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Schmittian Weapons: Legal Theory, Handmaid of Politics

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Democratic backsliding in established liberal democracies, along with the rising influence of authoritarian regimes, has been linked to the ideas of German legal theorist Carl Schmitt. Far-right intellectuals in Europe, Russian imperialist ideologues, and figures associated with the Trump administration in the United States explicitly reference the “crown jurist of the Third Reich.” In East Asia, Schmitt’s reception has been notably active—particularly in China, in the context of the consolidation of totalitarian structures at home and increasing assertiveness abroad. Schmittian concepts such as *Großraum* (great space), previously rejected due to their compatibility with Japan’s former “Greater East Asia Co-Prosperity Sphere,” now serve other geopolitical ambitions. Yet, the status and normative implications of Schmitt’s ideas, especially when deployed against the international liberal order, remain unclear. Do they truly constitute a coherent alternative model?

As I aim to demonstrate, contemporary authoritarian regimes and extremist movements do not adopt these “Schmittian weapons” because they offer a viable alternative. Rather, they use them as tools to overthrow the liberalism they despise—without proposing anything in its place. In doing so, they remain faithful to Schmitt. Schmitt’s conception of legal theory and its relationship to politics is notoriously blurry, but I will show that his concept of political theology offers key insights. For Schmitt, legal theory is not a neutral science; its role is to re-legitimize authority threatened by liberalism. More precisely, he contends that authority requires a “political idea” that must be translated into the legal system. This, for Schmitt, is the role of legal theory.

In other words, he conceived legal theory as a normatively groundless, ideological instrument. His actions after 1933 exemplify this, as does the contemporary reception of his work in authoritarian contexts. By acknowledging the cynicism and nihilism embedded in Schmitt’s theory, we can begin to assess the consequences—and consider how best to respond to these intellectual weapons.

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