

Carl Schmitt's Concept of Volk and China's Nationalism

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Overview and Content

- A “Schmitt Fever” in China? The rise of Schmittian studies in the PRC context.
- The concept of 民族 (*mínzú*) in Asia and its relation to German *Volk*.
- Xi Jinping’s “The Great Rejuvenation of the Chinese Nation” (中華民族偉大復興 *Zhōnghuá mínzú wěidà fùxīng*) and its assimilationist model.
- Carl Schmitt’s concept of *Volk*.
- Potential and limits for the Chinese context.

A “Schmitt Fever” in China?

- Since the late 1990s the work of Carl Schmitt (1888-1985) has been translated into Mandarin by the philosopher Liu Xiaofeng and has since enjoyed a wide readership among constitutional theorists and other academics.
- How can we make sense of such success?
 - China as an *illiberal* state
 - China as a *dictatorship* of the people
 - China as an antagonist/*enemy* of the West (Western liberalism)
 - China’s *Sonderweg*? (中国道路 *zhōngguó dàolù*)

Patterns of appropriation of Schmitt's work

- The *China Path*: mostly to be identified with the CCP line under Xi Jinping. Critique of legal formalism. The “benevolent violation of the constitution” (良性违宪 *liáng xìng wéi xiàn*) concept. Ideological state. Thin conception of the rule of law. (Chen Duanhong)
- The *New Left* : critical of capitalistic expansion, romanticizes the Maoist past, advocating its return in terms of economic equality, focus on class struggle. They pick Schmitt's view that dictatorship is not logically incompatible with democracy. (Liu Xiaofeng, Zhong Xudong)
- Liberals: they read Schmitt critically, underscoring his irrelevance for the Chinese context and the decontextualised use by other intellectuals. (Gao Quanxi)

Xi Jinping's *The Great Rejuvenation of the Chinese Nation*

- *The Great Rejuvenation of the Chinese Nation* is part of the broader *Chinese Dream* as the ideological platform and set of guidelines for China under Xi.
- It advocates a demographic change to attain 1) demographic stability to avoid collapse with a 2-child policy 2) it promotes *ethnic mingling* among the 56 ethnic groups recognised by the government.
- Implicitly, it aims at the *assimilation* of ethnic minorities into a homogeneous “Chinese nation” (中華民族 *Zhōnghuá mínzú*).

Where is the concept of 民族 coming from?

- 民族 has been in use allegedly since the sixth century to indicate what we may designate today as an “ethnic group”. It contains the character 族 meaning “clan”, or “tribe”, an extended group of people connected by bonds of kinship. 民 is one of the several characters for “people”, indicating however people belonging to a particular group.
- 民族 was introduced in the modern political vocabulary in East Asia in the Japanese Empire, in order to translated the German *Volk*, in opposition to the French *nation*, which was usually translated as 國民 (*guómín*).

The Concept of *Volk*

- *Volk* originally indicated simply a group of people characterised by some common feature. It had little or no political usage until the 19th century. It was used to indicate the *multitudo*, *vulgus*, the mass, the plebs, the rabble, but also the nobility (*Herrenvolk*), or the mass of believers (*Gottesvolk*), or the army (*Kriegsvolk*).
- According to Reinhart Koselleck, *Volk* emerges as a counter-concept or compensatory concept in the German context in opposition to, but also in partial imitation of, the French *nation*.
- Herder: *Volk* is defined by the language, particularly by poetry.
- *Volk* as a future-oriented concept (unity of Germany, the glorious destiny of its people).
- Savigny: Law reflects the *Volksgeist*.

The Concept of *Volk* in Carl Schmitt (1)

- *Volk* ‘is not a fully-shaped, and it will never be a perfectly shapable, term’. A degree of vagueness and imprecision is and will always be part of what a *Volk* is or is not.
- The individual can exist (not only politically) only as a member of a certain *Volk*, dissolving him/herself in the mass of his/her equals.
- The life of the individual has meaning through the participation in the vicissitudes of the *Volk*.
- “All law is the law of a particular *Volk*”.
- A state is the condition (*Zustand*) of a *Volk*, as *Volk* logically precedes any constitution. *Volk* is the bearer of particular ideas.

The Concept of *Volk* in Carl Schmitt (2)

- *Volk* and democracy:
 - Identity and representation
 - Following Rousseau, Schmitt states that to the concept of democracy “belongs necessarily, first, homogeneity, and second – in case – the expulsion or elimination of the heterogenous”.
- *Volk* and international politics: *Völker* are not equal, they constitute a hierarchy. Great *Völker* are bearers of great ideologies.

Volk and existentialist *Befindlichkeit*

- Although Schmitt claimed to work within the boundaries of a (Weberian) sociology of legal concepts, the very wording he chose for the concept of *Volk* betrays phenomenological and existentialist influences, which Schmitt was unwilling to admit.
- Indeed, Schmitt did not follow Weber's definition of *Volk* as a "community of belief".
- *Volk* appears to be something that is *lived*, more than thought. Our belonging to a *Volk* and its story is something that we *find* in our lives, as we are thrown into this world, and we find ourselves (*wir befinden uns*) in this world with no explanation.

The limits of Volk in Carl Schmitt

- The concept of *Volk* in Schmitt remains somewhat undertheorised and vague.
- Phenomenological and existentialist philosophical accounts of concepts have their own structures and intricacies, which Schmitt did not develop (while others did, most notably Heidegger in his definition of *Volk* as an element of the temporalization of the *Dasein*, the *Mitdasein*, i.e. being in history together with others, whereby *Volk* is primarily declined as the group one is part of in the verbal exchanges taking place in a public sphere).
- According to Radloff, this may have led to Schmitt's acceptance of biological-racist elements in his theory.

Schmitt's *Volk* in China

- The popularity of Schmitt in China may reinforce the already existing prevalence of an ethnic-based definition of the membership of the political community, 民族 opposed to 國民, accelerating a drift away from a liberalisation of Chinese constitutional doctrines and law.
- The policy of *Great Rejuvenation of the Chinese Nation* is already aiming at the indirect creation of a homogeneous Volk in China.
- Schmitt's concept of *Volk* may be used to reinforce the theoretical/ideological link between homogeneity and “democracy” (as dictatorial democracy in a Schmittian sense).
- What are the potential international implications of all this?

References about Schmitt in China

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Thank you!

If you have any questions, please feel free to email me at

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