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Schmitt finds that the problem with values is that their logic is merely one dimensional, better and worse, and a higher value has absolute right to supplant and even destroy a lower value. This actually gives way to terrific destructiveness, especially in war. (Presumably in contrast, old fashioned thinking about ethics, morality, is many-dimensional, vast in its logic and rich in its complexity. It is more human; it makes finer distinctions, presumably in both the subject and the object of ethical thought.) Schmitt writes relatively little about the pre-value conception of morality; maybe it is supposed to be so obvious to us all as to need little exposition. Values logic has replaced or tried to take the place of the older conception, that these are problems of "convictions and interests" (25).

The theory of values is basically derivative of neo-Kantian subjectivism. Philosophy of values and natural law were twin attempts to redress the nihilism of legal positivism (9). The philosophy of values seems neutral and tolerant, but is in fact aggressive (11). Value and the logic of extra-economic values prove to be the engines of utopia (8) in cutting down the barrier between scientific and moral thinking.

The only way out of such an aggressive social struggle, Hobbesian in ferocity, would be to find objective values. But these are no where to be found. "They have not and could not. To claim an objective character for values which we set up means only to create a new occasion for rekindling the aggressiveness in the struggle of valuations, to introduce a new instrument of self-righteousness..." (23).

Is it that values philosophy is worse than moralism or traditional ethics? Presumably not in itself. But the old fashioned version has several things going for it. First, it did not claim to have a scientific character, but a religious one, so in the modern world it was less able to arrogantly claim correctness. And that religious character is tied to another advantage of the old model: it is mediated by political institutions. Values exhibit the same problem as pure heavenly Platonic ideas: they require legal (i.e. political) mediation; if they appear unmediated - directly - terror ensues, a la French Revolution. In contrast to traditional legal mediation, value philosophy, by its extremist logic, cuts through all traditional distinctions and restrictions, from personal ethics to international relations: there is one great big hierarchy of values, and any value can be found on its way up to the top. "All thinking about values only foments and intensifies the age old struggle between convictions and interests" (25).

"Virtues are practiced, norms are applied, orders are executed, but values are set up and enacted. Whoever asserts a value, must bring its influence to bear. Whoever maintains that it has value
regardless of the influence brought to bear by any individual human being who endorses it, is simply cheating" (21). I think that by "bring to bear" Schmitt must mean valuate and disvalue, in other words act upon other things, other lower values. The valuator, if not simply cheating, must aggress and seek power.

Schmitt quotes Nicolai Hartmann: "There is a fanaticism of justice (fiat justitia pereat mundus), which is opposed not only to love, to say nothing of charity, but essentially to all the superior values" (25). Witness "making the world safe for democracy" or "bringing democracy to Bosnia-Herzegovina."

According to value logic, the highest price is not too much to realize the highest value (25-26). On similar grounds Hayek criticizes central planning - it requires to assume a unanimity of values for the society, which certainly do not exist. In addition, if say dignity or freedom are the single highest value, then can enormous power not be set up to secure these things? The logic of values shreds and destroys the amazing richness and complexity of older moral and political thinking.

"Formerly, when value was substantially some thing else than worth, the end could not justify the means... On the other hand, in the hierarchy of values, there are other relationships that count and justify it, namely that the value cancels the disvalue, and the higher value treats the lower value as inferior to it" (26). The logic of this modern eradication of ethics will "transform our planet into a hell that turns into a paradise for value" (26).

The theory of values really gets out of control in the theory of the just war (26), in which all restraints are thrown out; this in contrast to the old European international civil law, the jus publicum Europeum. In the 20th century, the values of the national community, as embodied in the citizen-emperor, are universal and not to be resisted, whether legal or illegal... Read more &rsaquo;

Carl Schmitt (11 July 1888 â€“ 7 April 1985) was a German philosopher, jurist, and political theorist. Schmitt is a major figure in 20th century legal and political theory, writing extensively on the effective wielding of political power. His work has been a major influence on subsequent political theory, legal theory, continental philosophy, and political theology in the 20th century and beyond.

Schmitt's work has attracted the attention of numerous philosophers and political theorists, including Walter Benjamin, Leo Strauss, Jurgen Habermas, Friedrich Hayek.[1] Jacques Derrida, Hannah Arendt, Giorgio Agamben, Antonio Negri, and Slavoj Žižek, among many others. Much of his work remains both influential and controversial today in light of his association with Nazism.

Schmitt, whose father was a minor businessman, was the son of Roman Catholic parents from the German Eifel region who settled in Plettenberg, Westphalia. He studied law in Berlin, Munich, and Strasbourg and took his graduation and state exams in the then-German Strasbourg in 1915.[2] He volunteered for the army in 1916.[2] The same year, he earned his habilitation in Strasbourg. He taught at various business schools and universities in Munich, Greifswald, Bonn, Berlin, and Cologne.

As a young man, Schmitt was "a devoted Catholic until his break with the church in the mid twenties."[4] From around the end of the First World War he began to describe his Catholicism as "displaced" and "de-totalised".[5] Consequently, Gross argues that his work "cannot be reduced to Roman Catholic theology given a political turn. Rather, Schmitt should be understood as carrying an atheistic political-theological tradition to an extreme."[6]

Apart from his academic functions, in 1932 Schmitt was counsel for the Reich government in the case "Preussen contra Reich" wherein the SPD-led government of the state of Prussia disputed its dismissal by the right-wing von Papen government. Papen was motivated to make this move because Prussia, by far the largest state in Germany, served as a powerful base upon which the political left could draw, and also provided them with institutional power, particularly in the form of the Prussian Police. Schmitt, Carl Bilfinger and Erwin Jacobi represented the Reich[7] and one of the counsel for the Prussian government was Hermann Heller. The court ruling on October 1932 was that the Prussian government had been unlawfully suspended but the Reich had the right to
install a commissar.[7] In German history, this struggle leading to the de facto destruction of federalism in the Weimar republic is known as the "Preußenschlag."

Schmitt remarked on 31 January 1933 that with Hitler's appointment "one can say that 'Hegel died.'"[8] Richard Wolin observes, "...it is Hegel qua philosopher of the 'bureaucratic class' or Beamtenstaat that has been definitely surpassed with Hitler's triumph.... this class of civil servantsâ€”which Hegel in the Rechtsphilosophie deems the 'universal class'â€”represents an impermissible drag on the sovereignty of executive authority. For Schmitt ... the very essence of the bureaucratic conduct of business is reverence for the norm, a standpoint that could not but exist in great tension with the doctrines of Carl Schmitt... Hegel had set an ignominious precedent by according this putative universal class a position of preeminence in his political thought, insofar as the primacy of the bureaucracy tends to diminish or supplant the prerogative of sovereign authority."[9]

Schmitt joined the Nazi Party on 1 May 1933.[10] Within days of joining the party, Schmitt was party to the burning of books by Jewish authors, rejoicing in the burning of "un-German" and "anti-German" material, and calling for a much more extensive purge, to include works by authors influenced by Jewish ideas.[11] In July he was appointed State Councillor for Prussia (Preußischer Staatsrat) by Hermann GÃ¶ring and became the president of the Vereinigung nationalsozialistischer Juristen ("Union of National-Socialist Jurists") in November. He also replaced Hermann Heller as professor at the University of Berlin[12] (a position he held until the end of World War II). He presented his theories as an ideological foundation of the Nazi dictatorship, and a justification of the "Führer" state with regard to legal philosophy, in particular through the concept of auctoritas.

Nevertheless, in December 1936, the SS publication Das schwarze Korps accused Schmitt of being an opportunist, a Hegelian state thinker and basically a Catholic, and called his anti-Semitism a mere pretense, citing earlier statements in which he criticized the Nazis' racial theories. After this, Schmitt resigned from his position as "Reichsfachgruppenleiter" (Reich Professional Group Leader), although he retained his post as a professor in Berlin, and his post as "Preußischer Staatsrat". Although Schmitt continued to be investigated into 1937, further reprisals were stopped by GÃ¶ring.[17][18]

In 1945, Schmitt was captured by American forces and, after spending more than a year in an internment camp, he returned to his home town of Plettenberg following his release in 1946, and later to the house of his housekeeper Anni Stand in Plettenberg-Pasel. Schmitt refused every attempt at de-nazification, which effectively barred him from positions in academia. Despite being isolated from the mainstream of the scholarly and political community, he continued his studies especially of international law from the 1950s on, and he received a never-ending stream of visitors, both colleagues and younger intellectuals, until well into his old age. Important among these visitors were Ernst Jünger, Jacob Taubes, and Alexandre Kojève.

In 1962, Schmitt gave lectures in Francoist Spain, two of them giving rise to the publication, the following year, of Theory of the Partisan (Telos Press, 2007), in which he qualified the Spanish civil war as a "war of national liberation" against "international Communism." Schmitt regarded the partisan as a specific and significant phenomenon that, in the latter half of the twentieth century, indicated the emergence of a new theory of warfare.

In 1921, Schmitt became a professor at the University of Greifswald, where he published his essay Die Diktatur (on dictatorship), in which he discussed the foundations of the newly established Weimar Republic, emphasising the office of the Reichspräsident. In this essay, Schmitt compared and contrasted what he saw as the effective and ineffective elements of the new constitution of his country. To him, the office of the president could be characterized as a comparatively effective element within the new constitution, because of the power granted to the president to declare a state of emergency. This power, which Schmitt discussed and implicitly praised as dictatorial,[15] was seen as more in line with the underlying mentality of political power than the comparatively slow and ineffective processes of legislative political power reached through parliamentary discussion and compromise.
For Schmitt, every government capable of decisive action must include a dictatorial element within its constitution. Although the German concept of Ausnahmezustand is best translated as "state of emergency", it literally means state of exception which, according to Schmitt, frees the executive from any legal restraints to its power that would normally apply. The use of the term "exceptional" has to be underlined here: Schmitt defines sovereignty as the power to decide the instauration of state of exception, as Giorgio Agamben has noted. According to Agamben,[19] Schmitt's conceptualization of the "state of exception" as belonging to the core-concept of sovereignty was a response to Walter Benjamin's concept of a "pure" or "revolutionary" violence, which did not enter into any relationship whatsoever with right. Through the state of exception, Schmitt included all types of violence under right, in the case of the authority of Hitler leading to the formulation "The leader defends the law" ("Der Führer schützt das Recht").[15]

According to Giorgio Agamben, this kind of violence, which necessarily bears a juridical value, is another example of the fusion of right to "bare life" (It. vita nuda, Grk. zoe) that transforms the juridical system into a "death machine," able to perform acts of pure violence as needed for self-legitimation, creating Homo sacer, a being that cannot be "murdered" or "sacrificed" but only killed.

Schmitt opposed what he called "commissarial dictatorship", or the declaration of a state of emergency in order to save the legal order (a temporary suspension of law, defined itself by moral or legal right): the state of emergency is limited (even if a posteriori, by law) to "sovereign dictatorship", in which law was suspended, as in the classical state of exception, not to "save the Constitution", but rather to create another Constitution. This is how he theorized Hitler's continual suspension of the legal constitutional order during the Third Reich (the Weimar Republic's Constitution was never abrogated, underlined Giorgio Agamben;[20] rather, it was "suspended" for four years, first with the February 28, 1933 Reichstag Fire Decree, with the suspension renewed every four years, implying a continual state of emergency).

The direction all this leads, and the reason why Schmitt has been taken so seriously by political theory, is to the theorization of the crisis and state of emergency not as exceptional moments in political life, opposed to some stable normality, but as themselves the predominant form of the life of modern nations.

On Dictatorship was followed by another essay in 1922, titled "Politische Theologie" (political theology); in it, Schmitt, who at the time was working as a professor at the University of Bonn, gave further substance to his authoritarian theories, analyzing the concept of "free will" influenced by Christian-Catholic thinkers. The book begins with Schmitt's famous, or notorious, definition: "Sovereign is he who decides on the exception." By "exception," Schmitt means the appropriate moment for stepping outside the rule of law in the public interest. (See discussion of On Dictatorship above.) Schmitt proposes this definition to those offered by contemporary theorists of sovereignty, particularly Hans Kelsen, whose work is criticized at several points in the essay.

A year later, Schmitt supported the emergence of totalitarian power structures in his paper "Die geistesgeschichtliche Lage des heutigen Parlamentarismus" (roughly: "The Intellectual-Historical Situation of Today's Parliamentarianism", translated as The Crisis of Parliamentary Democracy by Ellen Kennedy). Schmitt criticized the institutional practices of liberal politics, arguing that they are justified by a faith in rational discussion and openness that is at odds with actual parliamentary party politics, in which outcomes are hammered out in smoke-filled rooms by party leaders. Schmitt also posits an essential division between the liberal doctrine of separation of powers and what he holds to be the nature of democracy itself, the identity of the rulers and the ruled. Although many critics of Schmitt today, such as Stephen Holmes in his The Anatomy of Anti-Liberalism, take exception to his fundamentally authoritarian outlook, the idea of incompatibility between liberalism and democracy is one reason for the continued interest in his political philosophy.[21]