

CARL SCHMITT
Ex Captivitate Salus

EDITED BY

ANDREAS KALYVAS AND FEDERICO FINCHELSTEIN

Ex Captivitate Salus

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Experiences, 1945–47

Carl Schmitt

Edited by Andreas Kalyvas
and Federico Finchelstein

Translated by Matthew Hannah

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IN MEMORIAM
DR. WILHELM AHLMANN
† December 7, 1944

CÆCUS DEO PROPIVS

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Translator's Note

All translator interventions appear in square brackets, either in the main text or in footnotes. Most of Schmitt's gendered pronouns are left as in the original, in part because he often clearly had himself in mind when writing of anonymous individuals. "Humankind," "humanity" and related terms are, however, substituted for "man" or "men" where this does not detract from the resulting English. The translator would like to acknowledge the assistance of George Schwab, the virtuoso copy-editing of Manuela Tecusan, the comments and suggestions of Andreas Kalyvas, Federico Finchelstein and Rory Rowan, and the supportive guidance of Paul Young.

Introduction

Carl Schmitt's Prison Writings

Andreas Kalyvas and Federico Finchelstein

I am naked.

Carl Schmitt¹

If 1945 was a turning point in world history, it was especially so for Carl Schmitt's intellectual, academic, public, and personal trajectory. Global reality had changed in unexpected ways: from a world disputed by three ideologies—fascism, communism, and liberalism—to a post-European Cold War between the last two, which had allied and defeated the first. Undoubtedly Schmitt was considered one of the most prominent intellectuals in the defeated camp. An admirer of Mussolini's fascist dictatorship, an ambitious member of the Nazi Party—which he joined on the same day as Martin Heidegger, just a few months after Adolf Hitler came to power in January 1933—and a vocal anti-Semite thereafter, Schmitt had seriously contemplated the prospect of becoming a leading voice in national socialist theory.² He wanted to determine its content and decide its direction.³ He was perceived at the time as the “crown jurist of the Third Reich,” someone who sought to endow the regime with a new legal theory of politics and all the reputation and

legitimacy consequent upon it.⁴ It was a theory he tailored to fit the Führer's aspirations to become the only source of legality.⁵

To be sure, Schmitt's work cannot be reduced to his Nazi period. Ultimately, as it became evident in 1936, it was not as influential with the Nazis as he had wanted it to be. But at the same time it cannot be disconnected from Nazism. Before 1933 he authored seminal works on political theology, dictatorship and the state of emergency, political myth, sovereignty, constitutionalism, and, most importantly, enmity as the defining element of the political. After 1933 he sought to recalibrate his work in the direction of international law and world politics, so as to fit the ideological imperatives of the Nazis and avoid party suspicions. However, what defined Schmitt all along and informed his theoretical explorations was his fierce opposition to liberalism and communism. In the new bipolar world that emerged after the fall of Berlin, his long-standing enemies had won and were in a unique position to determine the new political landscape. As fascism was defeated and his enemies victorious, Schmitt had to rethink himself, his work, and his own political standing and, as his biographer Reinhard Mehring put it, to "attempt to establish one's identity in the battle for recognition."⁶

* * *

This battle was conducted from prison. Schmitt was arrested twice in 1945 and stripped of his prestigious professorship in Berlin, his library was confiscated, and he spent more than one year in two civilian detention camps, being incarcerated and interrogated again by the Allies, in the spring of 1947, at Nuremberg. At the dawn of a new era that seemingly had no