

The political philosophical implications of the “state of exception”: a review of Chinese studies on Schmitt’s “state of exception” since the 21st century

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Abstract. Since the “Schmitt fever” at the beginning of the 21st century, Chinese domestic attention has been paid to the scholar Schmitt, representing the rise and development of Schmitt’s studies in China. For Schmitt himself, the concept of the “state of exception” occupies an important position in his political theory, and it can even be said to constitute an ontological concept. This article sorts out Schmitt’s concept of the “state of exception” and divides the domestic research progress into three types, including general research on Schmitt’s concept of the “state of exception”, theoretical application based on the concept of the “state of exception”, and comparative studies of Schmitt’s concept of the “state of exception” with similar concepts of other scholars. In addition, this article summarizes and explains the research situation and existing problems at the end.

Keywords: Karl Schmitt, state of exception, political philosophy

1. Introduction

At the beginning of the 21st century, an eye-catching academic phenomenon known as the “Schmitt fever” emerged in China. Karl Schmitt (1888–1985, also transliterated as “Schmidt” in Chinese), became a focal point of scholarly reading across disciplines such as jurisprudence, philosophy of law, political philosophy, and beyond. The domestic surge of interest in Schmitt can be regarded as a corollary of the international “Schmitt revival” [1], which gained momentum under the influence of conservative movements in Europe and the United States in the 21st century, establishing Schmitt as an indispensable intellectual resource. While Schmitt was only a well-known thinker within academic circles during his lifetime, his ideas were rediscovered posthumously and came to serve as a foundational source for neo-conservatism, sparking intense debates among a variety of intellectual schools. On one hand, thinkers such as Derrida, representing deconstructionism, and Agamben, from the Western Marxist Left, directly confronted Schmitt’s thought. On the other hand, in response to real-world challenges—such as the crisis of Western democratic politics and the events of 9/11—Schmitt’s theoretical insights began to demonstrate remarkable foresight and explanatory power, leading to a widespread international “Schmitt revival.” In the Chinese academic context, the attention to Schmitt corresponded with the deepening phase of the Reform and Opening-up era. Issues such as political system reform, the modernization of national governance, and the challenges of globalization generated theoretical demands that facilitated the introduction of Schmitt as a key figure in contemporary political philosophy. His ideas have since become one of the intellectual resources for critically reflecting on issues of domestic relevance.

Schmitt’s thought is structured around three core concepts: decisionism, the theory of the state of exception (*Ausnahmezustand*, which some Chinese scholars translate as “state of emergency”), and the theory of *Großraum* (large spaces). However, there remains scholarly controversy regarding the overall orientation of his thought. Scholars such as Meier have classified him as a political theologian, while the Chinese academic community has exhibited divergent interpretations—some emphasizing the political dimension of his work, others focusing on its jurisprudential aspects. Regardless of perspective, the concept of the state of exception holds a foundational position within Schmitt’s theoretical system. It functions as a central nexus linking various dimensions of his theory (e.g., sovereign decision and the suspension of legal order) and serves as a critical gateway to understanding the essence of his political thought—such as the friend–enemy distinction and his fundamentally anti-liberal orientation. As such, the state of exception constitutes a theoretical bridge that is indispensable for any serious engagement with Schmitt’s work.

Overall, in Schmitt's view, the state of exception refers to "an extreme emergency situation that threatens the survival of the state, or circumstances of a similar nature." [2] The most extreme form of such a state is, according to him, war itself: "For only in real war do the most extreme consequences of the political distinction between friend and enemy become manifest. Humanity develops specific political tensions from this most extreme possibility" [3]. Although human activities may be categorized into various spheres—religious, cultural, legal, and so on—"the political distinction always stands above all others" [4]. Consequently, the state of exception inevitably permeates all aspects of human existence. Within the scope of human life, norms apply only to normal conditions and not to exceptional situations, because "there simply does not exist a norm that is applicable to chaos" [5]. As is evident from Schmitt's own definitions, the conceptual richness of the state of exception provides ample room for interpretation. Whether it be critiques of liberal pluralism, challenges to legal normativism, or reflections on dictatorship and autocracy, this concept offers a powerful resource for theoretical exposition. In this sense, reviewing the current Chinese understandings and interpretations of the state of exception is not only essential for grasping the core tenets of Schmitt's political thought but also serves to illuminate the present landscape and limitations of Schmitt scholarship in China.

Therefore, this paper first clarifies the essential connotations of Schmitt's concept of the state of exception. It then proceeds to categorize and summarize the current domestic research and discourse on Schmitt. Drawing on the existing Chinese scholarship concerning Schmitt's concept of the state of exception, the relevant literature can be classified into three types: first, general studies on Schmitt's concept of the state of exception; second, theoretical applications employing the concept of the state of exception; and third, comparative analyses that juxtapose Schmitt's concept with similar concepts proposed by other scholars. Finally, this paper summarizes the progress made in domestic research on Schmitt's concept of the state of exception, while also identifying existing research problems and gaps.

2. Interpretation of Schmitt's concept of the state of exception

The concept of the state of exception occupies a central position within the overall framework of Schmitt's thought. It is explicated and manifested in his representative works from the early to middle periods, such as *Political Theology*, *The Concept of the Political*, and *The Guardian of the Constitution*. In his later work, *Theory of the Partisan: A Commentary on the Concept of the Political*, this concept is, to some extent, concretized in its application to historical and practical analysis. Therefore, exploring the connotations of the state of exception, clarifying its position within Schmitt's theoretical system, and elucidating its connections with other elements of his thought are of significant importance. From the perspective of Schmitt's overall intellectual structure, the concept of the state of exception can be examined from three aspects: first, the issue of sovereignty and constitutional questions under the state of exception within the domestic context; second, international legal issues derived from the state of exception at the international level; and finally, the problem of partisanship under the state of exception.

2.1. Sovereign and constitutional issues under the state of exception in the domestic context

Schmitt addresses the problem of the vacuum of order under domestic crises (such as civil war and constitutional failure) through the concept of the state of exception. When fundamental legal norms become ineffective, Kelsenian liberal jurisprudence—which recognizes only codified law and constitutional norms while excluding the state of exception—proves incapable of responding to such crises. Schmitt proposes that "the sovereign is the one who decides on the exception," revealing the normative limitations of liberal jurisprudence (represented by Neo-Kantianism). He emphasizes that sovereign decision-making constitutes the only path to the restoration of order, essentially involving political authority overriding legal procedures, thereby fundamentally critiquing the liberal idea of the "self-sufficiency of the legal order." [6] In the reality of the Weimar Republic, this manifests in opposition to the liberal belief that parliament and courts serve as guardians of the constitution; rather, the true safeguard against constitutional collapse is the Weimar president, who is granted emergency powers by the constitution.

Based on the practical experience of the Weimar Constitution, Schmitt devoted considerable attention to the issues of constitutional destruction and protection in his work *The Guardian of the Constitution* between 1929 and 1931. "My severity and doubt fall upon a state whose foundation is not yet solid; I must stand up and fight" [7], expressed Schmitt's sense of historical responsibility amid the economic crisis and the exceptional state in which pluralism threatened constitutional governance in Germany. Schmitt rejected the possibility of courts and parliament serving as guardians of the constitution: the Weimar Imperial Court possessed only "subsidiary jurisdiction over individual cases," with judicial power limited by its retrospective nature, disputes over procedural details, and the confusion of responsibilities caused by jurisdictional overreach, rendering it incapable of handling emergency decisions. Meanwhile, parliament, due to the erosion of social boundaries, became a battlefield of pluralism, where political parties either fractured into paralysis or abused legal mechanisms to suppress opponents, thereby losing neutrality. Schmitt thereby criticized the "illusion of neutrality" in liberal constitutionalism and laid the foundation for the sovereign's monopoly over exceptional decision-making power [8]. It is evident that parliament was also unable to safeguard the constitution under the state of exception. After denying the feasibility of these two institutions to make real-time exceptional

decisions in that context, Schmitt also clarified the reason why the Weimar president was able to undertake such heavy responsibilities at the time.

Drawing on Constant's theory of "neutral power," Schmitt advocated that the Weimar president serve as a neutral arbitrator in states of emergency: under normal circumstances, the president would exercise mediation powers with restraint, intervening only during emergencies and subject to checks and balances by other branches; a seven-year term ensured independence from parliamentary politics. The authority granted during the state of exception was deeply embedded in the economic and fiscal logic shaped by the development of capitalism, responding to the structural demands of capital for the "normalization of the exception" [9]. Under crises such as economic downturns, the president could thus act to resolve turmoil arising in states of exception.

2.2. International law issues arising from the state of exception from an international perspective

Schmitt extended Hobbes's theory of the "state of nature" from domestic politics to the international political arena: while Hobbes focused on the domestic state of nature (individual antagonism), Schmitt, as the "Hobbes of the 20th century," concentrated on the international state of nature—that is, the perpetual possibility of war among groups such as states and nations. He argued that the essence of politics lies in the distinction between friend and enemy, and that war, as the extreme form of politics, is always latent in international relations. Consequently, the world exists in a continuous "state of exception"—a field of power struggle characterized by the absence of normative order. Through this framework, Schmitt deconstructed the illusion of a "peace order" among sovereign states and revealed the underlying logic of international politics rooted in the antagonistic state of nature.

From this perspective, the notion of "perpetual peace" and the practice of inter-state organizational unions such as the United Nations lose their universality. An earlier example, the League of Nations established after World War I to maintain world peace, not only failed to eliminate the possibility of war but actually exacerbated the likelihood of new conflicts. The problem lay in the organization's complete "depoliticization, especially the consequent disappearance of the state" [10]. However, this organization was fundamentally based on states; superficially, it appeared international, but in reality, it was an organization of states. The so-called League of Nations, under the banner of universality, essentially functioned as an imperialist ideological instrument whereby certain states or state coalitions opposed or controlled other states.

Therefore, revisiting the realities of international politics through the concept of the "state of exception" holds significant importance. This also represents Schmitt's further inheritance and development of Hobbes's thought. It is only under this conceptual framework that the often idealistic specters within international relations can be dispelled. As Hobbes stated, "In all ages, kings and supreme sovereigns, owing to their independent status, have always been mutually suspicious and maintained a stance and posture of swordsmanship. Their weapons are pointed at one another, their gazes fixed upon each other; that is to say, they build fortifications along their borders, dispatch border guards, and position artillery; they also continually send spies into neighboring countries to gather intelligence, and this is the posture of war." [11]

2.3. The issue of guerrilla warfare under the state of exception

Since the emergence of modern guerrilla warfare with the Spanish guerrilla campaigns beginning in 1818, this form of combat has undoubtedly broken through the constraints of classical laws of war. How to interpret such exceptions within conventional warfare thus became a critical issue. Utilizing the concept of the "state of exception," Schmitt analyzed and interpreted this particular form of warfare in his *Theory of the Partisan*.

Based on the historical practice of guerrilla warfare, Schmitt distilled four core characteristics of the partisan: irregularity (covert identity and armament, employing asymmetric surprise attacks), political accountability (affiliation with the state or revolutionary parties, distinguishing it from ordinary violent crime), technical mobility (enhanced flexible tactics through upgraded equipment), and territorial rootedness (anchored in local defense while wary of technological and industrial alienation that severs ties to the land and risks becoming a mere instrument of abstract justice). He emphasized that its essence lies in being a politico-military complex grounded in the land, combining flexible tactics with a conservative resistance to the alienation brought by technology [12].

It can be said that guerrilla forces precisely embody characteristics of pre-modern agrarian civilization; this irrationality and unpredictability provide them with the potential to escape the "iron cage" of technological rationality. Schmitt was also confident that guerrilla warfare would continuously evolve its modes of existence, persistently attempting to challenge established political and legal orders, thereby posing a challenge to the conventional state through its unique "state of exception" nature.

3. A typological summary of domestic research on Schmitt's concept of the "state of exception"

3.1. General research on Schmitt's concept of the state of exception

This section concerns the general theoretical elucidation and study of Schmitt's concept of the state of exception, including interpretations of the concept itself as well as its temporal dimensions and theoretical significance.

Regarding relevant studies, Fang Xu's *The Legal and Illegal Suspension of the Exception: The Dual Narratives of the "State of Exception"* elucidates two different interpretations and narratives of the state of exception. The first is the "constitutional dictatorship" aspect of "emergency powers," where the author highlights Schmitt's rebuttal of liberal legal scholars, which sparked the opposition between pure law's claims of "the illegal state still being within legality" and "legal illegal states." The second aspect of the state of exception is the "delegated dictatorship" aspect of "revolution," in which the democratic political power of radical popular resistance is legitimized, producing a form of legitimate "violence." Finally, the author also notes the recent embodiment of the state of exception concept in Foucault's discourse on governmentality [13]. Zhang Zheng and Yu Tianyang's *Rethinking the Theory of the State of Exception under the Pandemic* reexamines the concept of the state of exception against the backdrop of the pandemic. They review the theoretical frameworks of Schmitt (sovereign decision), Agamben (bare life), and Ackerman (emergency constitution), criticizing all three for ignoring the inevitability of the state of exception and being confined within the analytical framework of capitalist power. This oversight has led Western practices during the pandemic to reveal a new paradox of the state of exception characterized by "decisionlessness as decision, and normality as exception." They advocate focusing on the alienation of power rather than denying the exception itself, calling for a reconstruction of the normative foundation for crisis governance [14]. Zhang Yao's *Sovereignty and the State of Exception (History of Political Thought, 2022, Issue 4)* compares Schmitt's (sovereign decision exception), Bodin's (absolute sovereignty), and Agamben's theories, pointing out that Agamben strips away the political core of Schmitt's "friend-enemy distinction" and expands the state of exception beyond the framework of legal order into a universal logic of governance centered on "bare life." [15] Hu Min's *The Forgotten Exception: The Negative Existence of the "State of Exception"* critiques Schmitt's sovereign "positive decisionism" and introduces the concept of the "negative exception" (where the sovereign achieves normalization of the exception through inaction or covert suspension of norms), revealing an alternative form of power's concealed operation within the state of exception [16]. Li Weihai's *Seeking Crisis Response Paths: An Analysis of the Formation and Evolution of Schmitt's Theory of the State of Emergency* outlines the genesis and development of Schmitt's theory of the state of exception. The author argues that the maturation and formalization of Schmitt's theory emphasized the significance of the president as the guardian of the constitution, while the normative legal thought continued to dominate in Schmitt as a legal scholar. Thus, the author both affirms Schmitt's adherence to the Weimar Constitution and highlights his hopes and expectations for the president during the constitutional crisis in Weimar Germany [17]. Liu Haiyang's *Research on Schmitt's Theory of Political Decision* links Schmitt's decisionism with the state of exception, discussing decisionism under political states of exception and explicating its historical and theoretical implications [18]. Zhang Yan's *State of Exception and Cultural Rule of Law* argues that the challenge faced by the concept of the rule of law under the state of exception should focus on the normative quality of the rule of law rather than the perfection of general norms or formal rule of law. From a cultural perspective, even though countries may all be ruled by law, they are cultural rule of law states with differing normative qualities. Therefore, the author believes that building a high-quality cultural rule of law state is of great significance for constructing a rule of law country [19]. He Baogang's *Defending Procedure: A Liberal Critique of Carl Schmitt's Theory of the State of Exception* reveals multiple defects in Schmitt's theory on logical, practical, and value levels, and reconstructs the paradigm for handling the state of exception through proceduralist "meta-rules," providing theoretical tools for liberal responses to political crises. Its core contribution lies in reintegrating the exception into the rule of law framework and rejecting the absolutization of sovereign decisionism, thereby defending the foundations of liberty and constitutional order [20]. Li Hongchuan and Wang Lifeng's *The "Intermediate Zone" between Law and Politics: The "State of Exception" from the Perspective of Legal Political Science* examines the state of exception through the lens of legal political science, tracing the theoretical lineages of Schmitt, Benjamin, and Agamben. They point out the limitations of domestic research confined to singular legal or political perspectives and advocate for an interdisciplinary approach to reveal its essence as an "interactive domain of law and politics"—manifested in the rupture between facts and norms (legal failure), power conflicts (power struggles and rights compression), and order reconstruction (political intervention filling legal vacuums). They emphasize that legal institutions under the state of exception are not entirely dissolved (e.g., the persistence of emergency law frameworks) and call for a dynamic balance perspective that transcends the binary opposition of "order/disorder." [21]

In monographic studies, Wang Dongming's *The Challenge of Exception: A Study on Carl Schmitt's Theory of the State of Emergency* analyzes Schmitt's emergency power theory centered on the "state of exception." The book examines republican and liberal responses to post-9/11 counterterrorism emergency powers, distinguishing between the "political exception" (sovereign decision) and the "legal exception" (suspension of norms) phases within Schmitt's theory. It explores the interactions among the state of exception, power, rights, and the rule of law, as well as related issues in international law and guerrilla warfare. The

conclusion suggests that although Schmitt's theory is unsuitable for contemporary counterterrorism frameworks, it still provides valuable insights for reflecting on sovereignty and legal norms [22].

3.2. Theoretical applications based on the concept of the state of exception

This section addresses the theoretical applications derived from the concept of the state of exception, which can be further categorized into two primary dimensions. The first concerns the relationship between the concept of the state of exception and the Weimar Constitution. It can be said that Schmitt's formulation of this concept was directly shaped by the historical realities of Weimar Germany. The second dimension pertains to the relevance of this concept to Chinese history and contemporary reality, with particular focus on the Republican period and present-day China.

3.2.1. *The concept of the state of exception and the weimar constitution*

Regarding the relationship between the concept of the state of exception and the Weimar Constitution, Gao Yuan's article *Emergency Powers and the Rule of Law: Beginning with Article 48 of the Weimar Constitution* analyzes the origins, practical implementation, and divergent interpretations of Article 48(2) of the Weimar Constitution—the emergency powers clause. It can be said that key areas of contention—such as the scope of emergency powers, the limits on fundamental rights, and the nature of presidential dictatorship—all center on this particular provision of the Weimar Constitution. Additionally, the author discusses the post-World War II debates in the Federal Republic of Germany surrounding emergency legislation, including amendments to the Basic Law and critical reflections on the Weimar Constitution. In the author's view, the tragic legacy of the Weimar Constitution and Schmitt's warnings regarding the state of exception suggest that China's choice in designing emergency powers legislation should be grounded in the rule of law rather than in abstract notions of state rationality [23].

3.2.2. *The concept of the state of exception in relation to chinese history and reality*

Regarding the relationship between the concept of the state of exception and Chinese history and reality, studies involving the Republican period include Wang Lei's *Decision-Making Under the State of Emergency: A New Interpretation of the Early Republican Conflict Between the Presidency and the Cabinet*. The author employs Schmitt's concept of the state of exception to scrutinize the shortcomings of the Republic of China's Provisional Constitution. Its neglect of the president's emergency decree powers both enabled Yuan Shikai's authoritarian ambitions and precipitated the conflict between the presidency and the cabinet. Furthermore, the author points out that from the presidency-cabinet conflict to Zhang Xun's restoration attempt, Li Yuanhong's judgments were evidently lagging behind the evolving situation, lacking the wisdom and flexibility necessary for decision-making in a state of exception—qualities that were precisely required during China's democratic transition process [24]. Luo Gang, in *1916: The Crisis of the Republic and the Emergence of the May Fourth New Culture Movement*, applies Schmitt's concept of the state of exception to interpret the crisis caused by Yuan Shikai's restoration attempt as a state of exception faced by the Republic of China. The author argues that, just as in the crisis of the Weimar Republic, during the transition from "Empire" to "Republic," the democratic system could be terminated by "democratic" means. Moreover, Luo contends that the May Fourth New Culture Movement emerged as a response to the political crisis of the Republic, serving as a critique of "Republican politics" based on the ideal of the Republic [25].

Concerning contemporary China, Wang Qicai's article *The State of Exception in China: Reflecting on the Application of the "State of Exception" by Chinese Political Constitutionalism* elucidates the ongoing debate between "normative constitutionalism" and "political constitutionalism" in China. The author distinguishes between the concept of "state of exception" as employed by political constitutionalism and the concept of "state of emergency" as used by normative constitutionalism. From the perspective of political constitutionalism, the state of exception is accepted as a social fact. Building on this, the author argues for the necessity of understanding the state of exception as a "necessary state," and suggests that this conceptual transformation reveals deeper internal problems within political constitutionalism itself. Political constitutionalists explicitly oppose the normative constitutionalists' general interpretation that the state of exception should be incorporated into the regular constitutional order. For political constitutionalists, the concept of the state of exception serves to expose the more concealed fundamental power of constituent authority within the constitution [26].

3.3. Comparative study of Schmitt's concept of the state of exception with other scholars

This section involves a comparative study between Schmitt's concept of the state of exception and similar concepts proposed by other scholars. Fang Xu's article, *Beyond the "State of Exception": Western Marxists' Responses to Schmitt's "Sovereign Decisionism,"* traces the intellectual genealogy of the state of exception as discussed by Schmitt, Benjamin, and Agamben. Among them, Western Marxists Benjamin and Agamben reconstruct Schmitt's concept of the state of exception by reinterpreting

the “state of exception” through concepts such as “sacred violence” and “bare life,” thereby expanding the ideological and historical significance of the doctrine of the state of exception. The author also concludes by applying the concept of the state of exception to examine the contemporary dilemmas in interpreting terrorism and counterterrorism worldwide [27]. Su Yan’s article, *Inside and Outside the Law: The Dispute between Benjamin and Schmitt on the State of Exception and Its Intellectual-Historical Challenges*, elucidates the debate between Schmitt and Benjamin over the state of exception in the 1920s. The author argues, through the correspondence of their texts, that the battleground of their dispute shifted from early political philosophy to later aesthetic political theory. Ultimately, the author contends that both thinkers address the issue of aesthetic politics in Western modern thought, and that the underlying focal point of their debate is the question of political authority. Specifically, Benjamin, following the Jewish messianic tradition, denies the necessity of political authority, whereas Schmitt, grounded in Catholic monarchism, affirms the necessity of political authority [28]. Wu Yujian’s article, *Rule of Law and Administrative Privilege under States of Emergency: The Theoretical Limitations of Kant, Schmitt, and Locke*, discusses three contemporary approaches to responding to states of emergency: normativism based on Kant’s philosophy, realism represented by Schmitt, and liberalism represented by Locke. Due to the shortcomings of the first two, Western scholars tend to favor Locke’s “moderate” liberal theory. However, the author highlights the absolutist tendencies in Locke’s theory of administrative privilege and argues that none of these three perspectives can offer a fully consistent explanation for how constitutions adjust and respond appropriately under states of emergency [29]. Yin Xiaobing’s article, “The Dispute between ‘Exception’ and ‘Norm’: A Comparative Study of Schmitt and Kelsen’s Legal Philosophy,” contrasts Schmitt’s political jurisprudence centered on the “state of exception” with Kelsen’s positivist legal theory, which emphasizes “norms.” The author further identifies the fundamental opposition between the two thinkers as that between “revelation” and “reason.” Yin argues that Schmitt’s theory of “constituent power” subsumes Kelsen’s concept of “constituted power,” thereby preserving the role of “reason” while simultaneously acknowledging the significance of “revelation” — the exception — in contemporary times [30]. Wu Yuhang and Lin Jinping’s article, “An Analysis of the Legitimacy of the State of Exception: Between Schmitt and Agamben,” compares Schmitt’s theory of sovereign decisionism with Agamben’s critique of totalitarianism. They point out that Schmitt’s monopoly over the decision of exception carries authoritarian characteristics, while Agamben warns of its totalitarian risks. The authors categorize three types of presence of the state of exception—legal suspension, legal exception, and supra-legal state—each corresponding to different legitimacy logics. Ultimately, they argue that only by balancing the urgency and morality of political action and unifying procedural legality with substantive legitimacy can a normative foundation for the state of exception be established [31]. Xue Peng’s article, “Is the State of Exception the Achilles’ Heel of Liberal Constitutionalism?—Habermas’s Response to Schmitt’s Theory of Sovereign Decisionism,” discusses Schmitt’s critique of liberal constitutionalism through the state of exception and Habermas’s explicit and implicit responses in *Between Facts and Norms*. Habermas holds that laws formed through democratic procedures can indeed guarantee the maximal protection of fundamental rights. However, such laws are themselves the product of deliberative processes and constitute positive law, which can be amended and further regulated through subsequent political and legal procedures. The author concludes that the state of exception does not constitute the “Achilles’ heel” of liberal constitutionalism, as human rationality is capable of reflecting on and continually scrutinizing the norms it creates [32]. Lin Zhao’s article, “Decoding the State of Exception: A Re-examination of Stirner’s Anarchism,” elucidates the intellectual connections between Carl Schmitt and anarchist thought. Schmitt, in *Political Theology*, argues that anarchism, emerging from anti-theology, ultimately returns to theology, thus criticizing anarchist figures such as Bakunin. In contrast to Schmitt’s use of the state of exception to reaffirm the absolute authority of the state, Stirner, the anarchist, challenges fixed notions such as the state and emphasizes “insurrection” rather than “revolution.” Through the concept of the “Union of Egoists,” Stirner’s radical anarchism dismantles the re-establishment of order through the state of exception [33]. Wang Dongming’s article, “Schmitt’s Challenge and Gross’s Response: From the Perspective of the Theory of State Emergency Powers,” employs Schmitt’s notion of emergency powers under the state of exception to interpret Article 48 of the Weimar Constitution concerning presidential emergency powers, as well as Gross’s response to Schmitt’s challenge within liberal state emergency power theories post-9/11. Wang analyzes Gross’s views and the dilemmas he faces, noting that Gross effectively extends Schmitt’s state of exception concept to allow any senior public official to potentially invoke constitutional emergency provisions to obtain temporary plenary powers [34]. In addition, Wang Dongming and Xiao Wen’s article, “Schmitt’s Challenge and Ackerman’s Response: A Perspective Based on the Theory of State Emergency Powers,” points out that Ackerman’s “escalator-style supermajority voting mechanism” attempts to constrain emergency powers through legal procedures. However, it fails to address Schmitt’s core challenge: Schmitt’s “political state of exception” is based on sovereign decision, whereas Ackerman’s “legal state of exception” operates only within the normative legal framework to handle crises. The post-9/11 practice highlights the essential irreconcilability between political sovereignty and legal reform [35]. Li Mingkun’s article, “State of Exception and Natural Legitimacy: A Confrontation between Strauss and Schmitt,” begins by discussing Schmitt’s emphasis and interpretation of the state of exception concept. The author then reviews references to the state of exception in modern political philosophy and Schmitt’s inheritance of the extreme spirit of emphasizing the state of exception. Finally, Li highlights that Strauss, in *Natural Right and History*, implicitly criticizes Schmitt by addressing “exception” through classical natural right theory. According to the author, Schmitt remains constrained by the narrow perspective of modern political philosophy and fails to appreciate the more comprehensive and adequate grasp of the state of exception found in classical natural right doctrine [36]. Kang Yu’s article, “The Topological Structure of the State of

Exception: Agamben's Reconstruction of Schmitt's Theory of the State of Exception," begins by discussing Schmitt's sovereign decisionist understanding of the state of exception as existing between law and illegality. Agamben, however, not only applies this concept within the legal order but also expands its scope, arguing that the state of exception exists within all normative systems. Consequently, how to confront this "gap" becomes the core issue in political philosophy. On this basis, the author clarifies the topological structure of Agamben's concept of the state of exception as "being outside yet still belonging." [37]

4. Conclusion

Although domestic scholarship has introduced the concept of the state of exception through the "Schmitt fever," there remain three major limitations in the current research: First, the depth of study is insufficient, often confined to a history-of-ideas style comparison, failing to systematically elucidate the core status of the concept within Schmitt's overall thought, especially neglecting the continuity demonstrated in his later works such as *The Theory of Partisan*. Second, the theoretical application is narrow, with excessive focus on issues related to the Republican constitutional framework (e.g., the analogy between the Weimar Constitution and the Provisional Constitution) and the debate between "political constitutionalism" and "normative constitutionalism," which oversimplifies the complexity of Schmitt's thought and obscures its potential for interdisciplinary expansion. Third, the examination of details remains incomplete; while attention has been paid to external intellectual debates involving Schmitt and Agamben, the internal inheritance and evolution of the theory of the state of exception within the Schmittian school has been overlooked. Other nuanced debates remain largely unexplored—for example, the subsequent development and interpretation of Schmitt's state of exception concept within the Schmittian tradition has yet to be addressed, leaving considerable room for further research.

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