



## Research Article

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# Carl Schmitt's Political Theology of Revolution

<https://doi.org/10.1515/oph-2022-0223>

received July 03, 2022; accepted November 23, 2022

**Abstract:** Is there a political theology of revolution in Carl Schmitt or is his political theology only and exclusively autocratic? Schmitt sees the key to revolutionary politics in the construction of the idea of the people as a constituent power. This idea, and the first event it produced, namely, the French Revolution, not only establishes a concrete state of exception but also makes exceptionality both at the same time a constituent and a de-constituent element of the political order of the Modern State. The exception goes from coming from “outside” the political order to being integrated into it as an element of *stasis*, that is to say, of destabilization. Hence, all modern politics, under the mask of legality, become permanently revolutionary. This article analyses the juridical genealogy and the theological–political transfers involved in the construction of the modern revolutionary political era that follows from Schmitt’s insights.

**Keywords:** Carl Schmitt, exception, political theology, constituent power, dictatorship, sovereignty, revolution

Is there a political theology of revolution in Carl Schmitt or is his political theology only and exclusively autocratic? This article offers a nuanced approach to the question. While in Schmitt’s early writings, revolutionary political theology appears linked to the idea of the constituent power of the people, discovered by Sieyès – mainly attributed to Spinoza and Malebranche – in his later writings, the revolutionary political possibilities are opened up by Gnosticism and pagan polytheism. To address this complex question, we first approach the problem as Schmitt does in his early writings through the analysis of the constituent power of the people and its theological–political interpretation, and then, we direct our attention to contemporary possibilities of a political theology of revolution.

## 1 The Problem: State of Exception and Democracy

In the preface to the fourth edition of 1978 of his *Dictatorship*, Schmitt makes note of the significant increase at that time in the number of works on the question of the state of exception in the law. He attributes it to the fact that crises have become both integrating and disintegrating elements of anomalous intermediate situations between war and peace. One of the main theses of this article is that this sentence reveals an important interpretative key to understanding what Schmitt considers to be a revolutionary democracy. Indeed, in this text from his early writings, the German jurist notes that the exception has become, through the idea of the constituent power of the people, that is of the people as the sovereign subject at the origin of every constitution, an integrating element of political order, which operates as a revolutionary device.

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*Dictatorship* (1921) traced the history of the idea of dictatorship as a state of exception from the beginnings of modern thought on sovereignty to the proletarian class struggle. While not ignoring, of course, exceptional situations in antiquity,<sup>1</sup> Schmitt was most interested in the political conceptualization of modernity and devoted his best efforts to it. In *Dictatorship*, the state of exception is initially linked to the modern concept of dictatorship, that is to the possibility of the suspension of the existing legal order by a political decision that seeks to impose a new order or to restore an order that has begun to weaken due to historical circumstances.<sup>2</sup>

Many different interpretations have been given to *Dictatorship*. In the brief biography that appears as the first chapter of my *The Political Discourse of Carl Schmitt*, I have pointed out that this book opens a series of books like *Political Theology* or *The Concept of the Political* among others, which I characterize as the “discovery of the political spirit.” In these books, Schmitt develops a theory of the sovereign decision, after some more general works on literature and law.<sup>3</sup> This is how Mc Cormick or Scheuerman sees *Dictatorship*, without placing particular emphasis on his comments on constituent power, but rather on Schmitt’s struggle against liberalism at the expense of democracy.<sup>4</sup> However, there has also been a growing literature that has pointed to the importance of this early work of Schmitt in awakening interest in the idea of constituent power. One cannot forget Klein’s judgement in his theory of constituent power that Schmitt was responsible for the renewal of the idea of constituent power in the jurisprudence of his time.<sup>5</sup> Rubinelli also notes that Schmitt represents a turning point in the history of constituent power by placing him “in the middle of the story ... equating constituent power with his understanding of sovereignty as the power of the elected leader to take unbounded and ultimate decisions, through the institutional structure of the state.”<sup>6</sup>

Also the interpretations of Breuer, Cristi, Kalyvas, and Arato are relevant in this aspect. All of them indicate the importance of the idea of constituent power for the development of Schmitt’s resignification of the theory of democracy in his *Constitutional Theory*. They all recognize how Schmitt uses the theory of constituent power to his advantage, domesticating it. But they also seem to forget that Schmitt is critical of this theory up to the end, even though, in political modernity, in which the only form of legitimation is democratic legitimacy, the theory of constituent power is the only theoretical instrument that allows for a non-masked presence of political power that should be distinguished and limited by legality.<sup>7</sup>

Schmitt never loses sight of the revolutionary and destabilizing possibilities of the theory of the constituent power, precisely those that were put into practice in the French Revolution. In the first place, its

<sup>1</sup> As Álvaro d’Ors rightly points out in his book dedicated to Schmitt, *De la guerra y de la paz*, 23–44, in the chapter entitled *Silent leges inter arma*.

<sup>2</sup> Schmitt, *Dictatorship*, xlii: “If dictatorship designates the exception to a norm, it does not mean any arbitrary negation of a random norm. The immanent dialectic of this concept is that what is negated is the norm, whose authority should be guaranteed by dictatorship throughout its historical–political existence. There might be a difference between the rule of law in its making and the method of its exercise. In terms of the philosophy of law, this is the essence of dictatorship: the general possibility of a separation between the norms of justice and the implementation of law [*Rechtsverwirklichung*]. Any dictatorship that does not make itself dependent on pursuing a concrete result, even if one that corresponds to a normative ideal (and hence does not aim to make itself redundant) is an arbitrary despotism. To achieve a concrete result, one has to interfere in the causal order of things using means whose justification is given by their degree of appropriateness and depends exclusively on the actual contexts of this causal pattern.”

<sup>3</sup> Herrero, *The Political Discourse*, 11.

<sup>4</sup> McCormick, “The Dilemmas of Dictatorship,” 170–4; Sheuerman, *Between the Norm and the Exception*.

<sup>5</sup> Klein, *Théorie et Pratique du Pouvoir Constituant*.

<sup>6</sup> Rubinelli, *Constituent Power*, 207, and 140: “His interpretation of *pouvoir constituant* is both similar to and different from previous accounts of the idea. As much as these earlier accounts, it enshrines an attempt to negotiate the sense and implications of the principle of popular power against the institutional implications derived from mainstream accounts of sovereignty. Differently from them, Schmitt collapses constituent power into another account of sovereignty, more absolute and unlimited, to justify the rule of a single man. These differences and similarities represent a key juncture in the history of constituent power. From then onwards, all theorists directly engaged with and relied upon Schmitt’s interpretation when putting forward their own accounts of constituent power.”

<sup>7</sup> See Arato, “Carl Schmitt and the Revival of the Doctrine of Constituent Power,” 1740; and Breuer, “Nationalstaat und *pouvoir constituant* bei Sieyès und Carl Schmitt,” 509.

absolute character, which can be glimpsed by extracting the particular genealogy – that is a way of reading political ideas and concepts that are not immediately given by its history<sup>8</sup> – of the idea of constituent power that Schmitt builds at the time that describes the history of dictatorships. This aspect has not been dealt with in the cited bibliography, which has made a different reading of this book.<sup>9</sup> But, secondly, the particular *stasis* that the idea of the constituent power puts at the heart of every political order. For this exegesis, Schmitt uses the particular methodology that would be the subject of his publication a year later, *Political Theology*. That is to say, interpreting the idea of constituent power from its most radical conceptualization, that is from the metaphysical and theological implications of Malebranche and Spinoza's philosophy. It is this radical conceptualization that will allow Schmitt to resignificate the idea of *pouvoir constituant* of Sieyès, revealing its most revolutionary possibilities. The opposition of both philosophers to the dualist mechanisms of Descartes and Hobbes will lead Schmitt to a more general political theology of revolution in *Political Theology II*. Although authors such as Koekkoek and Negri have highlighted the importance that Spinoza's metaphysics has in Schmitt's interpretation of constituent power, they have not connected this idea with the political theology of revolution that appears at the end of *Political Theology II*.<sup>10</sup> Many others, however, disconnected Schmitt's ideas about constituent power from his theological political positions, as, for example in Cristi, who affirms that Schmitt refuses a theological interpretation of democracy,<sup>11</sup> or as with Breuer, who thinks of Schmitt's political theology only in terms of the Hobbesian theological political approach.<sup>12</sup>

This article sets aside the systematic place of *Dictatorship* (1921) concerning other texts of Schmitt's work, such as *Political Theology* (1922) and *Constitutional Theory* (1928). While McCormick sees *Political Theology* as a radicalization of Schmitt's thesis in *Dictatorship*, defending a rightist mass-democratic conception,<sup>13</sup> Cristi and Kalyvas observe the continuity between *Dictatorship* and *Constitutional Theory*. Both recognize that Schmitt very early in his production perceives the need to find a modern legitimation for politics, that is of democracy and he views it through the theoretical lens of constituent power. He soon realizes that he must abandon Hobbes' path. Magalhaes for his part characterizes Schmitt as a populist. For Magalhaes, the systematic introduction of this concept in Schmitt's *Constitutional Theory* is perhaps "the single most important reason why many left-radical democratic theorists have been fascinated by his work."<sup>14</sup>

Indeed, it is in *Political Theology* that the connection to the political theology of sovereignty that the exception appears most clearly characterized: "The exception in jurisprudence is analogous to the miracle in theology."<sup>15</sup> From here stems the countless misunderstandings that have systematically crept into most commentaries on Schmitt's work, namely, that Schmitt's political theology is a political theology of authoritarian personalist absolute sovereignty in line with Hobbes. As Schmitt rightly comments in his *The Leviathan in the State Theory of Thomas Hobbes*, for a radical decisionist like Hobbes – who had enacted the decisive *auctoritas non veritas* turn, nothing is true – everything is a command: "A miracle is what that sovereign state authority commands its subjects to believe to be a miracle."<sup>16</sup> We cannot forget when reading this sentence that the Stuarts, in particular Charles II, were engaged in the practice of royal miracle

<sup>8</sup> On the provenance of the concept of genealogy, see Herrero, "Genealogical Practices. Three Ways to Consider the Presence of History in Philosophy."

<sup>9</sup> This is the case in Collison. In "From the Commissary Dictator to the Katechon," he applies the genealogy of the commissarial dictatorship to highlight a central aspect of Carl Schmitt's political theory, namely, the relevance of intermediate powers, and connects it to the political theology of the katechon. See also Kelly, in "Carl Schmitt's Political Theory of Dictatorship," which stresses the aspect of dictatorship as an ordinary technique of political management.

<sup>10</sup> Koekkoek, "Carl Schmitt and the Challenge of Spinoza's Pantheism;" Negri, *Savage Anomaly*.

<sup>11</sup> Cristi, "Carl Schmitt on Sovereignty and Constituent Power," 190.

<sup>12</sup> Breuer, "Nationalstaat und *pouvoir constituant* bei Sieyès und Carl Schmitt," 514.

<sup>13</sup> McCormick, "The Dilemmas," 187: "I have suggested that this transition from die Dikatur to Political Theology indicates a shift from conservatism to fascism in Schmitt's theory."

<sup>14</sup> Magalhaes, *The Legitimacy*, 80.

<sup>15</sup> Schmitt, *Political Theology*, 36.

<sup>16</sup> Schmitt, *The Leviathan*, 55.

healings. Charles II, between 1660 and 1664, touched approximately 23,000 people with his royal hand, as Schmitt underlines. Although he originally takes the example of the miracle from Donoso Cortés, in his *Discourse on the Dictatorship* of 4 January 1849, Schmitt himself points out in the book *Dictatorship*, “It has been argued that dictatorship is a miracle, on the grounds that its suspension of state laws is comparable with the suspension of natural laws in miracles. In reality, dictatorship is not this miracle; it is a breaking up of the legal system that is implicit in such a newly established dominion.”<sup>17</sup> And in *Political Theology*, he asserts, “Only by being aware of this analogy can we appreciate the manner in which the philosophical ideas of the state developed in the last centuries.”<sup>18</sup>

The analogy appears to Schmitt as a method, which he calls the “sociology of juristic concepts,” consisting of “radical conceptualization, a consistent thinking that is pushed into metaphysics and theology.”<sup>19</sup> He sees Leibniz as one of the great defenders of this logic of political analysis in that he emphasizes the systematic relationship between jurisprudence and theology, rejecting, however, a comparison of jurisprudence with medicine and mathematics. However, in his opinion, all literature from the seventeenth and eighteenth centuries, including Rousseau, is full of such analogies.<sup>20</sup>

At least since Hobbes, political theology’s definition of sovereignty must be attributed to the position of the monarch in the Modern State, yet we cannot assume that it is a normative definition for Schmitt. Thus, the political theology of the authoritarian regal state sovereignty should not so much be ascribed to Schmitt as to the political thought of the sixteenth and seventeenth centuries. Schmitt’s political position depends on the theology and metaphysics of a later era, at the very moment when in his *Constitutional Theory* he seeks a new democratic foundation for political legitimacy.

Kalyvas is the one who has better analysed the constituent parts of Schmitt’s theory of democracy.<sup>21</sup> He does so by distinguishing three moments: Firstly, the founding moment, in which Schmitt shifted from a traditional notion of sovereignty as the ultimate command to the idea of sovereignty as the creative and founding will of the constituent subject. Secondly, the constitutional order, in which Schmitt confronted the problem of the self-enforcement and self-limitation of the democratic order. At this moment, the relevant distinction is between the constitution and constitutional laws. The constitution is the incarnation and institutionalization of the constituent will and of the substantive values to which it has given birth. As Vinx has argued, Schmitt is one of the authors that have defended the claim that material limits to constitutional amendment need not be democratically illegitimate.<sup>22</sup> Thirdly, the moment of the extraparliamentary sovereign, which recovers the power of sovereignty in times of crisis. With this strategy, well described in my view by Kalyvas, Schmitt adapts Sieyès’ theory of constituent power to his normative interests, disregarding, as Breuer points out, the more liberal aspects of Sieyès.<sup>23</sup>

<sup>17</sup> Schmitt, *Dictatorship*, 120–1.

<sup>18</sup> Schmitt, *Political Theology*, 36.

<sup>19</sup> *Ibid.*, 42.

<sup>20</sup> *Ibid.*, 46: “‘Imitate the immutable decrees of the divinity.’ This was the ideal of the legal life of the state that was immediately evident to the rationalism of the eighteenth century. This utterance is found in Rousseau’s essay *Political Economy*. The politicization of theological concepts, especially with respect to the concept of sovereignty, is so striking that it has not escaped any true expert on his writings.”

<sup>21</sup> Kalyvas, “Carl Schmitt and the Three Moments of Democracy;” Kalyvas, *Democracy and the Politics of the Extraordinary*.

<sup>22</sup> Vinx, “Are There Inherent Limits to Constitutional Amendment?” Vinx underlies that several notable authors have defended the claim that material limits to constitutional amendment need not be democratically illegitimate, and even that such limits are inherent in any liberal, democratic constitution, whether or not they are explicitly expressed in the constitutional text. Among them, apart from Schmitt, he mentions Walter F. Murphy, Jeff Rosen, Samuel Freeman, John Rawls, and Luigi Ferrajoli. He also provides a bibliography analysing this aspect of Carl Schmitt’s theory of constituent power on page 63. In particular, Kraft-Fuchs, “Prinzipielle Bemerkungen zu Carl Schmitts Verfassungslehre;” Ehmke, *Grenzen der Verfassungsänderung*; Conrad, “Limitation of Amendment Procedures and the Constituent Power;” Colon-Rios, *Weak Constitutionalism, and Schupmann, Carl Schmitt’s State and Constitutional Theory*. Vinx himself does not defend the view that Schmitt was a supporter of Weimar democracy. He views Schmitt’s theory of constituent power as profoundly undemocratic, even if Schmitt’s attack on a proceduralist understanding of the Weimar Constitution can be read fruitfully. However, Carl Schmitt’s theory of constituent power is not revolutionary insofar as it accepts inherent limits to constitutional amendments.

<sup>23</sup> Breuer, “Nationalstaat und *pouvoir constituant* bei Sieyès und Carl Schmitt,” 511.

Notwithstanding Kalyvas' aforementioned observations (re: the place of the theory of constituent power in Schmitt's work), this article primarily examines the extent to which Schmitt's theological-political interpretation in *Dictatorship* uncovers the most revolutionary possibilities of democratic theory, to the point of attributing these very possibilities to modernity itself, and the ways in which this interpretation could be extended to a general political theology of revolution.

In several texts, Schmitt describes the modern political condition as the impossibility of escaping democracy, as the political condition in which the only possible sovereign is the people. It is the case of *Constitutional Theory* where he largely describes democracy as the political component of the modern constitution,<sup>24</sup> as well as in *Political Theology* where he asserts:

Since 1848 the theory of public law has become 'positive,' and behind this word is usually hidden its dilemma; or the theory has propounded in different paraphrases the idea that all power resides in the *pouvoir constituant* of the people, which means that the democratic notion of legitimacy has replaced the monarchical. It was therefore an occurrence of utmost significance that Donoso Cortés, one of the foremost representatives of decisionist thinking and a Catholic philosopher of the state, one who was intensely conscious of the metaphysical kernel of all politics, concluded in reference to the revolution of 1848, that the epoch of royalism was at an end.<sup>25</sup>

Indeed, this article sets aside the exception understood as an exception to the law which, although without breaking legal continuity, is considered "external" to the existing order and therefore preserves a certain clear dialectic between normality and exceptionality. Schmitt affirms this in his description of commissarial dictatorship and even in the theory of constituent power which Schmitt himself develops in *Constitutional Theory*. Rather, the article examines the most radical interpretation of the idea of constituent power by Schmitt in which the exception is constituted as the keystone of political normality itself, insofar as it not only does not break the legal continuity but also acts within it as a device for the self-alteration of society or as a permanent state of exception.

Schmitt makes a clear distinction between these two ways of understanding the exception when he points out the significant difference between considering dictatorship a "state of exception" outside of all that counts as normal – of democracy, of liberal principles, of the constitution – and a state whose entire existing order can be called dictatorship: "Another change in the meaning of dictatorship occurs when not only the contested political order but also the intended government is called a dictatorship, as happens in the communist literature."<sup>26</sup> This draws out Schmitt's criticism.

He posits that this state is called a sovereign dictatorship, because a whole state is a tool for transforming a given political order into another political reality, and its justification is based on a norm that is no longer purely political nor grounded in simple legal positivism; rather, its legitimacy is founded on a philosophy of history: "Whoever is on the side of the things to come is allowed to push against what is already collapsing."<sup>27</sup> However, *Dictatorship* concludes by saying that the dictatorship of the proletariat presupposes the concept of a sovereign dictatorship, as it was at the heart of the French National Convention's theory and practice.<sup>28</sup>

To think of both French and Soviet revolutionary politics as sovereign dictatorships means admitting that the exception lies at the heart of their politics. As he points out in *The Leviathan in the Political Theory of Thomas Hobbes*: "The periodic revival of the national convention as an eternal natural right (*Naturrecht*)

<sup>24</sup> Schmitt, *Constitutional Theory*, 253.

<sup>25</sup> Schmitt, *Political Theology*, 51.

<sup>26</sup> Schmitt, *Dictatorship*, xli.

<sup>27</sup> *Ibid.*, xlii.

<sup>28</sup> *Ibid.*, 179: "Nevertheless, the concept of dictatorship, as it was formulated in the claims of the dictatorship of the proletariat, was already available in its theoretical specificity .... but at this point, one may indicate that, from the perspective of a general theory of the state, the dictatorship of a proletariat identified with the people at large, in transition to an economic situation in which the state is 'withering away', presupposes the concept of a sovereign dictatorship, just in the form it stands at the root of the theory and practice of the National Convention. What Engels required for his 'praxis', in his address to the League of Communists in March 1850, also held for a political theory of the state of this transition to statelessness [*Staatlosigkeit*]: it was the same situation 'as in France 1793.'"



was to him (Rousseau) a natural occurrence; in other words, he allowed for the incorporation of the Revolution, as it were, into the configuration of the State.”<sup>29</sup>

From that moment on, all politics are possible permanent revolutions under the mask of stability. In his view, this new historical circumstance is inescapable. The political structure of modernity alters the position of the exception and, with it, the meaning of all political concepts shifts. Although he uses the concept of constituent power in a “moderate” way in his *Constitutional Theory*, as the aforementioned scholars have shown, the most radical theological–political interpretation is possible and is connected by Schmitt to radical forms of democracy such as Sorel’s anarchist theory of power.<sup>30</sup>

In fact, the seventeenth century was dominated by this idea of the sole sovereign: “In the theory of the state of the seventeenth century, the monarch is identified with God and has in the state a position exactly analogous to that attributed to God in the Cartesian system of the world.”<sup>31</sup> He continues, “A continuous thread runs through the metaphysical, political, and sociological conceptions that postulate the sovereign as a personal unit and primeval creator.”<sup>32</sup> However, the idea of constituent power that surfaced in Sieyès’ political theory, and the exception it introduces in the heart of the political realm, coexisted with another metaphysical, political, and sociological constellation.

The discussion thus far now brings us to address our main issues of Schmitt’s genealogy of constituent power and its connection to a political–theological theory. These two issues have been neglected in the relevant literature: the first is elaborated mainly in *Dictatorship*, but partly also in *Constitutional Theory* – which explains the absolute character of constituent power that opens the door to the more radically revolutionary possibilities of democracy as a sovereign dictatorship – and the second, his genealogy’s link to a political–theological perspective, that is from the metaphysical and theological implications of the metaphysics and theology of Spinoza and Malebranche. These areas of focus open up other possibilities for a political theology of revolution.

For the sake of clarity, the article will: (1) Firstly, address Schmitt’s genealogical construction, which comes to explain why the constituent power of the people is absolute in the theory of democracy that is put into practice in revolutionary France. Indeed, Schmitt constructs a genealogy of the constituent power when recounting the history of dictatorship or states of exception. Like any genealogy, it is a theoretical construction that shows a possible reading of the concepts and not the particular reading that Sieyès himself might have made. In any case, this reading is possible for any contemporary reader who wants to redefine the idea of the constituent power of the people. This is precisely what Schmitt does. In *Dictatorship*, Schmitt postulates that in principle the concept of constituent power is eminently juridical. However, he shows that it is interwoven with theological–political transfers, which give it its radical character. (2) Secondly, the article makes explicit the theological–political question at the heart of the radical interpretation of the theory of constituent power in its radical version. (3) Thirdly, the article examines the political theology of revolution that Schmitt offers in *Political Theology II*.

## 2 Constituent Power as a Re-Signification of Absolutism

The conceptual fiction of the people’s constituent power is consolidated through certain conceptual milestones that, in Schmitt’s genealogy, include the idea of power established in canon law with the figure of papal *plenitudo potestatis*; the idea of extraordinary oaths that establish the literature of the *arcana*; the idea of the *persona ficta* that Hobbes sketches in his *Leviathan*; Montesquieu’s idea of *balance*; and, finally, Sieyès’ revolutionary construction of constituent power as unlimited power and its transformation into

<sup>29</sup> Schmitt, *Leviathan*, 68.

<sup>30</sup> Schmitt, “Die politische Theorie des Mythos.”

<sup>31</sup> Schmitt, *Political Theology*, 46.

<sup>32</sup> *Ibid.*, 47.

Robespierre's revolutionary practice. These all help to explain how the absolute character of revolutionary democracy has come to be conceived.

Following these milestones, Schmitt seems aware of the strictly juridical character of the emergence of the concept.<sup>33</sup> Yet, when it comes to the relevant genealogy, very different theological–political transfers have intervened; they cannot be simply summarized with a phrase such as the transformation of God's absolute power into a sovereign people's absolute power, as Schmitt himself seems to summarize with a phrase in his *Constitutional Theory* that he attributes to Althusius.<sup>34</sup>

Schmitt points out in *Dictatorship* that transformation of the medieval order into the Modern State is based on a central milestone found in the fact that reform of ecclesiastical organization hinged on the figure of papal *plenitudo potestatis*, which was slowly built up in the late Middle Ages. Generally, this concept is traced back to the metaphysically rooted distinction between *potestas dei absoluta* and *ordinate*.<sup>35</sup> Schmitt, however, does not refer to it explicitly, but rather focuses on the juridical idea of *plenitudo potestatis papalis*. It is true that, in *Dictatorship*, Schmitt does not emphasize the absolute character of political power as much as he does in *Political Theory* or in *Constitutional Theory*; rather, there, focuses on the destruction of intermediate powers carried out by the construction of the *plenitudo potestatis papalis*. Papal sovereignty, shielded by this expression, was a pioneer in the construction of absolute power since, by the

<sup>33</sup> Different accounts of what Schmitt does in *Dictatorship* are, for example Kalyvas, “Carl Schmitt and the Three Moments of Democracy,” 1432; or McCormick, “The Dilemmas,” 164–75; Collison, “From the Commissary Dictator to the Katechon;” and Kelly, “Carl Schmitt's Political Theory of Dictatorship,” among others. The genealogy I derive from the reading of *Dictatorship* is one of several possible lines of interpretation.

<sup>34</sup> Schmitt, *Constitutional Theory*, 126. In *Constitutional Theory*, he points to Althusius as a fundamental piece of this genealogy insofar as he identifies the people as *postestas constituta*. Althusius' conceptualization, however, did not appear as a milestone in the genealogy sketched in *Dictatorship*.

<sup>35</sup> Although, as Lukac de Stier points out in Lukac de Stier, “Potentia Dei,” 45, this distinction was also originally juridical, namely, the juridical distinction between those who died without determining their last wills (*absolutus*) and those who had made a will (*ordinatus*). This distinction first appears in a theological text with a specifically metaphysical context in Peter Damian's *De divina omnipotentia*, where he affirms the absolute omnipotence of God as an indefinite, unlimited, and indeterminate power, that is a capacity that is greater than what he has actually done or wants to do. It is a kind of power defined “in the negative” concerning what has been concretely determined. The divine power cannot be limited by his will or by his nature, so an infinite capacity must remain behind any concrete action. Thomas Aquinas, in *De divina potentia*, points out, however, that there is no passive power in God, as Damian seems to indicate. There can be nothing in divine potency that is not implicit in his just will. However, since his will is not necessarily determined, there is nothing to prevent things in the divine power that God does not will and that is not contained in the order he has established in the world. On the threshold of modernity, Ockham again juridified the terms and identified absolute power with *potentia de iure* and ordered power with *potentia de facto*. Duns Scotus would later invert this duality: absolute power is *de facto* in God, while ordained power is *de iure*. These texts undoubtedly had some influence on canon law. Indeed, the canonist Henry of Segusius refers to what the Pope, in the absoluteness of his *plenitudo potestatis* or absolute power, can do and what is beyond his reach when he acts according to his merely ordained or ordinary power. Years later, Aegidius Romanus wrote *De ecclesiastica potestate* (1301) to defend the pope's *plenitudo potestatis*. On the basis of Pseudo-Dionysius Areopagite, he explains reality as operating a reduction from the inferior to the superior through intermediaries. Spiritual power constitutes the essence of power; temporal power is only a mode of exercising it, a kind of intermediary. Thus, in *casus imminens*, the original power should include all the different powers. It is Aegidius who draws an analogy with the miracle, between God's workings in the world by means of the miracle and how the papal *plenitudo potestatis* works in the Church. This expression of *plenitudo potestatis* was used for different purposes in later centuries. See Oakley, “The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Century Theology;” “The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Centuries: Philosophy, Science, Politics, and Law;” and “The Papal and Imperial Concept of *plenitudo potestatis*: The influence of Pope Innocent III on Emperor Frederick II.” Of the many ecclesiastical texts from Boniface VIII's papacy, perhaps the clearest is the exhortation directed against Philip IV, *Ausculta Fidei* (1301), which holds that the pope has been instituted by God as the supreme judge of all men and has been placed over kings and kingdoms to act in their name and, therefore, royal power is subject to the pope. Finally, Boniface VIII himself wrote the bull *Unam Sanctam* in 1302, replacing the expression *plenitudo potestatis* with *potestas Petri*. As Oakley argues, the expression passed into the political realm in the 16th century with Innocent de Gentillet, Bartholomé de Chasseneuz, and Jean Bodin's use of it to differentiate between acts that the king does by virtue of his absolute power and those regulated by the civil order, invoking Pope Innocent IV in the use of that distinction to justify that the prince, in the use of his absolute power, can derogate from ordinary law, though never from the laws of nature or of God.

thirteenth century, it had already far surpassed the medieval feudal organization, something that happened in the civil sphere much later. Starting with Innocent III, papal power was essentially seen as the pope acting as the sole lord of the Church rather than as its supreme feudal lord. The prelates ceased to be his vassals to become his functionaries, as Schmitt notes, “What was perceived as revolutionary in *plenitudo potestatis* was the termination of the medieval idea of an unconditional hierarchy of function. This hierarchy could not have been changed, not even by the highest authority, and every function holder could lay claim to it.”<sup>36</sup>

It is not so much the possible arbitrariness of the content of the decision that threatens the order of power, but the suppression of the very hierarchical institutionality of the Church in which the pope was simply a *primus inter pares*. In Schmitt’s opinion, the practice of papal government offers many varied examples of commissarial activity, taken particularly from the time of the schism when Antipope Boniface IX (1389–1404) and his successor Urban VI governed the Church and, due to extraordinary circumstances, adopted exceptional measures.<sup>37</sup> The specific character of the commissarial figure as shown in papal practice consists in the fact that to achieve certain ends, legitimately acquired rights and formal legal precepts can be dispensed with. This commissarial figure, who acts as a mediator of absolute sovereign power, became conceptually decisive in the revolutionary events of 1789.

The second major milestone that contributed to the slow conceptual elaboration of the idea of constituent power refers to the abundant literature produced since the beginning of the Renaissance on the idea of *raison d’état*. In his opinion, these texts deepen the perception of the acquisition and maintenance of political power as a technique associated with the realm of facticity. However, he adds, “of greater significance than the vague ideas of *raison d’état* and *salus publica* [public health], which can be easily moralised from the position of a certain understanding of the state, is the concept of the political *arcantum* [‘secret’], which we find at the centre of this kind of political literature.”<sup>38</sup>

As the most obvious example, Schmitt refers to Arnoldius Clapmarius *De Arcanis Rerum publicanorum libri 6*, 1641. Clapmarius refers the expression to Tacitus, who in *Annales* II, 36 (115–117) speaks of the *arcana imperii* to characterize Tiberius’ cunning policy. All sciences use their wiles to achieve their ends, and the same is true of politics. On top of these realities, certain decorative institutions are established to help justify political actions. Schmitt’s citation of Clapmarius and Besold, rather than of ancient authors, suggests that, rather than an inveterate practice, the politics of secrets was inaugurated with the Modern State. Moreover, Schmitt intends to point out as a novelty that this practice is juridified with the emergence of the Modern State.<sup>39</sup> The early modern literature of the *arcana* is in Schmitt’s view juristic. Clapmarius distinguishes within *arcana* between *arcana imperii* and *arcana dominationis*, the former referring to the power of the state in its normal situation of existence, i.e. in normal times, and the latter to the power exercised in the protection and defence of people in extraordinary times of political instability. A dictatorship would therefore be an *arcantum dominationis*. Jean Bodin’s *Six Books of the Republic* (1576) already listed the *jura dominationis* to circumscribe the power of the sovereign power, defined in the sixth book as the absolute and perpetual power of a republic to limit power. However, as Schmitt points out in Clapmarius that the *arcantum dominationis* appears as unlimited power to do whatever the situation demands, albeit secretly. In his *Conclusiones de jure publico*, Clapmarius identifies *arcantum dominationis* with the reason of state and defines it as *recta et secreta privilegia conservandae dominationis introducta boni publici causa*.<sup>40</sup> In other words, it is a power dictated by necessity to maintain *jura dominationis*. Thus, the question of sovereignty shifts from *jura dominationis*, as they appeared in Bodin, to the question of the *jura*

<sup>36</sup> Schmitt, *Dictatorship*, 35.

<sup>37</sup> *Ibid.*, 41.

<sup>38</sup> *Ibid.*, 10.

<sup>39</sup> As Friedrich Meinecke notes, theorists of the *raison d’état* themselves, such as Boccacini, understood the literature of the *arcana* to be more closely linked to political historians, who liked to reveal secret questions to attract the curiosity of readers, as in the case of Tacitus or Procopius. Meinecke, *Machiavellism*.

<sup>40</sup> Clapmarius, *De Arcanis*, 17.



*extraordinaria*, which Clapmarius calls *arcana dominationis*. Behind ordained power lies an undefined power that may or may not be expressed, depending on the need.

The *arcana* literature reflects that public law cannot be treated the same as private law. In private law, *aequitas* and *justitia* govern; in public law, *salus publica* prevails. In Clapmarius, as Schmitt notes, the state of exception appears as legitimate tyranny: “[I]t refers in principle to the legally unlimited exercise of power that was entitled to intervene in the existing order of law and in the existing functions and acquired rights.”<sup>41</sup> The central point here is that whoever holds the plenitude of power always decides for himself whether or not a case of exception arises, and hence its absolute character. Although the imagining of an unlimited power in principle, as popularized in the *arcana* literature, was a relevant milestone that influenced the construction of the revolutionary *pouvoir constituant*, it is important to bear in mind Schmitt’s assertion in *Constitutional Theory* that, until the French Revolution, no prince had been the absolute subject of constituent power, something that did, however, occur later during the monarchical restoration, after the “revolutionary turn of power.”<sup>42</sup>

At this point, the *multitudo dissoluta* enters the scene with Hobbes’ theory of the absolute state. Schmitt does not seem to attach much importance to it in the genealogy he sketches in *Dictatorship*, barely referring to Hobbes on this occasion and only pointing out that Hobbes’ construction points to the question of sovereign dictatorship.<sup>43</sup> In his view, Hobbes still understands the *populus* as a person and not simply as a formless mob. For Schmitt, as he suggests in *The Leviathan in the State Theory of Thomas Hobbes*, the mechanical order of the state is not so much the remedy for the multitude, but for revolution.<sup>44</sup> However, the artificiality of the political person is central to the modern construction of the idea of the people, as Schmitt also noted when speaking of the mechanical aspect of the state.<sup>45</sup> The state, the sovereign, represents this multitude, which becomes an artificial single subject, a people, through the words and actions of a natural person because, as Schmitt makes definitively clear, only a natural person can decide and act. In other words, the representative acts on behalf of the multitude such that the latter is no longer formless.<sup>46</sup> Indeed, the representative logic of the Modern State opens the way with its distinction between author and actor: the person is the actor, while the author owns the words and actions.<sup>47</sup> At the very moment when the people appear as a unit of action, they are endowed with the same absolute power as the political sovereign. In other words, the *coetus populi* always remains sovereign.<sup>48</sup> This idea is one of Hobbes’ great theoretical novelties, and it became central to Schmitt’s genealogy of constituent power in *Dictatorship*. It moves away from the medieval world’s understanding of political community as a *status* and begins to understand it as a pact of association among all with all according to each party’s interests. It is not just a matter of one individual being able to perform another individual’s actions, but of one individual being able to perform a multitude’s actions. This opens up revolutionary theoretical possibilities.

Like Marsilius and Gerson’s conciliar theory tried to assert itself against the pope’s *plenitudo potestatis*, locating fullness of power in the Church, in the political sphere, Schmitt similarly views the German estates’ opposition to imperial power.<sup>49</sup> Montesquieu, in Schmitt’s opinion, takes advantage of this idea when he

<sup>41</sup> Schmitt, *Dictatorship*, 13.

<sup>42</sup> Schmitt, *Constitutional Theory*, 127–9.

<sup>43</sup> Schmitt, *Dictatorship*, 23.

<sup>44</sup> Hence, Hobbes himself pointed out to Bramhall that his work would be more appropriately titled “Behemoth against Leviathan.” See Schmitt, *Leviathan*, 21.

<sup>45</sup> Schmitt, *Leviathan*, 68.

<sup>46</sup> Hobbes, *Elements*, IX y Jaume, La théorie de la personne fictive, 1027. Lucien Jaume has shown how, together with the representative apparatus, the subject “people” is generated, which comes to embody juridical abstraction. He has also shown how the conceptualization of the “person” evolves in Hobbes’ works. As he shows in *Elements*, the sovereign is constituted as a juridical person, but not yet as a “fictitious person,” which he completes in *Leviathan*.

<sup>47</sup> Hobbes, *Leviathan*, XVI.

<sup>48</sup> Schmitt, *Dictatorship*, 23. Schmitt quotes in this case *De cive*, VII.

<sup>49</sup> Schmitt, *Dictatorship*, 83: “the German estates shared the view that it was not the emperor who had *maiestas*, but the Reich – the empire, of which the emperor was merely a part (but in this area the outcome was different). And, when the French parliaments declared that the king was not beyond the state but was himself a part of the kingdom, they were following the

points out that “the law needed a mediating institution through which governmental power could flow so that an arbitrary and spontaneous expression of the will of the state would be prevented.”<sup>50</sup> The idea of counterbalancing intermediate powers is behind the concept of *balance*, mistranslated, in his opinion, as equilibrium. Balance is the mediation of *plenitudo potestatis*. The immediate exercise of state omnipotence is despotism. The old medieval idea of the intermediation of power re-emerged in another form, that of the balance of power, which was then gradually transformed into the fiction of a general will.

Indeed, the sovereign is no longer the institution of the people, as it appears in Hobbes, and instead fundamentally becomes a will, the *volonté générale*. In Rousseau’s *Contrat social*, the absolute power that Hobbes assigned to the sovereign is transferred to the people, who alone can mobilize legislation.<sup>51</sup> The idea of general will implies two other new features for political power. First, the *volonté générale* is the will of the sovereign and constitutes the state as a unit – it is divine will expressed in legislation. Second, people are good by nature and, therefore, according to his conception, are good in all things.<sup>52</sup> Only those who are morally good and free have the right to be called a people. If the majority has fallen into corruption, then the virtuous minority can employ all the means of power necessary to aid virtue’s triumph. The terror exercised by this minority cannot be called coercion; it is just how the unfree egoist attains his true self-will, awakening in him the *citoyen*.<sup>53</sup> Hence, as Schmitt points out, his proposal necessarily depends on an enlightened philosophy,<sup>54</sup> in line with which Rousseau praises the figure of the legislator.<sup>55</sup> This figure appears foreign to the will of the people, but it is central to Rousseau’s democratic theory. The general will is always right, however, the judgement that guides it is not always enlightened. Limits to the power of the people are set by the sage, i.e. the implementation of rationality without passions. Thus, the idea of the people in Rousseau is trapped in a kind of aporia. On the one hand, it is always what it must be, but, on the other hand, it can only be achieved by the action of the legislator. For Rousseau, however, the republic’s true constitution is engraved in the hearts of its citizens.<sup>56</sup> Apart from the legislator’s intervention, people direct what they do and want; acting to achieve the end that corresponds to the will of the people means acting exclusively and at all times on a commissarial basis. The will of the people cannot be delegated or represented, much less can a right to exercise that will exist. Thus, Schmitt points out: “Nothing proves Rousseau’s belief in the absolutism of the state more than this: the transformation – which dominates all his ideas – of the entire institutional activity of the state into an arbitrary, revocable and unconditionally dependent commissarial operation.”<sup>57</sup> Certainly, the legislator is not a commissar, but rather a wise and eminent man who projects wise law, but sanctioning this law is the sole responsibility of the *volonté générale*. And this sanctioning takes place in a free plebiscite.<sup>58</sup>

In Schmitt’s view, the conjunction of these ideas comes to forge the idea of *pouvoir constituant*:

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same principle. They saw the *gradation des pouvoirs intermédiaires* [scaling of the intermediary powers] as a *dépôt sacré* [sacred deposit], which bound the king’s authority to the trust of the people.”

50 Schmitt, *Dictatorship*, 83.

51 *Ibid.*, 156. Schmitt comments that, in this instance, Mably develops an aversion to the executive: “even immediate democracy is a despotism.” He believes that the executive has to be constantly divided so that it does not become a despot, above all through regular control of the government by legislative commissions. This was the great idea of the Revolution. The Jacobins arrived at the last consequence that Mably failed to draw out, namely, that the body exercising control, at the very moment when it becomes effective final control, becomes an executive.

52 Schmitt, *Dictatorship*, 101.

53 Rousseau, *Social Contract*, II. 6.

54 Schmitt, *Dictatorship*, 278.

55 Rousseau, *Social Contract*, II. 6–7.

56 *Ibid.*, II. 11.

57 Schmitt, *Dictatorship*, 109.

58 *Ibid.*, 121–2: “Any enforcement or any legal form, any commitment of any kind, is completely unthinkable at this level; and, where Rousseau’s *volonté générale* reigns, even the inalienable human rights are invalid. As the bearer of constituent power, the people [das Volk] cannot commit themselves and are entitled to give themselves an arbitrary constitution at any time. The constitution is the basic law [la loi fondamentale] not because it is unchangeable and independent of the will of the nation, but because not one of the organs invested with state authority can change anything in the constitution that warrants it. This is also true of the ordinary legislature.”

When a relationship emerges that makes it possible to give the legislator the power of a dictator, to create a dictatorial legislator and constitutional dictator, then the commissary dictatorship has become a sovereign dictatorship. This relationship will come about through an idea that is, in its substance, a consequence of Rousseau's *Contrat social*, although he does not name as a separate power: le *pouvoir constituant* [the constituting power].<sup>59</sup>

The notion of constituent power was developed by Sieyès, particularly in his work on the third estate.<sup>60</sup> According to it, all existing powers are subject to the validity of laws, rules, and forms, which they cannot modify on their own since their existence is based on the Constitution. Yet, at the same time, there must be some foundational power to the constitution and its actual enactment, which, in principle, is unlimited because it is not subject to the constitution and does not disappear with it. Sieyès' theory is only comprehensible as an attempt to find the unorganizable organizer, says Schmitt.<sup>61</sup> The nation only has rights, not obligations; the constituted power, on the other hand, only has obligations, not rights. Sieyès links this to the admissibility of representation. In fact, he conceived of the deputies of the Constituent Assembly of 1789 as representatives, not as holders of an imperative mandate. If this is so, then a strange relationship arises between representatives and the omnipotent constituent will. Hence, Schmitt stresses that representation can be nothing other than unconditional commissarial action: "The commissary dictator is the unconditional commissar of action of a *pouvoir constitué*, and sovereign dictatorship is the unconditional commission of action of a *pouvoir constituant*."<sup>62</sup>

The National Convention that met on September 20, 1792 was tasked with drafting a Constitution (June 24, 1793). Once completed and accepted by the people in a plebiscite, the convention's commission was fulfilled, its powers ended, and it was dissolved. Because of the war context and counter-revolutionary movement, on October 10, 1793, the convention resolved that the provisional government of France would be "revolutionary" until peace was achieved. To this end, the Constitution of 1793 was suspended and did not come into force again. In February 1793, the commissioners of the National Convention were officially invested with *pouvoirs illimités*. They acted by appealing to the constituent power of the people. Barère urged the establishment of a *Comité de salut public*, which acted as a commission of the National Convention. In fact, with the creation of the *Comité de salut publique*, the activity of the individual commissaries was controlled by a more centralized organization. It was not, however, the only Committee.<sup>63</sup> All authorities and civil servants were placed under the immediate supervision of the *Comité de salut public* and the *Comité de sûreté générale*. The *Comité de salut public* appointed the revolutionary committees, which had police powers. With the Commissaires' network, the existing order of the state was replaced by a new order of plural command, completely centralized and without any autonomy, i.e. according to dictatorial logic. Indeed, Robespierre dominated the Committee and the latter dominated the Convention. On December 4, 1793, the government of the revolution issued a provisional Constitution, the fundamental precept of which was: "la convention nationale est le centre unique de l'impulsion du gouvernement."

In the light of revolutionary events, Schmitt radical interpretation of Sieyès notion of constituent power is linked to the idea of a sovereign dictatorship.<sup>64</sup> It entails unlimited power in principle insofar as it is

<sup>59</sup> Schmitt, *Dictatorship*, 111.

<sup>60</sup> Sieyès (1748–1836) *Qu'est-ce que le Tiers Etat?* (1789). As shown by Colón-Ríos in "Rousseau, Theorist of Constituent Power," Rousseau took up the theory of constituent power in its best formulation.

<sup>61</sup> Schmitt, *Dictatorship*, 123–4: "The people, the nation, the primordial force of any state – these always constitute new organs. From the infinite, incomprehensible abyss of the force [Macht] of the *pouvoir constituant*, new forms emerge incessantly, which it can destroy at any time and in which its power is never limited for good. It can will arbitrarily. The content of its will has always the same legal value as the content of a constitutional definition. Therefore, it can intervene arbitrarily –through legislation, through the administration of justice, or simply through concrete acts. It becomes the unlimited and illimitable bearer of the *iura dominationis* [rights/legal prerogatives of rulership], which do not even have to be restricted to cases of emergency. It never constitutes itself, but always something else. Therefore, its legal relation to the constituted organ is not mutual. The nation is always in a natural state, runs one of Sieyès' famous statements."

<sup>62</sup> Schmitt, *Dictatorship*, 127.

<sup>63</sup> *Ibid.*, 130.

<sup>64</sup> For a critical account of Schmitt's interpretation see Breuer, "Nationalstaat und *pouvoir constituant* bei Sieyès und Carl Schmitt," 511; and Kalyvas, "Carl Schmitt and the Three Moments of Democracy," 1550. Both point out that Schmitt disregards the liberal aspects of Sieyès theory.

unlawful. But, at the same time, what is constituted is always de-constituting itself, at least as a possibility, insofar as constituent power remains a key element of the whole political edifice.

As Schmitt later points out in *Constitutional Theory*, the 1789 revolution's "mental assumption" corresponds to the theory of constituent power. Constituent power presupposes the people as an existential political entity. The word "nation," he notes, expressively designates a people capable of action, awakened to political consciousness.<sup>65</sup> Schmitt distinguishes the English tradition from the French one on this point precisely in *Constitutional Theory*. Historically, the idea of the people as a unit of action prevalent on the continent depends on absolute monarchies' concentration of power, whereas, in the English revolutions, it only appears as a presupposition facilitated by an insular territorial constitution.<sup>66</sup>

In 1789, the people constituted themselves as the subject of constituent power and gave themselves a constitution based on an assumption of political unity and capacity to act. This was already a fundamentally political decision, Schmitt argues.<sup>67</sup> The collective political "being" precedes the constitution. Absolute power moves from the executive to the people, but the former by no means disappears.

In short, maximum extension of *jura dominationis* comes from the doctrine of constituent power as carried out in revolutionary practice in eighteenth-century France. It is not for nothing that Schmitt himself points out, in *The Crisis of Parliamentary Democracy*, that Bolshevism and Caesarisms can be more democratic than some democracies. That is to say, as pointed out at the beginning, the dictatorship of the proletariat is just a new way of expressing French revolutionary theory.

It is indeed difficult to connect dialectical development and dictatorship, because dictatorship seems to be an interruption of the continual series of development, a mechanical intervention in organic evolution. Development and dictatorship seem to be mutually exclusive. The unending process of a world spirit that develops itself in contradictions must also include within itself even its own real contradiction, dictatorship, and thus rob it of its essence, decision. Development goes on without a break and even interruptions must serve it as negations so that it will be pushed further. The essential point is that an exception never comes from outside into the immanence of development.<sup>68</sup>

For both, the national and proletariat revolution, the exception no longer originates "outside" the political order, but rather becomes immanent. While the French Revolution is largely considered a violent outburst, it consolidates a model that can change perpetually through constituent – and never constituted – power that has the potential to desire new things at every moment and on a whim. Here, we find the model for the sovereign dictatorship found in mass democracies.

This absolutization of power, however, corresponds not to the medieval metaphysics of God's omnipotence, but rather to another kind of theological–political idea.

### 3 Spinocism and Malebranchism at the Heart of Revolutionary Democracy

Schmitt uncovers several theological–metaphysical conceptions in the construction of the idea of the constituent power, which, combined with the juridical idea of unlimited power and with the political

<sup>65</sup> Schmitt, *Constitutional Theory*, 126–7.

<sup>66</sup> *Ibid.*, 101. Schmitt is aware, in my view, that there is a liberal version of the idea of the nation, which he leaves aside, as Breuer points out, "Nationalstaat und *pouvoir constituant* bei Sieyès und Carl Schmitt," 504 and 511. Schmitt leans to the Rousseauian interpretation in terms of substantial homogeneity, which is in his view essential for any democratic theory. Another account is that of Salzborn, "The Will of the People?" who which undermines the aspect of the substantial homogeneity of the people in Rousseau in favour of reason, ascribing the opposite position to Schmitt.

<sup>67</sup> Schmitt, *Constitutional Theory*, 102.

<sup>68</sup> Schmitt, *The Crises of Parliamentary Democracy*, 56.

imagination of the French Revolution, make revolutionary democracy possible as a *dispositif* – using a Foucauldian expression – for modern politics.

Mika Ojakangas has argued that the idea of constituent power is not a secularized theological concept, since Schmitt's idea of constituent power, unlike Sieyès', has the absolute character that none of the theological or canonical constructions that might have been part of his genealogical construction ever had. He has in mind the idea of the Medieval *divina omnipotentia*.<sup>69</sup> Ojakangas, however, never refers to Schmitt's theological–political construction of the concept of constituent power in *Dictatorship*, which, as already announced, depends on another metaphysical and theological worldview, different from the medieval one.

Far from medieval theological conceptions, the ideas of an unlimited and never definitively constituted power and the idea of the general will of the people are shown to be the key pieces of a politics of permanent revolution. Looking at them from the perspective of what Schmitt himself calls the sociology of juridical concepts in *Political Theology*, we realise that these two theoretical pieces carry with them the logical remains of two distinct metaphysical–theological models, the Spinozian and the Malebranchian; just as, in Schmitt's view, the construction of the Hobbesian Leviathan was a transfer of the Cartesian idea of the animated machine.<sup>70</sup>

Indeed, the relationship between constituent power and constituted power has its main analogue in Spinozian metaphysics with the relationship between *natura naturans* and *natura naturata*, which is already an organic idea.<sup>71</sup> However, much Spinoza may consider himself a rationalist, this theory shows, in Schmitt's opinion, that he is not so much so.<sup>72</sup> The theory of constituent power is also organic and dynamic and not mechanistic: “The theory of the *pouvoir constituant* is incomprehensible simply as a form of mechanistic rationalism. The people, the nation, the primordial force of any state – these always constitute new organs.”<sup>73</sup> Schmitt had already reflected in *Political Romanticism* on the possible mystical interpretation of Spinozism as a basis for the *unorganisierbar Organisierende*.<sup>74</sup> The amorphous power of the people, as *de natura naturans*, is prior to the unity of the constitution as the *natura naturata*.

If the idea of an unlimited and never definitively constituted power depends to a large extent on the Spinozian metaphysical imaginary, in Schmitt's opinion, the idea of the general will comes from Malebranche's metaphysical imaginary. Both ideas are combined in Schmitt's interpretation of the constituent power in order to construct a metaphysical foundation for revolutionary democracy.

As Schmitt points out, Malebranche detested Spinoza's pantheism and protested against it on the grounds that it placed truth or nomological necessity above even the personal God.<sup>75</sup> But Malebranche himself cannot escape the result that the personal God is transformed also into a general order of nature.

<sup>69</sup> Ojakangas, “Potentia absoluta et potentia ordinata Dei,” 505–17. Mika Ojakangas points out that the juridical notion of *potentia absoluta* was transferred to the notion of papal power and only later became a strictly theological notion, that is applied to God himself. Therein, God can act outside the order of nature and grace that he has already established, just as the Pope can act outside his own laws. This case, therefore, does not contain a theological–political transfer in the usual way in which Schmitt interprets it.

<sup>70</sup> Schmitt, *The Leviathan*, 41. See also Schmitt, “Der Staat als Mechanismus bei Hobbes und Descartes.”

<sup>71</sup> The relevance of Spinozian thought in Schmitt's interpretation of democracy has received little attention in the literature, although there are honourable exceptions, such as Koekkoek, “Carl Schmitt and the Challenge of Spinoza's Pantheism;” Vatter, “Strauss and Schmitt as Readers of Hobbes and Spinoza;” and Walther, “Carl Schmitt Contra Baruch Spinoza.” The reference to Malebranche, however, has not been considered as much in the literature.

<sup>72</sup> Schmitt, *Dictatorship*, 123. Negri, *Savage Anomaly and Spinoza for Our Time*. Also, Castrucci refers to this connection in Castrucci, *On the Idea of Potency*, 62: “[...] it is in my opinion the concept of constituent power that marks the place where the Nietzschean-Spinozan ontology of potency enters fruitfully into relation – very interestingly – with Schmitt's juridical-political theorizing.” Castrucci speaks here of “constitutionalist zeroing” (Castrucci, *On the Idea of Potency*, 66), which Carl Schmitt highlights as the foundation of all subsequent legality, as more realistic than theories of the abstract universality of human rights. And he connects Schmitt's position to the *Jus Publicum Europaeum*. However, as I show, the Schmittian genealogy of constituent power was born in the juridical–political context of the French revolutionary moment, from which the abstract universalism of rights and legitimation by legality also emerged.

<sup>73</sup> Schmitt, *Dictatorship*, 123.

<sup>74</sup> Schmitt, *Political Romanticism*, 56.

<sup>75</sup> This confrontation between the nomological and the personal God is the main topic of Castrucci's book, *On the Idea of Potency*.



He makes God into a general order that occurs in complete harmony and in which even the efficacy of grace follows in a nomological fashion. If Descartes sees the basis of moral laws in the will of God, Malebranche thinks that moral laws constitute an eternal order that not even God can alter. In the Malebranchian doctrine, God possesses nothing but a *volonté générale*, and any particularity is alien to his nature. In Schmitt's opinion, eighteenth-century France politicized this metaphysical and scientific concept of law to the extent that the State is only allowed to establish universal and abstract rules in the form of laws.<sup>76</sup>

Indeed, Malebranche points out that there must be occasional causes that set general laws in motion, otherwise they would have to be set in motion by God, and that could only happen by a *volonté particulière* [particular will]. The idea that only God has a *volonté générale et immuable* [general and immutable will] and that every *volonté particulière* subverts his dignity is, in his view, a commonplace idea in eighteenth-century France. Schmitt points out, "One must grasp this metaphysics to understand the argument of the *Contrat social*."<sup>77</sup>

Indeed, Malebranche's occasionalism, in Schmitt's view, succeeds in setting the Cartesian dualist scheme in motion without actually resolving it. In the occasionalist resolution of the Cartesian problem of the relationship between mind and body, God becomes the cause of both mental and physical events, and of the interactions between them. Occasionalism does not clear up this dualism and rather lets it stand, albeit in an illusory way by shifting into a comprehensive third sphere, namely, God's occasional action. Interest simply shifts from a dualistic result into a more general, "higher" and "true" unity. The occasionalist God essentially functions as true reality in which the opposition between body and soul disappears into the domain of the unreal.<sup>78</sup> When it comes to a theory of the person and a philosophical account of human action, this means that it is not the human being who acts, but rather God, for whom the person is only an occasion. The world itself becomes nothing more than contingent material for God's action, which reflects true reality.

From Schmitt's point of view, Malebranchian nomological logic combines well with Spinoza's pantheism of a nature always under construction and never definitively constructed, much to Malebranche's regret. This is made clear in *Political Romanticism*, when he asserts that the occasionalist logic, stripped of its metaphysics, appears as a combination of antitheses that resolve themselves to perform whatever action is required. "No concept retains its form. Everything dissolves into an oratorical music."<sup>79</sup>

Indeed, for Schmitt, the new forms of nineteenth-century revolutionary politics are also derived from the metaphysical presuppositions of the eighteenth century. In Schmitt's account, the Romantic movement retains the basic metaphysical attitude of Malebranchian occasionalism differently as Rousseau did it. Although, indeed, Rousseau can already be considered a Romantic.

With the collapse of the traditional idea of God, the eighteenth-century philosophers raised the question of what could take its place as the fundamental metaphysical principle. Two new ontological aspirants or demiurges made a claim to this status: humanity, or the "revolutionary god," conceived of as the people, the general will, the public, or society; and history, the "conservative god," conceived of as cultures, traditions, and nations.<sup>80</sup> The latter constitutes the general human community as historically concretized people, which become a sociological and historical reality by means of this delimitation and acquire the capacity to produce a particular law and a particular language in the expression of an individual national spirit. Therefore, what a people is "organically" and what the *Volksgeist* signifies can only be ascertained historically. In addition, in romantic political theology, the people are not their own master, as in Rousseau's account, but rather the result of historical development. The idea of arbitrary power over history is a real romantic revolutionary idea. It "fabricates" whatever it wants and is able to create itself.<sup>81</sup>

In Schmitt's view, the 1789 revolution was a bourgeois revolution against the aristocracy, although, by 1792, the bourgeoisie itself had fallen on the other side of the conflict in the eyes of the Jacobins. However,

<sup>76</sup> Schmitt, *Dictatorship*, 88.

<sup>77</sup> *Ibid.*, 271.

<sup>78</sup> Schmitt, *Political Romanticism*, 87.

<sup>79</sup> *Ibid.*, 140.

<sup>80</sup> *Ibid.*, 59.

<sup>81</sup> *Ibid.*, 62.

as time goes by, the subjectivized romantic ego becomes the final metaphysical authority. Romanticism is philosophically revolutionary because it destroys the primacy of reality and replaces it with the primacy of the unlimited emotional possibilities of that ego, also symbolized by the people. Schmitt criticizes sharply this aestheticizing sentimentalism, held by the bourgeoisie. The nineteenth-century romanticism lacks a politicized approach because it dissolves the idea of constituent power into mystical indecision. Marxism will recover the political possibilities of this metaphysical vision.

The revolutionary political possibilities of the theological–political interpretation of Schmitt's idea of constituent power have been taken to the extreme by Negri in a paradigmatic way. Indeed, Negri, in a magnificent pursuit of Schmittian methodology, has explored Spinozian ideas politically.<sup>82</sup> The same Negri said: “it was Schmitt who refers us to Spinoza.”<sup>83</sup>

Negri's main thesis is that constituent power resists constitutionalization. For the Italian philosopher, constituent power is a temporary process, a theoretical solution to the challenges of contingency. His idea conducts to an absorption of the constituted reality by an absolute and limitless constituent power that amounts to institutional instability. Negri does not hesitate to denounce the mediations and deviations with which liberal or representative democracy subjects the citizen. Spinoza's political thought, in his opinion, compresses the production–constitution relation into a unitary nexus. One cannot speak of democracy outside this connection. Democracy is the politics of the *multitude*, the Spinozian concept, organized in production. Constitution and production are the elements of a fabric from which to construct the experience “of the masses” and the political future, under the form of radical equality imposed by atheism. Power and potency are antagonistic. Power and multitude come to nucleate the model of political society that Negri proposes to us by the hand of Spinoza. In them lies the power to change what is. The teleology of the common lives from its own exposure to historical becoming. It is cooperation that produces and unites the subjectivity of each one in the multitude. Only through cooperation does the multitude become creative and self-governing.

As Koekkoek points out, Negri disregards the Schmittian idea of radical democracy as a democratic dictatorship, but he found in Schmitt an uncompromising articulation of the disconnection of radical democracy from liberal parliamentarianism. He agrees with Schmitt's interpretation of democracy as a theory of absolute government, as well as his Spinozist–Sieyesian account of constituent power as an all-powerful principle that resists being constitutionalized.<sup>84</sup>

Another contemporary reading of Schmitt that, while seeking to move away from his approaches, leads to revolutionary politics is that of Agamben. He argues that Schmitt's theory of sovereignty attempts to neutralize the revolutionary implications of the idea of pure violence, which he takes from Benjamin. Indeed, he praises the expression “permanent state of exception,” from Benjamin's well-known eighth thesis on the philosophy of history, as the ideal of revolutionary politics that manages to transmute the fictitious state of exception, that is generated by the Schmittian idea of exception to the law into a real state of exception, in which the exception has no relation to the law, indeed, in which the exception consists in continually deposing the law. In his opinion, this idea of “inclusive exclusion,” of anomie is the “limit concept of the doctrine of law and the State.”<sup>85</sup> It is to some extent perplexing that Agamben's reading of the *Dictatorship* has not visualized the very possibility that he envisages, attributing it only to Benjamin and not to Schmitt himself in his radicalized version of political modernity as a permanent revolution.

<sup>82</sup> Negri, *Savage Anomaly*; Negri, *Spinoza for Our Time*; Hardt and Negri, *Empire*.

<sup>83</sup> Negri, *Insurgencies*, 24.

<sup>84</sup> Koekkoek, “Carl Schmitt and the Challenge of Spinoza's Pantheism,” 337.

<sup>85</sup> Agamben, *State of Exception*, 34. For a detailed analysis, see McLoughlin, “The Fiction of Sovereignty and the Real State of Exception: Giorgio Agamben's Critique of Carl Schmitt.” The political theological import of Agamben radical revolutionary position can be seen in *The Kingdom and the Glory*. The book centres on the paradigm of the empty throne that has all the majesty proper to a king, but without the king. The glory shown in contemporary spectacular democracies is anarchic and manifests the dissemination of glorification without a centre. Emptiness instead of kenosis at the centre of glory and glorification is the core of the economical paradigm of power. He arrives at this position from an interpretation of the Trinity that is an alternative to that of Schmitt and Peterson.

## 4 The Political Theology of Revolution in *Political Theology II: The Path to Gnosticism*

Underneath the criticisms of the radical version of democracy that Schmitt ironically carries out in *Dictatorship* and tries to avoid in his *Constitutional Theory* – and of the aestheticizing revolutionary forms of nationalism and historicism – there is a perceived need in Schmitt to overcome the rigid mechanistic and abstract rationalistic *Weltanschauung* of Descartes and Hobbes. In fact, at the end of its production, in *Political Theology II* (1970), Schmitt takes up again Cartesian dualism and its possible resolution in a different way, in particular, as it relates to Gnosticism. In this case, he finds in Gnosticism the new metaphysics underpinning revolutionary politics. In fact, he had already instigated this idea in *Political Romanticism*:

The root of romantic sublimity is the inability to decide, the ‘higher third’ factor they are always talking about, which is not a higher factor but a different third factor: in other words, it is always a way out of the either-or. Because they leave the decision open – because they construe the *occasio* ‘antithetically,’ so that it can be the elastic point for the leap to the ‘higher third’ factor – there has been talk of their ‘dualism,’ and reminders of gnostic and Neoplatonic theories have been found, where what was at stake was only the lack of an object, that is characteristic of an occasionalism.<sup>86</sup>

Schmitt takes up the argument on Gnostic dualism years later in *Political Theology II*, discussing Peterson “liquidation of the political theology of the Reich” in *Monotheism as a Political Problem*. Peterson suggests that the definition of God as a Trinity does not allow for any monotheistic theological–political transfer. Schmitt then tries to show how a Gnostic interpretation of the Trinitarian dogma allows for a theological–political transposition that interprets the political in a revolutionary way insofar as it places dualism, conflict, enmity, and therefore exception, at the heart of political progressivism. Innovation, that is irruption of the exception, thus functions as the “higher third.”

Peterson used Gregory of Nazianzus’ formulation of the Trinitarian dogma as a key part of his attack on the political theology of the sovereign. Schmitt’s response to Peterson’s objection aimed to show that a political theology that includes the Trinitarian dogma among its dogmas is also possible.<sup>87</sup> Contrary to what might appear at first sight, Schmitt claims that precisely the formulation of this dogma made it clear that it is impossible to separate the theological and political spheres, which would only be possible from an abstract reading of the dogma of the Trinity. Theology and politics cannot be separated because the second person of the Trinity has two natures, divine and human, in one effective unit. Mary gave birth to a divine creature in a historic time and on a particular day. Trinitarian monarchy is a return to the unity of that which comes from itself – that is a return to unity from dualism.

In the end, Schmitt forces the interpretation of Gregory of Nazianzus’ thesis to save his own concept of the political.<sup>88</sup> He translates Nazianzus’ main definition of the Trinity, “to Hen stasiatzon pros heauton,” as “The One is always in uproar against itself.”<sup>89</sup>

Schmitt undoubtedly had his own criteria of the political in mind, that is the friend–enemy distinction. This shows that not only is political theology possible from the dogma of the Trinity but also that precisely

<sup>86</sup> Schmitt, *Political Romanticism*, 117.

<sup>87</sup> Schmitt, *Political Theology II*, 122–5.

<sup>88</sup> Gregory of Nazianzus’ argument is an attempt to overcome conceptions of the Trinity inherited from Neoplatonism, which emphasizes unity and hypostasis. Against these emphases, Gregory’s Trinitarian theory speaks of unity in multiplicity. However, we can see that Schmitt forced this thesis because it does not have the markedly dualist character that he attributes to it, taking it to the extreme and relating this formulation to Goethe’s aphorism and Lenz’s fragment, “Catherine of Siena.” Below is the central part of *Oratio theologica* III, 2, quoted from the Latin version: “At nos unius principatum colimus; unius autem principatum dico, non quem persona una circumscibit (feri enim potest ut quod unum est, si a seipso dissideat, secumque discordet, multa fiat), sed quem aequalis naturae dignitas constituit, et voluntatis consensio, motusque identitas, atque ad unum, eorum, quae ex ipso sunt, conspiratio (id quod in rebus procreatis fieri nequit), ita ut, etiamsi numero differant, essentia tamen et natura minime distinguantur. Quocirca unitas, principio in binarium mota, in Trinitate constitit.” Migne, *Patrologiae Cursus Completus*. Series Graecae, 36, 76 A/B.

<sup>89</sup> Schmitt, *Political Theology II*, 122–3.

this analogy contains the criteria for what is specifically political: the *stasis*, the exception. To explain the idea of *stasis*, which is at the core of the definition, Schmitt cited a passage from Plato's *Sophist*, where he argues, on the one hand, the impossibility of life where there is calm and, on the other hand, the necessity of unity where there is life.<sup>90</sup> The apparent paradox of movement-unity dialectics is implicit in the term *stasis*, which means not only *Ruhe*, rest, status, quiet, place, but also the opposite, *Unruhe*, movement, uproar, kinesis, *politische Unruhe*, political unrest, civil war, enmity in unity, politics. A "politico-theological stasiology"<sup>91</sup> appears at the heart of Trinitarian life, in which the problem of the enemy does not hide. The unity of God appears damaged by a certain division.

At this point, political theology can take three paths to explain the *stasis* in divine unity. One path is Christian and monotheistic, which finds one of its representatives in Augustine, whose ideas Schmitt describes in *Political Theology II*.<sup>92</sup> The theory of the Trinity does not completely dissolve the identity of god the creator and god the redeemer. They are not identical, but they are still one. Dual natures, God and man, are turned into unity through the action of the third person.<sup>93</sup> Schmitt's thesis sees in the divine pluripersonality the condition of possibility for plurality and fighting in a political world.<sup>94</sup>

The second path is a dualistic or Gnostic one, the dualism against which Schmitt has fought. From this point of view, god the creator and god the redeemer have always been enemies. This idea, according to Schmitt, is common both to the properly Gnostic movement and to revolutionary politics. The main structural power within Gnostic dualism, that is the problem of the god of creation and the god of salvation, dominates every religion of salvation and redemption. It also inescapably exists in every world in need of change and renewal, and it is both immanent and ineradicable.<sup>95</sup> This enmity is addressed in both Goethe's old aphorism, "nemo contra deum nisi deus ipse,"<sup>96</sup> which in itself does not contain a theological reference since Goethe used it in a political sense to refer to Napoleon's power<sup>97</sup> and in Lenz's fragment, "Catherine of Siena,"<sup>98</sup> which Schmitt connects with the gnostic interpretation of Gregory of Nazianzus' ideas about Trinity. When the relationship between God the Father and God the Son is interpreted in a dualistic way, as happens in some of the cited texts – that is as a relationship of insurrection or revolution – one enters into sociology of juristic concepts that highlight the problem of the exception at the heart of the theological question.

There is a third, pluralistic path that Schmitt does not regard as political theology, and rather sees it as "politheology."<sup>99</sup> Blumenberg implemented the clearest form of this approach, especially in his text *Arbeit am Mythos*.<sup>100</sup> Schmitt argued that there is a difference between writing *nemo contra Deum nisi Deus ipse*

<sup>90</sup> Plato, *The Sophist*, 249–54. For example, 250 c: "We really do seem to have a vague vision of being as some third thing, when we say that motion and rest are." The discussion here focuses on the explanation of the dialectical method.

<sup>91</sup> Schmitt, *Political Theology II*, 123.

<sup>92</sup> *Ibid.*, 124.

<sup>93</sup> For an explanation of this possibility in the context of the Catholic exegesis, see Ratzinger, *Shauen auf den Durchbohrten*.

<sup>94</sup> In God, there is no possibility of this friend–enemy distance. Gregory of Nazianzus' definitive phrase, which Schmitt used to support his political theory of enmity, is written in the conditional: "(fieri enim potest ut quod unum est, si a se ipso dissideat, secumque discordet, multa fiat)." He does not say that this happens in the Trinity; rather, he notes that the condition of possibility for it to happen exists in the finite world. What is not real in God, however, is so in the reality damaged by sin. Beneyto thinks otherwise: Beneyto, *Politische Theologie als Politische Theorie*, 101: "Thus, Carl Schmitt's political theology becomes a 'political Christology': the structure of the unity-duality of the political modulates intra-Trinitarian 'stasiology,' that is to say, the enmity between God the Father and the Son of God made man."

<sup>95</sup> Schmitt, *Political Theology II*, 125.

<sup>96</sup> *Ibid.*, 126. This refers to Goethe's text in book 20 of *Dichtung und Wahrheit*, 665. In *Political Theology II*, 126, as well as in "Clausewitz als politischer Denker," 494, Schmitt attributes Goethe's quote to book 4 of *Dichtung und Wahrheit*, which again shows that Schmitt quoted from memory.

<sup>97</sup> Mommsen, "Zur Frage der Herkunft des Spruches 'Nemo contra deum nisi deus ipse,'" 97–8. Also see, Schmitt, "Clausewitz als Politischer Denker."

<sup>98</sup> Lenz, *Werke und Schriften*, II, 435; Schmitt, *Political Theology II*, 126–7.

<sup>99</sup> Schmitt, *Political Theology II*, 126–7.

<sup>100</sup> Blumenberg, *Arbeit am Mythos*. The fourth part of the book is entitled *Gegen einen Gott nur ein Gott*. The most straightforward reference to Schmitt is on pages 578–604.

and *nemo contra deum nisi deus ipse*. Goethe writes god in lowercase. It indicates a struggle between gods, rather than a struggle within one God. A god can only balance its power in a struggle with other gods. This statement belongs to a polytheistic and, therefore, mythological context, rather than to a theological one in the strict sense. It involves the complete rejection of theology and acceptance of paganism. But paganism is also revolutionary.

Blumenberg, however, in Schmitt's view, maintains a polytheistic interpretation. His description of the new world as permeated with a volt of constant change (*erneuerungsbedürftigen*), with a constitutive need for progress, change, and novelty, necessarily maintains a divine dialectic. Namely, such a world – despite believing that theology has been substituted by science – retains the structural analogy in which god the creator and god the redeemer are enemies because the conservative force of the created order and the liberating one, that is the executor of the new world, can only be enemies. Schmitt describes this theological-political possibility as follows:

Revolution in contrast to reformation, reform, revision, and evolution, is a hostile struggle. Friendship is almost impossible between the lord of a world in need of change, that is, a misconceived world – a lord who is guilty of this need for change, because he does not support but rather opposes it – and the liberator, the creator of a transformed new world. They are so to speak, by definition, enemies. *En temps de revolution tout ce qui est ancien est ennemi* [During a revolution everything belonging to the old regime was considered inimical] (Mignet).<sup>101</sup>

As Schmitt also asserts in *Crisis of Parliamentary Democracy*, Marxist historical philosophy and sociology is philosophically and metaphysically fascinating because Marx retains the concept of dialectical development of human history and observes this development as a concrete, unique antithetical process, producing itself through an immanent, organic power.<sup>102</sup> The exception is immanent to the process, and it is continuously produced by the metaphysically relevant antagonism between the bourgeois and the proletariat. *The Communist Manifesto* was new and fascinating because of its systematic concentration of class struggle in the high dialectic tension between the bourgeoisie and proletariat. As Schmitt asserts, this simplification powerfully increased the intensity of the argument. Because the development process is dialectical, and therefore logical, even if it remains economic at the base, a simple antithesis must emerge in the last critical, absolutely decisive turning point of world history. Everything must be forced to the extreme so that, out of dialectical necessity, it can be overturned.<sup>103</sup>

Revolutionary total de-theologization and total depoliticization also, paradoxically, absolutely encounter the enemy. Once on earth, the statement “*nemo contra Deum nisi Deus ipse*” transforms into, “*nemo contra hominem nisi homo ipse*,” no one is against man except man himself.<sup>104</sup> Revolutionary politics follows this gnostic or polytheistic theological structure in the last writings of Schmitt.

## 5 Conclusion: Schmitt's Political Theological Foundation of Revolution

In the beginning, we wondered: Is there a political theology of revolution in Carl Schmitt or is his political theology only and exclusively autocratic? We are now in a position to give a nuanced answer to this question. Schmitt does not outline a single political theology of revolution, but several possibilities.

From Schmitt's point of view, the doctrine of constituent power is a revolutionary conceptual engine par excellence. In this article, we have retrieved the juridical genealogy of this doctrine as Schmitt described it in *Dictatorship* and *Constitutional Theory*. Although Schmitt's genealogy of the idea of constituent power

<sup>101</sup> Schmitt, *Political Theology II*, 125.

<sup>102</sup> Schmitt, *The Crises of Parliamentary Democracy*, 54.

<sup>103</sup> *Ibid.*, 59.

<sup>104</sup> Schmitt, *Political Theology II*, 130.



is eminently juridical: *plenitudo potestatis papalis, arcana, persona ficta, pouvoirs intermediaires, volonté general*, and finally *pouvoir constituant*; he himself admits that a revolutionary constituent power would not exist without a certain transfusion of theological–metaphysical concepts into juridical ideas. This is particularly the case of Spinozian metaphysical expressionism and the concept of law present in Malebranche's theodicy, and finally the case of Gnostic dualism or pagan polytheism.

These theological paths contributed to the generation of a political theology of revolution that took political consequences in the French and Soviet Revolutions. Concerning the exception, the revolutionary democratic doctrine understood as a sovereign dictatorship significantly innovates in political theory in that it operates a change in the position of the exception, which goes from coming from “outside” the political order to being integrated into it as an element of *stasis*, that is to say, of destabilization. The exception is constituted as the keystone of political normality itself and not only does not break with legal continuity but acts within it. Hence, all modern politics, under the mask of legality, become permanently revolutionary.

Although Carl Schmitt's position on constituent power is not revolutionary, given that his *Constitutional Theory* incorporates material limits to the action of constituent power, his use of the political theology of revolution in *Political Theory II* brings him closer to a revolutionary approach that keeps the friend–enemy dialectic alive in political life than to Hobbesian monarchical absolutism. Indeed, despite his criticism of radical democracy, there is an interest in – and to a certain extent an admiration for – the theory and practice of that political form, to the extent that it preserves the political element in an age of abstract normativism.

**Conflict of interest:** Author states no conflict of interest.

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