Nothing is more erroneous than to downplay Schmitt as a conventional statist.

In Schmitt's work, one can thus speak, in the words of Judith Shklar, of a totalitarianism of fear. His totalitarian anti-liberalism does not, as I observed above, share Hobbes's concerns over civil war; it is designed to prevent the *denaturation* of all political concepts by nineteenth-century liberalism. And it is this liberalism that Schmitt blames for the reluctance of individuals in liberal states to sacrifice their lives for political unity (1976, pp. 69ff, McCormick 1994). This position is deeply anti-Hobbesian: Hobbes's entire concept of state is based on a person's inalienable and legitimate will to survive. But it does explain the mixture of politics and theology in Schmitt's thought. His substantialistic and anti-liberal understanding of the political gives us only half the picture. The state of exception, so abhorred by Hobbes, becomes under Schmitt's reading a legitimate resource of political order; sovereignty, no longer a mere precondition for the proper functioning of institutions, becomes an epiphany. Whereas Hobbes wants to produce a permanent and stable order, Schmitt, the purported critic of political romanticism, romanticizes the state of exception, with the result that his polemic against the shortcomings of Hobbes, 'liberal Jews' and other enemies of the leviathan is tinged with vindication as well as fanaticism: Schmitt believes that his opponents planted the seed for his own political theology by making leviathan mortal and leaving him behind (Bredekamp 1998, pp. 909, 912, Lübke 1985a, p. 99).

Hobbes, by contrast, lets his paradoxes – of which there are three – unfold. First, the 'pre-liberal' characteristics of Hobbes are, as are those of Bodin, indebted to an understanding of the sovereignty paradox where 'limited power is more powerful than unlimited power' (Holmes 1995, pp. 100, 131). In its broader sense, the sovereignty paradox is connected with the idea of religious freedom. The distinction between private and public spheres is based on the distinction between state and civil society through which the Aristotelian idea of the *koinōnia politikē* and the old-European semantics of *societas civilis* were transformed (Riedel 1975). This first paradox leads in turn to the second paradox: while the state is distinguished from civil society insofar as the latter is understood as a collection of economically interested participants seeking to maximize their

self-interest, the state is nevertheless supposed to use its sovereignty to guarantee the unity of that distinction (Göbel 1995, pp. 276f). Third, Hobbes's entire construction is an unfolding of the paradox of the representation of identity (Hofmann 1998, pp. 214ff). As the frontispiece to *Leviathan* illustrates (Bredenkamp 2003, 2007), Hobbes, aware of his contribution to the history of ideas, provides an implicit commentary about its historical locus: the Leviathan as a body politic assembled from its subjects recalls both the identity-based medieval 'state' and, thanks to the ideas of representation and social contract, its overcoming.

By contrast, Schmitt's fixation on the state of exception stands counter to the sovereignty paradox as well as to the paradoxical distinction between state and society. In his *The concept of the political* and *Verfassungslehre*, Schmitt provides a folkish formulation of the distinction between state and society whereby the state must guarantee the unity of the distinction between state and civil society, while the people, as the subject of political unity, constitute the essence of the state. For Schmitt, this state of homogeneity can be achieved either through the immediate identification by the people of themselves as a political unity or through the representation of the political unity of the people in human form (Schmitt 1993a, pp. 205, 215). Yet Schmitt's hypostasis of folkish political unity, which is compatible with both approaches, blurs the distinction between identity and representation (Hofmann 1998, pp. 154f, Schmitt 1993a, pp. 209f). His repeated claim that the concept of the political is based on readiness for self-sacrifice is proof that Schmitt sees through the lens of transubstantiation, a perspective that makes possible understanding of the mortal individual body as an immortal part of the *Volk* (Meuter 1991, pp. 502ff, Haltern 2005).

These views, which go beyond any form of identity-based or representative theory, lay bare Schmitt's politico-theological standpoint. It is one that is uniquely modern – the medieval teachings of the king's two bodies afforded no room for the participation of the people in the political process – while being firmly opposed to the liberalism that shaped the modern period. As Schmitt emphasizes repeatedly, liberalism's orientation toward the rational calculation of utility and the individual pursuit of happiness is not a framework in which sacrificial acts can be understood, let alone justified (Schmitt 1976, pp. 70f). Though Schmitt accepts the impossibility of a *repraesentatio identitatis* in modern society, he cannot accept its logical consequences: restricted forms of representation and an unsolvable identity problem that can only be abstracted and diversified (Luhmann 1997, p. 82). Schmitt thus retains an outdated (Luhmann 2000a, p. 333) and amalgamated understanding of politics and religion that calls into question his understanding of the political as an autonomous entity (Schmitt 1976, p. 27). Schmitt does not find the destination of the political in extreme association or dissociation; instead he thinks, in eschatological terms, of an alternative-free antagonism,

one which he then projects, for purposes of codification, onto politics: 'Le politique est d'autant plus politique qu'il est antagonistique, certes, mais l'opposition est d'autant plus oppositionnelle, l'opposition suprême, comme essence et *télos* de l'opposition, de la négation et de la contradiction, qu'elle est politique. ... Schmitt ne définit cette dernière par le politique' (Derrida 1994b, p. 160).

Schmitt's life-and-death preoccupation with political theology (Müller 2003, p. 156.) is what irreversibly separates his thought from that of Hobbes, whose stance toward religion remained persistently critical. This distinction is based upon differing anthropological viewpoints. For Hobbes 'religion is both an irrepressible danger and an indispensable resource for the peacekeeping state ... because the minds of human beings will never be freed from discombobulating passions and intoxicating doctrines, norms that mesmerize and names that slander or beguile' (Holmes 1995, p. 98). On the basis of this belief, Hobbes devises a radically this-worldly political theory that incorporates faith solely as a means to avert religiously fueled unrest. Schmitt, by contrast, holds on to the Tridentine creed of original sin with its *complexio oppositorum* of good and evil human nature (Schmitt 1996b, pp. 8f). From this position, Schmitt can then claim that Hobbes's anthropological pessimism, far from being an independent element of his state theory, presupposes 'the reality or possibility of the distinction of friend and enemy' (Schmitt 1976, p. 65).

As always, Schmitt's interpretations of Hobbes are exceptionally artful, though often inconsistent (Schmitt 1976, p. 65, Schmitt 1995, pp. 157f). In *The concept of the political*, for instance, Schmitt rejects Tönnies's view that the civil society described by Hobbes is based on free competition, but in a later review Schmitt endorses a similar claim by C.B. Macpherson in *The political theory of possessive individualism* (1962). Where Schmitt remains constant, however, are in his attempts to expose by insinuation Hobbes's covert proximity to political theology despite his being both *Aufklärer* and agnostic (Schmitt 1950, p. 67), thus making Hobbes's position virtually indistinguishable from his own. Citing Rousseau's *Contrat social*, Schmitt claims that Hobbes was never a pioneer of secularization but remained *un auteur chrétien* through and through (Schmitt 1995, pp. 139f). Like Bodin, Hobbes was supposed to have made the move from church to state not because of secular conviction but due to sheer desperation in the face of Europe's religious wars (Schmitt 1950, p. 73). Yet in rejecting a 'secular interpretation' of Hobbes (Martinich 1992), Schmitt, quite explicitly, does not aim at the psychology and beliefs of Thomas Hobbes the individual and historical person; his purpose is to correct what he sees as the fundamental problem in Hobbes's political theory. In Schmitt's reading of Hobbes, the door to transcendence is by no means closed – in fact, quite the contrary (1991b, p. 123). Schmitt uses Hobbes's thought to illustrate his own concept of the political:

The most important sentence of Thomas Hobbes remains: Jesus is the Christ. ... Hobbes articulates and grounds philosophically that which Dostoevsky's Grand Inquisitor does: making the effect of Christ innocuous in the social and political arena; de-anarchizing Christianity, but in the background affording it a certain legitimizing effect and, in any case, not renouncing it. A clever tactician need not renounce anything unless it is completely unusable. Christianity hadn't come that far yet. We must thus ask ourselves: Who does Dostoevsky's Grand Inquisitor resemble more: the Roman Church or the Sovereign of Thomas Hobbes? Reformation and Counter Reformation proved to move in related directions. Tell me your enemy and I will tell you who you are. Hobbes and the Roman Church: the enemy is the shape of our own question. (Schmitt 1991a, p. 243)⁴

Still today, this unfounded reading of Hobbes's text causes interpretational confusion. Even a thinker with such a fine grasp of Schmitt's thought as Heinrich Meier lets himself be misled into disputing that 'Jesus is the Christ' represents Hobbes's most important statement about religion and politics. For, as Meier argues, if this pronouncement, which forms the core message of the gospels, is the most important thing Hobbes has to say about the relationship between religion and politics, then Schmitt's claims about Hobbes's religiosity must be true after all (Meier 1998, p. 121).

In fact, the minimal confession of faith demanded by Hobbes *does* constitute a core part of his political theory, but it serves a critical function vis-à-vis religion, instrumentalizing Christianity's central article of faith to prevent civil unrest much like contemporary movements in Anglican theology did to avert sectarian conflicts in the state Church (Chillingworth 1683). Unlike any theologian, however, Hobbes upholds the minimal profession of faith in order to abolish the right to protest against teachings established by the sovereign (Hirsch 1964, p. 41). In this sense, Schmitt's statement that Hobbes wanted to 'de-anarchize' Christianity hits the mark. What is questionable is Schmitt's claim that Hobbes completed the Reformation process (Schmitt 1990, p. 121, 1995). In *Behemoth*, Hobbes employs a Roman Catholic (what Schmitt would call an 'old-Catholic') argument when one of his interlocutors complains that Protestant translations of the Bible into national languages, by allowing for individual interpretation of Scripture, did not only eliminate the obedience of believers;⁵ these vernacular translations of the Bible were also a direct cause of the English Civil War:

B: What is there in this, to give colour to the late rebellion?

A: They will say they did it in obedience to God, inasmuch as they did believe it was according to the Scripture; ... If it be lawful then for subjects to resist the King, when he commands anything that is against the Scripture, that is, contrary to the command of God, and to be judge of the meaning of the Scripture, it is impossible that the life of any King, or the peace of any Christian kingdom, can be long secure. It is this doctrine that divides a kingdom within itself, whatsoever the men be, loyals or rebels, that write or preach it publicly (Hobbes 1990, pp. 49f).

Schmitt simply ignores this passage, just as he ignores *Behemoth* in general, a text that, quite understandably, interests him much less than the *Leviathan*. I emphasise once more that Schmitt's fear lies not in *Bürgerkrieg*, but in liberal *Bürgerlichkeit*. Yet again, Schmitt tries to mould Hobbes in his own image, claiming that Hobbes, the 'great decisionist', afforded his maxim *autoritas, non veritas facit legem* a specifically religious sense by politicizing the reality of miracles and placing them under the control of the sovereign (Schmitt 1996a, p. 55).⁶ While Hobbes does indeed define a miracle as 'a work of God ... done, for the making manifest to his elect, the mission of an extraordinary Minister for their salvation' (Hobbes 1991, p. 303), the conclusions he draws are not religious in spirit, far from it. 'The question,' he writes

is no more, whether what we see done, be a Miracle; whether the Miracle we hear, or read of, were a reall work, and not the Act of a tongue, or pen; but in plain terms, whether the report be true, or a lye. In which question we are not every one, to make our own private Reason, or Conscience, but the Publique Reason, that is, the reason of Gods Supreme Lieutenant, Judge; and indeed we have made him Judge already, if wee have given him a Sovereign power, to doe all that is necessary for our peace and defence. A private man has alwaies the liberty, (because thought is free,) to beleeve, or not beleeve in his heart, those acts that have been given out for Miracles, according as he shall see, what benefit can accrue by mens belief, to those that pretend, or countenance them, and thereby conjecture, whether they be Miracles, or Lies. But when it comes to confession of that faith, the Private Reason must submit to the Publique, that is to say, to Gods Lieutenant. (Hobbes 1991, p. 306)

The connection here with the notion of a minimal public confession shows the complementarity between Hobbes's need for order and security and his almost matter-of-fact observation that private persons are accorded religious liberty simply because 'thought is free'. For Hobbes, this leads to radical skepticism: 'Seeing therefore miracles now cease, we have no sign left, whereby to acknowledge the pretended Revelations, or Inspirations of any private man' (Hobbes 1991, p. 259.) Hobbes thus puts forth the paradox of politicizing religious belief to prevent an unrestrained politicization of society. 'La politisation,' Derrida (1994a, p. 62) writes, 'est interminable même si elle ne peut et ne doit jamais être totale'.

Here we see with final clarity the incompatibility of Hobbes's theory of state and Schmitt's political theology. For all his attempts to appropriate Hobbes, Schmitt's reading of Hobbes reveals hostility and lack of understanding. Schmitt's claim that with Hobbes 'miracles cease when the state forbids them' (Schmitt 1996a, p. 55), must be noted as the irony of one who sees belief in miracles separated from political decision or would like it to be so. Connected with this is Schmitt's failure to understand Hobbes's agnosticism. Schmitt argues that the questions *Quis interpretabitur?* and *Quis judicabit?* served the search for authentic Christianity and were no less important than the question *Who coins truth?* But Hobbes would have

thought they were irrelevant: *autoritas, non veritas, facit legem* (Schmitt 1990, p. 107, Schmitt 1991b, p. 122). Indeed, Hobbes's thought is even more agnostic than that. His response to Schmitt's substantialistic effort to find a currency for truth would be that there is no truth save that decreed by the sovereign.

The views of decisionism held by Hobbes and Schmitt also appear to be direct opposites. The difference is captured best in the way Schmitt changes the semantics of the question *Quis iudicabit?* While Hobbes understands it as *Who judges?*, Schmitt interprets it as *Who decides?* The difference between *Who judges?* and *Who decides?* is the difference between the judgment of law and the decision of politics. This difference, a characteristic of modern society, is one that Schmitt no more accepts than he does the difference between religion and politics. While Hobbes endorses the function-specific logic of religion precisely because of his statist concern for the peace-securing power of the leviathan, Schmitt calls for the merger of politics and religion. As he observes (approvingly), 'a religious community which wages wars against members of other religious communities or engages in other wars is already more than a religious community; it is a political entity' (Schmitt 1976, p. 37). Accordingly, Schmitt believes that 'no political system can survive for even a generation with only naked techniques of holding power. To the political belongs the idea, because there is no politics without authority and no authority without an ethos of belief' (Schmitt 1996b, pp. 28, 45). The political theology Schmitt envisions is quite concrete: 'Because the state of exception is different from anarchy and chaos, an order in the juristic sense still prevails, even if not a legal order' (Schmitt 1993b, p. 18).⁷ By contrast, Hobbes's negative political theology does not, once the leviathan has been enthroned, make room for miracles and their secularized counterpart, the state of exception.

The political and theological differences of opinion between Hobbes and Schmitt could hardly be more plain. Though Hobbes would emphatically agree with Schmitt that the state of exception is the secularized counterpart of the miracle, he sees in it vastly different consequences. For Hobbes, the point is to exclude every form of belief in miracles so as to avoid the state of exception at all costs. For Schmitt, interest in miracles goes hand in hand with his romanticizing the state of exception. In his anti-liberal penchant for political theology, Schmitt is not only a litmus test for questions about the preconditions of religious liberality, he also anticipates a problem current today in the relationship between religion and politics.

III

Hobbes was not faced with the problem of interfaith conflicts in multicultural societies. Nor was Schmitt – at least hardly with the urgency felt today – but already early on he identified the exchangeability of 'Jesus is the Christ' as a

fundamental question in Hobbes's political theory. The question for Schmitt was whether the neutralization of religion begun by Hobbes and institutionalized by liberalism could be generalized monotheistically to include 'Allah is great' (1991b, p. 122f).

In trying to answer this clear-sighted question, Schmitt unintentionally provides arguments for religious liberality and its attendant societal structures – unintentionally because a general monotheistic formula seems to offer little by way of settling the conflicts among the monotheistic world religions. In general, integrating political theology into multi-faith societies is unrealistic, not to mention the fact that a prescribed public confession would not be compatible with the liberal idea of negative religious freedom. The clear solution to the uneasy relations between politics and religion lies in the liberal strategy of gag rules that ultimately goes back to Hobbes. Schmitt camouflages his totalitarian misappropriation of Hobbes by making the sage from Malmesbury into his intellectual forerunner. But from Schmitt's perspective, *gag rules* are merely another form of political theology. 'It is essential,' Schmitt (1992, p. 35) writes, 'that liberalism be understood as a consistent, comprehensive metaphysical system.'

This liberalism existed, as Schmitt argues in assuming Donoso Cortes's eschatological perspective, 'with its contradictions and compromises' only a 'short interim period in which it was possible to answer the question 'Christ or Barabbas?' with a proposal to adjourn or appoint a commission of investigation' (Schmitt 2005, p. 62). Meanwhile, according to Schmitt, liberalism's forcing of faith into the private sphere resulted in a 'counterforce of silence and stillness' (Schmitt 1996a, p. 61). For Schmitt, religion cannot be neutralized, only relocated:

Whatever place is assigned to religion, it always and everywhere manifests its capacity to absorb and absolutize. If religion is a private matter, it also follows that privacy is revered. The two are inseparable. Private property is thus revered precisely because it is a private matter. This hitherto scarcely recognized correlation explains the sociological development of modern European society, which has its own religion. Without its religion of privacy, the structure of this social order would collapse. The fact that religion is a private matter gives privacy a religious sanction. Moreover, in the true sense the guarantee of absolute private property, which rules out each and every risk, exists only, if religion is a private matter. But where religion is a private matter, the guarantee of absolute private property exists without exception. (Schmitt 1996b, pp. 28f)⁸

This is where Schmitt's katechontic work in anti-liberalism runs aground. With his political judgment distorted by resentment and with his glorification of faith, he fails to recognize to what extent the development of modern society owes its existence to the fact that the central position of faith is socially tolerable only if the effects of faith for society as a whole are duly neutralized, that is, only if faith is transformed into a private affair

(Luhmann 1996, pp. 137ff). This transformation, like the others we have observed, can only be grasped as a paradoxical change: historically, the restriction of religious belief to the private sphere is a process subject to the famous Böckenförde paradox. The liberal state, insofar as it emerges in a process of secularization, must, for the sake of its liberality, understand religious liberality as a voluntary, original development of religion(s); it is not something that can be established by force (Böckenförde 1991). This paradox of religious liberality is in keeping with the democratic paradox, according to which the people are at once sovereign and subject. Democracy means 'rule by the people'. Who do they rule? The people, of course (Luhmann 2000a, p. 353). Liberal democracies must expect a similar kind of self-rule from religion(s).

Though many factors are decisive for the self-rule of religion, Ernst Troeltsch's study of the political ethics of world religions tells us why modern liberalism developed originally in the Occident: complementary to his erstwhile close friend Max Weber, Troeltsch believes that it is the Protestant ethic, in particular Calvin's doctrine of predestination, that served as the basis for the reconciliation of Christian ethics with modern liberalism (Fischer 2005). 'Calvinism,' Troeltsch (1986, p. 65) writes, 'took a prominent part in preparing the way for the upgrowth of the democratic spirit.' For Troeltsch (1925, p. 81), this achievement of the modern world secures defensive rights for the individual and allows the authority of the state to arise from the unity of individuals so that the people appear as their own rulers.

With this observation, Troeltsch anticipates not only the democratic paradox but also Schmitt's famous thesis that 'all significant concepts of the modern theory of the state are secularized theological concepts', for, as Troeltsch goes on to argue, the German theory of the state mostly derives from religious ideas (1925, p. 102). This gives us an opportunity to re-appropriate Schmitt's anti-liberal methodology – not because the crown jurist of the Third Reich deserves a voice today, but because it promises to limit the apparently unending fascination with Schmitt by usurping his methodology and his terminology for liberal purposes (Böckenförde 1987, Lübke 1988).

Such re-appropriation would be relevant in particular to political theology and to Schmitt's glorification of sacrifice for the political community insofar as their revival encourages extensive questioning of Western liberalism. As Paul W. Kahn (2005, pp. 233f, 236) writes in his *Putting liberalism in its place*:

Political power is present when individuals recognize in themselves a capacity for sacrifice for the state. In the act of sacrifice, polity and citizen, objective power and subjective faith, are one and the same. ... Sacrifice is always an act of love, but it becomes a distinctly political act when it is linked to the reciprocal possibility of infliction and injury. ... Carl Schmitt argues that the

specifically political distinction is that between friend and enemy. Friend and enemy are his terms for those from whom sacrifice can be demanded and those against whom the use of deadly force might be required. ... But a liberal order – global or national – does not allow the politics of friends and enemies to define relations among these groups.

The critique of liberalism makes its reappearance in the context of current inter-faith and intercultural conflicts, arguing that liberalism, by its very nature, is unable to understand the hostility of its enemies (Kahn 2005, pp. 20f). By contrast, liberal policies forego the political in the hope that society's general freedom will trigger similar processes within religion. Adapting such a complex and contingent social process as religious liberality to other faiths will pose difficulties – this is obvious. So is the fact that there remains no other way.

Acknowledgements

I would like to thank Christina Fischer, Johan Tralau, Dominic Bonfiglio, and Hans Grünberger for their many helpful suggestions.

Notes

1. For instance, this applies equally to two otherwise completely different studies: Rumpf (1972, especially p. 60) on the one hand, Bendersky (1983) on the other; see Hofmann (1995, p. 186).
2. Böckenförde (1991) has described the rise of the state as a process of secularization.
3. Shklar's remarks recall Hobbes's famous statement that fear and he were born twins.
4. Notes from 23.5.1949 (1991a).
5. 'A: For after the Bible was translated into English, every man, nay, every boy and wench, that could read English, thought they spoke with God Almighty, and understood what he said, when by a certain number of chapters a day they had read the Scriptures once or twice over. And so the reverence and obedience due to the Reformed Church here, and to the bishops and pastors therein, was cast off; and every man became a judge of religion, and an interpreter of the Scriptures to himself' (Hobbes 1990, p. 21).
6. See also the *Hobbes-Kristall* in Schmitt (1991b, p. 122).
7. I cite here my own translation because Schwab imprecisely renders 'Weil der Ausnahmezustand immer noch etwas anderes ist als eine Anarchie und ein Chaos, besteht im juristischen Sinne immer noch eine Ordnung, wenn auch keine Rechtsordnung' as 'Because the exception is different from anarchy and chaos, order in the juristic sense still prevails even if it is not of the ordinary kind' (Schmitt 2005, p. 12, italics mine).
8. Due to the imprecision of the English translation, I have modified the last two sentences of this passage. Ulmen's version reads: 'In the true sense, the unconditional guarantee of absolute private property can exist only where religion is a private matter, where again it is also the governing principle.' The original German (Schmitt 1984, p. 48) is as follows: 'die über jedem Risiko stehende Garantie des absoluten Privateigentums existiert im eigentlichen Sinne nur dort, wo Religion Privatsache ist. Dort aber auch überall.'

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