



An Apocalyptic Speech Outlining a Theory of Dictatorship: Carl Schmitt Inspired by Juan Donoso Cortés

RESEARCH

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ABSTRACT

Carl Schmitt's *Die Diktatur* (1921) and *Politische Theologie* (1922) have been widely discussed in political science and constitutional law literature. His distinction between *commissarial* and *sovereign* dictatorships makes these works indispensable references for studying autocracy. In the context of the COVID-19 pandemic crisis, his idea of decisionism, which he summarized in the adage 'sovereign is he who decides on the state of exception,' attracted international attention. However, the literature largely overlooks that Schmitt based his decisionist theory of dictatorship and political theology on an apocalyptic speech delivered by Juan Donoso Cortés in 1849, after the 1848 revolutions in Europe. Cortés alluded to various metaphors that presented the history of the West as a parable for the end of time. Schmitt's early writings reveal his engagement with legal decisionism, but how he expanded this legal decisionism into a political decisionism as expressed in *Politische Theologie*, has not been explained yet. Through an analysis of his personal manuscripts from the early 1920s, I show that his reading of Donoso Cortés's *Speech on Dictatorship* is an important source of inspiration for his decisionist theory of dictatorship that criticizes parliaments and liberalism. My paper is divided into two sections. First, I will explain the influence of Donoso Cortés on Schmitt's works. Second, I present for the first time in the literature an analysis of Schmitt's unpublished manuscripts on the Spanish politician. I conclude that Schmitt developed his political decisionism on the basis of Donoso Cortés's idea of dictatorship.

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Todos recordarán la impresión profunda que solían producir los discursos parlamentarios y los escritos de Donoso Cortés, estimados en alto grado también por conservadores no católicos y considerados como eficaz arma contra la revolución (Schmitt [1929] 1930, 2).

INTRODUCTION

Two major works by the controversial German jurist Carl Schmitt, *Die Diktatur* ([1921] 2015) and *Politische Theologie* ([1922] 2015), today still have considerable influence (Croce & Salvatore 2023; Dean, List & Schwarzkopf 2023; Kutay 2019). In particular, Schmitt's distinction between the concepts of *commissarial* and *sovereign* dictatorship has become an indispensable reference point in discussions of the concept, as well as in the intellectual history of dictatorship (Prieto 2021; Scheuerman 2021; Wilde 2021, 2019). In the context of the COVID-19 pandemic crisis, his idea of *decisionism*, which he summarized in the adage 'sovereign is he who decides on the state of exception,' was referred to internationally (MagShamhráin 2022; Mehring 2020b, c). Vinx and Zeitlin's (2021, 23–29) fine translation of Schmitt's legal-theoretical writings (1914, 1912) reveal his early engagement with legal decisionism. However, how Schmitt extends this legal decisionism to political decisionism in the early 1920s in his *Politische Theologie* ([1922] 2015, [1921] 2015) has not been explained in detail yet. In analyzing his draft notes and manuscripts of the 1920s, my paper aims to show that Juan Donoso Cortés's *Speech on Dictatorship* ([1849] 2000) is one of the most important sources of intellectual inspiration for Schmitt's decisionist theory of dictatorship and political theology.

The intellectual relationship between Donoso Cortés and Schmitt has been studied and discussed in the literature for decades (Beneyto 1988; Bueno 2013; Fox 2013; Ulmen 2002). To date, Hernández Arias's (1998) publication remains the most comprehensive study showing the presence of Donoso Cortés in Schmitt's work from the early 1920s to the 1970s. The general interest in this relationship has also been expressed in the important literature dealing with the German jurist's relationship with Spain (Guillén Kalle 2018; Molina 2019; Saralegui 2016). It is known that Schmitt's ideas were well received in the Second Spanish Republic and in Francoist Spain (Díaz & Molina 2022), also through his conference presentations in Spain. In the past decade, however, a critical reading has emerged that claims Schmitt instrumentalized Donoso Cortés's work for his own political purposes. Thus, Schmitt would use Donoso Cortés to mask his own political decisionism (Fox 2013; Mehring 2020a). In Mehring's (2021, 110) understanding, Schmitt sympathized with Donoso Cortés broadly in his mythologizing attitude toward the literature of Quevedo, the *Machismo*, the *toreros*, the picaresque novel, and the history of the *Reconquista*. Schmitt has therefore been criticized for misunderstanding Donoso Cortés, having instrumentalized his ideas to mask his own political purposes (Fox 2013, 182–185; Spektorowski 2002, 298–302). In contrast to this traditional perspective in the literature, I show that Donoso Cortés's ideas, even if misinterpreted or distorted as a vehicle for Schmitt's position, were inspirational to his political decisionism.

In studying his manuscripts from the 1920s, I find and present new historical evidence of the particular passages and ideas of Donoso Cortés that inspired Schmitt. These manuscripts are Schmitt's personal notes on the bibliographical references to Donoso Cortés in the first and second editions of *Die Diktatur* ([1921] 2015), his drafts of key

passages in Chapter 4 of his famous work *Politische Theologie* ([1922] 2015), the short notes in his texts on ‘Donoso Cortés in Berlin’ ([1927] 2014), and his conference paper in Madrid ([1929] 1930). Several sections of these publications are brought together in a book Schmitt ([1950] 2009) authored in the postwar period. According to Mehring (2021, 113), Schmitt was introduced to Donoso Cortés’s work in the early 1920s through a German translation (Schmitt [1921] 2014, 276). However, I show that from 1920 to 1921, he read, studied, and wrote short notes directly from the Spanish edition of Donoso Cortés’s work. Such was his fascination with Donoso Cortés that Schmitt probably developed a good knowledge of Spanish primarily to read him in the original. To my knowledge, Schmitt only produces manuscripts and draft notes in Spanish about Donoso Cortés (and these are in his personal archive and library).

This finding is significant because it shows that Schmitt not only personally identified with the Spanish politician (Mehring 2021, 113–114), but he went further in appropriating his insights. The German jurist drew on the original version of Donoso Cortés’s famous apocalyptic speech ([1849] 2000) and translated it into a theory of dictatorship that contained a counter-revolutionary and theologizing approach to politics. Based on his reading of Donoso Cortés, Schmitt expanded his early legal decisionism (Schmitt 2021) into a political decisionism, developing a counter-revolutionary idea of dictatorship, a sharp critique of liberalism and parliamentarism, a political–theological approach to Sieyès’s idea of constituent power, and an antagonistic conception of politics.

Here, I briefly explain the method and content of my paper. A thorough examination of the relationship between Donoso Cortés and Schmitt can greatly enhance our understanding of why Schmitt shaped his decisionism the way he did. Thereby, we can explain some of the Schmittian idiosyncrasies that still inform political theory debates about dictatorship, states of exception, and political theology. Unlike previous studies on the influence of Donoso Cortés on Carl Schmitt, this study is based on an analysis of Schmitt’s personal archive. This allowed me to determine which ideas and passages in Donoso Cortés’s work apparently inspired Schmitt’s political decisionism. The method I followed in my work is that of intellectual history and the study of political ideas in texts. I present this in two sections. In the first, I describe the presence of Donoso Cortés in two of Schmitt’s major works, *Die Diktatur* ([1921] 2015) and *Politische Theologie* ([1922] 2015). Second, I examine Schmitt’s unpublished manuscripts on the work of Donoso Cortés, and draw a connection between this unpublished material and his published work. In this way, I could determine which of the Spanish politician’s ideas had the most significant influence. My work concludes that Schmitt developed his decisionist theory of dictatorship and political theology in the early 1920s under the important influence of Donoso Cortés.

DONOSO CORTÉS’S PRESENCE IN *DIE DIKTATUR* AND *POLITISCHE THEOLOGIE*

Decisionist thought has been present in Schmitt’s work since his early legal writings (1912, 1914). Vinx and Zeitlin (2021) have shown how Schmitt addressed the question of *decision* based on his critical examination of the legal literature that dealt with legal determinacy and judgments. These authors point out that, at first glance, the decisionism in the books *Die Diktatur* and *Politische Theologie* seems to have nothing to do with those legal writings. However, the continuity of decisionism lies

in the foundation of the decision. In *Politische Theologie*, Schmitt's decisionist idea of sovereignty as suspension of law in the state of exception refers to positive law and 'not to the idea of *Recht* that, according to *The Value of the State* [1914], political authorities are called upon to realize' (Vinx and Zeitlin 2021, 24). Thus, the authors affirm that in this second of the two books, Schmitt asserts that 'sovereign authority is neither constrained nor constituted by positive law,' so that 'it is the task of the state, in making law, to implement some principle of legitimacy that is antecedent to positive law' (2021, 24). Vinx and Zeitlin conclude that the continuity of Schmitt's early legal decisionism and his political decisionism in *Politische Theologie* lies in the idea of *homogeneity*: 'The thesis that any legal norm requires a "homogeneous medium," that is, "a normal, everyday frame of life to which it can be factually applied," constitutes another clear element of continuity between the argument of *Political Theology* and the views expressed in Schmitt's early legal-theoretical works' (2021, 24–25).

Extending Vinx and Zeitlin's (2021) approach, my study aims to show that Donoso Cortés's *Speech on Dictatorship* plays a key role in the connection between Schmitt's early legal decisionism and his political decisionism, as elaborated in *Die Diktatur* and *Politische Theologie*. Schmitt wrote his legal texts before the Great War, in times of normality, while his Weimar political writings take place in conditions of deep political and social crisis.

To understand the influence of the *Speech on dictatorship* ([1849] 2000), we must begin by briefly introducing the author. Juan Donoso Cortés (1809–1853) was a Spanish politician who was a liberal in his youth and later radicalized as a counter-revolutionary thinker. In his youth, he was attracted to the liberal ideas of Constant and Guizot, which is why until 1832, he was considered a liberal and a romantic (Dardé 2015, 5–10). Between 1832 and 1840, as a journalist and liberal deputy, he published work titled *Report on the Current Situation of the Monarchy* [*Memoria sobre la situación actual de la Monarquía* (1832)] and *Lessons on Political Law* [*Lecciones sobre Derecho Político* (1836)]. However, as from 1847, Donoso Cortés underwent a political and religious transformation, after which he became a prophetic politician and apocalyptic essayist (Dardé 2015, 22–29). In connection with the Revolutions of 1848, he delivered the apocalyptic speeches that would make him famous in Europe. On January 4, 1849, Donoso Cortés delivered his *Speech on Dictatorship* in the Chamber of Deputies. This ideological turn toward dictatorship, counter-revolution, and anti-parliamentarism is consolidated in his *Essay on Catholicism, Liberalism, and Socialism* [*Ensayo sobre el Catolicismo, el Liberalismo y el Socialismo* (1851)]. Schmitt was particularly interested in these last apocalyptic and counter-revolutionary ideas of Donoso Cortés.

Schmitt had first-hand knowledge of Donoso Cortés's work since the early 1920s. Shortly before that, he had studied the relations between the political thinkers of Romanticism and 19th-century European conservatism (Duke 2021; Schmitt [1919] 1998). His Spanish proficiency, at least for reading and writing texts, could be related to his solid knowledge of Latin and French, as evidenced by the bibliographical references in his early legal writings (Schmitt 2021). Already at the end of the second decade, Schmitt criticized 'political romanticism' (Schmitt [1919] 1998) for its tendency toward 'eternal conversation' (*das ewige Gespräch*) ([1922] 2015, 59). Donoso Cortés is portrayed in his first bibliographic references as an anti-romantic and counter-revolutionary political thinker, a man of action who prioritized political

decision over parliamentary discussion. The first time Schmitt refers directly to Donoso Cortés is in his work *Die Diktatur* ([1921] 2015). Schmitt mentions him as one of the Catholic theorists of the state who defended dictatorship against revolution. Later, in the second edition of *Die Diktatur*, he cites the Spanish politician's *Speech on Dictatorship* to illustrate that the dictatorship of government in France was present in Article 14 of the 1814 Constitutional Charter, in the introduction to the 1830 Constitutional Charter, and in the 1848 Constitution (Schmitt [1921] 2015, 192). Similarly, in chapter four of *Die Diktatur* ([1921] 2015), Schmitt cites Donoso Cortés to establish a relationship between his Catholic conception of dictatorship and Sieyès's idea of constituent power:

More interesting, though, is the view on dictatorship proposed by Catholic political philosophers like Bonald, Görres and Donoso Cortés, since they regard the centralisation created by the Jacobines and by absolutism – and hence the modern state, which appears in its essence to be a form of dictatorship – as a fruit of rationalism that, to be sure, can only be overcome by dictatorship itself. This is why the arguments of these great Catholics coincide in detail with those of the advocates of a dictatorship of the proletariat. The essence of the concept of dictatorship is that it constitutes an exception to organic development in order to justify the task of eliminating any mechanical hindrance that obstructs the immanent flow of history. Through this concept, of an immanent historical development, an opposition arises to the mechanistic and centralising state. The idea that the people assumes a *pouvoir constituant* remains in force, the only difference being that the proletariat is identified with the people (Schmitt [1921] 2014, 279).

This passage shows the connection between the concepts of dictatorship and constituent power, which reappears in Schmitt's influential work, *Politische Theologie* ([1922] 2015). In *Die Diktatur*, Donoso Cortés is presented as a political thinker who defends the necessity of dictatorship as a 'rational' means of containing the sovereign dictatorship of revolutionaries (referring to the socialists of 1848). In chapter four of *Politische Theologie* ([1922] 2015), Schmitt develops his reading further by situating Donoso Cortés as a political thinker who stands in the counter-revolutionary tradition of political thinkers such as Louis de Bonald and Joseph de Maistre. Schmitt, however, distinguishes between Donoso Cortés and these defenders of monarchy and legitimacy in France. He adopts the idea that the era of monarchies has come to an end from the Spanish politician and agrees that the only solution to restore the authority of the state in the face of a revolution, is a dictatorship. Similarly, Schmitt accepts that democracy and Sieyès's idea of constituent power provide the only legitimate basis for the theory of the state after the revolutions of 1848 in Europe:

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 (*demokratische Legitimitätsgedanke*) 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. Royalism is no longer because there are no kings. Therefore legitimacy no longer exists in the traditional sense. For him there was thus only one solution: dictatorship [*Demnach bleibt für ihn nur ein Resultat: die Diktatur*] (Schmitt [1921] 2015, 55, [1922] 2005, 51–52).

The realization that monarchy had come to an end, that democratic legitimacy had triumphed, and that dictatorship had become a necessity in the face of revolutions, led Schmitt to the central concept of his political theology and his reading of constituent power: *decisionism*. He recognized that Thomas Hobbes's *Leviathan* resembles this decisionist thinking, albeit via a philosophical and mathematical method, in describing the concentration of state power in the person of the absolute monarch. Schmitt's outline of the political decisionist idea in referring to Hobbes's statement that *auctoritas non veritas facit legem*, is well known. However, Schmitt notes that 'a detailed presentation of this kind of decisionism and a thorough appreciation of Donoso Cortés are not yet available' ([1922] 2005, 52). For this reason, Schmitt presents the Spanish politician as the intellectual pinnacle of decisionist political thought. In the last paragraph of chapter three of *Politische Theologie*, Schmitt associates Donoso Cortés's decisionism with the political thought that defines personal decision (*persönliche Entscheidung*) as the basis of the concept of sovereignty:

Here it can only be pointed out that the theological mode of thought of the Spaniard was in complete accord with the thought of the Middle Ages, whose construction was juristic. All his perceptions, all his arguments, down to the last atom, were juristic; his lack of understanding of the mathematical natural-scientific thinking of the nineteenth century mirrored the outlook of natural-scientific thinking toward decisionism and the specific logic of the juristic thinking that culminates in a personal decision [*in einer persönlichen Entscheidung kulminierenden Denkens*] (Schmitt [1921] 2015, 55, [1922] 2005, 52).

Schmitt portrays Donoso Cortés as a Catholic and decisionist political thinker who starts from an anthropological pessimism bordering on madness: 'Die Verzweiflung dieses Mannes (...) ist oft dem Wahnsinn nahe' (Schmitt [1922] 2015, 63). In Chapter 4 of *Politische Theologie*, a text that Schmitt later published as an article in the *Archiv für Rechts- und Wirtschaftsphilosophie*, his analysis of Donoso Cortés's work is expanded into a decisionist and political-theological conception of dictatorship. The text is only superficially a study of the theory of the state put forward by counter-revolutionary thinkers such as Bonald and De Maistre. In reality, from beginning to end, the discussion focuses on Donoso Cortés's Catholic political theory of dictatorship (Mehring 2021, 117). Schmitt describes the Spanish politician's anthropological pessimism as follows: 'Man's blind reason, his weak will, and the ridiculous vitality of his carnal longings appeared to him so pitiable that all words in every human language do not suffice to express the complete lowness of this creature' (Schmitt [1922] 2015, 63). Although the German jurist considers this description to be an exaggeration (*Seine Verachtung der Menschen kennt keine Grenzen mehr*), he is fascinated by Donoso Cortés's theological, apocalyptic, and pessimistic allegories:

Humanity reels blindly through a labyrinth that we call history, whose entrance, exit, and shape nobody knows (*Obras V*, p. 192); humanity is a

boat aimlessly tossed about on the sea and manned by a mutinous, vulgar, forcibly recruited crew that howls and dances until God's rage pushes the rebellious rabble into the sea so that quiet can prevail once more (*Obras IV*, 102) (Schmitt [1922] 2005, 59, [1922] 2015, 63).

An essential element that Schmitt takes over from Donoso Cortés and that is missing in his early legal decisionism is the criticism of parliamentarism. The Spanish politician's pessimistic and political-theological vision of the human condition led Schmitt to designate Donoso Cortés's aims as ones intended to establish a final battle between Catholicism and socialism, between two enemies in an irreconcilable struggle: 'But the typical picture is a different one: the bloody decisive battle (*die blutige Entscheidungsschlacht*) that has flared up today between Catholicism and atheist socialism' (Schmitt [1922] 2005, 59, [1922] 2015, 63). Schmitt emphasizes this idea of a 'decisive battle' between two enemies to portray political liberalism as incapable of making a decision (in the sense of *decisionism*) in the face of a blood feud. When Donoso Cortés and Schmitt speak of liberalism, they are also referring to the tradition of parliamentarism as a political culture of discussing ideas in order to find the truth (Donoso Cortés [1851] 2019; Schmitt [1923] 2017, 9–13). The German jurist affirms that this expresses the romanticism of 'perpetual discussion' that counter-revolutionary and Catholic thinkers like Donoso Cortés reject. In such a counter-revolutionary reading, liberalism is portrayed as the bourgeoisie's idiosyncratic ways of thinking. Schmitt is intrigued by how the Spanish politician portrays the bourgeoisie as a 'discussing class' (*clase discutidora*) (Donoso Cortés [1851] 2019) incapable of making a political decision when a decisive battle is playing out:

According to Donoso Cortés, it was characteristic of bourgeois liberalism not to decide in this battle but instead to begin a discussion. He straightforwardly defined the bourgeoisie as a "discussing class," *una clase discutidora*. It has thus been sentenced. This definition contains the class characteristic of wanting to evade the decision. A class that shifts all political activity onto the plane of conversation in the press and in parliament is no match for social conflict (*Eine Klasse, die alle politische Aktivität ins Reden verlegt, in Presse und Parlament, ist einer Zeit sozialer Kämpfe nicht gewachsen*). The insecurity and immaturity of the liberal bourgeoisie of the July Monarchy can be recognized everywhere. Its liberal constitutionalism attempted to paralyze the king through parliament but permitted him to remain on the throne, an inconsistency committed by deism when it excluded God from the world but held onto his existence (here Donoso Cortés adopted from Bonald the immensely fruitful parallel of metaphysics and the theory of the state) (Schmitt [1922] 2005, 59, [1922] 2015, 63–64).

The influence of Donoso Cortés's ideas in *Die Diktatur* ([1921] 2015) and *Politische Theologie* ([1922] 2015) is central in Schmitt's intellectual evolution to an anti-parliamentarian and dictatorial political decisionism. The literature has noted these parallels, similarities, and differences between Schmitt and Donoso Cortés for decades. However, which particular ideas and passages in Donoso Cortés's work inspired Schmitt have not been studied in detail. Therefore, in the following section, I present a first study to investigate Schmitt's unpublished manuscripts on Donoso Cortés.

THE SPANISH MANUSCRIPTS AND DRAFT NOTES OF CARL SCHMITT AND HIS DECISIONIST THEORY OF DICTATORSHIP AND POLITICAL THEOLOGY

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Schmitt's manuscripts and short notes on Donoso Cortés are in his personal archive, his *Nachlass*, in Duisburg (Van Laak and Villinger 1993). Despite the extensive literature on Schmitt's relationship with Spain (Guillén Kalle 2018; Molina 2019; Saralegui 2016) and his political-theological theory of dictatorship (Dean, List & Schwarzkopf 2023; Kelly 2016; Vatter 2020), this material has not yet been explored. One of the reasons for this could be that he produced the manuscripts at the same time in different languages. The folder dedicated to the Spanish politician consists of drafts of manuscripts of his published works on Donoso Cortés (Schmitt [1929] 1930, [1927] 2001, [1950] 2012) and his unorganized annotations on sheets and notebooks written in German, Spanish, and French. Most of these annotations are bibliographic cards with references to book pages, but they do not follow a precise system that would allow the arguments to be connected. Further, much of this material is written in shorthand, a writing style Schmitt used throughout his academic career in his drafts, diaries, and reflections ('Steno-Transkription' 2020). Despite this drawback, we can distinguish some important references in these unpublished materials that we also find back in his texts that were published in the 1920s. In what follows, I analyze Schmitt's manuscripts and short notes on Donoso Cortés and their relationship to his decisionist theory of dictatorship and political theology.

It is already known that Schmitt knew about Donoso Cortés's work since 1920. I was able to establish that he started working on an essay about his ideas in July 1921 (Schmitt 1921?). Between his manuscript notes on Donoso Cortés, there is a sheet on which Schmitt writes in Sütterlin script (*Sütterlinschrift*), a form of German calligraphy used in the early 20th century, that he has begun work on Donoso Cortés on July 23, 1921. This material contains 27 sheets of annotations, one of which gives the title *Donoso Cortés and the European Revolution. An Attempt at Explaining the Idea of Dictatorship* [*Donoso Cortés und die europäische Revolution. Ein Versuch zur Idee der Diktatur*] (Schmitt 1921?). This sheet is written as the title page of his private notes on Donoso Cortés. There is also a folder of 58 sheets with short notes on Donoso Cortés, one of which is dated 1921 (Schmitt 1920?). These manuscript sheets and short notes are his bibliographical notes on Donoso Cortés, which I found coincide with many passages in *Die Diktatur*, *Politische Theologie*, 'Donoso Cortés in Berlin' ([1927] 2014), and his conference presentation in Madrid ([1929] 1930). Schmitt's draft notes written in Spanish formed the basis for all his publications of the 1920s. The bibliographical reference he writes as *Obras de Don Juan Donoso Cortés, Marqués de Valdegamas*. Edited by Juan Gabino Tejado, Volumes 1–5, Madrid, 1854–1855. To better understand all this unpublished material, I analyze five key ideas given in Donoso Cortés's *Speech on Dictatorship*, which inspired Schmitt.

CRITICISM OF THE LEGITIMACY OF PARLIAMENTARISM AND DEFENSE OF DICTATORSHIP

The first idea in the *Speech on Dictatorship* that inspires Schmitt is Donoso Cortés's critique of parliamentarism ('*la legalidad*') and his defense of decisionism and dictatorship. This form of decisionism against positive law was not yet fully developed in Schmitt's early legal writings, but appears more clearly in his conceptualization of commissarial dictatorship in *Die Diktatur* ([1921] 2015, chap. 2). Primarily in Chapter 2

of *Politische Theologie*, Schmitt elaborates on this idea in his critique of Hans Kelsen's legal positivism, which for Schmitt depersonalizes sovereignty by 'legalizing' the concept of the state. His concept of sovereignty is defined here as a decision: 'But sovereignty (and thus the state itself) resides in deciding this controversy, that is, in determining definitively what constitutes public order and security, in determining when they are disturbed, and so on' (Schmitt [1922] 2005, 9). Decisionism thus refers to the suspension of positive law in facing a state of exception (*Ausnahmestand*): 'The decision frees itself from all normative ties and becomes in the true sense absolute. The state suspends the law in the exception on the basis of its right of self-preservation, as one would say' (Schmitt [1922] 2005, 12). Vinx and Zeitlin (2021, 25–26) are correct in saying that these ideas in *Politische Theologie* take up an argument that Schmitt already made in *The Value of the State* (1914) about recomposing the conditions of normality and *homogeneity*.

However, an important feature at the beginning of the 1920s is that Schmitt now adopts an anti-parliamentary stance. We know that he expressed his critique of liberalism and parliamentarism in the Weimar Republic more clearly in his essay on the 'crisis of parliamentarism' (Schmitt [1923] 2017). Schmitt's critique is set in the European context of other studies, such as those of Robert Michels ([1910] 1970) and Max Weber (Palonen 2023; Weber [1919] 1988), who criticized parliamentary government. However, here Schmitt also took up the anti-parliamentarism that he had already come across in the Spanish politician's speech. In one key passage, Donoso Cortés portrays the parliamentary government as incapable of taking decisions in the face of an extreme crisis. He associates parliamentarism with '*la legalidad*' in the sense of defending *positive law*, while presenting his speech as a defense of dictatorship to save society. In his Spanish draft notes, Schmitt quotes the passage from Donoso Cortés's speech that inspired his anti-parliamentarism and defense of dictatorship:

Gentlemen, what is Mr. Cortina's fundamental point? (...) It is legality in domestic policy [=the legality of parliamentarism]. Everything exists by the exact letter of the law [*"la legalidad"*=positive law]. The law must be exactly followed in all circumstances and on all occasions. Gentlemen, I believe that the laws are made for societies, not societies by laws. I say: society, everything through society, everything for society; always society, society in all circumstances and on all occasions. When the letter of the law is enough to save society, then the letter of the law is best. But when it is not enough, then dictatorship is best (Donoso Cortés [1849] 2000, 46).

THE RELATIONSHIP BETWEEN DICTATORSHIP AND CONSTITUENT POWER

The second idea Schmitt takes from Donoso Cortés refers to the historical connection between the concepts of dictatorship and constituent power in French history. In their work Rubinelli (2020, 111) and Colón-Ríos (2020, 239–244) have explained how Schmitt developed this connection in his concept of *sovereign dictatorship* (Schmitt [1921] 2014, chap. 4). Colón-Ríos's (2020, 245–247) contention that Schmitt's idea of constituent power was inspired by the French *abbé* and politician, Sieyès, as well as by the Spanish politician, seems to be correct. I have found this same connection in Schmitt's short notes to the French edition of Donoso Cortés's work (Schmitt 1921?). Quotations from Donoso Cortés shape Schmitt's arguments. Interestingly, the

German jurist's notes transcribe a passage from Donoso Cortés's speech that he later quotes in the second edition of *Die Diktatur* ([1921] 2015, chap. 6). This describes the history of the state of siege in France in the first half of the 19th century. The quote is meant to legitimize dictatorships as having existed throughout history, and exemplified by the emergency laws that gave the head of state extraordinary powers to suppress revolutions:

The royalists called the state of siege a government dictatorship. In his speech of 4 January 1849, which was held in the Spanish House of Deputies, Donoso Cortés said that dictatorship was stuck in Article 14 of the Restoration charter; in the introduction of the charter from 1830; and the republic of 1848 was nothing but a dictatorship in republican disguise [*die Republik von 1848 sei überhaupt nichts als Diktatur unter republikanischem Namen*] (Schmitt [1921] 2014, 294, [1921] 2015, 192).

This quote also supports Schmitt's argument toward the end of his book *Die Diktatur*, where he defends the idea that the 1848 Constituent Assembly was a *sovereign dictatorship* (Schmitt [1921] 2015, 197). The German jurist claims that the Assembly was a dictatorship based on the constituent power of the people (*'Der pouvoir constituant war die Grundlage dafür'*) because the 1848 Constituent Assembly granted General Cavaignac absolute power to put down the working-class uprising in Paris (the June Days uprising). Schmitt's historical reflections were inspired by this passage in Donoso Cortés's *Speech on Dictatorship*:

This is the clear, luminous, and indestructible theory of dictatorship. Gentlemen (...), show me one society that has not had a dictatorship, only one. (. . .) Look at France and all of its vicissitudes. I will not speak about the First Republic, which was an enormous dictatorship without limits and full of horrors. I am speaking about a later time. In the Charter of the Restoration, dictatorship had taken refuge, or found an asylum, in Article 14. In the Charter of 1830 one finds it in the Preamble. [And in the present Republic (1848)? Let us say nothing of this one:] What is it except a dictatorship under the nickname of Republic? [*Loud applause*] (Donoso Cortés [1849] 2000, 47; Donoso Cortés 1854, 3:257).

THE POLITICAL THEOLOGY OF CONSTITUENT POWER

The third idea that inspires Schmitt is the political–theological allegory that Donoso Cortés established between the creative power of God and the concept of the constituent power of the people, that is, the power that creates the *fundamental laws* of the state, that is, the constitution. This connection between the concept of God as *potestas constituens* and the concept of the people is found in the chapter Schmitt devoted to the concept of *sovereign dictatorship* in *Die Diktatur*: ‘Whenever in the monarchomachic literature the *potestas constituens* is mentioned in contrast to the *potestas constituta*, that “the people” as an authoritative entity itself is constituted by God, is hardly ever omitted’ (Schmitt [1921] 2014, 276). However, in *Politische Theologie* the meaning of this political–theological allusion is more clearly formulated: ‘The “omnipotence” of the modern lawgiver, of which one reads in every textbook on public law, is not only linguistically derived from theology. Many reminiscences of theology also appear in the details of the argumentation, most of course with polemic intent’ (Schmitt [1922] 2005, 38). This political–theological approach of Schmitt to

Sieyès's idea of constituent power (*pouvoir constituant*) would be deepened later in the *Verfassungslehre* ([1928] 2017):

According to the medieval understanding, only God has a *potestas constituens*, so far as it is spoken of at all. The clause “All power (or compulsion) is from God” (*on est enim potestas nisi a Deo*, Rom. 13:1), means God's constituting power (...). During the French Revolution, Sieyès developed the theory of the people (more precisely of the nation) as the subject of the constitution-making power. (...) In some of Sieyès's writings, the “*pouvoir constituant*” appears in its relationship to every “*pouvoirs constitués*” as a metaphysical analogy to the “*natura naturans*” and its relationship to the “*natura naturata*” of Spinoza's theory. (...) But it is necessary to distinguish the positive theory of the constitution-making power, which inheres in every constitutional theory, from the aforementioned pantheist metaphysic. They are in no way identical with one another. The metaphysic of the *potestas constituens* as well as that of the analogy to the *natura naturans* is part of the theory of political theology (Schmitt [1928] 2008, 126, 128).

Schmitt's references to the passages in the *Speech on Dictatorship* that address this connection between the power of God and the power to create fundamental laws (understood as the people exercising their constituent power) are also meant to illustrate the audience's derision of such analogies. Unfortunately, Donoso Cortés's English translation (Donoso Cortés [1849] 2000) neglected to include the audience's reactions as described in the original. As Schmitt reads the Spanish edition, he highlights in red the laughter provoked by these theological analogies of Donoso Cortés, especially among the politicians on the left-wing benches. The German jurist effectively sides with Donoso Cortés against those who react to his speech with laughter, because in the rhetorical sentences, he recognizes a serious project to analyze the conceptual and historical analogies between Christian theology and constitutional law (Schmitt [1922] 2005, chap. 3). The central idea that Schmitt wants to emphasize is that the idea of God as *potestas constituens* underpins the theory of the constituent power of the people. This is the theological passage in Donoso Cortés's speech that inspires Schmitt's political-theological approach to constitution-writing:

Gentlemen, to a certain extent God has left the government of human societies to men and has exclusively reserved to himself the government of the universe. The universe is governed by God [constitutionally], if that can be said and if the expressions of parliamentary language can be applied to something so high **[big laughs on the benches on the left]**. And, gentlemen, nothing appears clearer to me and so strongly evidenced than the notion that the universe is governed by certain precise and indispensable laws called secondary causes. What are these laws if they are not analogous to those called the fundamental laws of human society? Now, gentlemen, if God is the legislator of the physical world, are men the legislators of human society, but in a different way? Does God always govern by the same laws he has imposed upon himself, according to his divine wisdom, and to which he has subjected us? No, gentlemen. There are some direct, clear, and specific times when it manifests his sovereign will by breaking the laws he himself has imposed, thereby bending the natural course of things. So, gentlemen, when God operates in this way,

can it not be said, if human language can be applied to divine things, that he is operating dictatorially? [*laughs on the benches on the left again*]. Gentlemen, this proves how great is the delirium of a party that believes it can govern with less means than God, dispensing with the use of dictatorship. But dictatorship is sometimes necessary. Gentlemen, since this is the case, the question, reduced to its real terms, does not consist in ascertaining whether dictatorship is suitable, but whether it is good in certain circumstances (Donoso Cortés [1849] 2000, 47–48; Donoso Cortés 1854, 3:257–258).

APOCALYPTIC CONCEPTION OF THE REVOLUTION

The fourth idea Schmitt appropriates in his draft notes on Donoso Cortés is the one relating to the apocalyptic character of the socialist revolution and anarchist movements in Europe. In *Politische Theologie*, Schmitt had pointed out that ‘just as revolutionary radicalism was much deeper and more consistent in the proletarian revolution of 1848 than in the third estate revolution of 1789, so too was the intensity of decision heightened in the political philosophy of the counter-revolution’ (Schmitt [1922] 2005, 56). However, Schmitt also highlights Donoso Cortés’s tendency to understand the ideas of revolutionaries such as Pierre-Joseph Proudhon from a theological perspective (Schmitt [1922] 2005, 57). Interestingly, in Schmitt’s unpublished work, I found short French notes on Karl Marx’s *Misère de la philosophie* (1847), that had also developed his reading of Proudhon. But clearly, Schmitt adopted from Donoso Cortés the political–theological approach that understands revolution as an apocalyptic event and its theorists as incarnations of evil: ‘That extremist cast of mind explains why he was contemptuous of the liberals while he respected atheist-anarchist socialism as his deadly foe and endowed it with a diabolical stature. In Proudhon he claimed to see a demon’ (Schmitt [1922] 2005, 63).

Schmitt shows enthusiasm for theological analogies that portray the revolution as an apocalyptic and satanic event. In the fourth chapter of *Politische Theologie*, he postulates that Bakunin was the first who ‘wanted to “disseminate Satan,” and this he considered the sole true revolution, in contrast to Karl Marx, who scorned every form of religion’ ([1922] 2005, 64). Unlike the revolutionaries, Donoso Cortés ‘always had in mind the final consequences of the dissolutions of the family resting on the authority of the father,’ because when this happens, ‘all moral and political decisions are thus paralyzed in a paradisiacal worldliness of immediate natural life and unproblematic concreteness’ ([1922] 2005, 64). It is important to highlight here the influence that Schmitt’s apocalyptic conception of revolution and counter-revolution had on later philosophers such as Jacob Taubes. For Taubes (2017, 271), Schmitt is an ‘apocalyptic counter-revolutionary.’ The passage from the *Speech on Dictatorship* that I found, according to his notes, inspired Schmitt’s apocalyptic reading of revolution, reads as follows:

Revolutions are sicknesses afflicting wealthy people. And they are also sicknesses afflicting free people. In the ancient world, slaves composed the major part of the human race. Show me what revolution was ever made by those slaves [*On the left benches: The Spartacus Revolution!*] (...). The germ of revolutions is found in the overexcited desires of the mob that is exploited for the benefit of its leaders [*Good, Good*]. *You will be like the rich* – this is the formula of socialist revolutions against the middle classes.

You will be the nobility – this is the formula of the revolutions of the middle classes against the noble classes. *You will be like kings* – this is the formula of the revolutions of the noble classes against kings. Finally, gentlemen, *you shall be like gods* – this is the formula of the first rebellion of the first man against God. From Adam, the first rebel, to Proudhon, the latest impious one, this is the formula of all revolutions [*Very Good, Very Good!*] (Donoso Cortés [1849] 2000, 49–50).

ANTAGONISM AS THE BASIS OF THE POLITICAL–THEOLOGICAL APPROACH

Finally, Donoso Cortés inspired Schmitt with his political–theological conception of dictatorship and politics as two opposing sides engaged in a ‘final battle.’ In *Politische Theologie*, Schmitt states that ‘Dictatorship is the opposite of discussion’ (*Diktatur ist der Gegensatz zu Diskussion*) ([1922] 2005, 63, [1922] 2015, 67). And then he points out that this antagonistic conception of dictatorship presupposes an essentially political conception. Here Schmitt introduces a key idea of his political–theological approach: ‘Today nothing is more modern than the onslaught against the political’ ([1922] 2005, 65). Similarly, he states that ‘American financiers, industrial technicians, Marxist socialists, and anarchic-syndicalist revolutionaries unite in demanding that the biased rule of politics over unbiased economic management be done away with’ ([1922] 2005, 65). Here Schmitt ([1922] 2015, 68) establishes an antagonistic relationship between the *concept of the political* (Schmitt [1932] 2007) and that of technical-economic thought. In *Politische Theologie*, the German jurist presents Donoso Cortés as the antithesis of this ‘neutralization’ of the political and as an advocate of decisionism and dictatorship in the ‘final battle’:

As soon as Donoso Cortés realized that the period of monarchy had come to an end because there no longer were kings and no one would have the courage to be king in any way other than by the will of the people, he brought his decisionism to its logical conclusion. He demanded a political dictatorship. (...) Donoso Cortés was convinced that the moment of the last battle had arrived; in the face of radical evil the only solution is dictatorship, and the legitimist principle of succession becomes at such a moment empty dogmatism. Authority and anarchy could thus confront each other in absolute decisiveness and form a clear antithesis ... (Schmitt [1922] 2005, 65–66).

It is important to emphasize that Schmitt’s ‘Donoso Cortés in Berlin’ and his famous essay *Der Begriff des Politischen* were published in 1927. In my view, these texts are closely related. Schmitt’s draft notes (1920?) show that his reading of Donoso Cortés strongly influenced his antagonistic conception of the political, that is, his ‘friend-enemy distinction’ (*Die Freund-Feind-Unterscheidung*) in this domain. Meier’s influential approach to political theology also developed this reading of antagonism: ‘The “concrete opposition,” in view of which Schmitt makes the term “political theology” his concept, is the opposition of authority and anarchy, of faith in revelation and atheism, of obedience and indignation against the supreme sovereign’ (Meier 2017, 11). Indeed, Schmitt describes the antagonism, the enmity, and the so-called ‘final battle’ in *Politische Theologie* ([1922] 2015, 66) using the same allegories that Donoso Cortés (1854, 3:155) did in referring to the decision as a contest between ‘Jesus or Barabbas.’ In his draft notes, however, Schmitt left a more systematic classification

of how these dichotomies are translated in his various works. For him, the opposition between discussion and dictatorship expresses the same opposition that exists between the concepts of *ratio* and *voluntas*, between the abstract/general and the concrete, between law and command, between development and recomposition, harmonization and tragedy (see [Table 1](#)).

Diskussion – Diktatur
Ratio – Voluntas
 Abstrakt/Allgemein – Konkret
 Gesetz – Befehl
 Entwicklung – Entschädigung
 Harmonisierung ~ Tragik ... ?

[English Translation]

Discussion – Dictatorship
Ratio – Voluntas
 Abstract/General – Concrete
 Law -- Command
 Development – Compensation
 Harmonization ~ Tragedy ... ?

Table 1 Schmitt's scheme of oppositions that summarize a large part of his idea of 'antagonism'.

Source: (Schmitt 1921?).
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This scheme of opposition is found in *Die Diktatur*, *Politische Theologie*, *Verfassungslehre*, and other texts related to Schmitt's decisionism in Weimar. The opposition between law and command, for example, is found in his account of Thomas Hobbes's decisionism ('*Das Gesetz ist nicht eine Gerechtigkeitsnorm, sondern Befehl*') (Schmitt [1921] 2015, 21, [1922] 2015, 39). The opposition between *ratio* and *voluntas* is found in his decisionist conception of the constitution: 'The constituent power is the political will, whose power or authority is capable of making the concrete, comprehensive decision about the type and form of its own political existence' (Schmitt [1928] 2008, 125). The contrast between discussion and dictatorship is also found in his work, which contrasts the concepts of liberalism (parliamentarism) and 'democracy' (*acclamation*, fascism, and Bolshevism) (Schmitt [1923] 2017, 22). Schmitt's approach to political antagonism (*Gegensatz*) is consolidated in *Der Begriff des Politischen*, an essay in which he presents the friend-enemy distinction as the essential criterion of the political:

The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping. In its entirety the state as an organized political entity decides for itself the friend-enemy distinction. Furthermore, next to the primary political decisions and under the protection of the decision taken, numerous secondary concepts of the political emanate (Schmitt [1932] 2007, 29–30).

Schmitt wrote many short notes on the work of Donoso Cortés, from which he drew this antagonistic understanding of the political and his decisionist theory of dictatorship being opposed to discussion. In a few pages of the notes he made in Spanish (see [Table 2](#)), he quotes a polemical passage from *Ensayo sobre el catolicismo, el liberalismo y el socialismo* (1851), in which Donoso Cortés (1854, 3:154–155) posits liberalism as a tradition that rejects 'radical negations.' Schmitt comments on this passage by adding adjectives that Donoso Cortés often used, and that show Schmitt's enthusiasm for these allegories (see [Table 2](#)). It is essential to compare these draft

DC [Donoso Cortés]
Obras IV, p. 155 (*Ensayo*)

‘La sociedad entonces se deja gobernar de buen grado por una escuela [el liberalismo] que nunca dice afirmo ni niego, y que a todo dice distingo. El supremo interés de esa escuela está en que no llegue el día de las negaciones radicales o de las afirmaciones soberanas; (...) (*Donoso Cortés 1854, 3:154–155*).

[Comentario de Schmitt]: maravilloso, misterioso, tremendo, radical, soberano, supremo, terrible, profundísimo, absoluto, perentorio, decisivo ... sangre, misterio, pecado, batalla, contienda ...
 Negación-afirmación.

[English translation]

‘Society then willingly allows itself to be governed by a school [liberalism] that never says I affirm or deny, and that says I *distinguish* to everything. The supreme interest of this school is to ensure that the day of radical negations or sovereign affirmations does not arrive’ (*Donoso Cortés 1854, 3:154–155*).

[Schmitt’s comment]: marvelous, mysterious, tremendous, radical, sovereign, supreme, terrible, most profound, absolute, peremptory, decisive ... blood, mystery, sin, battle, strife ...
 Negation-affirmation.

DC [Donoso Cortés]

Prodigioso, sublime,
 maravilloso, inmenso,
 infernal, terrible,
 pavoroso, furioso,
 cataclismo, el diluvio democrático,
 (...), lo imprevisto, (...)
 terror,
 los secretos (...)

tiniebla,
 diluvio,
 terribles incendios,
 crisis.

[English translation]

Prodigious, sublime,
 marvelous, immense,
 infernal, terrible,
 dreadful, furious,
 cataclysm, the democratic deluge,
 (...), the unforeseen, (...)
 terror,
 secrets (...)

darkness,
 deluge,
 terrible fires,
 crisis.

Table 2 Schmitt’s draft notes on Donoso Cortés.
 Source: (*Schmitt 1921*).
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notes with the text of ‘Donoso Cortés in Berlin’ ([1927] 2014). The Spanish manuscripts and short notes show that Schmitt adopted his conception of dictatorship as a criterion of ‘negation-affirmation’ from Donoso Cortés:

Powerful antitheses began to appear in 1848, but, in the critical judgment of Barbey d’Aureilly, often only as an expression of his decisionist nature, and as characteristics of his rhetorical-epigrammatic style. Still,

the antithesis did not yet reach their ultimate eschatology in Berlin, and Donoso's favorite words had not yet begun to accumulate: *maravilloso, misterioso, tremendo, radical, soberano, supremo, terrible, profundísimo, absoluto, perentorio, sangre und decisivo* (Schmitt [1927] 2001, 95, [1950] 2009, 57–58).

CONCLUSIONS

The discussion given above shows the significant influence Donoso Cortés had on Schmitt. The *Speech on Dictatorship* inspired Schmitt's reflections on political theology and his defense of counter-revolutionary dictatorship. Thus, the study of their relationship should not reduce the German jurist's position as simply using Donoso Cortés to mask his own political purposes. Donoso Cortés captivated Schmitt in various ways, as is clear from considering at least five central ideas. First, there is the critique of parliamentarism and the defense of decisionism and dictatorship; second, both political thinkers recognized a connection between the concepts of dictatorship and constituent power in French history, viewing the constituent assembly of 1848 as a *sovereign dictatorship*. Third, I noted Schmitt's appropriation of Donoso Cortés's political-theological conception of constituent power as a concept of God as *potestas constituens*. Fourth, Schmitt was impressed by the apocalyptic conception of the revolution as 'evil' and its intellectuals as enemies that had to be destroyed. Finally, there is antagonism as the criterion of the 'friend-enemy' distinction. Thanks to Donoso Cortés, Schmitt's ideas evolved from the legal decisionism of his youth to the anti-parliamentary and dictatorial decisionism he defended in the Weimar Republic. Schmitt's decisionism was also shaped by other intellectual influences, such as his reading of Bodin and Hobbes. My study, however, has produced a new interpretation of such influences from Schmitt's archival material.

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