

## CARL SCHMITT AND FASCISM: SCHMITT, GERMANY AND JAPAN

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### I. Introduction

As a student of comparative political thought, I have been working on analysing various types of nation-state building, especially those of Britain, Germany and Japan. By comparing the distinctive characteristics of these nations, I believe that our understanding of political theory can be enriched and refined.<sup>1</sup> In Japan, for instance, the impact of western political thought has been salient, particularly over the last hundred years or so, and Japan's political development can be understood from the stand point of European political ideas.<sup>2</sup>

In this paper, I will first discuss the essence of Carl Schmitt's theory of politics; I will then go on to examine the extent to which Japanese fascism was influenced by Schmitt's thought<sup>3</sup>. Needless to say, there are numerous works on Japanese fascism; and many on European fascism, too. But the study of Japanese fascism has henceforth been carried out from the historical (Japanese) perspective, which lacks theoretical evaluation (political theory).<sup>4</sup> On the other hand, the study of European fascism is largely limited in geographical coverage—European and Latin American countries are the point of inquiry, and Japan is not included.<sup>5</sup> My paper thus tries to provide a comparative perspective on the theory of fascism, and its application in Japan, as systematically as possible.

In Section II, I will discuss Schmitt's political role as a theorist. Here I wish to demonstrate the extent to which he was responsible for the collapse of the Weimar Republic. In Section III, the development of the Schmittian paradigm will be examined briefly. Finally, in Section IV, I will highlight some of salient characteristics of Japanese fascism.

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<sup>1</sup> H. Tanaka, *States and Individuals*,\* Tokyo: Iwanami Shoten, 1990. (\*written in Japanese)

<sup>2</sup> H. Tanaka, "Western Political Thought in a Japanese Context: Hiroyuki Kato and Nyozezan Hasegawa," *Hitotsubashi Journal of Social Studies*, Vol. 20, 1988; "Liberal Democracy in Japan: The Role of Intellectuals," *ibid.*; "The Development of Liberalism in Modern Japan: Continuity of An Idea," *ibid.*, Vol. 21, 1989; "Internationalization of Political Ideas: The Case of Liberal Democracy in Japan," a paper presented at the conference held at the University of Sheffield, UK., September 1989; "Two Models of the Japanese Nation-State in the Meiji Era," *Hitotsubashi Journal of Arts and Sciences*, Vol. 30, No. 1, December 1989.

<sup>3</sup> H. Tanaka, "On Carl Schmitt: Politics and Intellectuals,"\* *Shisou*, December 1989.

<sup>4</sup> H. Abe, *Studies on Japanese Fascism*,\* Tokyo: Miraisha, 1975.

<sup>5</sup> W. Laqueur, *Fascism: A Reader's Guide—Analyses, Interpretations, Bibliography*, Berkeley: University of California Press, 1976.

## II. *Schmitt and His Political Role*

Recently, J.B. Bendersky has put forward the thesis that Schmitt was a man of democracy and not responsible for the rise of German fascism in the 1920s and 1930s. In support of this thesis, Bendersky points out that until the Nazi seizure of power in 1933, Schmitt criticized Hitler's party and supported the Weimar Republic. Thus Schmitt was not a supporter of fascism and Hitler.<sup>6</sup>

This conclusion cannot be accepted. To my mind, Schmitt definitely shares responsibility for the collapse of the Republic. However, as a student of political theory, we should not neglect Schmitt as a minor appendix in western political thought. Rather, no matter how responsible he was for the rise of German fascism, we must pay serious attention to his original, and sometimes insightful, ideas on our modern states and politics. I think his works published in the 1920s and 1930s are, in this sense, useful for our study.

Let me elaborate on the relationships between Schmitt and the Nazi in order to identify his political role, which I would suggest was negative. First of all, he was an ideological spokesman for the conservative ruling class. He and the conservative class were in favour of a 'strong Germany' and did not evaluate the Weimar polity positively. The reason was simple—the new Republic was not strong enough to implement modernization of the economy and society. In this sense, democracy was not necessarily the best choice for the conservative ruling class. Another option, socialism, was rejected out of hand. The third option, Nazism, appeared fanatic and extreme; still, it was better than socialism and communism. Here can be found an alliance between the ruling conservative class and the Nazi party—the party was less harmful than the socialists. Schmitt was, in this context, a theorist who could justify the new alliance and Hitler's seizure of power in Germany. How was this alliance discussed and elaborated by Schmitt?

## III. *Schmitt and His Attack on Western Liberal Democracy*

Schmitt observed the nature of the Weimar Republic, and gradually elaborated his unique theory of the states. What he intended was essentially two things—one was the destruction of theories and systems of western democracy or the Republic's polity itself. On the other hand, once a western-style democracy has been eliminated an alternative polity has to be considered. He was, in this sense, anxious to establish a strong presidential system which would control German politics effectively and more powerfully than before. While these two aspects of his thought, namely *the destruction* of western liberalism and *the establishment* of a powerful presidency, were not treated equally in his work, it is clear that this dual concern was consistent. The point can be made by reviewing some of Schmitt's books one by one.

*Politische Romantik* (1919)<sup>7</sup> Romanticism, which considered to be a distinctive feature

<sup>6</sup> J.W. Bendersky, *Carl Schmitt: Theorist for the Reich*, Princeton: Princeton University Press, 1983.

<sup>7</sup> *Politische Romantik*, Dunker & Humblot, 1919.

of the German way of thinking, was criticized by Schmitt in this work. A similar critical view was presented by Ernst Troeltsch as well, but ideological implication was different. Troeltsch rejected Romanticism for its excessive ethno-centrism and German "particularism." This type of (nationalistic) Romanticism was seen to make German citizens unconscious of universal principles such as democracy. Thus the idea of Romanticism was regarded as an obstacle to democracy.

Schmitt saw the same idea negatively, but his ideological perspective was just opposite: first Romanticism was the idea of the German bourgeoisie; second, Romanticism was so unstable and unreliable that the bourgeoisie could not control and hold down the rising working class population. In order to stabilize German politics, therefore the concept of Romanticism had to be rejected.

*Die Diktatur* (1921)<sup>8</sup> This work is an historical analysis of dictatorships and the relations between *liberty* and *dictatorship*. Many British political theorists considered the two to be contradictory and impossible to realize in a single political system. On the contrary, Schmitt suggests that the two are not contradictory: if a democratic regime cannot sustain its system, then dictatorship can be introduced. This is acceptable when there is a crisis situation as the dictatorship can provide "temporary management." While Schmitt did not directly attack democratic ideas, he does seem to imply the possibility of a dictatorship when a democratic system is unworkable.

*Parlamentarismus* (1923)<sup>9</sup> His next target was parliamentary government. By identifying certain problems of a modern parliament, he emphasized that non-democratic nature of the legislative branch. Parliament is supposed to be a forum to discuss major issues and make laws for the sake of the voters; but, in practice, it is controlled by a handful of politicians, business elites, military leaders, and some senior civil servants. Consequently, parliament itself turns out to be a ceremonial institution that simply approves what is decided by the ruling elites. Parliament's original mandate, as a forum of the elected representatives, is no longer valid.

*Reichspräsidenten* (1924)<sup>10</sup> In this book, Schmitt insisted that his theory of dictatorship could be applied to the Weimar Republic—according to the Weimar constitution (article 48, section 2), when a crisis or exceptional condition exist, a German president can employ his unlimited powers as required. This includes control of the armed forces and suspension of basic human rights—namely, the establishment of a presidential dictatorship in Germany. While his analysis was not much appreciated by his fellow scholars, his idea became true when Hitler's regime was installed on the nation.

*Politischen* (1927)<sup>11</sup> The nature of Schmittian politics was clearly presented in this book: the task of politics, he argued, was to distinguish between enemy and friend, and the enemy has to be completely destroyed. Schmitt seems to imply the enemy-friend dichotomy more or less abstractly. In later became apparent, however, that parliamentary government and

<sup>8</sup> *Die Diktatur*, Dunker & Humblot, 1921.

<sup>9</sup> *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, Dunker & Humblot, 1923.

<sup>10</sup> *Die Diktatur des Reichspräsidenten*, 1924.

<sup>11</sup> *Der Begriff des Politischen*, Dunker & Humblot, 1927.

both the socialist and communist parties were the main target of his attack. In his 1922 work (*Politische Theologie*), he defined as sovereign the one able to make decisions in a crisis situation; the president can thus be identified as the sovereign. Furthermore, in 1933, he openly insisted that Hitler was the sovereign of the German State, and thus empowered to decide who was the *enemy* and destroy it; it was the sovereign who can make decisions in a rapidly changing environment.

*Verfassungslehre* (1928)<sup>12</sup> This book is not merely a textbook on constitutional law. Rather its main goal was to de-democratize the Weimar constitution. As an expert on constitution, Schmitt affirmed that the Weimar constitution had to be protected and assured. But, at the same time, he suggested that each section of that constitution could be easily amended including sections on basic human rights. For Schmitt, so long as such an amendment follows an ordinary rule for amendment procedures, then it can be done without difficulty. This implies that while a constitution can be the basis of democracy, the basic rights of the citizens can be eliminated by simply following procedures; in this sense, one may no longer call this nation democratic at all. A similar view was presented in his 1929 work. In Germany, a guardian of the constitution ought to be a president, and this president ought to be more powerful than any branch of the government; executive, legislative and judicial branches.

*Legalität* (1932)<sup>13</sup> Finally, in this work, Schmitt declared that the Weimar constitution was no longer valid. The political situation of the early 1930's was chaotic—both the Nazi and communist parties became the two dominant forces in the parliament, yet any compromises between the two was nearly impossible. In addition, the two parties clearly indicated that they did not trust any government installed in the Weimar Republic.

Having observed this crisis situation, Schmitt concluded that a parliamentary government could not exist in this nation, for the theory of majority rule was not effective at all. In other words, the legitimacy of the Republic was lost in this context. The only way to save Germany was to have a powerful presidency that could manage German politics more or less systematically. The ordinary citizens need only appreciate the president and simply follow what he dictates without hesitation. As we know, this president was replaced by A. Hitler and a fascist regime was established in Germany. On January 30, 1933, the German ruling class and the Nazi party formed an alliance, and Hitler became one of the powerful leaders of Germany. And two months later, on March 24, Hitler enacted the law entitled “the Enabling Act.” This law made Hitler a paramount leader concentrating all powers of the German State in his hand. Schmitt accepted this law and supported Hitler's action immediately.

It is my belief that Schmitt was not a theorist of Nazi regime, but his two main concerns—*destruction* of Western liberalism and the *establishment* of a centralized presidency—directly lead to the collapse of the Weimar Republic and consequently justified the rise of Hitler's policy on a theoretical level. In this context, we should pay attention to how Schmitt's theory was constructed: further his ways of reasoning and justification have to be carefully observed. A complete negation of the Schmittian paradigm as well as un-

<sup>12</sup> *Verfassungslehre*, Dunker & Humblot, 1928.

<sup>13</sup> *Legalität und Legitimität*, Dunker & Humblot, 1932.

critical appreciation of his unique contribution have to be rejected. Even today, the Schmittian problématique still stands: how do we pursue both the *establishment of democracy* and the *management of the crisis situation* at the same time? Certainly, we could learn much from what the Schmittian paradigm teaches us *theoretically* and *pragmatically*.

#### IV. *Fascism in Japan*

##### —Schmitt and Japanese Application—

Unlike in Germany, there was no direct and immediate Schmittian impact on Japanese government nor politics. Instead, there was only a marginal impact on Japanese political scientists with regard to academic concern: First, the Japanese state centred on the Emperor system and ideas and systems of democracy were almost intangible—it was a powerful central government that could effectively control Japanese citizens without paying much attention to democratic procedures. While a national parliament was established in 1890, that parliament did not function as a strong arena of Japanese democratization, Japanese political scientists in the 1920s and 1930s were mainly engaged in a purely academic concern—the definition of politics. Since there was already a totalitarian government, it was impossible for them to discuss the nature of politics or criticize the Government on academic grounds. The Emperor was the sovereign of Japan; his status was so sacred that even academic criticism of Japanese politics was not allowed in Japanese universities. But Schmitt's ideas, such as the theory of enemy and friend, were borrowed and employed by Japanese professors when they discuss on abstract definitions of politics. And Schmitt's analysis of totalitarianism became popular, at least to some extent, in the late 1930s; Schmitt's influence, however, remained marginal and there was no legitimization of the Japanese polity based on Western political tradition.

Then how do we understand Japanese fascism? Several characteristics can be identified. First, Japan's political modernization introduced in 1868 was essentially non-democratic: while various types of political systems and ideologies were considered by the Meiji elite, it was the authoritarian Prussian system that Japan decided to accept. The Japanese government intended to build a powerful state at the cost of democratic values and procedures. In other words, the state's rights over the citizens was emphasized, and it prevailed. In this sense, democratic forces and ideas were institutionalized in Japanese politics only marginally. Fascism could assert its influence and power easily due to the lack of democratic opposition. No Schmitt was needed in Japan, for there was no urgent necessity to *destroy* democracy in Japan.

Second, Japanese fascism was imbued with a patriarchal perspective. In domestic politics, the Emperor became the father of the innocent citizens (or subjects): but it was mainly the military elite which manipulated Japanese politics behind the Emperor system. This paternalistic view was extended outside Japan—Japan's invasion of Southeast Asia was justified as follows: many Asian nations were colonized by the European powers, and it was only Japan that could save Asia from this misery. Or Asian peoples were conquered by the white Europeans and the Japanese (the same race, non-white) could liberate the non-white Asians by expelling the Europeans from Asia. Once Japan liberated Asian peoples, the Emperor would become the centre of Asia.

Third, class conflict in the 1930s and 40s was salient—but a majority of the working-poor population was not represented by political parties. Instead, the voices and interests of the poor were articulated by organizations and forces of fascist persuasion. Obviously it is not enough to point out only three characteristics of fascism here to describe Japanese fascism, but I think these three are essential factors in this ideology.

### V. *Conclusion: T. Hobbes and C. Schmitt*

I think Schmitt is one of the brightest and most provocative thinkers of modern Germany, but his understanding of the nature of Western political thought tended to be rather artificial and coarse, in spite of his use of unique terms and concepts. For example, he classified T. Hobbes as a conservative theorist, and tried to support the Schmittian paradigm by employing Hobbes' perspective. This is clearly a mistaken interpretation, for Hobbes did not intend to establish an oppressive regime.<sup>14</sup> Rather his main concern was to *keep peace* among citizens under the control of a sovereign state. Under a chaotic situation, based on the voice of natural law, people should confirm their wishes, and form a government that could finally provide peace and security for the ordinary citizen. While an emergency or critical situation may be the same for both Schmitt and Hobbes, Hobbes aim was not legitimatization of dictatorship. In this sense, I must conclude that Schmitt's argument is one-sided.

One lesson that we can learn from Schmitt is this: if there is no idea and system of democracy in a nation and people do not trust a parliamentary government, then a non-democratic regime can emerge and institutionalized. While there may be a crisis or critically dangerous situation, we should not distrust democracy and the universal value system; otherwise we may once again repeat the tragedy of Carl Schmitt and the Weimar Republic.

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<sup>14</sup> H. Tanaka, *Studies on T. Hobbes*,\* Tokyo: Ochanomizu Shobo, 1982; C. Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, Hamburg: Hanseatische Verlagsanstalt, 1938.