ent Attlee and Margaret Thatcher. While the Conservatives have dropped their opposition to independence for the Bank of England and the minimum wage, it is unlikely that Blair will be remembered as a prime minister who shifted the centre of political gravity for a generation. Or, at least, not in the direction he intended, when, in the chapter on elections, John Curtice presents convincing evidence that Blair shifted public opinion notably to the right.

The more Stephens mentions social reforms such as civil partnerships, meanwhile, the more many readers will note the parallels not with Attlee or Thatcher, but with Harold Wilson. It was, after all, the Wilson government's social reforms that underlie the recent upward revision in the historical reputation of another Labour prime minister who outraged his party by publicly supporting an unpopular American war. What is more, while Stephens' sideswipe at the metropolitan intelligentsia is amusing, it overlooks how at least one of its most prominent members, Polly Toynbee, was largely supportive of Blair. Indeed, Stephens' glowing references to increased public expenditure and social programmes could easily have come from one of Toynbee's columns. As for Stephens' claim that independent enquiries exculpated Blair over Iraq, this overlooks entirely Lord Butler's understated rebuke that 'more weight was placed on the intelligence than it could bear'.

The chapter on Northern Ireland, omitted in *The Blair Effect, 2001–2005*, has been restored. If Brendan O'Leary's enjoyably vitriolic chapter in the 1997–2001 volume was nationalist in its sympathies, Millar leans slightly more towards a unionist perspective. He rightly notes that Blair could not have achieved what he did without Ian Paisley and Bertie Ahern. As Millar astutely remarks, while fast approaching the end of his own premiership, Blair 'found himself dealing with an ageing DUP leader also in something of a hurry to secure his own legacy', and—crucially—one who resisted those in his own party urging him to wait for what they thought might have been a better deal from Gordon Brown. Similarly, without the Taoiseach's abolition of Articles 2 and 3 of the Irish Constitution (1999), as Millar rightly notes, 'there would have been no engagement with Trimble, no Belfast Agreement, and certainly no Paisley goodwill trip to Dublin'.

Millar errs, however, in stating that Peter Hain succeeded John Reid at the Northern Ireland Office. Hain succeeded Paul Murphy. Similarly, Michael Clarke, in his chapter on foreign affairs, wrongly asserts that the row between John Major and Bill Clinton was prompted by the Adams visa. It was, in fact, prompted by Clinton having lifted the ban on Sinn Fein fundraising. All the same, this detailed and comprehensive anthology will, together with its two predecessor volumes, inform the debate on Blair's legacy for many years to come.

Leek, UK

Carl Schmitt: a scholarly Nazi

Lars Fischer

Carl Schmitt and the Jews: The 'Jewish Question', The Holocaust and German Legal Theory, by Raphael Gross. University of Wisconsin Press. xix + 347 pp. $45.

Ein gefährlicher Geist. Carl Schmitts Wirkung in Europa, by Jan-Werner Müller. Wissenschaftliche Buchgesellschaft. 300 pp. €39.90.

Carl Schmitt, Ludwig Feuchtwanger, Briefwechsel 1918–1935, edited by Rolf Rieß. Duncker & Humblot. 447 pp. €48.

Hans Blumenberg, Carl Schmitt, Briefwechsel, edited by Alexander Schmitz and Marcel Lepper. Suhrkamp. 310 pp. €26.80.

Gretha Jünger, Carl Schmitt, Briefwechsel (1934–1953), edited by Ingeborg Villinger and Alexander Jaser. Akademie Verlag. 241 pp. €44.80.

During the years of the Weimar Republic, Carl Schmitt (1888–1985) dazzled many on the political right and left alike with his brilliant analyses of the modern state. What exactly were the complex dialectics governing the relationship between right and might or legality and legitimacy, and to what extent did modern, supposedly secular notions of legitimacy in fact draw on sources that were ultimately theological in origin? Not only those whose distrust of Weimar liberalism inclined them towards the political right,

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like Leo Strauss, but the likes of Georg Lukács and Walter Benjamin, too, or, to name just these, Schmitt's erstwhile students Otto Kirchheim and Franz Neumann, both of whom were Marxists of sorts and later played a prominent role in the Frankfurt School, displayed a profound fascination with, and were clearly influenced by, Schmitt's writings. Even after 1945, Hannah Arendt, to give only one example, noted in *Origins of Totalitarianism* that Schmitt's 'very ingenious theories about the end of democracy and legal government still make arresting reading'. Indeed, to this day, there are many who rate Schmitt among the most incisive and prescient legal (and by extension political) theorists of the twentieth century.

The initial fascination with Schmitt is not all that difficult to explain. Put bluntly, in Weimar Germany he was one of the few established scholars of genuine stature and clout who would call a spade a spade. He insisted that the modern state cannot be understood without reference to force and violence and that its modes of inclusion are inextricably linked to modes of exclusion. A genuine understanding of the workings of the modern state had to hinge on the way in which it functioned not in the absence of conflict or confrontation, he maintained, but in the face of an emergency. What prevalent constitutional theory considered the exception was in fact the norm: one needed to ask where sovereignty would reside and how it would be exercised in the case of a crisis threatening the very existence of the state to understand how that state really functioned; everything else was a carefully crafted illusion.

Schmitt also refused to countenance the myth that the legitimacy of the system of liberal democracy could be established without reference to something that actually lies outside that system. It was delusional to assume that mere adherence to constitutional legality could create a genuine sense of legitimacy. The state's actual source of legitimacy invariably had to be political in nature rather than legal. This legitimacy in fact presupposed an already established political commonality among those to whom the constitution would apply. For Schmitt, the creation and maintenance of this bond assumed a common willingness and ability to establish and sustain clear and conscious distinctions between friend and enemy. Moreover, to be properly political it had to hinge on values and concerns for which those who shared in this commonality were willing to pay a serious price and ultimately sacrifice their lives. Concerns to which this did not apply were simply too banal to qualify as political.

For Schmitt this juxtaposition between the truly political, as he understood it, and the legalistic or procedural approach merged with the juxtaposition between the universal and the particular. The truly political reflects the life-and-death issues of a particular group and is always concrete and therefore specific in a way that defies legalistic and procedural prescriptions that are ultimately universal in nature. The latter effectively invalidate the issues meriting passionate concern and ride roughshod over real life and its concrete and particular challenges.

Schmitt has therefore appealed not only to various schools of thought that, with varying degrees of justification, have (had) an axe to grind with liberal democracy and its proponents' conceptual complacency and facile claims to legitimacy. More recently various opponents of globalisation have also claimed him as one of theirs. In his *A Dangerous Mind* (2003), Jan-Werner Müller offered an instructive account of the ways in which Schmitt has come to mean so much to so many. Given that virtually all German scholars are perfectly proficient in English nowadays, the fact that a publisher has considered a German version of this book a worthwhile enterprise is presumably indicative of the breadth of recognition Schmitt now enjoys and the *Wissenschaftliche Buchgesellschaft* is to be commended on making Müller's critical reflection on this development available to a wider German readership.

What makes all this enthusiasm for Schmitt rather troubling is that Schmitt was, from 1933 onwards, a notorious Nazi. Indeed, in the very same footnote in which she remarked on the 'still arresting' nature of his writings, Hannah Arendt also characterised him as one of those scholars 'who went beyond mere cooperation and volunteered their services because they were convinced Nazis'. To be sure, his star waned somewhat after 1936, but this was down to rivalry among the Nazi elites and in no way the result of oppositional attitudes or behaviour on his part (although

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this has repeatedly been suggested). Nor did he ever as much as hint at any regrets, let alone signal any empathy for the victims of National Socialism after 1945. Instead he expended considerable amounts of energy on presenting himself as a martyr subject to intense persecution at the hands of the new order. The recently published correspondence between Carl Schmitt and Gretha Jünger (the wife of the staunchly right-wing writer Ernst Jünger) provides yet further examples of Schmitt's relentless whining on this count.

Just what the admixture of opportunism and genuine conviction was that determined Schmitt's behaviour after 1933 is an issue that has caused some controversy. It seems fair to say, though, that there is simply no way of making Schmitt's active involvement with and heartfelt enthusiasm for National Socialism as well as his subsequent lack of contrition go away. Those seeking to salvage their Schmitt from this mess have therefore tended to pursue one of two strategies. They either credit Schmitt with an agenda of his own that temporarily seemed to coincide with that of the Nazis but was in fact born of a profoundly Catholic conservatism and eventually proved incompatible with Nazi policy, hence supposedly his fall from grace after 1936. Alternatively, Schmitt's activities in the Weimar period are simply detached from his track record after 1933. The fact that he considered National Socialism an appropriate answer need not necessarily invalidate the questions he previously raised, the suggestion goes, nor indeed is it altogether clear that he was still asking himself quite the same questions after 1933 anyway (Peter C. Caldwell provided an extremely instructive survey of these various issues in a review article in the *Journal of Modern History* in 2005). In short, the contention is that the diagnostic methods Schmitt deployed prior to 1933 really bear no trace of the remedies he prescribed after 1933. This, however, is a highly questionable contention.

Those who cannot follow these debates in German will find the abridged translation of Raphael Gross's monograph on *Carl Schmitt and the Jews* a most welcome addition to the relevant literature. The occasional glitch notwithstanding, Joel Golb has produced a lucid and elegant English-language version. Even so, the gravitas so characteristic of German scholarship has not been entirely dispelled and I would suggest to all readers who are not already on the most intimate of terms with Schmitt that they read the 'Afterword' first and then the conclusion before turning to the front of the book. None of this in any way detracts from the book's immense merits, though.

Gross demonstrates the extent to which antisemitism was in fact integral both to Schmitt's personal outlook and conceptual endeavours throughout his career and thus throws an important light on the issue of continuity in Schmitt's career. Gross's account is extraordinarily wide-ranging in its elucidation of the various sources and nuances of Schmitt's manifold explicit and implicit references to matters (supposedly) Jewish and cannot possibly be summarised comprehensively here. Suffice it to say that Gross argues compellingly that 'the Jew' was in fact the 'primary, obsessive enemy' on Schmitt's conceptual horizon.

As we saw, for Schmitt the legitimacy of constitutional arrangements hinged on a pre-existing commonality among those to whom the constitution would apply and this commonality in turn was born of the willingness and ability to draw distinctions between friend and enemy. From 1933 onwards all this falls neatly into place. The requisite commonality emerges as fundamentally ethnic in nature and the decisive friend/enemy distinction becomes that between (non-Jewish) Germans and Jews. As he put it in 1936: 'The Jew does not concern us for his own sake. What we seek and what we are struggling for is our unfalsified own kind, the intact purity of our German Volk.'

Conversely, the emphasis on legality over legitimacy and universalism over particularism was a ploy of the assimilated Jews against whom Schmitt levelled what Gross calls a 'double accusation of particularism and universalism'. As Schmitt saw it, the Jews sought to assert universal ideas in order then to exploit them for their own particular ends. As Schmitt put it bluntly: 'Whoever says humanity wants to deceive!' It would indeed be hard to exaggerate Schmitt's obsession with the invisibility of the assimilated Jew, an obsession that is, of course, one of the hallmarks of modern political antisemitism. In this light it also becomes impossible to portray Schmitt's agenda as born of more

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traditional Catholic 'anti-Judaism' rather than antisemitism proper, a suggestion that is very much in keeping with the image Schmitt tried to create of himself after 1945 but quite implausible, given that 'his Jew-hatred places precisely the "assimilated", baptized, "invisible" Jew at the heart of his struggle'.

Having welcomed the Nuremberg Laws as 'the constitution of freedom, the core of our present-day German law', Schmitt's active anti-Jewish engagement reached its climax in October 1936 with a high-powered conference on 'Judaism in Legal Studies'. As Gross clarifies, 'in 1936 no one made more radical demands in German legal studies. Schmitt was not one of the conservative brakemen but rather one of the accelerators and intensifiers of Nazi anti-Jewish policies.' At the conference, Schmitt spoke of the Jews' 'virtuosity of mimicry' and the 'demonically recondite change of masks' they engaged in to fool the non-Jews. In principle, Jewish scholars should no longer be cited as authorities at all, he demanded, but where this was absolutely unavoidable they should always be referred to explicitly as Jews or, where possible, their original Jewish names should be added. 'A simple naming of the word "Jewish",' he explained, 'will already produce a healing exorcism.' (In a rather delicious, apparently unpublished text that accompanies his slim correspondence with Schmitt, Hans Blumenberg relates an instance when this stipulation came back to haunt Schmitt—namely, when he found himself compelled, during his interrogation in Nuremberg, to take recourse to a legal argument first introduced by a Jewish scholar.)

Gross dispels the suggestion that any of this could have been a matter of mere opportunism. If so, it would be hard to explain why Schmitt sustained his antisemitism after 1936, after his removal from the immediate eye of the storm, in other words, let alone after 1945. It is evident that after the war he carefully refrained from making such remarks explicit in texts meant for publication during his lifetime. Yet they feature prominently elsewhere, most notably in the diary he kept between 1947 and 1951 for posthumous publication. On 320 pages this diary contains no less than forty explicit references and many implicit allusions to matters (supposedly) Jewish and it caused a considerable outcry when it was eventually published in 1991.

What had previously remained a matter of speculation was now made explicit. Take the following example. In 1948, Schmitt included virtually identical formulations in his diary and a text meant for publication at the time. As he explained in the latter, he was 'familiar with the many sorts of terror', among them: 'Brown, red, and chequered terror, And the worst kind, that no one dares name.' In the diary, by contrast, he does dare name 'the worst kind' of terror, listing 'terror from Nazis and Jews, brown, red, and chequered terror'. Nor is this the only occasion where the diary explicitly refers to Jews (and again specifically to 'assimilated Jews') as the 'true enemy'. For Schmitt, 'the Jews' are the true victors of the Second World War and he is now the victim of a new world order in which 'only Isra-Elites still exist'.

In short, 'Schmitt's career indeed reveals a consistent opportunism', but it is not his open antisemitism between 1933 and 1945 that is explained by this opportunism. It was when he kept his antisemitism under wraps that he was being opportunistic. Yet while Gross was able to make a strong case from the outset for the continuity and conviction of Schmitt's antisemitism before and after 1945, his argument regarding the period prior to 1933 moved on rather thinner ice. It is certainly evident that the 'blending of prejudice against the liberal legal state with openly antisemitic conspiracy theory' only becomes characteristic of Schmitt's pronouncements after 1933. In the first edition of his book, Gross thus had to content himself with the tentative suggestion that Schmitt's concept of the enemy as he formulated it during the Weimar period was 'at least grounded in the same intellectual structure as his antisemitism'. For 'even in the Weimar writings, he understands the confrontation with his opponents as amounting to a confrontation between secularized Christian theology (the side he is on) and a group of intimately connected enemies: Jews, Marxists, anarchists. The Nazi triumph in 1933 merely offered Schmitt the chance to express the confrontation in more direct and radical terms.'

As Gross explains in the 'Afterword' to the more recent edition of his book, the subsequent publication of Schmitt's diaries for

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the years between 1912 and 1915 has substantially shored up his argument. Though not free of ambivalences, these diaries too are replete with remarks that bear testimony to distinctly problematic attitudes towards matters (supposedly) Jewish, his interaction and indeed friendship with individual Jews notwithstanding. This ambivalence is also reflected in the recently published correspondence between Schmitt and his publisher at Duncker & Humblot, Ludwig Feuchtwanger (the brother of the well-known novelist Lion Feuchtwanger), which ends abruptly in 1933. Gross rightly emphasises that none of this made Schmitt's subsequent alignment with Nazi antisemitism inevitable, but adds that 'without individuals like Schmitt who always saw the Jews as a problem, the Nazi triumph in 1933 would be even less easy to explain'. It would seem, then, that in Schmitt's case it was not enthusiasm for some of National Socialism's other tenets that made him buy into the antisemitism as well, but it was its antisemitism that made National Socialism attractive to him in the first place.

It has to be said, of course, as Gross indeed does, that all of this hardly makes Schmitt an exceptional figure. His peculiar ideas about Jews, his implication in National Socialism and his subsequent refusal to face up to it make him not unlike but like the majority of Germans of his generation. The crucial difference is, of course, that very few people ordinarily consider Germans who conform to this pattern intellectual role models or credit them with an extraordinary acuity and prescience in understanding how the world works and how one can best position oneself within it. Put bluntly, even Schmitt's diagnostics are not to be had without his antisemitism. Hence, if we really cannot subject the dialectics of right and might and legality and legitimacy that govern the workings of the modern state to critical scrutiny without taking on board the specific way in which Schmitt framed these issues, then all those of us who still hope for eventual radical change are in much deeper trouble than we realise.

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