In this interesting edited work, six essays originally published by Carl Schmitt between 1925 and 1954 appear, translated into Italian and united by a common feature: the contribution to the understanding of state-formation in Europe. The carefully edited essays, chronologically arranged – among which *Die Formung des französischen Geistes durch den Legisten* (1942) stands out, giving this collection its title – are here published for the first time in Italian with a useful apparatus of critical notes, and introduced by a brief preface by the editor.

In addition to *Die Formung*, two other essays chosen by the editor form the main thread that underlies the whole book: *Das “Allgemeine Deutsche Staatsrecht” als Beispiel rechtswissenschaftlicher Systembildung* (1940), and *Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff* (1941). These three writings date back to the early 1940s, a period of his long-lasting intellectual production that Schmitt himself defined as “*decipere tyrannum*” (p. 5). In fact, according to the editor, a new phase had begun in Schmitt’s reflection following his “dismissal of career ambitions within the National Socialist regime” (ibid.) marked by the publication of his essay *Der Leviathan in der Staatslehre des Thomas Hobbes* (not included in this book) in 1938.

Many of the ideas developed by Schmitt before 1938 were afterwards repudiated by himself, as in the case of the complete reversal of perspective on the relationship between Roman law and German law, a *revirement* that in reality was nothing but a return to Schmitt’s origi-
inally favourable attitude towards Roman law. This element gives birth to an original and fruitful interpretation of Schmitt’s thought in the early 1940s, which in turn highlights both the points of contact and the differences between the evolution of the law and of the state in Germany and elsewhere in Europe, especially in France.

The NSDAP’s propaganda depicted Roman law as connected to the individualistic-bourgeois order; in doing so, the regime was aiming to reform law in Germany in a genuinely völkisch sense. After 1933, Schmitt pretended to welcome such a nationalist-radical intent, based on the widespread criticism of Roman law among the Nazis. In his post-1933 essays, Schmitt widened his criticism of Roman law from its reception in fifteenth-century Germany up to the reception of the legal concepts of the liberal state coming from other European countries. The change in Schmitt’s attitude towards Roman law clearly emerges from his 1940 essay on German public law. The reception, once criticized, was now seen in a favourable light and recognized by Schmitt as the main principle underpinning “the whole performance of the German legal science” from the eighteenth century onwards; “legal concepts and rules” were thus imported “into a scientific system, thus creating a German common law” (p. 37). Looking back at the past, Schmitt thereby recognized the historical presence of the Juristenrecht, a German law made by a Rechtsstand, which accepted legal concepts from abroad, making them their own.

The central role of the jurists in state-formation, though this time in France, is the object of the subsequent translated essay Die Formung des französischen Geistes durch den Legisten. What is striking in this text is the analogy, indicated by the title, with the interpretation of the French history expounded thirty years later by Denis Richet in his book La France moderne: l’esprit des institutions. The French légistes, according to Schmitt, were the “shapers of the state and of the esprit itself,” who assumed “the ideas of unity and legality of the state” to be a “paradigm” which rescued France from the confessional clash between Catholics and Protestants, as the editor notes (p. 11). The idea of unity of the state is also connected to the essay originally entitled Raum und Rom – Zur Phonetik des Wortes Raum, in which Schmitt deals with this “primeval” word representing “an area created from a wild region for human existence and made cultivable”; significantly, he assumes that “Raum and Rome are the same word” (p. 119).

Schmitt further reasserted the idea of unity of the state in his 1941 conference on the Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff, arising out of a “spatial revolution”, introduced in the sixteenth century by the philosophical and scientific discoveries made by Giordano Bruno and Galileo Galilei (p. 109). In this work too, Schmitt highlights the juridico-political innovations that took place in the early modern French context leading to the birth of “the concepts of State and sovereignty” (p. 103), the latter identified by Jean Bodin with the legislative power (p. 88). The idea of unity of the state, described by Schmitt as “spatially closed, delimited with mathematical precision towards the other states, centralized and rationalized” (p. 107), becoming “mesure,” one of the concepts that make up “the specificity of the French mind” (p. 63), shows the mark of the legists’ hegemony “not only on the political history of France, but also on the esprit’s formation itself” (p. 14).

Schmitt’s interpretative line, brought to light by Carlo Pontorieri’s intelligent selection of writings, progressively made evident in the three above-mentioned essays, opens the way for a deeper understanding of the legal and politico-institutional development of modern France and Germany. Such powerful insight is worth noting as a key to understanding the phenomenon of statehood in Europe, thereby making the whole book a very welcome contribution. The difference between the evolution of the state in France and Germany is par-
ticularly evident in the opposite attitude of the jurists towards the law. Schmitt noted the difference between the juristenrecht, arising from the lack of unity of the German nation, and the French loi, at the same time pointing out to the conceptuality of the modern German jurisprudence (from the nineteenth century onwards), which was a reception of French legal concepts, thereby tracing a parallel with the reception of Roman law in 1495. French jurists were legists. Their authority was ultimately deriving from the “législateur, a legislator different from themselves […] whose sovereignty lay above all in the supreme decision and the legislative power” (p. 73). Legists then unsurprisingly served the French monarchy in the titanic enterprise of building the État, whose foundation firmly rested on the principle of legality.

Unlike their French counterparts, German jurists devoted themselves to the building of a rather doctrinal juristenrecht, which resulted from the enduring lack of a unitary, centralized legislative power.

Slightly distant from the main thread formed by the above-mentioned writings is the essay on Illyria – written by Schmitt in the mid-1920s after a summer trip to Dalmatia with his second wife Duška Todorović –, meant to offer an insightful comparison between the political history of Germany and this territory, which existed as an autonomous state only during the short-lived experience of the Kingdom of Illyria established by Napoleon in 1809 and five years later absorbed into the Austrian empire.

The essay that closes this collection, Welt großartiger Spannung, appeared in a German travel magazine that in 1954 dedicated a number to Sauerland, where Schmitt’s hometown Plettenberg is located. Writing of his homeland, he points out to the tension between “land and sea,” one of the themes dear to him, though at the same time in this story he speaks of himself.

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