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Book Review

Theoria Generalis: Das Wesen des Politischen

Ulrich Hintze
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Ulrich Hintze, an unassuming German dentist who belongs to multiple learned societies, has produced a massive work intended to provide what its author describes as a "general political theory." This theory, however, may be less noteworthy than the journey through which Hintze escorts us, which is a *Wanderreise* through the thought-provoking work of other thinkers. Hintze's theory is based on several reasonable assumptions about valid political authority, e.g., that political responsibility requires the freedom of the individual. Moreover, freedom presupposes the existence of order that is necessary to protect its practice, and order is dependent on the sense of responsibility among the citizenry.

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According to Hintze, the operation of these principles ensures a "constructive" politics, one that unleashes the vitality of those who are subject to its order. The opposite of this desirable state is a "destructive" politics, one in which the government is predatory on the work of its subjects and acts in a generally arbitrary fashion.

Hintze develops his arguments primarily through the work of three German-language thinkers, the interwar socialist Hermann Heller, the father of Germany's "new existentialism" Hermann Schmitz, and the social economist Ludwig von Mises. His examinations of the thought of Schmitz and Heller were for me instructive excurses, and this was particularly true of Hintze's efforts to extract a liberal nationalist core from Heller's "moderate" social democratic views. In the case of Schmitz, he is uncovering unexplored ground for most American readers (even for a German intellectual historian like myself). Although a widely read thinker in Germany, Schmitz's meditations are not an easily acquired taste on this side of the Atlantic. His strenuous attempts to ground his variation of Heidegger's *Existenzphilosophie* in natural science and more specifically in the physical body may be the most inaccessible topic in Hintze's work.

What for me is the most interesting aspect of that study is its extensive use of Mises to create a *Staatslehre* (theory of the state). In the process Hintze takes aim at the anarcho-capitalists who draw on Mises's writings to invalidate any involuntary political association. He seems especially bothered by the view taken in the writings of Murray Rothbard and Hans-Hermann Hoppe, that order and a general legal structure can be maintained in the absence of a state. Hintze quotes against this position the view of the *Rechtsstaat* (the state under law) which Mises presents in *Im Namen des Staates oder die Gefahren des Kollektivismus*, a work that the economist produced in Geneva in 1938–39, after his flight from Nazi Germany. Although that work was first published in a very limited edition in Switzerland, it did not become widely available until it was republished in 1978. It is discussed in, among other places, Guido Hülsmann's comprehensive English-language biography of Mises, which Hintze cites to good effect. Hintze notes that although Mises's book is best remembered as a warning against lawless government and as a very pointed polemic against Nazi tyranny, Mises carefully contrasts this despotism with what he considers a lawful regime. It is one that

protects property and accepts limits on its own authority. Hintze argues from these passages that Mises never rejected political authority altogether but seems to have advocated something of the kind that I describe in *After Liberalism* as "the bourgeois liberal model of the nineteenth century."

Where Mises failed in his political thinking, according to Hintze, was in believing that democracy and the modern party state can be counted on to preserve liberal freedoms. Hintze is at his best in showing why this is not the case. Contrary to what Mises hoped, modern "liberal democracies" have created "destructive" governments, which treat income and property as political spoil, attack historic liberties through parasitic, uncontrolled public administration, and think nothing of launching wars. Although I'm not sure that Hintze's suggested remedies (a return to local governments with restricted citizenship) is any longer feasible, he is dead on in his political criticisms. He is also perceptive in pointing out the inherent contradiction of modern democracy, which treats equality as a fetish and creates a vast bureaucracy with vast power to ensure its implementation. Apparently increasing disparities in power is necessary in order to make people more equal.

Where Hintze is also at his strongest is in examining the political implications of Mises's understanding of social-economic problems. Mises's insistence on subjectivism in understanding economic choices and his stress on the complexities of market transactions have political lessons to teach. In extending this line of thought, Hintze also draws on Schmitz's notion of "*Meinhaftigkeit*," the self-discovery of the individual through the recognition of what is his. He points out the conceptual overlap between this idea and Mises's focus on the subjective basis of economic and moral situational decisions. Hintze defends subjectivism in the context of exploring the right and ability of the state to impose purposes and preferences for individual lives. Throughout the book he comes back to what he thinks are the sensible, justified limits as to what the state should be doing for us. Its function is to protect, not to replace individual choices with its grand plans.

Two small quibbles: Hintze's discussion of Mises's ideas about individual actors pursuing rationally their subjective purposes recalls Max Weber and his treatment of *Zweckrationalität*. Although Hintze offers a vast panorama of German social and political

thought, he should have furnished some discussion of Weber, a German intellectual titan whom Mises undoubtedly read. It seems that Mises not only studied Weber but in *Epistemological Problems of Economics* (as I learned from Dr. David Gordon) he set out to differentiate his subjectivism from Weber's purposive rationality. *Pace* Hintze's treatment of Carl Schmitt, I'm not sure that Schmitt's *The Concept of the Political* demonstrates "destructive politics," if that is what Hintze is suggesting (which is not quite clear in the pages devoted to Schmitt). In this interwar classic, Schmitt is not urging, as Hintze at least suggests, "that we name, combat and defeat our enemy and build friendships with that in mind" as everyday political practice. He is proposing a "criterion of the Political," just as there are criteria for other "relatively independent areas of human activity, such as the moral, aesthetic and economic." Just as in these other areas, we are led to draw necessary distinctions, for example between the beautiful and the ugly, in the political realm we distinguish between friends and enemies. Although Schmitt views the "Political," properly understood as the most intense human antagonism, he is depicting an existential state, not necessarily a directive for supervising the building of roads or enforcing commercial contracts. Schmitt was certainly no liberal (in the true nineteenth-century sense), but in *The Concept of the Political* he is not calling for the war of all against all. To Hintze's credit, he never explicitly states this.

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