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Carl Schmitt's Multifaceted Rejection of Political Compromises

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Abstract: Carl Schmitt's constant denunciation of political compromises has received little attention. This omission is damaging in two ways. On the one hand, it misses a central aspect of Schmitt's political thought. On the other, it deprives those interested in discourses challenging the legitimacy of compromise in democracy of a valuable source. In this article, I systematize Schmitt's multifaceted grievances to compromises, especially as expressed in the 1920s and early 1930s. If the Weimar Constitution is fertile soil for observing and contesting compromises, the Third Reich constituted, for Schmitt, a paradigm reversal on this subject, as it managed to rid itself of pluralism and compromises. Schmitt has been portrayed as an authoritarian populist: the systematic reconstruction of his critique of compromise allows for a finer elaboration of the points of convergence and divergence between his democratic theory and populist views of democracy.

Introduction

Carl Schmitt's political thought has been exposed in terms of his antiliberalism,¹ antiparliamentarianism, justification of emergency

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¹Carlo Galli, "Carl Schmitt's Antiliberalism: Its Theoretical and Historical Sources and Its Philosophical and Political Meaning," *Cardozo Law Review* 21, no. 5–6 (1999): 1597–618; Iain Hampsher-Monk and Keith Zimmerman, "Liberal Constitutionalism and Schmitt's Critique," *History of Political Thought* 28, no. 4 (2007): 678–95.

powers,² and fascination with unmoderated and autocratic plebiscitary regimes.³ However, little has been said about his constant denunciation of political compromises. This omission is damaging in two ways. On the one hand, it causes a central and constant aspect of Schmitt's thinking on political institutions to be missed. I claim that the reconstruction of Schmitt's critique of compromise offers new and enriched insights into the notion of political unity that is so central to *Constitutional Theory*.⁴ On the other hand, the lack of interest in the Schmittian objections to compromise deprives those interested in the study of structured discourses challenging the legitimacy of compromise in democracy of a valuable source. Schmitt offers a critique of compromise that is elaborate and multifaceted, and whose components are highly interrelated.

Koen Abts and Stefan Rummens have identified populist features in Schmittian political theory contending that "Schmitt's theory of democracy provides a systematic elaboration of what we have called the logic of populism."⁵ Populist features have also been detected in Schmitt's thought by Nadia Urbinati⁶ and Rummens.⁷ More specifically, Schmitt has been characterized as a populist-authoritarian.⁸ Lars Vinx, for example, refers to Schmittian political theory as "a populist-authoritarian subversion of democracy."⁹ However,

²George Schwab, *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936* (New York: Greenwood, 1989); William E. Scheuerman, "The Rule of Law under Siege: Carl Schmitt and the Death of the Weimar Republic," *History of Political Thought* 14, no. 2 (1993): 265–80; John P. McCormick, "The Dilemmas of Dictatorship: Carl Schmitt and Constitutional Emergency Powers," *Canadian Journal of Law & Jurisprudence* 10, no. 1 (1997): 163–87; William E. Scheuerman, *Carl Schmitt: The End of Law* (Lanham, MD: Rowman & Littlefield, 1999); Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt* (Cambridge: Cambridge University Press, 2008).

³Lars Vinx, "Carl Schmitt on the Limits of Direct Democracy," *History of Political Thought* 42, no. 1 (2021): 157–83.

⁴Carl Schmitt, *Constitutional Theory* (Durham, NC: Duke University Press, 2008).

⁵Koen Abts and Stefan Rummens, "Populism versus Democracy," *Political Studies* 55, no. 2 (2007): 415.

⁶Nadia Urbinati, "Democracy and Populism," *Constellations* 5, no. 1 (2008): 110–24; Nadia Urbinati, "Populism and the Principle of Majority," in *The Oxford Handbook of Populism*, ed. Cristobal R. Kaltwasser, Paul Taggart, Paulina O. Espejo, and Pierre Ostiguy (Oxford: Oxford University Press, 2017), 571–89.

⁷Stefan Rummens, "Populism as a Threat to Liberal Democracy," in *Oxford Handbook of Populism*, 554–70.

⁸Nadia Urbinati, "The Populist Phenomenon," *Raisons Politiques* 51, no. 3 (2013): 147–49; William E. Scheuerman, "Donald Trump Meets Carl Schmitt," *Philosophy & Social Criticism* 45, no. 9–10 (2019): 1171; Lars Vinx, "Carl Schmitt and the Authoritarian Subversion of Democracy," *Philosophy & Social Criticism* 47, no. 2 (2021): 173.

⁹Vinx, "Authoritarian Subversion," 173.

none of these interpreters considers his specific objections to compromise. I argue that the systematic reconstruction of the Schmittian critique of compromise allows for a finer elaboration of the points of convergence and divergence between Schmitt's democratic theory and populism as it is defined today in the ideational approach to the phenomenon, which privileges its ideological and discursive features.¹⁰

In this article, I consider Schmitt's views on internal compromises during the Weimar Republic and the Third Reich. "Internal compromises" are compromises between political actors in the same state and must be distinguished from international compromises among sovereign states.¹¹ Schmitt's repeated attacks on compromise do not always have the same tone: there are multiple angles and grievances. His approach illustrates several types of objections classically and less classically addressed to compromise. I compare these types to the objections systematized by Sandrine Baume and Yannis Papadopoulos's typology.¹² That typology—the only comprehensive one to date—identifies five general objections to compromise, related to five general claims: (1) equality, (2) plurality, (3) antirelativism, (4) consistency, and (5) agonism. This article shows that Schmitt's objections partly overlap with those that Baume and Papadopoulos inventory: he shares the objections of antirelativism and inconsistency, as well as the objection resulting from agonistic framing; however, his understanding of the last two points deviates somewhat from Baume and Papadopoulos's description, or the similarity is only superficial. Schmitt partially deploys the objection of inequality, especially in its vertical connotation, and completely reverses the objection of pluralism, not to deplore the fact that compromises reduce the plurality of views but to decry that they undermine political unity by acknowledging the existence of groups, especially political parties, pursuing competing political projects. This last objection was not considered by Baume and Papadopoulos and thus should complete their typology.

That Baume and Papadopoulos's typology provides a fairly broad coverage of Schmittian objections should not blind us to the fact that his objections must be considered in the light of his particular ideological perspective, which is essentially antiparliamentary, antipartisan, and oriented towards the defense of political unity as a matter of public order. This perspective is not shared by other scholars who have addressed objections to political

¹⁰Kirk A. Hawkins, "The Ideational Approach," in *Routledge Handbook of Global Populism*, ed. Carlos de la Torre (New York: Routledge, 2018), 16, 57–72.

¹¹Internal compromise should not be understood here in the sense given by Martin Benjamin, *Splitting the Difference: Compromise and Integrity in Ethics and Politics* (Lawrence: University Press of Kansas, 1990), 20, i.e., as aiming "at resolving conflict among competing values, principles, and desires, within a single person." The latter can be called intrapersonal compromises.

¹²Sandrine Baume and Yannis Papadopoulos, "Against Compromise in Democracy? A Plea for a Fine-Grained Assessment," *Constellations* 29, no. 4 (2022): 475–91.

compromises. I hypothesize that we cannot fully understand the content of Schmittian objections to compromise without considering his idealization of political unity. The antipluralist objection is matrix-like and colors his other objections to compromise, particularly in relation to his claims for equality, anti-relativism, consistency, and agonism. Schmittian political unity rests on the ability of the people to unite in the recognition of a common enemy and on the ability of the government, particularly the Reich president, to consolidate this perception.¹³ This conception of political unity explains the peculiarities of his objections to compromise but is also what distinguishes Schmitt from other critics of compromise, such as Ronald Dworkin and Chantal Mouffe.

The article first examines the context in which Schmitt discusses the notion of compromise, namely, the Weimar Republic and its immediate successor, the Third Reich. It then returns to Schmitt's definition of compromise and its points of convergence and divergence with the definitions offered by the literature. In the third part, Schmittian objections to compromise are systematized and related to the Baume and Papadopoulos typology. The article concludes by returning to the points of convergence and divergence between the Schmittian critique of compromise and the core ideational characteristics of populist doctrines.

Schmitt's Views on Compromise in Context

The notion of compromise in domestic politics emerges distinctly and critically in several of Schmitt's major works from the Weimar period: *The Crisis of Parliamentary Democracy* (1923),¹⁴ *Constitutional Theory* (1928), *Der Hüter der Verfassung* (1931), *Legality and Legitimacy* (1932), and *The Concept of the Political* (1932). Significant occurrences emerge in his *Tagebücher 1925 bis 1929* as well.

Schmitt's discussions in Weimar about the value of compromise are contextualized by strong fragmentation of the body politic, which is attested to by other observers.¹⁵ As John McCormick reminds us, parliamentarism in the Weimar Republic was undermined by "radical opponents from both the

¹³Schmitt, *Constitutional Theory*, 247–48.

¹⁴Titles of Schmitt's works are given in English where a translation exists, otherwise in the original German.

¹⁵René Brunet, *La Constitution allemande du 11 août 1919* (Paris: Payot, 1921); Wilhelm J. Mommsen, *Max Weber und die Deutsche Politik, 1890–1920* (Tübingen: Mohr, 1974); Seog-Yun Song, *Politische Parteien und Verbände in der Verfassungsrechtslehre der Weimarer Republik*, Schriften zur Verfassungsgeschichte 49 (Berlin: Duncker & Humblot, 1996); John P. McCormick, "Identifying or Exploiting the Paradoxes of Constitutional Democracy? An Introduction to Carl Schmitt's *Legality and Legitimacy*," in *Legality and Legitimacy*, by Carl Schmitt, trans. Jeffrey Seitzer (Durham, NC: Duke University Press, 2004), xiii–xliii; Pedro T. Magalhães, "A Contingent Affinity: Max Weber, Carl Schmitt, and the Challenge of Modern Politics," *Journal of the History of Ideas* 77, no. 2 (2016): 283–304.

right and left."¹⁶ The Weimar Republic never "enjoyed widespread, whole-hearted support."¹⁷ The fragmentation of the body politic turned into institutional paralysis for parliamentary decision-making.¹⁸ One might expect that compromises would be perceived as a way to overcome deadlock, but Schmitt had a very negative view of them and associated them with the partisan fragmentation that he abhorred in the Weimar Republic. Each party, focused on the defense of its particular interests at the expense of any common political principle, undermined political unity. The antidote, for Schmitt, was a powerful president for the Reich, deemed to act as a counterpoint to the institutional paralysis generated by partisan pluralism. To affirm the legislative legality of the parliamentary state, Schmitt opposed the use of direct plebiscitary legitimacy for the head of state.¹⁹

Schmitt also made critical use of the notion of compromise during the Third Reich that followed the collapse of the Weimar Republic, notably in *State, Movement, People* (1933). His *Gesammelte Schriften 1933–1936* contains a high density of comments on compromise, all of which are highly critical. If the Constitution of the Weimar Republic is, for Schmitt, fertile soil for observing and contesting compromises,²⁰ the Third Reich constitutes a paradigm reversal on this subject, as it managed to rid itself of the multiparty system and the compromises that came with it. Schmitt was pleased that the Third Reich created a one-party state, putting an end to multipartyism and the related partisan transactions and compromises. He was particularly satisfied that "the law of 14 July 1933 explicitly recognized the NSDAP as the only political party in Germany and made the maintenance or founding of any other party a punishable offence."²¹

Schmitt's negative assessment of compromise is, first, embedded in the context of political instability and parliamentary paralysis in the Weimar Republic, where compromise was associated with partisan pluralism fragmenting the unity of the state. In a second phase, this same negative assessment is revealed in Schmitt's apology for the Third Reich, which, according to him, cut short all political compromises by banishing the multiparty system.

¹⁶McCormick, "Identifying or Exploiting," 115.

¹⁷Ibid.

¹⁸Ibid.; Magalhães, "Contingent Affinity," 297

¹⁹Schmitt, *Legality and Legitimacy*, chap. 4.

²⁰"When the [Weimar] Constitution was being drafted, various social forces—civil servants, churches, independent middle classes, trade unions, entrepreneurs, etc.—tried to anchor their own specific demands in the catalogue of fundamental rights in an understandable way. These demands could only be incorporated at the cost of giving the constitution a compromise character" (Song, *Politische Parteien und Verbände*, 63, my translation).

²¹Carl Schmitt, "Die Grundzüge des nationalsozialistischen Staates" (1936), in *Gesammelte Schriften 1933–1936: mit ergänzenden Beiträgen aus der Zeit des Zweiten Weltkriegs* (Berlin: Duncker & Humblot, 2021), 339, my translation.

Definitions: Compromises with Adjectives

Schmitt is most prolix in defining compromise in *Constitutional Theory*, where he makes several terminological distinctions. First, he distinguishes between genuine compromises (*echte Kompromisse*) and genuine decisions (*echte Entscheidungen*). Genuine compromises do not address principles but regulate details, which implies that compromises can never be about essential issues or decisions of principle. To him, the legitimate space for compromise is confined to settling details that are achieved through mutual concessions (*beiderseitige Nachgeben*).²² Second, Schmitt distinguishes between genuine and nongenuine (*unechte*) compromises. The latter do not settle any issues, not even details, but allow the “compromisers” to postpone the decision and thus keep decisions of principle undecided.²³ Schmitt gives the example of so-called school compromises (*Schulkompromisse*),²⁴ which are flawed by their inconsistencies and propensity to harbor contradictions. He also depicts nongenuine compromises as “apparent compromises” (*Scheinkompromisse*) and “dilatatory compromises” (*dilatatorische Kompromisse*).²⁵

When Schmitt elaborated on compromise, he did not refer to any existing definitions. However, he may have drawn on Georg Simmel’s definition,²⁶ which emphasizes the exchange dimension, or Max Weber’s definition, which highlights the element of reciprocity.²⁷ Schmitt may also have referred to Hans Kelsen’s characterization, which further emphasizes the reconciliation of positions: “Compromise means to replace what breaks connections by what makes them.”²⁸ The Schmittian definition of compromise seems conventional in the sense that it emphasizes mutual concession, which becomes a core element of compromise for contemporary scholars.²⁹ If the element of

²²Carl Schmitt, *Verfassungslehre* (Berlin: Duncker & Humblot, 2017 [1928]), 31. In the English translation of *Verfassungslehre*, the expression “*beiderseitige Nachgeben*” is translated not as “mutual concessions” but as “compromise” (Schmitt, *Constitutional Theory*, 84).

²³Schmitt, *Constitutional Theory*, 84.

²⁴*Ibid.*, 86.

²⁵*Ibid.*, 84.

²⁶Georg Simmel, *Soziologie: Untersuchungen über die Formen der Vergesellschaftung* (Berlin: Duncker & Humblot, 1983 [1908]), 262.

²⁷Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978 [1921]), 72.

²⁸Hans Kelsen, *Allgemeine Staatslehre* (Berlin: Springer, 1925), 324, my translation.

²⁹Marvin Rintala, “The Two Faces of Compromise,” *Western Political Quarterly* 22, no. 2 (1969): 326–32; Simon C. May, “Moral Compromise, Civic Friendship, and Political Reconciliation,” *Critical Review of International Social and Political Philosophy* 14, no. 5 (2011): 581–602; Richard Bellamy, “Democracy, Compromise and the Representation Paradox: Coalition Government and Political Integrity,” *Government and Opposition* 47, no. 3 (2012): 441–65; Peter Jones and Ian O’Flynn, “Can a Compromise Be Fair?,” *Politics, Philosophy & Economics* 12, no. 2 (2013): 115–35.

give and take is consistent with the literature as it has developed more recently, Schmitt's definition of compromise is also atypical in that it reduces its scope to the management of details, presumably with the intention of shrinking the space of compromise to the point where it might disappear. Indeed, Schmitt does not give an illustration of compromises that would be "genuine" according to his distinction.³⁰

Schmitt's Complex Rejection of Compromises

The Antipluralist Objection

Schmitt's negative assessment of compromise has much to do with its association with pluralist states. Compromises are contrary to his state ethic because, on the one hand, they recognize the fragmentation of the body politic and, on the other, they allow social groups to split and share among themselves collective benefits and resources. In "State Ethics and Pluralist State," Schmitt denounces the organized actors of civil society that deprive the state of its sovereignty. Such organizations, keen to defend their narrow interests, are bringing down "from his throne . . . God on earth," that is, the Leviathan, just as "a *magnum latrocinium* [large band of robbers]" would "slaughter the mighty Leviathan and each cuts its bit of flesh from the body."³¹ Schmitt repeatedly uses violent animal metaphors to illustrate the mechanisms of pluralist states, which bring particularistic considerations to the fore even for individuals who initially put the public interest first:

Even those parties that, with an honest public spirit, want to put the interest of the whole above the goals of the party are forced, in part by the necessity of giving consideration to their clientele and voters, but even more by the immanent pluralism of such a system, either to take part in the continuous trading of compromises or to stand aside as irrelevant. At the end, they find themselves in the position of the dog, known from La Fontaine's fable, that guards the roast of his master with the best of intentions, but that, when he sees the other dogs devour it, eventually decides to participate in the feast.³²

In the pluralist context of industrial societies that is reflected in multipartyism, compromise became the guiding principle of political parties' choices. In

³⁰Only dilatory and deleterious compromises, such as the "school compromises," are given as examples.

³¹Carl Schmitt, "State Ethics and the Pluralist State" (1930), in *Weimar: A Jurisprudence of Crisis*, ed. Arthur J. Jacobson and Bernhard Schlink (Berkeley: University of California Press, 2000), 301, original emphasis.

³²Carl Schmitt, "The Guardian of the Constitution" (1931), in *The Guardian of the Constitution: Hans Kelsen and Carl Schmitt on the Limits of Constitutional Law*, ed. and trans. Lars Vinx (Cambridge: Cambridge University Press, 2015), 143.

Schmitt's sense, pluralism tears apart the state, which is weakened, loses its independence and authority, and is reduced to neutral mediator or agnostic arbitrator.³³ Political unity gives way to deals resulting from partisan transactions and even from mutual blackmailing.³⁴ This leads Schmitt to denounce compromisers for irresponsibility: "compromise deals" (*Kompromißgeschäfte*) are carried out without politicians being held accountable for their outcomes.³⁵

Schmitt expresses his aversion to groups, associations, and political parties that are able to capture the state through bargaining and compromise in his development of the notion of the total state, mostly in the last years of the Weimar Republic, particularly in "Die Wendung zum totalen Staat" (1931), *Der Hüter der Verfassung* (1931), "Starker Staat und gesunde Wirtschaft" (1932), "Konstruktive Verfassungsprobleme" (1932), *Legality and Legitimacy* (1932), and "Weiterentwicklung des totalen Staats in Deutschland" (1933).³⁶ In these texts, the concept of the total state is split into two antagonistic definitions: the quantitative and the qualitative. In its quantitative sense, the total state refers to the greatest threat to political and constitutional order: the interpenetration of state and society. The state's growing involvement in the social sphere is the result of demands emerging inter alia from interparty compromises that the state is increasingly obliged to be responsive to, particularly in the economic sphere.³⁷ The total state, in a quantitative sense, mirrors pluralism and is incarnated in multipartyism, especially when it allows political parties to distribute resources to each other solely based on their own clienteles' particular interests. It thereby leads to the progressive dedifferentiation between state and society. As Schmitt observed in Weimar, the state is no longer able to ensure its independence because it allows itself to be sucked into society at the risk of losing its sovereignty.³⁸

³³Schmitt, "State Ethics and the Pluralist State," 303.

³⁴Schmitt, "Guardian of the Constitution," 142.

³⁵Carl Schmitt, "Der Staat des 20. Jahrhunderts" (1933), in *Gesammelte Schriften 1933–1936*, 36.

³⁶Although strongly anchored in the last years of the Weimar Republic, Schmitt's notion of the total state was largely prepared by texts that appeared during the 1920s, notably in "Der bürgerliche Rechtsstaat" (1928), "Wesen und Werden des faschistischen Staates" (1929), and "Staatsethik, und pluralistischer Staat" (1930). After Hitler's appointment to the chancellery in January 1933, the concept of the total state still appears in "Der Staat als Mechanismus bei Hobbes und Descartes" (1937), "Totaler Feind, total Krieg, totaler Staat" (1937), "Völkerrechtliche Neutralität und völkische Totalität" (1938), and *Theorie des Partisanen* (1960).

³⁷According to Günter Maschke's comment on Carl Schmitt, "Konstruktive Verfassungsprobleme," in *Staat, Großraum, Nomos*, 66n10, the notion of the total state was first formulated by Schmitt outside the academic world in a lecture to the Reich Economic Council on December 5, 1930.

³⁸Carl Schmitt, "Weiterentwicklung des Totalen Staats in Deutschland" (1933), in *Positionen und Begriffe: Im Kampf mit Weimar-Genf-Versailles* (Berlin: Duncker & Humblot, 2014), 214.

By contrast, systematized in 1933 in "Weiterentwicklung des totalen Staats in Deutschland," the total state—in its qualitative meaning—represents the conceptual response to the erosion of state sovereignty, which Schmitt sees as caused by the advent of parliamentary party democracy and ensuing partisan compromises. The qualitatively total state presupposes that the state is not infiltrated by or subordinate to nonstate spheres. Of particular concern is the confusion between the state and the economy. Only a strong state can resolve "the terrible entanglement between the state and other nonstate spheres."³⁹ The total state, in its qualitative sense, should be designed to put an end to the porous border between state and society.⁴⁰ In "Starker Staat und gesunde Wirtschaft," Schmitt details the ingredients necessary for the reconstruction of a total state in the qualitative sense: the restoration of a loyal and independent civil service and authoritarian decision-making processes.⁴¹ The state's independence presupposes the empowerment of civil servants, whose loyalty to the state takes precedence over their particular interests and other extrastate affiliations. The authoritarian arrangements to which Schmitt refers relate to the prerogatives of the Reich's president, described in *Der Hüter der Verfassung*, which grant the president autonomy from the institutional constraints that they would be subject to in ordinary times and, most notably, the obligation to obtain the chancellor's and his ministers' countersignatures.⁴²

In line with his conception of the qualitative total state, which is antipluralist by nature, Schmitt defends a homogeneous conception of the people. The latter is a constant and distinctive feature of his conception of politics, repeated many times in *Constitutional Theory*.⁴³ According to Schmitt, political unity rests on two principles: on the one hand, the political unity of the people results from its capacity to distinguish friend from foe and thus to homogenize itself. On the other hand, it rests on the principle of representation by which the government embodies political unity. When the people become more homogenized, the intervention of the government diminishes.⁴⁴ In *Der Hüter der Verfassung*, Schmitt considers that the Reich constitution upholds the "democratic idea of the homogeneous, indivisible unity of the entire German people."⁴⁵ Consequently, interpretations that make the constitution the subject of compromises are, in his view, contrary to its very spirit. In

³⁹Carl Schmitt, "Starker Staat und Gesunde Wirtschaft" (1932), in *Staat, Großraum, Nomos*, 77, my translation.

⁴⁰See also Carl Schmitt, *Der Hüter der Verfassung* (Berlin: Duncker & Humblot, 2016), 79–81; Song, *Politische Parteien und Verbände*, 202.

⁴¹Schmitt, "Starker Staat und Gesunde Wirtschaft," 77–78.

⁴²Schmitt, "Guardian of the Constitution," 154.

⁴³On the notion of political unity and the differentiation between friend and enemy, see also Schmitt, "State Ethics and the Pluralist State," 307.

⁴⁴Schmitt, *Constitutional Theory*, 247–48.

⁴⁵Schmitt, *Der Hüter*, 62, my translation.

The Crisis of Parliamentary Democracy, Schmitt formulated his illiberal conception of the unity of the state, which in his view is compatible with dictatorship but irreconcilable with the liberal perception of the formation of the will of the state, where individual wills are aggregated through the play of majorities and compromises.⁴⁶

Schmitt's antipluralist objection to compromise is an inversion of Alexander Ruser and Amanda Machin's pluralist objection claiming that compromises may reduce the diversity of political debate by excluding valuable perspectives and through pressure to "water down" one's positions.⁴⁷ Schmitt, in contrast, deprecates compromises because they presuppose political fragmentation; they occur only if divergences arise among values or interests incarnated by opposing groups. This first Schmittian objection results from a highly specific understanding of the political, which must do away with conflicts and parties representing political cleavages. It might be objected that the strict opposition between the antipluralist and the pluralist objections needs to be qualified. Indeed, the compromises that Schmitt rejects are also contested because they generate a cartelization of interests that creates sectoral unities. However, this does not call into question the fundamentally antipluralist origin of Schmitt's objection to compromises since this partial and artificial recreation of unity distorts the political unity of the body politic.

The Inequality Objection

In Schmitt's view, negotiations and compromises in parliamentary arenas not only "carve up" the state— fragmenting it and undermining its authority— but also have deleterious consequences for those not involved in the negotiations. Compromises among partisan elites lead to mutual payoffs among the involved parties, to the detriment of third parties and of the public interest: "The deficiencies and shortcomings of such a situation have been portrayed and criticized often enough: incalculable majorities; governments that are incapable of governing and that fail to assume political responsibility, since they are bound by compromises of all sorts; incessant compromises between parties and parliamentary groups that come about at the cost of the interests of a third party or of the state as a whole."⁴⁸ As Baume and Papadopoulos observe, this kind of objection amounts to the denunciation of vertical inequalities between elites who can negotiate among themselves and the rest of society.⁴⁹ This conception resonates with contemporary

⁴⁶Carl Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge, MA: MIT Press, 1988), 16.

⁴⁷Alexander Ruser and Amanda Machin, *Against Political Compromise: Sustaining Democratic Debate* (London: Routledge, 2017), 8.

⁴⁸Schmitt, "The Guardian of the Constitution," 143.

⁴⁹Baume and Papadopoulos, "Against Compromise?," 482, refers to Schmitt only with respect to the issue of vertical inequality.

normative perspectives that compromises are tantamount to “self-serving elite-bargaining” to the detriment of the common good.⁵⁰

The Schmittian objection that compromise is unequal, especially for those who cannot reach the negotiating table, is part of his antiparliamentary discourse. *Glossarium* eloquently manifests Schmitt's disdain for partisan elites as belonging to “political-criminal associations” and refers unambiguously to the Balzacian study of manners *Histoire des Treize*, which brings together individuals who, although driven by opposing interests, join forces to achieve their personal goals.⁵¹ Schmitt finds in this fictional account an illustration of elite conspiracies that satisfy narrow interests to the detriment of the people as a whole. He even suggests that such phenomena paved the way for Adolf Hitler's regime.⁵²

Schmitt puts forward the inequality objection, but not from the horizontal perspective, denouncing possible unequal power relations between compromisers that would lead to the disadvantage of those endowed with fewer resources. His perspective is more that of a vertical inequality that would disadvantage those who completely lack access to the negotiating table. This objection of vertical inequality concerns parliamentary elites but does not affect the executive and, in particular, the Reich president. By guaranteeing, in Schmitt's eyes, the unity of the state and the public order, the latter benefits from a plebiscitary legitimacy and is thus preserved from the antielitist critique.⁵³

The Antirelativist Objection

Schmitt's reticence towards compromise also derives from his antirelativist stance: “The compromise is gladly the renunciation of truth, not the relativization of truth, but something quite different, a way of making truth

⁵⁰Francis Cheneval and Alice El-Wakil, “The Institutional Design of Referendums: Bottom-Up and Binding,” *Swiss Political Science Review* 24, no. 3 (2018): 297; Alexander S. Kirshner, “Compromise and Representative Government,” *Nomos*, no. 59 (2018): 282. The debates on the legitimacy of compromises have also focused on horizontal inequalities that compromises may reveal or generate. In such cases, compromises are deemed to reinforce inequalities among the compromisers themselves because those who come to the negotiating table have unequal resources and capacity to impose their preferences. See Ruser and Machin, *Against Political Compromise*, 25.

⁵¹Carl Schmitt, *Glossarium: Aufzeichnungen aus den Jahren 1947 bis 1958* (Berlin: Duncker & Humblot, 2005), 27, my translation.

⁵²“Discovered a locus classicus of the sociology of the elite as association politico-criminelle: the Préface to the *Histoire des Treize* by Balzac; all the props: Secret society, conspiratorial community, elite, dreams of allegiance, magic, power, all of it romanticized. Why shouldn't this have been a pathfinder of the H.[itler] regime? This romanticization of crime!” Schmitt, *Glossarium*, 27, my translation.

⁵³See below for the antagonistic objection.

neutral, an evasion and circumvention. The relative does not want to be true at all, not even relatively true.”⁵⁴ More generally, Schmitt associates parliamentary democracy and the rule of law with a relativist, nihilist, and agnostic Weltanschauung.⁵⁵ Relativism prevails in the “logic of the relativistic-agnostic state” that is linked to a particular conception of neutrality, namely, “neutrality in the sense of equal chance [*Gleiche Chance*] in the formation of the will of the state.”⁵⁶ Neutrality in a pluralistic party state implies that each party has an equal chance to accede to power, regardless of the values and political projects promoted.⁵⁷ By observing a certain neutrality with regard to the substance of political decisions, compromises have a strong relativistic component.

Schmitt shares with Kelsen the observation that parliamentary democracy and relativism maintain an intimate relationship; however, they give contrasting assessments of this. Kelsen bases his understanding of relativism on the fallibility of judgments, both of value and fact.⁵⁸ Fallibility implies a duty to “value everyone’s political will equally” and to give “equal regard to each political belief and opinion” in the democratic context.⁵⁹ His relativism leads to the stance that antidemocratic subject matter should not be regulated but rather given equal weight in a democratic society.⁶⁰ For both authors, relativism in a democracy leads to a certain form of neutrality and thus to the nonexclusion of groups and political opinions that may carry projects incompatible with the regime in place. This is expressed in Kelsen by an “equal regard to each political belief and opinion”⁶¹ and in Schmitt by a “neutrality in the sense of equal chance.”⁶² This form of neutrality, which stems from relativism, is nevertheless assessed radically differently by Kelsen and Schmitt. Whereas Kelsen values relativism as a constitutive and distinctive element of

⁵⁴Carl Schmitt, *Tagebücher: 1925 bis 1929* (Berlin: Duncker & Humblot, 2018), 336, my translation. Ronald Dworkin also highlights compromise’s amoral nature: “Ordinary politics generally aims . . . at a political compromise that gives all powerful groups enough of what they want to prevent their disaffection, and reasoned argument elaborating underlying moral principles is rarely part of or even congenial to such compromises” (*Freedom’s Law: The Moral Reading of the American Constitution* [Oxford: Oxford University Press, 2005], 344–45).

⁵⁵Schmitt, *Der Hüter*, 114.

⁵⁶*Ibid.*, 112–13, my translation.

⁵⁷*Ibid.*, 114.

⁵⁸Lars Vinx, *Hans Kelsen’s Pure Theory of Law: Legality and Legitimacy* (Oxford: Oxford University Press, 2007), 140–41.

⁵⁹Hans Kelsen, *The Essence and Value of Democracy* (Plymouth: Rowman & Littlefield, 2013), 103.

⁶⁰Hans Kelsen, *General Theory of Law and State* (Clark, NJ: Law Book Exchange, 2007), 287–88.

⁶¹Kelsen, *Essence and Value of Democracy*, 103.

⁶²Schmitt, *Der Hüter*, 112–13, my translation.

democracies,⁶³ value relativism for Schmitt leads to an agnostic and therefore weak state in a democratic context. This difference prefigures their divergence on what would later be called “militant democracy,” aiming “to stop anti-democratic parties from abusing the democratic process to gain the political power to realize anti-democratic goals.”⁶⁴ Schmitt is part of this debate when he argues that the Weimar political and constitutional system should not allow its own weakening by giving all parties an equal chance to take part in political power and thus allowing that “neutrality. . . is pushed to the point of system suicide.”⁶⁵ Kelsen participates in the same controversy, but from a reverse and relativistic perspective, reminding readers that support for democratic principles “must not get entangled in the disastrous contradiction of resorting to dictatorship to save democracy.”⁶⁶

The Schmittian antirealist objection does not fully correspond to the anti-relativist objection presented by Baume and Papadopoulos, who claim that compromises are made at the expense of universal moral principles.⁶⁷ Schmitt never claimed the existence of universal norms or rules. Rather, he insists that relativism prevents members of a polity from committing themselves to a consistent set of identity-constituting values that must underpin any strong state. This unified body of values is, to him, incompatible with the agnostic principle of equality of opportunity in the formation of the will of the state.

The Inconsistency Objection

The tendency towards “dilatory” or “apparent” compromises that Schmitt denounced during the Weimar Republic was, to him, illustrative of the propensity to keep crucial political decisions undecided and to tolerate provisions that are conducive not only to internal contradictions but also to

⁶³“Autocracy as political absolutism is coordinated with philosophical absolutism and democracy as political relativism with philosophical relativism” (Hans Kelsen, “Foundations of Democracy,” *Ethics* 66, no. 1, part 2 [1955]: 14).

⁶⁴Lars Vinx, “Democratic Equality and Militant Democracy,” *Constellations* 27, no. 4 (2020): 685.

⁶⁵Schmitt, *Legality and Legitimacy*, 48.

⁶⁶Hans Kelsen, “Verteidigung der Demokratie,” in *Verteidigung der Demokratie: Abhandlungen zur Demokratietheorie*, ed. Matthias Jestaedt and Oliver Lepsius (Tübingen: Mohr Siebeck, 2006), 237, my translation. The reticence expressed by Schmitt regarding relativism finds echoes far beyond the Weimar Republic. Le Bouèdec, for instance, describes the quasi consensus on the negative impact of relativism that emerged after the Second World War and is frequently associated with positivism, especially that of Kelsen (Nathalie Le Bouèdec, “Le rôle de la pensée de Gustav Radbruch dans la refondation de l’État de droit démocratique après 1945,” *Revue d’Allemagne et des pays de langue allemande* 46, no. 1 [2014]: 92).

⁶⁷Baume and Papadopoulos, “Against Compromise?,” 476.

failures in decision making. According to him, decisions must be understood either as the result of prior political choices or as clear definitions of state bodies' attributions. Schmitt identifies dilatory compromises, on one hand, in the detailed regulations of the Weimar Constitution and, on the other, in the complex system of checks and balances that developed among the organs of the Weimar Republic.⁶⁸ Regarding regulations, Schmitt criticizes in detail the provisions concerning the relationship between school and the state, particularly as governed by the Weimarian "school compromise" (*Schulkompromiss*).⁶⁹

The "school compromise" aimed to solve the highly disputed question of the relationship between the state and the church in Weimar. As it emerged in July 1919, it introduced, in its first part, the principle of the integrated school (common school), in which each religion (Catholic, Protestant, and Jewish) offered religious classes to students of its own faith within the context of a wholly secular, common curriculum.⁷⁰ However, the Center—a Catholic party—"combined with these forces in order to maximize the possibilities for giving religious instruction a predominant position within the educational system. The Center succeeded in obtaining a provision allowing common confessional schools to be established in accordance with state laws."⁷¹ Consequently, the Weimar provisions regulating the relationships between the state and the church come from a bargaining process and are not the expression of a unique principle.⁷² This made Schmitt qualify the school compromise as an exemplary case of dilatory compromises, which are intended to satisfy all involved parties but do not allow the relationship

⁶⁸Schmitt, *Constitutional Theory*, 85. Otto Kirchheimer also noted that the compromises that emerge from the Weimar Constitution are not, strictly speaking, compromises but "*dilatorische Formelkompromisse*," borrowing this formula from Schmitt. In his view, dilatory compromises are not compromises since they do not solve a problem clearly for a certain period through mutual concessions. Dilatory compromises merely juxtapose different provisions corresponding to conflicting cultural and social conceptions. See Otto Kirchheimer, "Weimar. . . Und was dann? Entstehung und Gegenwart der Weimarer Verfassung," in *Gesammelte Schriften*, vol. 1, *Recht und Politik in der Weimarer Republik*, ed. Hubertus Buchstein (Baden-Baden: Nomos, 2017), 230.

⁶⁹See Edmond Vermeil, *La Constitution de Weimar et le principe de la démocratie allemande: Essai d'histoire et de psychologie politiques* (Strasbourg: Istra, 1923), 198ff.

⁷⁰Jan Deutsch, "Some Problems of Church and State in the Weimar Constitution," *Yale Law Journal* 72, no. 3 (1963): 461.

⁷¹*Ibid.*, 468.

⁷²According to Michael Saward, *The Representative Claim* (Oxford: Oxford University Press, 2010), 107, Schmitt's conception of parliamentary democracy "involved the embodiment of a certain 'principled unprincipledness,'" also through the "unprincipled" compromises that take place within it. For the notion of "principled unprincipledness," see Frank R. Ankersmit, "Representational Democracy," *Common Knowledge* 8, no. 1 (2002): 27.

between the church and schools to be determined with certainty. This inconsistency is, according to Schmitt, clearly visible in the words of Article 146 of the Weimar Constitution, which promotes both the principles "of a community (integrated) school" and of confessional schools.⁷³

Dilatory compromises can also be observed in the allocation of formal competences in the Weimar Republic and lead, according to Schmitt, to indeterminacy in the distribution of power and in the definition of the political system. The Weimar model of power allocation is the result "of a compromise of . . . contradictory aspirations, such as the democratic ideal of a political leader as Max Weber conceived of it, the mistrust that parliamentarians and firmly organized parties, especially the Social Democrats, feel towards the institutions of direct democracy, and, finally, of the liberal *Rechtsstaat* striving to create a balancing of powers and to retain in a politically influential state president the residue of the constitutional monarchy."⁷⁴

This evaluation, which Schmitt set out in polemical terms, was widely shared. René Brunet, a keen observer of the work of the Weimar National Assembly, claimed that the final draft of the Weimar Constitution bore "the mark of the compromises that had to be made between the parties represented in the Assembly on almost all issues."⁷⁵ Although the product of frequent and, according to him, deleterious compromises, Schmitt does not claim that the Weimar Constitution is devoid of decisional foundations, without which it could not survive: "State authority derives from the people" and "the German Reich is a republic"⁷⁶ are examples of prior decisions on which the Reich's entire legality and normativity depended.⁷⁷

Schmitt's characterization of the constitution bears the trace of his requirement of consistency with respect to the principles adopted. In *Constitutional Theory*, he contrasts the constitution in its absolute sense (*Absoluter Verfassungsbegriff*) with its relative sense (*Relativer Verfassungsbegriff*), the

⁷³"Section 1 establishes the basic principle of the community (integrated) school. In section 2, 'however,' the 'will of the guardians,' that is in practical terms the confessional school, is set alongside it as an autonomous principle. . . . The perspectives of a strictly implemented *state school*, one determined by the will of the *guardians*, a *confessional school* and a *free school* are validated indiscriminately. When it comes to the practical execution of a school statute on the basis of Art. 146, a collision between these principles is unavoidable" (Schmitt, *Constitutional Theory*, 86, original emphasis). Article 146 is also discussed in Schmitt, *Der Hüter*, 44, 48.

⁷⁴Schmitt, *Constitutional Theory*, 367.

⁷⁵Brunet, *La Constitution allemande*, 319. "On almost all the questions that the [Weimar] Constituent Assembly had to resolve, bargaining took place between the opposing interests and conceptions of the parties involved. If one were to take all the articles, all the draft proposals one after the other, one could draw up the balance sheet of each party, marking the points on which it won and those on which it had to compromise" (ibid., my translation).

⁷⁶These provisions are contained in the first article of the Weimar Constitution.

⁷⁷Schmitt, *Constitutional Theory*, 78.

former being much more valued than the latter. Constitution, in its absolute sense, means either a “complete condition of political unity and order” or an ideal unity, constituted by a “closed system of norms.”⁷⁸ The constitution, in its relative sense, “no longer concerns an entirety, an order and a unity. It involves, rather, a few, several, or many individual statutory provisions constituted in a particular way.”⁷⁹ Schmitt deplores the tendency to fragment the Weimar Constitution into provisions resulting from compromises and reminds us that the constitution must be an “existential total decision of the German people.”⁸⁰ According to Schmitt, the pluralistic party state is by principle inconsistent in its decisions, since their content is essentially linked to the protection of particular interests and the balance of power between them. This inconsistency can also be explained, from his point of view, by the double-level game played by party organizations. In a way, they emerge as state actors but also as social power, enabling them to “enjoy. . . the advantages of influence on state will without the responsibility and the risk of the political, in this way playing *à deux mains*.”⁸¹

The objection of inconsistency has been detailed by Baume and Papadopoulos in their typology, without Schmitt being called upon in this regard. This objection was set out with reference to Ronald Dworkin, who abundantly discussed the claim for integrity regarding the practice of compromise.⁸² In Dworkin’s language, integrity means consistency, which becomes “a political obligation,” requiring “fidelity to a scheme of principle [that] each citizen has a responsibility to identify, ultimately for himself, as his community’s scheme.”⁸³ In law making, respecting integrity means that legislators avoid “inconsistency in principle among the acts of the state.”⁸⁴ It would be a great intellectual risk to assert that Dworkin and Schmitt present a similar message regarding the imperative of consistency. For Dworkin, the quest for consistency makes him abhor checkerboard laws as “the most dramatic violations of the ideal of integrity” because they undermine integrity by treating similar situations differently.⁸⁵ For Schmitt, the search for unity requires “fundamental political decisions,” which he contrasts with vague regulations that evade genuine decisions and most often

⁷⁸Ibid., 59, emphasis omitted.

⁷⁹Ibid.

⁸⁰“The fact that the Weimar Constitution is actually a constitution and not a sum of disconnected individual provisions subject to change according to Art. 76, which the parties of the Weimar governmental coalition agreed to insert into the text on the basis of some ‘compromise,’ lies solely in the existential, comprehensive decision of the German people” (ibid., 78).

⁸¹Schmitt, *Legality and Legitimacy*, 88.

⁸²Ibid.

⁸³Ronald Dworkin, *Law’s Empire* (Cambridge, MA: Belknap Press of Harvard University Press, 1986), 190.

⁸⁴Ibid., 184.

⁸⁵Ibid., 179, 184.

result from compromises.⁸⁶ However, if the unity of principle seems common to both authors, their proximity must be qualified. For Dworkin, integrity (in the sense of consistency) and the necessary fidelity to a liberal set of identity-constituting values (in their adoption and application) can be considered, in Ronald Cass's words, "the essence of the rule of law."⁸⁷ For Schmitt, the search for unity is linked not to the sacredness of the rule of law—far from it—but rather to the need to protect the public order by defining unified political principles.

The Agonistic Objection

Schmitt criticizes compromises because they undermine the unity of the state, but he also does so—paradoxically at first glance—from what we may call today an "agonistic perspective." This is the perspective of Mouffe, which "manifests hostility to an understanding of politics that involves balancing interests and fostering moderation through the forging of compromises."⁸⁸ Schmitt and Mouffe both reject a conception of politics that would be one of compromises made among elites.⁸⁹ In writings between 1933 and 1936, Schmitt links the strong presence of intermediary bodies—seeking political rents and eager to compromise—to the inability to distinguish friend from foe. By seeking mutual advantages, the numerous bargaining actors blur the lines of confrontation. The pursuit of self-interest takes them away from fundamental political considerations.⁹⁰ However, this inability to distinguish friend from foe does not mean for Schmitt, as it does for Mouffe, that politics must be a scene of conflict between opposing partisan visions. Conflict, for Schmitt, must be externalized and the enemy pushed outside of state borders because the preservation of the supreme good of political unity requires the eradication of domestic confrontation. Schmitt blames compromises both for blurring the core distinction between friend and foe and for legitimizing the antagonisms (even moderated) within the body politic,

⁸⁶Schmitt, *Constitutional Theory*, 82.

⁸⁷Ronald A. Cass, "Trade Subsidy Law: Can a Foolish Inconsistency Be Good Enough for Government Work?," *Law and Policy in International Business* 21, no. 4 (1989): 609.

⁸⁸Baume and Papadopoulos, "Against Compromise?," 475.

⁸⁹"Relations of power and their constitutive role in society are disregarded; the conflicts that they entail are reduced to a simple competition between interests which can be harmonised through dialogue. This is the typical liberal perspective that envisages democracy as a struggle among elites, taking place in a neutral terrain, thereby making adversary forces invisible and reducing politics to an exchange of arguments and the negotiation of compromises" (Chantal Mouffe, "The Radical Centre: A Politics without Adversary," *Soundings*, no. 9 [1998]: 13).

⁹⁰Carl Schmitt, "Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit" (1933), in *Gesammelte Schriften 1933–1936*, 96.

whereas Mouffe condemns compromises because they deprive democratic life of the essential ingredient of unmoderated conflict.

The antipluralist agonism that characterizes Schmittian political thought and constitutes a particular facet of his aversion to compromise can be truly understood only if integrated into his plebiscitary conception of democracy. This conception favors a supposedly unmediated relationship between the *Reichspräsident* and the people. The president's independence from political parties and from the "various bearers of state pluralism" makes him a guarantor of unity and order.⁹¹ If, for Schmitt, plebiscitary democracy rests on a presupposition of unity, liberal democracy enshrines plurality and discord and blurs the command relationship between citizens and government. Schmitt sees plebiscitary legitimacy as a shield against the party state's destructive powers.⁹²

Schmitt's Objections to Compromises compared with Baume and Papadopoulos's Taxonomy

The previous sections have reconstructed five objections to political compromises as they emerge from texts that Schmitt published or wrote during the Weimar Republic and the Third Reich. During these two periods, the author was particularly prolific on this subject. On the one hand, this was because the Weimar Constitution appeared to him the place par excellence where compromises were crystallized. On the other hand, the Third Reich seemed to him to realize the dream of an eclipse of compromise. To what extent does Baume and Papadopoulos's typology of objections to compromise capture Schmitt's objections? Overall, the various facets of Schmitt's aversion to compromise are congruent with this typology, which was developed with marginal reference to Schmitt's work. Each type can be related to a particular facet of Schmitt's objections, which indicates that Schmitt's attack on compromise is much more encompassing than more recent ones—such as Dworkin's or Mouffe's—which tend to be unidimensional. Nevertheless, upon looking more closely into each objection, we observe ample deviations from the content that the typology associates with them, as systematized in [table 1](#).

First, Schmitt disdains pluralism: he denounces compromises because of their propensity to undermine political unity. This is crucial to his preference for authoritarian and illiberal rule. Second, Schmitt does refer to inequalities—but only between self-serving elites and third parties. Third, the antirelativist

⁹¹Schmitt, *Der Hüter*, 63.

⁹²"By making the Reich president the center of a system of plebiscitary as well as political-party-neutral institutions and powers, the current Reich constitution seeks to counterbalance the pluralism of social and economic power groups precisely on the basis of democratic principles and to preserve the unity of the people as a political whole" (Schmitt, *Der Hüter*, 159, my translation).

Table 1. Comparative table of Schmittian objections to compromise and objections in Baume and Papadopoulos's typology

Schmitt's reasons to reject compromises	Inventory of objections against compromises by Baume and Papadopoulos	Schmitt's rejection of compromises in light of Baume and Papadopoulos's typology
Antipluralism: Compromises undermine unity	Pluralism: Compromises are struck at the expense of dissenting voices	Inversion
Vertical inequality: Compromises among elites and organized groups come at the expense of third parties	Inequality: Compromises are struck at the expense of outsiders or disadvantaged groups	Reduction
Antirelativism: Compromises entail a nihilist, agnostic Weltanschauung	Antirelativism: Compromises put fundamental values at risk	Relative similarity
Consistency: (Dilatory) compromises prevent the making of decisions of principle	Integrity: Compromises risk inconsistencies in the application of principles	Superficial similarity
Antipluralist agonism: Compromises blur the distinction between friend and foe, with the latter being pushed outside the borders	Agonism: Compromises obfuscate the inherently conflictual nature of politics	Deviation

objection does not completely match the corresponding category in the typology. Indeed, the Schmittian objection does not express the risk that compromises sell out universal values but rather asserts that compromises do not allow, especially when they are dilatory, a consistent set of identity-constituting values that should underpin any functioning state. Regarding the last two Schmittian objections and the typology, their similarity must be qualified. At first glance, Schmitt and Dworkin privilege the unity of principle embodied in unambiguous decisions, but the objectives that each pursues strongly differ. Schmitt's search for political unity is linked to the imperative to designate an enemy that is common to the political community and pushed outside borders, whereas Dworkin's claim for integrity is an affirmation of the rule of law and of the need for consistency in the application of liberal principles in lawmaking. Finally, although Mouffe's agonism may echo Schmitt's core distinction between friend and foe, this should not conceal Schmitt's fundamentally antipluralist posture.

Although Schmittian objections to compromise are diverse and target several of the notion's core weaknesses, his antipluralist objection is akin to a matrix, as the four other objections arise from it. The inequality objection that consists of denouncing elite compromises also targets their propensity to compromise the unified common good by making collusive arrangements. The antirealist objection rejects the liberal principle of "equal chance" in the formation of the state's will that does not allow for a coherent set of identity-constituting values. The objection of inconsistency underlines the risk of adopting provisions that merely juxtapose opposing political conceptions. Finally, the agonistic objection recalls the need for a common enemy against which the political community must unite. All of Schmitt's criticisms of compromises are part of a conception of politics strongly marked by the claim for political unity and a constant denunciation of pluralism, particularly in its partisan and parliamentary facets. In a strong and unambiguous formula, Schmitt considers that the "daily compromises" by political parties make political unity a mere "waste" (*Abfallprodukt*).⁹³

Conclusion

In an era in which populist narratives gain wide currency, it is striking to see that Schmitt's objections to compromise resonate with some of populism's distinctive features, as inventoried by Abts and Rummens. First, the people are conceptualized as a homogeneous unity. Second, populism aims to restore the immediate expression of the people's general will. Third, populism revolves around a core antagonistic relationship between "the people" and "the elite."⁹⁴ These three distinctive features of populism can be partially found in Schmitt's critical discourse regarding compromise. Concerning the first, we note a strong convergence between the Schmittian doctrine and populism regarding a homogenizing conception of the people.⁹⁵ Schmitt grounds his critical discourse on compromise on the conception of the people as a homogeneous body and never as a pluralist and conflictual entity. However, Schmitt's homogeneous conception of the people, taken to its extreme, ultimately leads to the disappearance of the multiparty system. This is typical of authoritarian versions of populism but by no means of all populist currents. The second characteristic of populism also converges with the Schmittian doctrine. Schmitt states that the *vox populi* can only be articulated through an immediate plebiscitary relationship between the people and the president. He does not explicitly connect his critique of compromise to his

⁹³Schmitt, *Gesammelte Schriften 1933–1936*, 96.

⁹⁴Abts and Rummens, "Populism versus Democracy," 408–9. I have reversed their order of presentation.

⁹⁵Ibid., 415–19; Cas Mudde, "The Populist Zeitgeist," *Government and Opposition* 39, no. 4 (2004): 543; Rummens, "Populism as a Threat to Liberal Democracy," 559; Urbinati, "Democracy and Populism," 120.

defense of plebiscitary democracy. Finally, regarding the third characteristic of populism, suggesting an antagonistic relationship between "the people" and "the elite," Schmitt's negative relationship with the elites mainly targets the members of parliament. Their compromises are regarded as unaccountable, selfish, rent seeking, contrary to the sovereign will, and ultimately irresponsible. Schmitt lucidly anticipates an important argument often made in contemporary literature: by sharing responsibility between multiple and heterogeneous actors, compromises weaken accountability mechanisms.⁹⁶ This critique does not concern other organs of the state, especially the executive, to which Schmitt attributes unifying virtues.⁹⁷ The denunciation of vertical inequalities, as it emerges from his critique of parliamentarism and of the total state in the qualitative sense, spares the Reich president. In view of the above, the multifaceted Schmittian critique of compromise can be seen as having certain affinities, however partial, with the "thin" ideology of populism.

⁹⁶"The source of the disaster and unhappiness lies in the fact that the liberal-democratic Weimar constitution gave a large number of diverse associations and organizations the possibility of making use of the state's means of power without assuming the responsibility or the danger of the political. Political parties of all stripes, national and international, loyal to the people and enemies of the state, churches, trade unions, and corporations could seize any piece of state power under manifold disguises, and the daily compromise of these heterogeneous power clusters was supposed to form a political will!" (Schmitt, *Gesammelte Schriften 1933–1936*, 36, original emphasis, my translation). Dennis F. Thompson, "Moral Responsibility of Public Officials: The Problem of Many Hands," *American Political Science Review* 74, no. 4 (1980): 905–16, later discussed the difficulty of attributing responsibility when multiple actors share power, referring to this as the "problem of many hands."

⁹⁷Schmitt, *Der Hüter*, 159.