

The Sovereign State At Bay

by Paul Gottfried*

Among serious readers of his work, Carl Schmitt (1888–1985) is known as an analyst of the European sovereign state. From the 1920s on he wrote extensively on this entity, examining the historical context that gave rise to it and the legal arrangements it incorporated. He viewed the sovereign state as a legacy threatened by the emergence of new historical configurations. From various revolutionary ideologies and the tyranny of values to the breakdown of international order and the technological obsolescence of military engagements of the kind that had taken place in earlier centuries on the continental European chessboard, the sovereign state, Schmitt believed, was now under siege. As an interpreter of the *jus publicum Europaeum*, the European legal and territorial order born in the early modern period, Schmitt plotted the rise and decline of a Eurocentric political life. In *Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, published in 1950 but begun during World War II, he both traces the legal background of the European sovereign state and points to the challenges to its survival. Though it can be argued that Schmitt performs this task clinically, it would not be justified to see him as an entirely detached spectator. In remarks on Ernst Jünger in 1955, Schmitt characterized himself as someone helping to check the final collapse of the European state system. Like the medieval Holy Roman Emperor, who was seen to preserve the last of the empires predicted in the Book of Daniel, Schmitt viewed himself as the *katexon tēs apokalypseos*, the one who thrusts himself between the present age and the Apocalypse.¹

It is important to note this self-image, for it seems to me highly questionable that Schmitt looked upon the system of European sovereign states, particularly those with internal cultural cohesion as well as limited geopolitical interests, as an expendable political arrangement. He did not consider the European sovereign state as one among other satisfying organizational

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forms. Rather he elevated it to a historical godsend the weakening of which, he thought, had already unleashed apocalyptic crises.

In the essay "Enemy or Foe," George Schwab puts into relief the uniqueness of the sovereign state, monopolizing internal force, maintaining public order, and restricting by ritualizing international hostilities.² Such institutions, Schwab shows by building on Schmitt's argument, emerged only after millennia of intensely antagonistic political life. Throughout this period prescribed slaughters, in the forms of *milchemes mitzvos*, *polemoi tōn ethnōn*, and crusades against infidels, punctuated international relations. Only among European sovereign states did the "concept of the foe" go temporarily into eclipse; only there, in the aftermath of the age of confessional wars, did the resort to arms become limited to the pursuit of fixed geopolitical ends, carried out among professional armies and subject to diplomatic resolutions.³ Schwab ends this Schmittian overview of the evolution and legal foundations of modern European statecraft by evoking the "return of the foe." Having one limited political antagonism to formal state enemies, it would now be reckless, according to Schwab, to allow militant ideology back into international affairs.⁴

Schwab is a relative optimist who hopes to restrain the Apocalypse by thwarting Communists and Moslem extremists. Unfortunately by now the return of the foe may have become so pervasive that international struggles often go forward under the banner of militant ideology. Thus the opponents of the Moslem jihad, whether Michael Ledeen in the *American Spectator*, David Ignatius in the *Washington Post*, or Abe Rosenthal in the *New York Times*, insisted in 1991 that we oppose Iraqi expansionists as global democratic revolutionaries. These and other journalists believed that we Americans were morally remiss to punish an aggressor without then imposing on his subjects our democratic way of life. We were exhorted to perform this task for our Saudi Arabian and Kuwaiti allies, as well as for our Iraqi adversaries. According to Ignatius, a *Washington Post* editor, "sometimes war is a catalyst for necessary change. The global democratic revolution had, until now, been mostly bloodless. It would be typical for the Arab world to be an exception in this regard, too." Ignatius, by the way, is advocating here that the U.S. "push democracy" on its "traditional friends" rather than prop up Middle Eastern monarchies. Indeed, we should welcome the Gulf crisis as an opportunity to spread our own revolution.⁵ Apparently in line with this project, President Bush conjured up a "new world waiting to be born" in an address before the United Nations, in the

fall of 1990.⁶ But the Gulf War that took place in the winter of 1990 favored a different result. The speed and technical proficiency with which the U.S. and its allies struck against Iraq worked against the ideological fury that might have accompanied a more costly commitment of human lives and national morale. British Prime Minister John Major, for example, made clear that his own country was concerned only with the military threat posed by Saddam Hussein. He and his countrymen did not seek to push their own political solutions on the Iraqi people. In the end George Will and other journalists who looked forward to the creation of Kuwaiti and Iraqi democracy got much less than they had demanded: Saddam Hussein was driven from Kuwait but allowed to go on ruling Iraq. It may even be argued that more could have been achieved by advocates of the war if the rhetoric of a new world order and of global reconstruction had been left out of the call for intervention entirely. The debate, much of it carried on by journalists, descended rapidly into one between democratic globalists and their critics.

The same terms of debate can now be perceived as shaping other foreign policy discussions. Note the prescriptions found in nationally respected newspapers for dealing with recent events in Eastern Europe. Almost daily we are told that the region in question has an unpleasant past. Ethnic conflict has been a persistent aspect of Eastern European and East Central European politics for centuries. Moreover, the disintegration of the Soviet empire has permitted the surfacing of obnoxious and sometimes explosive hostilities, as witnessed by Romanian animus against Hungarians, Serbian slaughter of Croats, and Russian murmurings against "Jewish Bolshevism." The prejudices revealed are certainly real; and the juxtaposing of Russians and Balts in the Baltic region, Jews and non-Jews in Russia, Serbs and other South Slavs in Yugoslavia, and Hungarians and Romanians in Transylvania is still producing that intense conflict that Schmitt defined as the "essence of the political."

Over against these omens, however, it is possible to observe a new stability in East Central Europe. A unified Germany, Czechoslovakia, Poland, and Hungary are living at peace; Germans and Poles are now enjoying far better relations than at any previous time in the last hundred years. Elections in Hungary, Czechoslovakia, Germany, and the Baltic states have either brought to or left in power moderate right-of-center governments; and though some of his rhetorical assertions as a presidential candidate were inconsistent, Lech Walesa has certainly not threatened international peace nor engaged in anti-Semitic acts as the new Polish president.

Despite these causes for relative optimism, American journalists and foreign policy consultants have been frenetically pushing the American government toward massive intervention in Eastern Europe. The recommendations range from building closer connections with fledgling democracies to warding off resurgent monarchist, authoritarian, and anti-Semitic tendencies among the indigenous populations. David K. Shipler in the *New Yorker* laments growing Hungarian support for Otto von Habsburg,⁷ while Flora Lewis of the *New York Times* is disturbed by the rising cult of Jozef Pilsudski in present-day Poland.⁸ Both warnings betray a ludicrous ignorance of history. Far from being anti-Semites or fascists, Otto von Habsburg and Marshall Pilsudski were outspoken anti-Nazis whom their enemies ridiculed for their large Jewish followings.

In *Foreign Affairs*, Union College professor Charles Gati exhorts our government to pursue “aggressively” the transformation of East Central Europe into a denationalized region. Gati stresses the divisive nationalism and right-wing or simply inept politics of East Central Europeans in making his case for American intervention. Anti-Semitism, neglect of human rights, and economic crises are seen as dangerous problems among those Europeans who are now moving away from Soviet control. Americans are urged to respond to these conditions by applying diplomatic, economic, and other necessary pressures on behalf of our democratic ideals.⁹ Like other such calls for intervention, Gati’s brief suffers from a certain degree of vagueness. Though he refers to the “nostalgia” for interwar authoritarian figures in East Central Europe, most of whom are presumed to be anti-Semitic and generally xenophobic, he never specifies how widespread these tendencies are. He properly notes that some of the nostalgia described has less to do with hating others than reclaiming a pre-Communist national past.¹⁰

Allow me to suggest what seem to be the two driving concerns behind Gati’s prescriptions and those of other more passionate advocates of American control of Eastern Europe. One of these concerns was justified in the past but now seems less relevant; the other, by contrast, may be entirely indefensible. The understandable concern is over anti-Jewish prejudice in Central and Eastern Europe. Such a prejudice has indeed operated disastrously among Russians, Ukrainians, and Romanians, and reached its most brutal expression under Nazism, albeit in a Central European country with less overt anti-Semitism than existed in most of Eastern Europe. But, equally noteworthy, *not* all Eastern and Central Europeans have been perpetually anti-Semitic. Czechs, Estonians, Bulgars, Serbs, and Slovenes, for example, have no real history of anti-Semitism, while Hungarians, Latvians,

Croats, Lithuanians, and Poles, as Gati points out, became oppressively anti-Semitic only during the twentieth century.¹¹

The participation of a disproportionately large number of Jews in post-war Stalinist dictatorships did not improve Eastern European interfaith relations; nonetheless, Jews also came to play noticeable roles in resisting Soviet tyranny. In Hungary, Poland, and Czechoslovakia, activists of Jewish extraction contributed to the recently won battles there for national independence. Some of these recognizably Jewish activists, like Adam Michnik in Poland and Miklos Haraszti in Hungary, have since stepped forth as spokesmen for the non-Communist Left or Left-Center. Their more conservative countrymen have rejected them in favor of right-of-center candidates. American journalists, disappointed with these outcomes, are now hurling the charge of anti-Semitism at the offending electorates. Though anti-Semitic utterances, and statements that can be thus interpreted, did emanate from at least some Polish and Hungarian voters last year, political candidates have refrained from them—while usually condemning anti-Semitism. The charges of anti-Jewish prejudice came inappropriately from journalists after the victory of Jozsef Antall as Prime Minister of Hungary in April, 1990. The Hungarian prime minister comes from a family distinguished by public service and by its classical liberal leanings. His father had been honored by the Israelis for denouncing Nazi collaborators in Hungary and for saving Jewish lives during World War II. The younger Antall himself has Jewish advisors, and no record of any kind as an anti-Semite. His one unpardonable crime appears to be preventing those to his left from winning the Hungarian prime ministership.¹²

The truth is that anti-Semitism has not become a popular theme for the new governments in Eastern and East Central Europe. From the Ukraine to East Germany one finds generally responsible leaders of a least the same caliber as their Western counterparts. Do Antall, Vytautas Landsbergis, and Václav Havel need to import American teachers' unions or the AFL-CIO, as Ben Wattenberg and the National Endowment for Democracy contend, in order to become proper democrats?¹³ One journalist has even stressed America's "obligation" to root out racism in a unified Germany. She traces those snubs she encountered there to a Teutonic "pathology," which all of us are asked to address.¹⁴

Such remarks indicate what is really back of the interventionist impulse in regard to Eastern Europe. Carl Schmitt called it the "tyranny of values," something that he regarded as a threat to the very concept and survival of sovereign states. According to Schmitt, value advocates seek to impose their

moral preferences in societies cut loose from established ethical traditions. They thereby unleash “a war of all against all . . . in comparison to which the murderous state of nature in the political thought of Thomas Hobbes is truly a pastoral scene.”¹⁵ The individual who posits a value “by exercising his full subjective freedom of decision” imagines that he is opposing “the absolute value neutrality of scientific positivism.”¹⁶ In fact he is fashioning “new weapons of annihilation,” while claiming to restore morality. At a time when traditional moral consensus is eroding, the value asserter insists that his own truth depends on the effectiveness of its champion in making his will supreme against other values. Such a struggle, notes Schmitt, evokes strong and divisive passions; for its participants can legitimate their stands only by inflicting them upon unwilling subjects.

Schmitt’s critique of values, which was even further developed by his disciple Reinhard Koselleck, applies to the present talk about America’s mission in Eastern Europe. Even in its most nuanced form, as presented by Charles Gati, this call for missionizing involves the imposition by Western journalists and educators of their own values on others. Gati states that East Central Europe will not likely become a geopolitical threat to the U.S.; he nonetheless wishes to create an American cultural mission, if necessary by coercion, to instill human rights and democracy. Presumably the U.S. should view other sovereign states, even those that have done us no harm, as mere obstacles to the advance of our universal moral agenda. This agenda will consist of “human rights,” though it is far from clear what value is to be paramount in the projected crusade. Gati calls for denationalized democracy in East Central Europe, whereas Stephanie Griffith prescribes a color-blind society for Germany, which is still to be kept on probation for past racial crimes.

The quarrel here is not with terrorist regimes like Syria or aggressive ones like Nazi Germany, but simply with those that do not pay us the flattery of imitation. We are urged to respond to that situation by occupying such countries with American educators and “advisors.” The alternative, we are told, is to be “immoral” about international relations; i.e., to allow others to go their way without forcing them to be more like us.

For those who are progressive Schmittians, it is customary to link the waning of sovereign territorial states to the emergence of a new global order. This phase of Schmitt’s work merits attention here, for it would certainly be a mistake to read a “new world waiting to be born” into his thoughts about possible international orders beyond the sovereign state. In fact

Schmitt's comments about this topic reveal ultimately the kind of pessimism that leads into his works on the tyranny of values and on partisan wars. From the late 1930s on, Schmitt does explore the legal and political ramifications of such a hypothetical order. In his comments on the subject, he goes from discussing the weakening of the *jus publicum Europaeum* to speculation about territorial spheres of control among world powers. At least for me these observations are problematic for two reasons. Those made during the Nazi period—for example, in “Grossraum gegen Universalismus” (1939) and *Völkerrechtliche Grossraumordnung* (1940)—have an inescapably apologetic tone, and though not entirely defenses of the Third Reich, are intended to challenge Anglo-American opponents of German expansion. It would also be fair to say that much of what Schmitt wrote on American domination of the Western hemisphere is full of distorting malice. In essays like “Grossraum gegen Universalismus” and “Beschleuniger wider Willen oder: Problematik der westlichen Hemisphäre” (1942), American control of the Western hemisphere is certainly not held up as a sound exemplification of the new territorial order. Rather the American empire is made to embody “liberal capitalist gangsterism” and a “universalist ubiquity” that had begun to suffocate emerging peoples.¹⁷

There are, still and all, the beginnings of a conceptual framework for the *Grossraumordnung* that can be extracted from Schmitt's writings of the 1930s. In *Positionen und Begriffe* (1940), he included an essay on the distinctions among an empire, a state, and a federation. While the empire and sovereign state were presumed to be structurally incompatible, regional federations marked by some degree of homogeneity were said to be less destructive of human diversity. Empires aimed at universality at the expense of historical particularity, whereas federated territorial blocs might permit cultural and institutional differences to persist internally and in their dealings with each other.¹⁸ Equally significant, in *Völkerrechtliche Grossraumordnung* Schmitt praises the Monroe Doctrine as a usable territorial concept. The early American government set out to render the Western hemisphere impermeable to European political and economic influence. It did not, however, seek to imperialize Europe, an act which, according to Schmitt, Americans undertook only when Woodrow Wilson declared war on Germany, thereby becoming an accomplice to “the global imperialism of the British Empire.”¹⁹

Here, too, however, the argument suffers from German defensiveness. America is accused of moving toward imperialism precisely at the outset

of its war against Germany. Why not during the Boxer Rebellion, the Spanish American War, or the Conquest of the Philippines? Were these not global imperialist acts—perhaps even more explicitly so than Wilson’s declaration of war which, however deviously brought about, was not entirely unprovoked? Nor is Schmitt really consistent in defending the American hemispheric bloc before 1917. He identifies the *pax Americana* in the New World with the rapine of Dollar Diplomacy and appears to praise nothing in the Monroe Doctrine other than its original design.²⁰

There is an instructive treatment of *Grossräume* in *Nomos der Erde* which is comparatively free of anti-American animus and without attacks on the critics of German and Japanese expansion. But here too one must be cautious about fathering upon Schmitt too many millennial hopes. *Nomos der Erde* deals predominantly with the rise, operation, and decline of the *jus publicum Europaeum*. Though it contains references to global spheres, almost everything said on that score suggests that a new territorial order has still not arrived. Contemporary warfare and political moralizing have led us back to the essentially medieval notion: “*Tantum licet in bello justo.*”²¹ The very attempt to discriminate between merely threatening and reprehensible enemies, together with the possibility of naval blockades and aerial combats, has complicated the international situation. And, to make matters even worse, Schmitt notes, struggles have grown all-encompassing, erasing distinctions between warring and non-warring states as well as between civilians and soldiers.²²

Such a quandary demands a solution, but it is unclear in *Nomos der Erde* whether the author believes he is on to one. In his two essays “The Unity of the World,” published in 1951 and 1952, Schmitt raises the hope that American and Soviet globalism may be held in check by a “third force,” whether from Europe, India, China, or the Arab world.²³ There as well as in *The Concept of the Political* in 1927, Schmitt concerns himself with a political pluriverse and treats a politically homogenized universe as a mere utopia. But does such a concern amount to an *argument* that a new pluriverse has begun to form over the ruins of the European order? I think not and will risk giving offense by saying more: The evasiveness shown by some scholars in presenting Schmitt’s *Grossraum* conception betrays the paucity and only limited usefulness of their documents. Thus Jean-Louis Feuerbach in “La Théorie du Grossraum chez Carl Schmitt” concludes his remarks on Schmitt’s conception of global spheres with a warning to Europeans to remain unified against the American colossus. Reprising his subject’s anti-American invectives, Feuerbach stresses the danger to Europe resulting from

an American “marché mondial auto-régulé par les principes marchands démocratico-libéraux d’essence occidentale.”²⁴

Feuerbach writes as a spokesman of the European New Right, grinding a Eurocentric and anti-American ax. Significantly, he was the scholar invited to lecture on *Grossräume* in 1986, at the first West German conference devoted to Schmitt; his lecture appeared subsequently in the anthology of the conference papers, *Complexio Oppositorium: Über Carl Schmitt*. Feuerbach’s appeal to Schmitt in his own analysis of *Grossräume* is far from dispassionate, but the views he expresses are by no means exclusively his own. Feuerbach’s bias belongs also to Günter Maschke and to other New Right organizers of the conference. And Schmitt himself held the same European suspicion of American power in the 1950s, as even a cursory reading of “The Unity of the World” should make apparent. A pervasive Eurocentric and anti-American bias explains the references in both essays to the two superpowers; both are seen to be threatening European cultural and political life and are therefore characterized as materialistic and expansionist. In any case, Schmitt’s conception of *Grossräume* has been dredged up not for its comprehensive, analytic character, but as a pedigree for an anti-American Eurocentric politics.

In the introductory note to the *Telos* issue on Carl Schmitt in 1987, Paul Piccone and Gary Ulmen chide Schmitt, however gently, for lacking vision of a political world beyond the sovereign state: “If for Adorno progress went from Adam and Eve to the atom bomb, for Schmitt it threatens to terminate in a world police state to be opposed at all costs.”²⁵ Piccone and Ulmen are correct in not reading too much into the view of the new world order ascribed to Schmitt. The presenting of his bitter Eurocentric utterances as the scaffolding of a *Grossraum* conception may involve the mistake of bestowing too much analytical value on personal wishes. It is mere hope that animates Schmitt’s statements in “The Unity of the World” that the cosmic bipolarity of the early 1950s will give way to a tripartite and eventually pluralistic world order. Only odd numbers, Schmitt observes wistfully, can “create an equilibrium” and “render peace possible.”²⁶ But such a hope, even one reinforced by a distaste for American “technicism,” is not the same as a systematic analysis of the new order desired. In a despairing comment on post-war Europe in 1978, Schmitt complained that Europeans could only conceive of their own unity as a first step toward planetary unification. Schmitt rightly associated such a prospect with a world police state under a different name.²⁷

To me there is nothing disparaging about the recognition of Schmitt as someone who considered political life beyond the sovereign state while remaining pessimistic about it. His pessimism can be defended, and his observations about life in the absence of the European order are still worth pondering. Pan-interventionism, ideological struggles, and the exposure of the internal mechanism of states to feuding social and cultural groups have all accompanied the breakdown of the *jus publicum Europaeum*, as Schmitt predicted.²⁸

Schmitt's current detractors present him as someone who contributed to violence by characterizing human beings as "dangerous and dynamic." Pessimistic assessments of human nature are said to threaten the fabric of liberal and democratic societies; moreover, according to Bernard Edelmann and Stephen Holmes, Schmitt freed the state of all legal restraints on itself by identifying the political with friend-enemy distinctions.²⁹ There are two problems with this line of reasoning. First, it seeks to squelch debate as a precondition for maintaining an open society. This position is riddled with contradiction, though as I try to demonstrate in the closing section of my monograph on Schmitt, "pluralistic democracy" has now been defined to make allowance for such contradiction. Second, a non-tendentious reading of *The Concept of the Political* reveals that Schmitt was defending the sovereign state for taming bellicose energies. Without that institutional restraint, he believed in all probability until the end of his life, we return to the "ever-present possibility of conflict," the triumph of multiple friend-enemy groupings over divided states.³⁰

This was, for Schmitt, the probable future of the West, as sketched in "The Tyranny of Values" in 1959 and *The Theory of Partisans* in 1963. I see no compelling evidence that he profoundly or consistently believed that we could escape that future. The sovereign state, already at bay, could not forestall the battle being waged among intellectuals to impose their competing highest values. Some intellectuals were taking up arms against existing governments to force their values upon others. Western states were now increasingly powerless in the face of this process, for though their political leaders aspired to speak for "humanity" and "human rights," both they and their governments were no more than mere participants in the contest to establish and impose values.³¹ Decrepit states had become prizes that rival factions fought to control and turn against each other. All of us could produce texts from Schmitt's work, particularly in the 1950s and 1960s, to flesh out the critical stance outlined above. He did not arrive at that stance while being optimistic about a new territorial order. He feared that the old one contained

in the European order of things had broken down; and this situation was bringing about what George Schwab calls “the return of the foe” in the form of militant ideology. It was this concern, and not his passion for saber-rattling and ethnic purity as some critics suggest, that caused Schmitt to devote so much of his life to the legal basis and historic singularity of the European state system. Thus it may be best to underscore Schmitt’s gloom as he portrayed the sovereign state under seige. And we should present his relevant contribution without attributing to him solutions and orders that he only hinted at sporadically, in certain speculative and uncharacteristically desperate moments.

Notes

1. See Schmitt on Ernst Jünger’s “Der Gordische Knoten,” in *Freundschaftliche Begegnungen. Festschrift für Ernst Jünger zum 60sten Geburtstag* (Frankfurt: Klostermann, 1995), pp. 135–67.
2. George Schwab, “Enemy oder Foe Der Konflikt der modernen Politik,” in Hans Barion et al., eds., *Epirrhosis. Festgabe für Carl Schmitt*, vol. 2 (Berlin: Duncker & Humblot, 1968), pp. 665–82; or the later distillation of the same argument in Schwab’s “Enemy or Foe: A Conflict of Modern Politics,” *Telos* 72 (Summer 1987): 194–201.
3. The overshadowing role of hostility in the political life of the ancient, and even classical world can be seen in the works of Plato, Aristotle, Plutarch, and Thucydides. Plato’s insistence in the *Republic*, Book V (469–70), that war is the natural state between Greeks and barbarians and his stress on the inescapable opposition between Greeks, even in an ideal polity, and the alien race (*genos allotrion*) obviously jar with certain comfortable images of Plato. Recall that the philosopher was a self-conscious Greek, and not the universalist precursor of the Enlightenment depicted by Edith Hamilton and Allan Bloom.

The ancient moralist Plutarch celebrates the acts of the Roman and Tuscan armies decimating each other in the Aesuvian Meadow near Rome in 509 B.C. The commanders Marcus Brutus and Aruns, the son of Tarquin the Proud, driven by “hatred and anger (*hup exthous kai orgēs*),” attacked each other, and “clashing impetuously rather than with deliberation refused to spare themselves and died in combat against each other.” Having evoked this “impressive preliminary encounter,” Plutarch then notes that the ensuing “struggle could not have had a more fitting climax, but that the generals, after acting and enduring equally, were then separated by a winter wind.” Though the Loeb translation (*Plutarch’s Lives*, vol. 1, Publicola IX.2) renders the same passage “the battle which had such a dreadful beginning, ended no less disastrously,” it is apparent that the phrase “*deinou genomenou tou proagōnos ouk esxen to agan telos epieikesteron*” conveys the author’s profound awe rather than revulsion. This discrepancy between the text and the translation may be attributable to our own difficulty in grasping the honorable place assigned to hostility, expressed as

- military courage, in the ethics of Plutarch and of other ancient moralists. See Jean-Pierre Vernant, *Problèmes de la guerre en Grèce ancienne* (Paris: Ecoles des Hautes Etudes en Sciences Sociales, 1985), and Christian Meier, *The Greek Discovery of Politics* (Cambridge, Mass.: Harvard University Press, 1990). Meier in particular seems to be familiar with and sympathetic to Schmitt's *The Concept of the Political*.
4. See George Schwab, "Ideology: Reality or Rhetoric?" in his edited volume *Ideology and Foreign Policy: A Global Perspective* (New York: Irvington, 1981), pp. 143–57.
 5. David Ignatius, "The Gulf Crisis and How to Get Out," *Washington Post*, August 26, 1990.
 6. For a trenchant analysis of President Bush's rhetoric concerning the Gulf crisis, see Tom Bethell, "A New World Waiting to be Born," *American Spectator*, November 1990, pp. 11–13.
 7. David K. Shipler, "Letter From Budapest," *New Yorker*, November 28, 1989, p. 74.
 8. Flora Lewis, "Postcommunist Blues," *New York Times*, September 22, 1990.
 9. Charles Gati, "East-Central Europe," *Foreign Affairs* (Winter 1990/91), pp. 144–45.
 10. *Ibid.*, pp. 134–35.
 11. *Ibid.*, pp. 135–36.
 12. See the entry on Antall in *Current Biography* 51 (September 1990), p. 7; and "A Historic Decision: Jozsef Antall is Set to be Hungary's New Leader," *McLean's*, April 23, 1990, p. 27.
 13. See, for example, Ben Wattenberg, "Back to our Prime Mission," *Washington Times*, March 9, 1989, and Morton Kondracke, "The Democracy Gang," *New Republic*, November 6, 1989, p. 30.
 14. Stephanie Griffith, "A New Germany, An Old Racism?" *Washington Post*, December 2, 1990.
 15. Carl Schmitt, "Die Tyrannei der Werte," in Schmitt, Eberhard Jüngel, and Sepp Schelz, eds., *Die Tyrannei der Werte* (Hamburg: Lutherisches Verlagshaus, 1979), pp. 31–32.
 16. *Ibid.*, p. 31.
 17. Carl Schmitt, "Grossraum gegen Universalismus," in *Positionen und Begriffe im Kampfe mit Weimar-Genf-Versailles* (Hamburg: Hanseatische Verlagsanstalt, 1940), p. 296.
 18. Carl Schmitt, "Völkerrechtliche Formen des modernen Imperialismus," in *ibid.*, pp. 162–64.
 19. Carl Schmitt, *Völkerrechtliche Grossraumordnung*, fourth edition (Berlin, Leipzig, and Vienna: Deutscher Rechtsverlag, 1941), pp. 29–34.
 20. *Ibid.*, pp. 21–22.
 21. Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, second edition (Berlin: Duncker & Humblot, 1974), p. 299.
 22. *Ibid.*, pp. 217–21 and 290–95.
 23. Carl Schmitt, "Die Einheit der Welt," *Merkur* 6, no. 1 (January 1952), pp. 5–9; and also Schmitt's pamphlet *La unidad del mundo* (Madrid: Ateneo, 1951).
 24. Jean-Louis Feuerbach, "La Théorie du Grossraum chez Carl Schmitt," in Helmut Quaritsch, ed., *Complexio Oppositorum. Über Carl Schmitt* (Berlin: Duncker & Humblot, 1988), p. 410.

25. Paul Piccone and G.L. Ulmen, "Introduction to Carl Schmitt," *Telos* 72 (Summer 1987), p. 7; and in the same issue, G.L. Ulmen, "American Imperialism and International Law: Carl Schmitt on the U.S. in World Affairs," pp. 43–72.
26. Schmitt, "Die Einheit der Welt," pp. 6–7; idem, "Die Ordnung der Welt nach dem zweiten Weltkrieg Vortrag von 1962" *Eclectica* 19 (1990): pp. 11–28.
27. Carl Schmitt, "Die legale Weltrevolution," *Der Staat* 17 (1978), pp. 335–36.
28. Carl Schmitt, *Theorie der Partisanen. Zwischenbemerkung zum Begriff des Politischen*, second edition (Berlin: Duncker & Humblot, 1975), especially pp. 71–96; Schmitt, "Die Tyrannei der Werte," pp. 31–40; and my own *Carl Schmitt: Politics and Theory* (New York, Westport, and London: Greenwood, 1990), pp. 83–99 and 112–22.
29. See, for example, Bernard Edelman, "Une politique de la mort," *Le Monde*, November 25, 1988, p. 21; and Stephen Holmes's animadversions on recent English translations of Schmitt's work in the *New Republic*, August 22, 1988, pp. 33–36.
30. On the correlation between weak states and political savagery, see *The Concept of the Political*, translated and introduced by George Schwab (New Brunswick, N.J.: Rutgers University Press, 1976), pp. 70–73; Ernst Wolfgang Böckenförde's "Der Begriff des Politischen als Schlüssel zum staatsrechtlichen Werk Carl Schmitts," in *Complexio Oppositorum. Über Carl Schmitt*, pp. 283–300; and Pier Paolo Portinaro, *La crisi dello jus publicum Europaeum. Saggio su Carl Schmitt* (Milan: Comunita, 1983). Portinaro's work highlights Schmitt's difficulty in imagining even a minimally decent political life without the *jus publicum Europaeum*.
31. See "Die Tyrannei der Werte," pp. 38–40, and the preface to the Italian edition of *The Concept of the Political*, namely *Le Categorie del politico*, ed. G. Miglio and P. Schiera (Bologna: il Mulino, 1972).

The Child Labor Amendment Debate of the 1920s; or, Catholics and Mugwumps and Farmers

by Bill Kauffman*

No fledgling feeds the father bird,
No chicken feeds the hen—
No kitten mouses for the cat,
This glory is for men.
We are the Wisest, Strongest Race—
Loud may our praise be sung!
The only animal alive
That lives upon its young.
—Charlotte Perkins Gilman¹

Here you are, a Jeffersonian Democrat, the cardinal principle of which doctrine was the integrity of the states, urging me, a Hamiltonian Republican, to support a Constitutional amendment enabling the national government to deal with the children of the states. Strange times, these are. But I think I can encourage you to expect favorable action, as the women always get nowadays what they ask for.

—Senator William Borah (R-Idaho)
to a constituent, 1924²

* 257 Bank St., Batavia, NY 14020. This paper was written for a 1991 conference on "Liberty, the Family, and Home Production," sponsored by the Liberty Fund and the Rockford Institute.