



Emergency In The History Of Political Theory: Analyzing Theoretical Perspectives Of Hobbes And Carl Schmitt

Manisha Sharma

Abstract

Political discourse has always focused significantly on emergencies, so from ancient to the present, intellectuals have been preoccupied with the issue of how communities should respond to dangerous situations. Political theory offers us an explanation of how emergency powers have been used throughout history. From classical to modern times, thinkers like Plato, Aristotle, Machiavelli, Hobbes, Carl Schmitt, and Fredrick Watkins have examined the theoretical foundations and implications of emergency powers. We are at present grappling with a number of crises, including health, climate, and terrorist threats. In order to respond to these crises, we must restructure our political systems and establish new governmental functions and legal frameworks. This paper explores Hobbes' and Carl Schmitt's theoretical stances on emergency, paying particular attention to the crucial role that sovereignty played in both ideas, and explores how liberal democratic values accommodate emergency powers. Part one of this paper explores Hobbes and Schmitt's conceptualizations of emergency powers. Part two includes an analysis of their justifications for sovereign authority.

Key words: emergency, sovereign, liberal democratic values

Introduction

Political theory offers an explanatory framework for the nature and existence of political phenomena, including emergency powers. This is because emergency powers provide us with an explanation of the nature of the crisis and change in the existing political institutions. States, upon their formation, are susceptible to emergencies. Therefore, in situations demanding immediate and decisive action, the state may delegate emergency powers to a singular authority, often the executive, in order to ensure a timely and effective response. Understanding the roots of emergency power lies in classical political theory (De Plato, 2021). From classical to modern thinkers like Plato, Aristotle, Machiavelli, Hobbes, Carl Schmitt, and Fredrick Watkins, they have examined the theoretical foundations and implications of emergency powers. This section analyses the evolution of thought on emergency powers, tracing the ideas of key thinkers from Plato to Watkins.

Plato's ideas about the guardian class inform us about the powers exercised outside of ordinary legal constraints in emergencies. This is because Plato's philosopher-king is endowed with absolute authority in order to guarantee the state's well-being, particularly when facing challenges. Plato opined that rulers' power is most evident when the state faces external threats. He insisted that the philosopher-king should be devoid of material possessions so that he could prioritize the state's interests over individual desires. He argued that rulers are driven by a desire for justice and the well-being of the people, rather than personal gain. He contended that democracy, as characterized by the rule of the masses, is susceptible to devolving into tyranny, particularly during times of crisis, when people get scared and may surrender their power to a strong leader. He raised a significant question in this context, "Why let a son rule a father?" This concept influenced subsequent theories of emergency powers and the concentration of authority in the executive branch (De Plato, 2021, pp. 136-138).

After Plato came Aristotle, whose theoretical contributions included an emphasis on moderation and balance in governance. He suggested that justice as well as the common good should be paramount, even when exercising emergency powers. According to him, the constitution plays a very important role in dealing with the emergency, and the rulers should not exceed their constitutional authority, even when faced with a crisis. He underlined the significance of emergency powers, which are essential for the state to carry

out its main duty of defending its people and itself. These powers are also necessary to respond to threats and ensure the state's continued existence (Morgan, 2011).

On the other hand, Machiavelli argued that a republic should have laws that anticipate and address potential emergencies. By establishing laws and procedures, the state can respond to a crisis in a timely and effective manner. He believed that a republic's dependence on consensus-based decision-making could affect its ability to respond effectively to crises. In order to address this limitation, the republic should institute the office of a dictator, where some extraordinary powers can be granted to a single individual for a temporary period (Morgan, 2011, pp. 504-554).

Locke also emphasized the importance of emergency powers. However, he also underlined how crucial it is to put in place precise restrictions and safeguards to stop the unrestricted use of such emergency powers. He recognized that democratic societies should balance the need for effective governance during crises and also continuously work to protect individual rights. For him, the use of emergency powers by the state should always be constrained by the principles of individual liberty and property rights. Even when the state is in danger, the government should avoid actions that would undermine these fundamental rights. He emphasized the importance of restoring constitutional norms after a crisis is over, as the extension of emergency powers beyond their necessity could lead to the erosion of individual liberties and the establishment of authoritarian rule (Morgan, 2011, pp. 765-768).

He believed that a ruler who is genuinely committed to the public good is less likely to exploit their authority. While emphasizing individual rights, he likely recognized the need for emergency powers to address urgent threats to the state. Such powers may include the authority to raise taxes, mobilize troops, and enact laws. However, the duration of such powers should be limited in order to prevent abuses (De Plato, 2021).

Rousseau's social contract theory emphasized the importance of the collective good. He argued that individuals could only achieve their full potential within a well-ordered society that is protected by a strong government. Therefore, he supported the idea of granting leaders emergency powers only when these powers are used for the benefit of the community as a whole. The leader should be granted emergency powers, which may necessitate the suspension of normal processes in order to take decisive actions.

According to him, the primary justification for stopping such routine procedures is to guarantee that “the State will not perish”(Morgan, 2011, pp. 826-882).

However, he also emphasized the importance of restoring constitutional norms once the crisis is over. In summary, Rousseau argued that 1) A dictator plays a very important role, especially during an emergency. 2) All the normal institutions can be suspended for a temporary period. 3) A dictator’s rule and the use of emergency powers should be temporary. 4) A dictator is not empowered to create new legislation. 5) A dictator would not abuse his new powers (De Plato, 2021).

Emergency powers, according to Fredrick Watkins, are required to shield the institutions from “the danger of permanent injury in a period of temporary emergency.” He argued that “I can see no reason why absolutism should not be used as a means for the defense of liberal institutions.” However, he outlined two key problems related to emergency power: 1) the expansion of the executive branch’s administrative authority; and 2) restricting that authority. He said that because the legislature may be weakened by the administrator’s influence, legislative scrutiny of executive emergency power is ineffectual. The court’s capacity to effectively handle a crisis may be undermined by judicial delays. Maintaining the theory of separation of powers during an emergency can be challenging since it may prolong the response to the crisis (Watkins, 1939).

He placed certain limitations on the leader who would act during an emergency: firstly, the duration of dictatorship should only be for a very short time; secondly, dictatorship should be based on legitimacy; and lastly, the decision to have the need for dictatorship should rest with the dictator himself. However, the dictator must follow the law while making decisions during an emergency.

The concept of emergency has been widely studied in today’s context. The concept of emergency can be studied in contrast to normalcy. This is because in order to identify an emergency, it is important to first establish a baseline of what constitutes normalcy. Normalcy refers to the rule or the day-to-day state of affairs. On the other hand, an emergency refers to a sudden, urgent, unforeseeable situation that requires quick action on the part of the state, often without sufficient time for deliberation. Hence, an emergency hinges on the fulfillment of two essential conditions – it should be temporary in nature and have minimal

long-term impact. However, the lines between emergency and normalcy can blur if emergency measures become normalized (Gross & Aolain, 2006).

Hence, emergency remains an essential political issue, and from ancient times to the present, scholars have debated how society should respond to danger. In the present context, we are living through multiple emergencies such as climate emergency, health emergency or threats of terrorism. Our political structures must be reformed in order to respond to such crises, and new governmental functions and legal frameworks must be established. Contemporary political theory continues to grapple with these questions, examining how emergencies can be managed while safeguarding democratic values. This paper investigates how liberal democratic norms allow for emergency powers and looks at Hobbes' and Carl Schmitt's theoretical views on emergency, paying particular attention to the important role of sovereignty in their ideas. Part one of this paper explores Hobbes and Schmitt's conceptualizations of emergency powers. Part two includes an analysis of their justifications for sovereign authority.

Examining Hobbes's concept of the sovereign's authority

Hobbes, known for his defense of absolute sovereignty, wrote during the English Civil War. He supported the need for a powerful ruler during crises. He argued that a sovereign must be endowed with the strength necessary to overcome the problems of political turmoil. The sovereign has the right to take any action deemed necessary to maintain peace and security during emergencies. Such powers are necessary because human nature is violent. In an emergency, he would support a powerful executive because the sovereign was appointed to defend the subjects and uphold law and order (De Plato, 2021).

His theory requires that citizens obey the law absolutely, with no constitutional restrictions on what the law can demand. For Hobbes, human society is perpetually threatened by emergencies, making the sovereign's primary role its prevention (Sorell, 2013).

In Leviathan's Part II Of Commonwealth, Chapters 18 and 19, Hobbes delineated the sovereign's rights. There are twelve rights given to the sovereign by Hobbes. Those rights have been discussed in detail in the following section.

Hobbes maintained that a social contract, where individuals surrender power to a sovereign, leads to the formation of a commonwealth. Therefore, the sovereign, as decided by the majority, has the power to make laws, enforce them, and represent the subjects. The social contract which is an agreement between people to acknowledge a shared power, is the source of sovereign's rights and powers. Absolute power resides with the sovereign, and subjects must submit to their authority. In order to preserve peace and security, sacrifices may be required. He contended that the inconveniences of living under a sovereign are far less severe than the chaos of a state of nature. He identified two primary methods of establishing a sovereign power: one is through conquest, and another is through social contract. In the first method of establishing a sovereign power, a ruler gains power through force. On the other hand, in the second method of establishing a sovereign power, individuals voluntarily submit to the sovereign authority. Hobbes gave twelve rights to the sovereign (Morgan, 2011).

Firstly, subjects must be loyal to their sovereign. Once subjects have created a commonwealth for themselves, the covenant constitutes a binding agreement for them. They cannot make a new covenant without the permission of the sovereign. Men are subjected to a monarch and cannot overthrow him without his permission, as this would lead to a state of war where everyone is against everyone. Secondly, the authority of the sovereign cannot be ceded. The sovereign cannot break the covenant, and therefore subjects cannot be freed from their obligations. If any subjects claim that the sovereign has violated the covenant or deny its existence, and there is no judge to decide the dispute, it reverts to a state of war. Therefore, sovereignty must be instituted through a prior covenant.

Thirdly, the majority's choice in declaring a sovereign must be accepted by dissenters. If the majority party gave a consent while declaring a sovereign, those who dissent must consent with the rest. This is because they voluntarily entered into the congregation and therefore tacitly covenanted, and now, they should stand with the majority. Those who refuse to submit to the majority remain in a state of war and are subject to destruction by any man. Fourthly, a sovereign cannot harm subjects or be accused of injustice. He cannot do any injury to any of his subjects. He acts as the representative of the people. Therefore, the sovereign's actions, even if severe, serve the people's best interests and cannot be considered unjust.

Fifthly, the sovereign is not bound by the laws of the land and therefore cannot be subjected to any form of punishment. The sovereign has the authority to use whatever necessary means to maintain the

commonwealth's peace and security. The sovereign has the right to use force and other measures for the maintenance of order and to prevent internal and external threats. Sixthly, the sovereign has the final say over what is required for its subjects' safety and security. The sovereign has the authority to determine which opinions and doctrines should be opposed and to select who can review books before publication. While truth is essential, it should be introduced slowly to avoid social unrest. Sudden and radical challenges to established beliefs can lead to conflict and instability. The sovereign must have the authority to regulate opinions and doctrines to prevent religious and ideological conflict, which can lead to civil war.

Seventhly, the sovereign prescribes all kinds of legislative rules. He has the power to establish property rights and to define the limits of individual liberty. Since there were no property rights in the natural state, everyone was at battle with everyone. In order to establish peace, the sovereign must create a system of property rights and enforce them through law. It is the civil law that will govern the property rights, contracts, and other social interactions within the commonwealth. Eighthly, the sovereign has the authority to decide any issue, including scientific and social ones. The sovereign must have the power to resolve disputes and enforce the law. Without this power, individuals would be left to protect their own rights, leading to a state of war.

Ninthly, the sovereign can declare war and negotiate peace with other nations. This is the exclusive right of the sovereign. He determines what is best for the public and controls the military. The sovereign also decides the military's strength and leadership. Tenthly, the sovereign may decide all advisors, ministers, and officers and has the authority to use any means necessary to fulfill their responsibilities, both in peacetime and wartime.

Eleventhly, the authority to dispense rewards and punishments to subjects lies with the sovereign. This is done to incentivize good behavior and punish crime. This power is essential for maintaining social order. Lastly, the sovereign may make all appointments, including the military. He must have the power to establish a system of punishment to regulate social behavior and to encourage loyalty to the state. Social order and the commonwealth's security depend on this power.

According to Hobbes, there are three types of sovereign authority that are instituted by means of agreement: monarchy (when the representative is one man), aristocracy (when an assembly of a party only or when

sovereign power is given to a small group of people), and democracy (when an assembly of all will come together). For Hobbes, the difference of commonwealth creates the difference of the sovereign, and the difference between these commonwealths lies not in their power but in their purpose.

For him, out of the three, monarchy is the most effective form of sovereign power. He gave many reasons for this contention. This is because a monarch's interests are inherently aligned with the people's because the state, represented by the sovereign, embodies both their own interests and the sovereign's. Private consultation with experts gives monarchs an advantage in receiving counsel over aristocrats and democrats. In contrast, a sovereign assembly is limited to a fixed group of advisors, who may not have the necessary expertise to address complex issues. Large assemblies are incapable of maintaining secrecy, which could lead to ill-considered decisions on the part of the sovereign.

A monarch's decisions are considered to be more consistent as well as efficient because he is of one mind. A monarch's decisions are more consistent than those of a sovereign assembly, as they are not subject to the influence of multiple and conflicting opinions. The decisions of a sovereign assembly are less stable than those of a monarch, as they can be easily overturned by the absence of key members or the presence of dissenting opinions.

Finally, civil conflict is less possible in a monarchy because the king cannot disagree with himself. The internal divisions and self-serving motives of assembly members can lead to instability and civil war. He is fearful that in an aristocracy or democracy, there can be factionalism leading to power struggles between different groups.

For Hobbes, there is no perfect form of government, and problems can arise in any form of government. He argued that both monarchies and assemblies are susceptible to corruption and abuse of power. While a monarch may be influenced by a single favorite, an assembly may be influenced by a group of self-serving individuals. This can lead to increased corruption and instability. On the other hand, one issue that can arise with monarchy is the succession of an infant ruler. However, this issue is not limited to monarchies and can occur in any form of government where control is transferred. The monarch has the right to designate their successor, and people are obligated to accept this decision. The question of succession can be

determined through the monarch's explicit will or through signs such as the monarch's behavior and public statements.

However, in the absence of an explicit declaration, customary practices determine the succession. This means that if a particular family member has traditionally inherited the throne, that tradition would continue unless the monarch explicitly designates a different successor. A monarch may also appoint a foreign successor, which can lead to some challenges. However, these challenges could be dealt with through policies of integration. He points to the Roman empire and the attempted union of England and Scotland as examples of successful integration policies. Sovereign assemblies could face similar challenges, particularly during times of crisis, when they may need to appoint a protector in order to maintain law and order in the situation.

Carl Schmitt's theory of sovereignty

Carl Schmitt was a significant thinker who criticized the fundamental ideas and institutional structures that characterize liberal democracy. He inspired thinkers like Leo Strauss, Hans Morgenthau, Walter Benjamin, Herbert Marcuse, Habermas, Franz Neuman, Karl Mannheim, Otto Kirchheimer. He was born in 1888. He pursued his legal studies in the city of Berlin. He completed his studies from the University of Strasburg in 1910. He served in Munich while working in the General Staff's state of war division.

He criticized the modern, liberal parliamentary state. He favored decisionism over legal positivism. His work encompassed a comprehensive examination of fundamental problems in political theory, including the nature of sovereignty, constitutionalism, the purpose and limitations of political power, and the justification of state authority. He made the case for the Reich President's broad use of emergency powers in accordance with Weimar Constitution Article 48. Hobbes's thought exerted a significant influence on his ideas. His lectures on Leviathan were subsequently published in book form in the year 1938. He saw parallel between his own times and Hobbes: both confronted political instability and threat of civil war, both pointed state as the ordering principle, both were concerned for public order at the expense of individual freedom, for both stability of the state was more important than individuals and social interests, and both saw problem originating due to the absence of a strong single authority.

The early writings of Carl Schmitt focused on the legal problems faced by the Weimar Constitution. This is because during the 1920's Germany was going through a lot of crisis situations. It was within this specific historical and political context that Schmitt published his seminal work on the nature of dictatorship, *Die Diktatur*, in 1921. Examining Bodin's differentiation between sovereignty and dictatorship served as the foundation for his investigation into the essence of dictatorship. Bodin argues that sovereignty is absolute power held either by the people or a prince. In contrast to a prince or a sovereign magistrate, a dictator is an individual who holds a commission from the sovereign with the specific mandate to accomplish tasks such as waging the war. Therefore, powers vested in a dictator are neither absolute nor of perpetual duration. Bodin called the dictator as *Aktions Kommissar*.

Schmitt was also influenced by the ideas of Mably and Sieyes as their ideas also traced the idea of sovereign dictatorship. In 1756, Mably argued that the representatives of the people should exercise all governmental powers themselves during a revolution. On the other hand, Sieyes writings on the Third Estate contain references to the sovereign dictatorship. He considered the National Convention as an extraordinary organ. However, he did not specifically give the National Convention the authority to revoke the Constitution. According to Schmitt, the aim of a sovereign dictatorship is "to create a condition whereby a constitution which it considers to be a true constitution will become possible (Schwab, 1989)."

The Meaning of Sovereignty

According to Schmitt, sovereign is "he who decides on the exception and he stands outside the normally valid legal system but belongs to it because it is he who decides whether the constitution should be suspended in its entirety or not" (Schwab, 1989). He argued that a sovereign has to make decisions during an exception. He defined state of exception as any economic or political disturbance requiring extraordinary measures. He argued that a constitutional order is essential for providing guidance on how to handle exceptions during crises. It is the constitution that can provide the information such as who can act in the case of an exception. Schmitt stated that the sovereign, not the commissarial dictator, is the only one with the power to determine and establish a state of exception.

Bodin and Hobbes influenced Schmitt's ideas on sovereignty. Bodin tried to answer this question: how much power do the estates hold over the sovereign? He believed sovereignty in a republic is absolute and

perpetual. The prince's obligations to the estates don't apply in times of urgent necessity. On the other hand, in Hobbes's point of view, a sovereign is he who has authority to make the laws. According to him, a sovereign who is powerless to defend has no right to force compliance (Schwab, 1989).

Schmitt criticized the idea of normativism. He also questioned Laski's pluralism, which placed a strong emphasis on separating politics from jurisprudence and on the organic view of the state, which held that the state was on level with all other organizations. Schmitt rejected the idea of equating state with other associations because according to him, state is unique and cannot be reduced to the level of other associations. Rather than being unduly influenced by sectional interests, Schmitt saw the state as a domain of objective reason that could discriminate between friends and enemies and act in the best interests of the country as a whole. He believed that political life revolves around the experience of collective unity, which can only be achieved by recognizing and maintaining the friend-enemy distinction. Identifying the "other" creates a sense of common loyalty and solidarity among the people.

He was of the opinion that only strong states could have liberal democracies where the opposition parties would also be allowed. On the other hand, weak states should be authoritarian so that they can distinguish friend from enemy and this way domestic order can also be assured. He believed that the sovereign's authority should supersede that of political parties and parliament to ensure societal welfare.

He attacked Laski's pluralism thesis, arguing that by permitting people to have several allegiances, Laski sought to undermine the state's standing as the supreme political body. However, Schmitt opposed to this since it disregarded the state's sovereign status. Therefore, it can be seen that Schmitt's criticism against normativism, and pluralism led to the emergence of a monistic view of the state where the state is given primary importance, and all other entities require a sovereign which is very similar to Bodin's idea of sovereign power. However, a fundamental difference between the ideas of Bodin and Schmitt lies in the fact that Schmitt does not advance arguments based on dynastic considerations. Schmitt also introduced the concept of the myth to argue for the importance of a powerful German state. According to this concept, the state had a stronger mythical attraction to people than international movements. This concept was influenced by Georges Sorel. Hence, Schmitt considered state to be a political unit who is superior to all other organizations or associations. An all-powerful sovereign leads his qualitative entire state, with the

main goal being to uphold peace and security. The citizens of such a state finds their identity within a specific, concrete order.

Schmitt observed in the 19th century that democracy was defined in opposition to monarchy where the monarch's sovereignty would be replaced by that of the people. He was against democracy fearing that it would limit the sovereign's decision-making power. He identified two characteristics of democracy: identity and homogeneity. According to him, democracy is the idea that the people should govern themselves and that the ruler's decisions represent the people's will. However, the principle of democracy allows for different interpretations where it becomes difficult sometimes to identify the ruling will with the will of the people. He challenged the idea that majority rule would always represent the true will of the people. However, his attempt to separate democracy from specific methods of forming the will could not explain why democratic traditions emphasize certain democratic institutions such as elections (Sorell, 2013).

He maintained that the identity between the ruler and the ruled, where the will of the people and the law of the state are one, is what makes democracy fundamental. On the other hand, the idea of homogeneity is true in democracy where any kind of heterogeneous elements would be removed.

Schmitt pointed out that in democracy not every law can be put for public discussion. For e.g., the Weimar constitution limited popular lawmaking procedure such as Article 73, section 4, did not allow items like budget, tax laws, and public officer salary laws from popular decision-making.

Schmitt criticized the parliamentary system in the 1920's. In order to analyze the parliamentary situation in Weimar, Schmitt analyzed Guizot's three characteristics of parliamentarianism: discussion, public parliamentary debate, and freedom of the press. He argued that because these three aspects of parliamentarianism were no longer present, the parliamentary system lost its significance under the Weimar Republic. The evolving nature of political parties is the cause of these absent attributes. He criticized the parliamentary system for decision-making behind closed doors, by small committees, leading to public discussion being disregarded. This is because political parties focused more on power and compromise rather than public debate. He also criticized the totalitarian nature of some political parties such as

Weltanschauung parties which focused more on controlling people's lives. He argued that such parties divided the people and challenged the state's monopoly in identifying friends and enemies (Schwab, 1989).

He questioned the effectiveness of the Weimar parliament by pointing out concerns about party cohesion and lack of transparency in decision-making. He also raised issues about the legal framework and constitutionality of the parliamentary system.

Schmitt was in favor of a commissarial dictatorship in order to ensure peace immediately. However, in order to ensure order, peace and unity, Schmitt favored a strong sovereign dictatorial for long-term continuity. He believed that the Weimar constitution allowed for the sovereignty of the president within its framework. Schmitt saw the president to be a true defender of the state during times of crisis. He questioned who could defend the constitution better, between the judiciary or the president, whenever there is a threat to the state. He believed that the judiciary could not protect the state in a better manner during the state of emergency, even when it is able to review laws for constitutionality. This is because the judiciary operates based on norms which get suspended during such times. Therefore, the judiciary plays a very limited role in protecting the state during times of crises. Under such circumstances, Schmitt saw the president to be a natural defender of the state and constitution, who would mediate and conserve the state during an emergency, with certain independent prerogatives but still bound by ministerial countersignature.

Hobbes, Schmitt, and the question of emergency powers in liberal democracy: -

The parallels and differences between Hobbes and Schmitt's ideas about sovereignty can be examined. Hobbes's views on emergency powers can be contrasted with Schmitt's. Hobbes is far from being the personalist, decisionist or existentialist in his approach. Both Hobbes and Schmitt emphasize the necessity of a sovereign during the time of war or emergency. Hobbes wrote at the time of civil war in England. Behemoth is his work which discusses the history of that war. Hobbes argues that the sovereign has unlimited powers and once established, citizens need to obey the sovereign in all that he commands. He considers the sovereign as the sole judge of what is required for peace. However, not everything the sovereign decides will be right, but subjects cannot accuse the sovereign of injustice if those decisions have negative consequences.

On the other hand, Schmitt argues that an unconstrained sovereign is best equipped to deal with emergencies. The sovereign's decision regarding the existence of an emergency and the necessary actions to address it is certain. Schmitt criticizes Kelsen's jurisprudence in *Political Theology*. Kelsen argues that sovereignty should be defined objectively, without personal elements involved in it. However, Schmitt argues that the personal element cannot be separated from the legal because during an exceptional situation it is the sovereign who decides what must be done.

Hobbes and Schmitt diverged in their understanding of the role of miracles in politics. Hobbes criticized the political and intellectual authority of religion as such authority lacked a rational foundation. During that time, miracles used to legitimize power. To this, Hobbes argued that individuals are free to believe in miracles privately, but they should obey the sovereign's interpretation of faith. The sovereign can only punish those who oppose their interpretation, as they are the sole authority on divine matters. Therefore, Hobbes did not view the natural world as mysterious.

He believed that only reason and observation could reveal the truth. This rationalist approach contradicts the logic of decisionist absolutism. However, Schmitt argued that only reason and observation are not sufficient. He emphasized the importance of religious symbols and the fear of divine power in maintaining political control. He argued that the Leviathan's true strength lay in its mysterious and terrifying nature and by making the world knowable through individual reason, Hobbes undermined the sovereign's authority (Lazar, 2009).

Hobbes also separated politics and religion, as well as public and private reasons. Schmitt criticized this distinction, arguing that it weakens the sovereign's authority. He argued that religion and politics are inseparable, with sovereignty acting as the bridge between the two and a true sovereign would transcend such rational limitations. This tension between rationalism and irrationalism, between individual autonomy and sovereign authority highlighted the fundamental differences between the two thinkers.

Tension between order and justice can be seen in any given regime. This is because order requires more restrictions while justice focuses more on rights. This tension comes to our notice during the time of emergency. Emergency illuminates epistemological elements of liberalism. Understanding the origin of current theoretical presumptions regarding emergency powers as well as current political and institutional

realities can be assisted by looking at the issue of emergency in the history of political philosophy (Lazar, 2009).

Schmitt's criticism of liberal democracy originated from his conviction that it lacked the resolve and will be required to face existential challenges (Kalyvas, 1999). He argued that the pluralistic nature of liberal democracies made them vulnerable to internal divisions and external aggression. Liberal democracy is open to destructive forces and has a weak power structure. It insists on constant adherence to liberal norms even in exceptional circumstances, without acknowledging the need for an order guarantor. According to Schmitt, liberal-democratic regime is defenseless against groups that aim to exploit neutrality and destroy the system and this way also pose a fundamental threat to the state. Such kind of regime is also incapable in dealing with enmity and exceptions. According to Schmitt, emergencies do not have fixed metaphysical reality as they cannot be defined by some specific characteristics, which also makes them unpredictable. Therefore, emergencies cannot be determined or governed by laws or norms. They are determined through decisions rather than following a set criterion. It is not about applying rules but more about making right choices. He argued that in extreme circumstances, norms and ethical principles can be suspended by the sovereign's decisions. This is because all laws and norms are situational, and they only apply to normal situations (Ferejohn & Pasquino, 2004).

Another problem with liberal democracy is that it puts too much focus on norms and rule of law, which is contrary to what is necessary to deal with enmity or exceptional cases. For him, jurisdictional competence must be unlimited, which contradicts the liberal constitutional principles. Schmitt writes "The precondition as well as the content of jurisdictional competence in such a case i.e. a state of exception must necessarily be unlimited. From a liberal constitutional point of view, there would be no jurisdictional competence at all" (Schmitt & Schlegel, 1988).

"Unlimited authority, which means the suspension of the existing order" is a quality that should define government in dangerous situations (Schmitt & Schlegel, 1988, p. 6-12). A sovereign dictator must not be too much guided by ethics in political matters, as decisions should be autonomous and free from norms when the state faces any threat. For him, political matters "can neither be decided by a previously determined general norm nor by the judgement of a disinterested and therefore neutral third party" (Schmitt & Schlegel, 1988, p.27).

He says “all this has no normative meaning, but an existential meaning only. There exists no rational purpose, no norm no matter how true, no program no matter how exemplary, no social ideal no matter how beautiful, no legitimacy nor legality which could justify men in killing each other. If such physical destruction of human life is not motivated by an existential threat to one’s own way of life, then it cannot be justified” (Schmitt & Schlegel, 1988, p. 49).

However, according to Hobbes, human political interaction is inherently characterized by emergencies. Emergency can be seen as a sudden possibility, and therefore the sovereign needs to prepare himself for this. He should also be prepared due to potential emergencies and human nature.

Without a governing authority, individuals will constantly be seen in a state of war with each other. He writes “it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called War; and such a War; as is of every man, against every man” (Hobbes, p. 96). Hobbes said that in order to have more security and protection for themselves, people decide to cede their natural rights to a sovereign power after realizing the dangers of the natural state. He wrote “to this end, they confer all their power and strength in one Man, or upon one assembly of men, they may reduce all their wills, by plurality of voices, unto one will and everyone to own and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety and therein to submit their wills, everyone to his will, and their judgements to his judgement” (Hobbes, 1996, p. 131).

Hobbes gives three reasons for sovereignty to be absolute and unquestionable and which is not possible in liberal democracy. Firstly, if we cede our power to the sovereign during the contract, we take responsibility for the sovereign’s actions and are unable to criticize those that we have taken. Secondly, one cannot appeal directly to the divine law to justify civil disobedience as this would require a religious authority to interpret and enforce divine will. In the absence of such an authority, individuals are bound by the laws of the sovereign. Thirdly, the social contract is a covenant between individuals and not between the individuals and the sovereign (Lazar, 2009). The sovereign, as the product of this contract, is not bound by its terms and cannot be held accountable for violating the contract. The sovereign is

“to be judge both of the means of peace and defense and also to do whatsoever he shall think necessary to be done for the preserving of peace and security, by prevention of discord at home, and hostility from abroad, and, when peace and security are lost, for the recovery of the same” (Hobbes, 1996)

Therefore, for Hobbes, sovereign is a decisive figure who need not provide justification for his actions and decisions based on any normative framework or specific principles.

Conclusion

In sum, there are emergencies where politics, morality, and the law converge, and neglecting any of these components results in an unbalanced view. This is due to the fact that we cannot be safe by the rule of law alone; however, it is the commitment to liberal democratic values that has helped nations to survive through periods of emergency. A recurrent subject throughout political theory's history is the idea of emergency power (Lazar, 2009). Thinkers such as Plato, Aristotle, Hobbes, Locke, Rousseau, and Schmitt have explored the nature and justification of such powers, often in the context of political crisis and instability. The contemporary political theory continues to preoccupy itself with the challenges of the emergency powers. Hobbes and Schmitt provided their ideas on the importance of the sovereign during the time of emergency. While Hobbes emphasized more on the need for a strong, absolute sovereign to maintain order and security, Carl Schmitt focused on the decision-making power of the sovereign during an emergency and the importance of decisive action when the state faces an existential threat. However, both the thinkers question the sufficiency of liberal democratic values in addressing emergency challenges.

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