The *Leviathan* and the Contours of Conservative Imagination:
The Role of Thomas Hobbes in the Works of Schmitt, Strauss and Oakeshott

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ABSTRACT

The purpose of this thesis is to explore the role of Thomas Hobbes in the literature of contemporary conservative thought, in particular, in the works of Carl Schmitt, Leo Strauss and Michael Oakeshott. There are two broad arguments that shape the main concerns of the dissertation. First, conservatism can not be considered as a homogeneous intellectual movement which positions itself as the defender of Western civilization against an assault launched any number of modern thinkers: liberal, socialists, Marxists, positivists, and/or relativists. Rather, I argue that conservative thought, which illustrates great variety across time and across national borders, has a more complex relationship with those schools of thought that goes beyond mere rejection of them. At times conservatism is inspired, shaped or remained within the boundaries of the thinkers that it is critical of. Nonetheless, despite the remarkable heterogeneity of conservative thought, there is one distinctive principle of conservatism and this constitutes my second and main argument: This fundamental principle expresses a conviction of the radical intellectual imperfection of the human individual, as contrasted with the historically accumulated political wisdom of the community, as embodied in its customs and institutions.

In analyzing this complex and heterogonous nature of conservative thought the works of Carl Schmitt, Leo Strauss, and Michael Oakeshott provide a rich field of study. Central to such an inquiry are two main arguments: First, the nature of human knowledge is the preoccupying question shaping the works of these three thinkers. Second, in providing an answer to this question, Schmitt, Strauss and Oakeshott–who indicate profound differences in the way they understand *the political-* share a common

assumption that understands human nature as both morally and intellectually imperfect. Notwithstanding the intense discrepancies among their understanding of the modern world and its current problems, Schmitt, Strauss and Oakeshott are outstanding examples of reflection on these points. What brings these three thinkers together is a remarkable concern for the 'evil' in human nature, which was prominently manifested in the famous work of Thomas Hobbes, *Leviathan*. In other words, it is a well-known myth, the myth of modern state that constitutes the common ground of Schmitt, Strauss, and Oakeshott and their criticisms of modern world.

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INTRODUCTION

This dissertation is an analysis of one of the most challenging accounts of modernity, i.e., conservatism. There are two broad arguments that shape the main concerns of the dissertation. First, conservatism cannot be considered as a homogeneous intellectual movement which positions itself as the defender of Western civilization against an assault launched any number of modern thinkers: liberals, socialists, Marxists, positivists, relativists, or nihilists. Rather, I argue that conservative thought, which illustrates great variety across time and across national borders, has a more complex relationship that goes beyond mere rejection of those schools of thought. Secondly, despite the remarkable heterogeneity of conservative thought, I will argue that there is still one distinctive principle of conservatism: a conviction of the radical intellectual imperfection of the human individual, in contrast with the historically accumulated political wisdom of the community, embodied in its customs and institutions.

Conservatism has always been a popular issue in academic circles. Many important studies have been published on the relationship between the contemporary development of conservative politics and its historical and theoretical roots. However, one prevalent characteristic of these studies has been to situate what they examine as the representative of conservatism in direct opposition to other schools of political thought, such as liberalism or Marxism. While such analyses bring valuable insights to the grounded contradictions between conservatism and different schools of thought, they may suffer from an over-concentration on oppositions, and thus may fail to provide any relational examination of conservatism within a wider matrix of the history of political thought.

Furthermore, it appears that the term conservatism has become a common label for a wide variety of political thinking ranging from fundamentalism to populism, from libertarianism to fascism, and to any political orthodoxy. This situation clearly makes any attempt to compose a commentary on conservatism very complicated and presents important problems to people who wish to engage seriously in a dialogue with conservatives. Therefore, it should be the primary task of any study on conservatism to acquire a clearer and more nuanced sense of what is distinctive about conservatism and how conservatives differ from each other with respect to their principal interests.

Taking these two major concerns as the boundaries of my research, I intend to provide an account of conservative thought in the works of three figures, Carl Schmitt, Leo Strauss, and Michael Oakeshott. In this respect two main arguments will constitute the axis of my research. Firstly, the conservative political thought (or 'disposition' in Oakeshott's terms) springs from the radically restrained answer to the question of "What is the nature of knowledge?" Secondly, in providing an answer to this question, conservative thinkers –who indicate profound differences in the way they understand *the political*- share a common assumption that understands human nature as both morally and intellectually imperfect. The works of Schmitt, Strauss, and Oakeshott, which demonstrate intense discrepancies, yet share an intellectual merit, are outstanding examples of reflection on these points. What brings these three thinkers together is a remarkable concern for the 'evil' in human nature, which was prominently manifested in the famous work of Thomas Hobbes, *Leviathan*. In other words, it is a well-known myth, the myth of the modern state that constitutes the common ground of Schmitt, Strauss, and Oakeshott and their criticisms of modern world.

Fundamental to conservative thought is a belief in a normative structure transcending pure human existence. In other words, conservatives appeal to an authoritative standard not created by humans themselves but to which humans are accountable. This standard may take a variety of forms. From the natural law tradition to an appeal to revelation, from the necessity for strong institutions to the preservation of tradition, all conservatives rely upon a trans-human standard that is believed to have the capacity to define truth, justice, beauty or meaningfulness. Preset in this issue lie a number of questions, the most important being, "What constitutes knowledge?" If conservatives wish to appeal to some normative structures, human must have some knowledge of them, and this knowledge must be intersubjectively communicable.

This epistemological stance leads conservative thought to emphasize the imperfection of human nature: An imperfection that is at once biological, moral and cognitive. More than any other animal, man is dependent upon other members of his species, and hence upon social institutions for guidance and direction. Therefore, for conservatism, the necessity for the preservation of strong institutions, social ties, religion and/or traditions springs from the radical flaws of human nature.

Conservatives contend that human moral imperfection leads men to act badly when they act upon uncontrolled impulses, and that they require the constraints imposed by institutions as a limit upon subjective impulses. Conservatives are thus skeptical of attempts at 'liberation': they maintain that liberals over-value freedom and autonomy, and that they fail to consider the social conditions that make autonomous individuals possible and freedom desirable.

Conservative thought stresses the cognitive elements of human imperfection, by insisting upon the limits of human knowledge, especially of the social and political world. They warn that society is too complex to lend itself to theoretical simplifications, and this fact must temper all plans for institutional innovation. In other words, the consequence of men's intellectual imperfection is that they should not conduct their political affairs under the impulsion of large, abstract projects of change arrived at by individual thinkers working in isolation from the practical realities of political life.

Such an epistemological stance leads conservatives to get involved in a complex relationship with other intellectual movements. My dissertation, in this regard, focuses on conservative responses to liberalism. My purpose is to show that the three eminent figures of twentieth century, Schmitt, Strauss and Oakeshott, share a common interest in the works of Thomas Hobbes. Taking different aspects of Hobbes's political philosophy as their departure points, Schmitt, Strauss and Oakeshott shape their own theories in distinguished ways. In other words, this shared interest delineates the heterogeneous character of the twentieth century conservative thought, as well as its complex response to liberalism. A brief look at the works of these thinkers would illustrate this point.

Carl Schmitt, once the undignified thinker of Nazi Germany, has regained his popularity over the last decade. His works on Weimar have even been viewed as the most stunning criticisms of liberalism and parliamentary democracy ever written. Yet, the recent focus on Schmitt which concentrates on his famous "friend-enemy" distinction, his fascination with the political "exception," and his claim that liberalism is incapable of successfully realizing democracy, suffers from neglecting the importance of Schmitt's place in the development of conservative thought and thus widely misses the broader

implications of his works. In this respect, it is crucial to locate Schmitt and his criticisms in a wider picture of the history of conservative thinking and to trace his influence by simply following the dialogue. I argue that the common theme of this dialogue is *Leviathan*.

In his famous work, *The Concept of the Political*, Schmitt sets forth his dictum on the essence of the political: "The specific political distinction to which political actions and motives can be reduced is that of friend and enemy."[1] Despite the apparent novelty of this proposition one could easily recognize the shadow of Hobbes' *Leviathan* where the language of "friend" and "enemy" is quite prevalent. Indeed, it is the Hobbesian state of nature where Schmitt sees the essence of politics, and which he wants to revive for it was first formulated (thus recognized) yet later destroyed by Hobbes. One can observe that in his early writings, Schmitt often asserts the existence of a dissociation between what is "natural-scientific" and what is "human" within the philosophy of Hobbes. Agreeing with his mentor, Schmitt argued that it is the essential evil nature of man –"man as evil like the beast"- whose passions are the primary source for the political. Using the "exceptional" situation of civil war as the exemplar of the Hobbesian state of nature, Schmitt pictured the world where "states exists among themselves in a condition of continual danger, and their subjects are evil precisely the same reasons as animals are stirred by their drives (hunger, greediness, fear, jealousy)."[2] Furthermore, Schmitt shares the same political agenda as Hobbes; "the passion to be reckoned upon is Fear."[3] For Schmitt, hence, grounding of the state should be in the fear of death as the indispensable source of

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[1] Schmitt, C. 1932. *The Concept of the Political.* Trans. by T. B. Strong. Chicago: University of Chicago Press. 1996. p: 26.
[2] Ibid., p: 61.
[3] Hobbes, T. 1651. *Leviathan.* Trans. by. C. B. Macpherson. New York: Penguin Books. 1984. I, 15, 200.

authority. In other words fear that is originated by the natural status of man is the source of political order. Human beings, once confronted with the prospect of their own dangerous nature, will be terrified into the arms of the *Leviathan*. Precisely at this moment, Schmitt's project thoroughly reveals itself. By taking the notion of "evil" as the origin of the political, Schmitt sets the limits of politics with reference to the moral imperfection of man. Therefore, his rigorous imagination of politics is bounded with the state; a state that appears in the reverted of the modern myth of *Leviathan*.

Schmitt is by no means the sole conservative critic of modern politics. In the works of his young student, Leo Strauss, the central themes analyzing the character of modernity and explaining how it ultimately led to the crisis of our time remain the same. Strikingly, following Schmitt, Strauss also finds the roots of crisis in Hobbes' thought, yet his analysis is substantially different from that of Schmitt. Strauss, in his *The Political Philosophy of Hobbes*, argues that the original and real foundation of Hobbes's political philosophy is a moral attitude, and not a scientific doctrine and consequently that this philosophy is not a naturalistic one.[4] Although this statement may reveal similarities – both see the discrepancies between the moral philosophy and the scientific methodology applied by Hobbes- between the two thinkers, Strauss severely criticizes the fundamentals of Hobbesian moral philosophy, rather than relocating them as Schmitt attempted to do.

The centrality of Hobbes to Strauss's understanding of "the crisis of liberalism" is evident. First, Hobbes jettisoned the entire tradition of political philosophy oriented toward human excellence, thus freeing the state from any obligation other than

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[4] Strauss, L. 1936. *The Political Philosophy of Hobbes: Its Basis and Genesis.* Trans. by, E. Sinclair. Chicago: University of Chicago Press. 1963. pp: 13-15,123-124.

safeguarding individual natural rights.[5] As a consequence, he reduced justice to the protection of rights rooted in nature. Second, Hobbes transformed political philosophy from the search for the highest and best regime (i.e., creating regimes in speech) into a source for political action.[6] Political philosophers in the Hobbessian mode claim an indubitable knowledge, which, regarded as universally applicable, would transform the world. Moreover, the sort of knowledge required in this new age changed, and social science became the science of liberalism to the extent that it exposed conditions as they are. Hobbes presented the vision of political order, fashioned by enlightened humans, capable of being actualized here and now: a just order created out of mutual consent and dedicated to the protection of natural rights. Political philosophy had become political science –theory had degenerated into *techne*.

Oakeshott, the well-known critic of political rationalism, like Strauss, is in agreement with Schmitt: it was Hobbes who marked a fundamental break from ancient and medieval political philosophy by posing individual will, instead of natural law, as the basis for politics. However, contrary to the common view that places Hobbes and his theory as synonymous with political rationalism, Oakeshott's interpretation of Hobbes is strikingly different. For Oakeshott, Hobbes was a philosophical rationalist, not a political rationalist.[7] The difference between the two notions is remarkable, since this also reveals the fundamentals of Oakeshott's unique interpretation of Hobbes, as illustrated in his introductory essay on *Leviathan*.

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[5] Ibid., pp: 189-94.
[6] Strauss, L. 1953. *Natural Right and History*. Chicago: University of Chicago Press. pp: 34-35, 169-175.
[7] Oakeshott, M. 1946. "Introduction of *Leviathan*," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund. 1991. pp: 236, 244-45.

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The established contrast between philosophical and political rationalism in Oakeshott's account also refers to another divergence of his thought from popular interpretations of Hobbes. The identification of Hobbes's philosophy with the beginning of modern social science puts him in a tradition following Bacon's empirical and inductive science. However, Oakeshott rejects any simple relationship between Hobbes's philosophy and modern empirical science. For Oakeshott, Hobbes is not one of the founders of a new philosophy of materialism or scientific mechanism, but one of the last medieval, Scotist nominalists.[8] In other words, instead of understanding Hobbes as a revolutionary against this scholastic tradition as is the case for Schmittian and Straussian understanding, Oakeshott asserts that he is indeed its inheritor, which clearly distinguishes him from the two.

It is important to understand that by placing Hobbes into a tradition of scholasticism Oakeshott draws the framework of his entire analysis. It is a tradition of thinkers from St. Augustine through the medieval British nominalists, to Montaigne, Pascal, and on to Kant, a tradition supremely aware of the limits of philosophic reason. For Oakeshott the significance of Hobbes lies in his being the first thorough expositor of an alternative to the rational-natural tradition which he associates with Plato and Aristotle and the natural-law theorists who followed them. Hobbes, according to Oakeshott, by being the heir of the nominalist-skeptic tradition, explores political life in terms of the master conceptions of "will and artifice."[9] Thus, the fundamental reason behind interpreting Hobbes's methodology out of the orthodox school has to do precisely with

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[8] Ibid., pp: 239, 244; Oakeshott, M. 1962. "The Moral Life in the Writings of Thomas Hobbes," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays.* Indianapolis: Liberty Fund. 1991 pp: 299, 304-5.
[9] Ibid., pp: 227-28.

pointing out his skepticism about the limits of human nature, a nature which was motivated by two powerful feelings of "pride" and "fear." For Oakeshott it is true that in spite of man's moral imperfection, he is powerful enough to create a civilized life out of the fears and compulsions that belong to his nature. However, in the final analysis the myth of *Leviathan* appears with an emphasis on the flaws of man; "it recalls man to his littleness, his imperfection and his mortality."[10] Therefore Oakeshott concludes that "the world is the best of all possible worlds, and everything in it is a necessary evil."[11]

There is no doubt that Schmitt, Strauss, and Oakeshott's shared interest in Hobbes and his teachings was beyond a mere scholarly inquiry. For all three thinkers Hobbes constituted a central figure around which they formed their theories. However, the similarities among Schmitt, Strauss, and Oakeshott are not limited to a common attraction to the myth of Leviathan. Their dissatisfaction with the philosophical and political scenery of the day manifested itself in a prolonged critique of modernity in general and its heir liberalism in particular. Notwithstanding the different scholarly backgrounds, law (Schmitt), philosophy (Strauss), and history (Oakeshott), their criticisms were developed on common notions. While the formation of law and regime were a shared concern by all three thinkers; religion, for example, was an important source that shapes both Schmitt's and Strauss's conservative outlook. Similarly, whereas the relationship between philosophy and politics was a central issue for Strauss and Oakeshott, the question of who should rule? was fundamental to all.

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[10] Oakeshott, M. 1947. *"Leviathan*: a Myth." in M. Oakeshott. *Hobbes on Civil Association.* Indianapolis: Liberty Fund. 2000. p: 163..
[11] Oakeshott, M. 1947. "Rationalism in Politics," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays.* Indianapolis: Liberty Fund. 1991. pp: 30-33.

The main critical thrust of my inquiry is, therefore, to demonstrate the limits of contemporary conservative thought by examining the influence of Hobbes in the shaping of the epistemological, political and moral stances of Schmitt, Strauss, and Oakeshott. However, in doing so, I believe one should not overlook the structural similarities and differences that delineate the unique conservative thought of each individual thinker. Therefore, the main body of this study is divided in two parts: In chapters 1, 3 and 5, I present an exhaustive account of the three thinkers. In these analyses a certain structural similarity among Schmitt, Strauss and Oakeshott will be discussed. By taking these commonalities and differences into account, these chapters will examine each thinker's solution to the crisis of the West.

Following this, Chapters 2, 4 and 6 are specifically dedicated to the relationship between Hobbes and each thinker that we are investigating. In all three chapters, Hobbes's influence will be examined on both political and moral grounds. As it is shown *Leviathan* is the common theme of an on-going dialogue among these thinkers. In that sense the correspondence between Schmitt and Strauss, as well as Strauss and Oakeshott are presented under these chapters.

CHAPTER I: Carl Schmitt

Part I: Introduction

Carl Schmitt, once the infamous crown-jurist of the Third Reich, is undoubtedly one of the most controversial legal and political theorists of our age. While his Weimar writings, filled with rigorous criticism of liberalism and polemical analyses of politics, continue to attract many scholars of political theory, his involvement with the Nazi regime creates a dark cloud around his persona and entire corpus. Despite the superficial dualism that surrounds the conventional examinations of Schmitt's works, i.e., on the one hand the apologetics of his Nazi periods and on the other hand critics that caricaturize his writings as a blind reactionary, one could claim that Schmitt studies has been experiencing a Renaissance in the last two decades.[1] With the introduction of his four major works to the English-speaking world, many scholars have engaged with the works of the Weimar jurist in a critical way.[2] In this sense, Schmitt both as a public lawyer and a political theorist has become subject to numerous studies. In fact, the sheer volume of the scholarship on Schmitt invites the question: What remains to be written about him?

This chapter does not intend to provide an original response to the question raised above. Instead, it aims to present a systematic treatment of Schmitt as a conservative

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[1] Among the recent literature studies that develop an analysis of Schmitt's works from the perspective of his Nazi experience tend to be highly apologetic. See, Bendersky, J. 1983. *Carl Schmitt: Theorist for the Reich*. Princeton: Princeton University Press; Schwab, G. 1989. *The Challenge of Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936*. Westport: Greenwood Press; Gottfried, P. E 1990. *Carl Schmitt: Politics and Theory*. Westport: Greenwood Press. On the other side of the spectrum, Stephen Holmes, who describes Schmitt's politics as "soccer stadium democracy," is a prominent example. Holmes, S. 1993. *The Anatomy of Antiliberalism*. Cambridge: Harvard University Press.

[2] In current literature several full-length works on Schmitt break with this pattern: Derrida, J. 1994. *Politics of Friendship*. Trans. by. G. Collins. London. Verso. 1997; McCormick, J. 1997. *Carl Schmitt's Critique of Liberalism*. Cambridge: Cambridge University Press; Cristi, R. 1998. *Carl Schmitt and Authoritarian Liberalism: Strong State, Free Economy*. Cardiff: University of Wales Press; Scheuerman, W. E. 1999. *Carl Schmitt: The End of Law*. Boston: Rowman & Littlefield Publishers; Kennedy, E. 2004. *Constitutional Failure: Carl Schmitt in Weimar*. London. Duke University Press.

political theorist who articulates the frame of the 'political' primarily against liberalism. In this respect, precedence will be given to the thinker who conceives the 'political' as the ultimate domain independent of all other human endeavors and to be understood in its concrete and existential sense.[3] Such an approach is essential for two reasons: First, in understanding the role of the political as understood by Schmitt, one will be able to fully and systematically appreciate Schmitt's conservative agenda. Second, and related, a critical examination of the political concepts that forms Schmitt's theoretical framework is imperative to disclose his affinity to Hobbes, who was none other than the political philosopher of liberal thought.

Taking these two elements as the vital aspects of this chapter, the following analysis focuses on three terms that are undoubtedly crucial to Schmitt: Political theology, contemporary parliamentarism and the political. Within the frame of these three concepts, I intend to demonstrate that Schmitt's political theory could only be understood by examining its twofold linkage to liberalism. First, and evident to all Schmitt readers, it is intimately related to his distrust of liberal policies. For Schmitt, the bankruptcy of the Weimar period necessitated an authoritarian alternative to overcome the weaknesses of liberal theory and practice. By eventually embracing National Socialism, perhaps, Schmitt believed that he had found a feasible solution to the problem. The catastrophic consequences of the Nazi regime proved this alternative to be wrong in practice. With no lesser disastrous outcomes, the theoretical impasse in Schmitt's formulation reveal that his understanding of the political does not only call for a conservative agenda focusing on a decisionist, autonomous state with moral overtones against the "crises of

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[3] Schmitt, C. 1932. *The Concept of the Political.* Trans. by. T. B. Strong. Chicago: University of Chicago Press. 1996. pp: 22-28.

indeterminacy" of the liberal policies, but, in fact, it stays within the parameters of liberal thought to the extent that Schmitt affirms the political in a polemical way. No doubt, Schmitt's apparent conservative politics generates troublesome questions for those committed to defending liberalism and its values. The issues raised by Schmitt are challenging even for the most adamant advocates of liberalism. He attacks the inherent inconsistencies of liberal thought with the language of an unmistakable and brisk jurist. Yet his teaching is far from legal technicality. Rather, Schmitt's criticism of liberalism carries existentialist overtones reminiscent of a devoted Crusader. In this respect, Schmitt's critical reading of liberalism must be taken seriously. However, more important than this former task, is to analyze Schmitt's formulation of the political since it constitutes the core of his conservative agenda. A compelling critique of Schmitt is only possible by situating the limits of the concept of the political. To the point that Schmitt's basic thesis is dependent upon his quarrel with liberalism, the political could only be understood polemically. Understanding how far Schmitt's political could reach beyond the horizon of liberalism defines the main task of Chapter 2.

Therefore, in the course of this chapter, I aim to analyze first Schmitt's tripartite attack on liberalism: His early writings on political theology followed by the Weimar period legal studies on liberal constitutionalism and his analysis of the political constitute the three fields that Schmitt develops his arguments against liberal thought. In the search for an anti-liberal definition of the political, Schmitt seems to take pains to restore certain concepts from their negated position in liberal politics. Sovereign, exception, enemy, and decision are the few but crucial examples. Examining the role and the meaning of these notions is the second purpose of this chapter. A thorough investigation of Schmitt's

thought is essential to grasp his affinity to Hobbes and to uncover the limitations apparent in his contestation with liberal politics.

Part II: Political Theology

i) introduction

Born in 1888 to a devout Catholic family Schmitt spent his childhood in the predominantly Protestant town of Plettenberg. He received his initial formal education in a Catholic school. Later, Schmitt attended Gymnasium which provided a secular education. Despite the initial unsettling impact of the humanistic curriculum, Schmitt decided to continue his studies in the same secular fashion and pursued jurisprudence in Berlin.[4]

The effect of Catholicism on Schmitt's writings has been long discussed. While scholars like Heinrich Meier constantly bring the Catholic elements in Schmitt forward, others, such as William Scheuerman, argues that religious themes play an insignificant role in his works.[5] It is true that from late 1920s onward Schmitt distanced himself from the Catholic Church. But this estrangement from Catholicism has more to do with events arising in Schmitt's private life than a structural change in his thought.[6] Starting from the very early writings, religion, and in particular, Catholic teaching always remained as an underlying element in Schmitt's studies. Despite the diminishing emphasis given to the

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[4] Bendersky, J. 1983. *Carl Schmitt: Theorist of the Reich*. Princeton: Princeton University Press. pp: 4-7.
[5] Meier, H. 1998. *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy*. Chicago: University of Chicago Press. Scheuerman, *Carl Schmitt: The End of Law*, p: 3.
[6] Schmitt's first marriage with a Serbian woman ended in a rather embarrassing way. As a Catholic he was compelled to seek an annulment, and his later failure to receive it brought him into conflict with the Church. In 1926, Schmitt planned to remarry without the approval of the Church. He went ahead despite the fact that an excommunication would inevitably follow.

role of the Church and Catholicism, Schmitt continued to accommodate certain biblical themes and figures, such as Leviathan, as key concepts in his theory.

In this respect, one could argue that Schmitt's ties to his upbringing were never loosened. On the contrary, Catholic theology formed the ground on which Schmitt developed his initial criticism of liberalism. During the early 1920s, Schmitt published numerous books that either defended the Catholic Church and its teaching as a major actor within the political realm, or criticized those who sought to eliminate the role of theology from the sphere of politics. In Schmitt's view, contemporary mass politics seemed to be veering towards permanent revolution. It is in this text that he looked to Catholicism for a perspective on the present, which could inform a radical counter-offensive, an alternative to a fatalistic decline of the political.

It is in three distinct books that Schmitt elaborates his position on Catholicism and the role of the contemporary Church: *Political Romanticism, Political Theology* and *Roman Catholicism and Political Form.*[7] Despite a lack of continuity among the arguments of these works, there is a crosscutting theme identifying and distinguishing certain strands of Catholic thinkers from other counter-revolutionary movements and defending the Church as the only body that had the will to affirm the political in the true sense of the concept.[8] In other words, in his uniquely transformed view of Catholicism, Schmitt articulated a strong base for his plea to prevent the decline of what was crucial to any society: the sovereign and its authority.[9]

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[7] Schmitt, C. 1919. *Political Romanticism.* Trans. by G. Oakes. Cambridge: MIT Press. 1986. Schmitt, C. 1922. *Political Theology: Four Chapters on the Concept of Sovereignty.* Trans. by G. Schwab. Cambridge: MIT Press. 1985. Schmitt, C. 1923. *Roman Catholicism and Political Form.* Trans. by G. L. Ulmen. Westport: Greenwood Press. 1996.
[8] Among these thinkers Joseph de Maistre, Louis de Bonald and Donoso Cortés had the most influence on Schmitt.
[9] See, Cristi, *Carl Schmitt and Authoritarian Liberalism,* pp: 74-78.

However, beyond this search for a counter-revolutionary teaching among the nineteenth-century Catholic thinkers, political theology meant something more crucial to him. Schmitt explains what he meant by this concept in Chapter 3 of *Political Theology*: all significant political concepts are secularized theological ones.[10] Although this claim, taken literally, is seen as untenable by some Schmitt scholars,[11] it is imperative to understand that for Schmitt modern political concepts not only follow a certain path of development but share "a systematic structure." The decisive element of that structure is the transformation in political thought from the philosophical conception of God as the sole architect of the universe to a deistic philosophy expressly denying the Creator's interference with the laws of nature. It is in this structure that the most essential facet of the political becomes problematical: the sovereign. Hence, for Schmitt the affirmation of the concept of theology is the expression of the fundamental question of contemporary politics. The prevailing attitude that denies the omnipotent sovereign not only negates the universal claims of Catholicism but more crucial than that it imperils the definition of the modern sovereign as the one with the capacity and willingness to make political decisions. In other words, the question of political theology turns into a question of authority. In Schmitt's view modern-day politics is devoid of its essence since it systematically tends to reduce sovereignty "to a textbook formula, something for examination."[12] This is inadequate, because for Schmitt only the sovereign could define the authentic limits of the political; that is to say only the sovereign could act upon a decision. To that end, political theology is an attempt to redefine genuine authority in

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[10] Schmitt, *Political Theology*, p: 36. See also, Schmitt, *The Concept of the Political*, p: 42.
[11] See, Balakrishnan, G. 2000. *The Enemy: An Intellectual Portrait of Carl Schmitt*. London: Verso. p: 47.
[12] Schmitt, *Political Theology*, p: 16.

terms of the role that it assumes in the moments of decision. It is not a search for a new theological base.

This part will focus on perhaps the most infamous of Schmitt's statements: "Sovereign is he who decides on the exception."[13] To expand upon that the meaning and role of the concept of political theology three key concepts in Schmitt will be examined: the sovereign, the decision and the exception. For the purpose of following Schmitt's intellectual development chronologically, the primacy will be given to the decision. Next, the sovereign as the constitutive element of any ruling entity will be discussed. Finally, we will complete the trilogy with an analysis of the exception, which is in a sense the existential negation of all liberal thought.

ii) the decision

Heinrich Meier, one of the leading Schmitt scholars, begins his work, *The Lesson of Carl Schmitt,* by questioning the relationship between "moral indignation" and philosophy. There he points out two crucial questions: moral indignation as the object of philosophy and moral indignation as the subject of the "morality it aims at."[14] Following the Nietzschean maxim, Meier brings our attention to Schmitt who as a theoretician declares that "demanding moral decision is the core of the political idea" and who views both "the political idea as well as the moral, as either standing or falling with the theological."[15] According to Meier, Schmitt's political theology ultimately accounts for

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[13] Ibid., p: 5.
[14] Nietzsche, F. 1886. *Beyond Good and Evil*, Trans. by W. Kaufmann. New York: The Modern Library. 1992. Aph. 6. p: 203.
[15] Meier, *The Lesson of Carl Schmitt*, p: 1.

the insight "that if the theology disappears, so does the morality; if the moral disappears, so does the political," assuming that neither theology nor moral could ever disappear.[16]

By taking morality as the central concern in analyzing Schmitt's political theology, Meier suggests that "*political theology* is the apt and only appropriate description of Schmitt's teaching. At the same time, the concept serves as a universally employable *weapon*."[17] However, were one to follow such a chain of reasoning, Schmitt's thought might represent "merely one position within a broad renaissance of natural-law theory in early twentieth century Roman Catholic thought."[18] Yet, no matter how the theological and apocalyptic language play a pivotal role in many of Schmitt's works, it is the concern with the political order that provides the focus for his compact assessment that the reason "that the state is an entity and in fact the decisive entity rests upon its political character."[19]

What Schmitt discusses under the heading of political theology is actually not more than the so-called secularization theorem. However, it is also critical to note that Schmitt used the concept of political theology as a means to account for his polemical attack on liberal jurisprudence. In other words the term served to characterize the position of others with the intention of placing them in the opposed party from the very start. In

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[16] Ibid., p: 13.

[17] Meier, H. 1995. *Carl Schmitt and Leo Strauss: The Hidden Dialogue.* Chicago: University of Chicago Press. pp: 75-82. Meier's emphasis on the role of political theology in analyzing Schmitt has been criticized by several authors. According to Scheuerman, Meier downplays several chronological and intellectual elements within Schmitt's thought because his fundamental concern is to highlight the religious motifs. See, Scheuerman, *Carl Schmitt: The End of Law*, pp: 226-228. Cristi, along similar lines to Scheuerman, opposes Meier's argument. "The claim that political theology is apt and only appropriate description of Schmitt's teaching does not match the multifaceted and shifting nature of Schmitt's thought." Cristi, *Carl Schmitt and Authoritarian Liberalism*, p: 171. Similarly, Miguel Vatter suggests that Meier overlooks the importance of Schmitt's critical conception of culture as he perceives the problem as a matter orthodoxy rather than authority. Vatter, M. 1998. "Taking Exception to Liberalism: Heinrich Meier's Carl Schmitt and Leo Strauss: The Hidden Dialogue." *Graduate Faculty Philosophy Journal* 19(2): 325.

[18] Chris, T. 2000. *Political Theory in Modern Germany: An Introduction.* Oxford : Polity. p: 80. See also, McCormick, *Carl Schmitt's Critique of Liberalism*, p: 201.

[19] Schmitt, *The Concept of the Political*, p: 44.

this respect political theology stands against what could be called the "new theology" which is "anti-divine self-deification." This, according to Schmitt, was developed by the "new, purely worldly human science aiming at incessant process-progress of an expansion and renewal of nothing more than worldly human knowledge."[20] The new theology is the product of a yearning for worldly security. Therefore, it leaves no room for exceptions, thus no miracle is a part of the new theology. In this picture, Schmitt sees a system of meticulous calculation. For him the bourgeois is the promoter and the ultimate fulfillment of the "age of security" all in one. Nothing is more important to him than his security. Therefore, he seeks to evade every claim that threatens his private safe realm. Among all the claims that could disturb this safe haven, a decision between an either-or is the most undesired. The bourgeois hopes that all definitive confrontations can be "eternally suspended by an eternal discussion."[21] Lacking both the capacity and the willingness to make decisions, the bourgeois avoids taking the responsibility for his actions and recedes to his private realm. However, with an ardent belief in the power of his knowledge, he desires to change and remake everything and anything. This, according to Schmitt, is the definition of revolution.

Against this threat of the new theology, Schmitt published numerous books. Among them *Political Romanticism*, which was first published in 1919 followed by a second edition in 1925, is the most outstanding one. The book must be read as a counter-revolutionary treatise. In particular, Schmitt examined two strands within European conservative thought: political romanticism and the Catholic counter-revolution. His aim was to draw a clear line between the conservatism of the Catholic thinkers like de

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[20] Schmitt, C. 1970. *Politische Theologie II: Die Legende von der Erlediung jeder Politischen Theologie.* Berlin: Duncker & Humblot. p: 125. Cited in Meier, *The Lesson of Carl Schmitt.* p:5.
[21] Schmitt, *Political Theology*, p: 63.; *Political Romanticism*, pp: 27-28.

Maistre, and Bonald and the position assumed by the political romantics. According to Schmitt one should not analyze Catholic counter-revolutionary thinkers and romantic figures such as Adam Müller and Friedrich Schlegel under "the same category of intellectuality."[22] Following this line of argument, Schmitt wanted to deny political romanticism genuine conservative credentials, and to discern a liberal trait in its lack of political commitment.[23] His ultimate aim was to strengthen the political effectiveness of the conservative option he favored; thus it was essential to prevent any confusion between Catholic counter-revolutionary conservatism and political romanticism.

To elaborate, Schmitt argues that romantic writings on political themes exuded a spirit of indifference, which concealed a true horror of political commitment. Müller, Novalis and Schlegel were the masters of capturing certain obscure moods with lyrical phrases; words, concepts and images were formally grouped together to form oppositions which could sound suggestive. This, however, according to Schmitt was only pointing at to an 'endless conversation,' where no one ever has to take sides because there is nothing worth fighting for. If there was one key term for the romantic, it was 'experience.' It was only in the other meaning of the term 'experience' that one could grasp the origins of political romanticism. Hence, Schmitt claimed, romanticism was the expansion of the aesthetic to embrace a mode of living, an attitude to the world based on ungrounded experiences of private life. The concept that explains this phenomenon in the best way, Schmitt argues, is occasionalism. In that respect, political romanticism was a subjective

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[22] Schmitt, *Political Romanticism*, p: 33.

[23] Ellen Kennedy states that "romanticism vs. politics" was not a question unique to Schmitt, but for all his generation. Accordingly, his attack on romanticism equating liberalism with "occasionalism" and indecision continues throughout his career. "Schmitt consistently identifies liberalism as an 'unserious' culture." Kennedy, E. 1998. "*Hostis* not *Inimicus*: Toward a Theory of Public in the Work of Carl Schmitt," in in D. Dyzenhaus (ed.) *Law as Politics: Carl Schmitt's Critique of Liberalism.* Durham: Duke University Press. pp: 92-108.

version of a metaphysical occasionalism. However, to Schmitt, the problem was not merely that: it was just as much an ethical problem.[24]

He raises this issue to strike at the philosophical foundations of romantic passivity. "The essence of romanticism: passivity."[25] In that sense, passivity was also the essence of occasionalism. This occasionalism is defined by an inability to explain modernity's dualism and thus it approaches any 'decision' as an illusion. The romantic is an occasionalist because he avoids "a comprehensive third." It is an easy way to dispose of oppositions and to refuse to dissolve them by engaging in appropriate action. The romantic as a subjective occasionalist would reduce activity to a purely "spiritual movement."[26] The result is that the romantic can never find reality –not in himself, in the world, or in God. He is always in the ironic position. [27] The romantic perceives the either/or but avoids it. Faced with 'alien activity,' i.e., with actions over which one could not claim ownership, all that remains to be done in order to act morally is to add approval or disapproval. "Freedom is only *consentement* (...) God creates and produces. The human being follows the events with his feeling."[28] Occasionalism allowed romantics to avoid taking the responsibility for their actions. By contrast, Schmitt repeatedly points out "the good Christian de Maistre," who espoused an objective occasionalist view, took himself to be an "instrument" in the hand of God and "did not exclude any activity and a consciousness of responsibility."[29]

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[24] Schmitt, *Political Romanticism*, p: 94.
[25] Ibid., p: 95.
[26] Ibid., 94.
[27] Ibid., p: 107.
[28] Ibid., p: 97.
[29] Ibid., p: 94.

According to Schmitt, "where political activity begins, political romanticism ends."[30] The response of the romantics when confronted by a politically demanding decision is to take refuge within the confines of their absolute selves. From that isolation they could passively contemplate how events unfold without being drawn to them. Their eager discussions of political affairs invariably turn into endless idle chatter. Unlike the deliberation which precedes genuine action, romantic discussion is only a substitute for decisive action. "Romantic activity is a contradiction in terms,"[31] wrote Schmitt.

In that sense, Schmitt strongly argued against any association between political romanticism and actual political movements, whether reactionary or revolutionary. The romantic uses both to secure its absolute self. It was in the romantic self that Schmitt first noticed the origins of bourgeois life: "In the liberal bourgeois world, the detached, isolated and emancipated individual becomes the middle point, the court of last resort, the absolute. (...) Psychologically and historically, romanticism is a product of bourgeois security."[32]

Unwilling to show any commitment to political events, the romantic could only have its autonomous self-flourishing within the private spaces available in liberal society. Therefore, Schmitt warned against any attempt to affiliate conservatism or Catholicism with romantic attitudes. Aesthetically conservative, romantic enthusiasm for the Church has nothing to do with the Church itself. Schmitt discusses the case of Adam Müller in detail as the primary example.

> It is a mistake to call him a romantic on the ground that he was a Catholic. This popular conception is to be explained only as a consequence of that dilettante's

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[30] Ibid., p: 160.
[31] Ibid., p: 160.
[32] Ibid., p: 99.

conflation of romanticism with the romanticized object. Catholicism is not something that is romantic.[33]

Contrary to Müller, Catholic conservatives such as de Maistre, Bonald and Donoso Cortés, in Schmitt's view, are the true adversaries of humanitarian liberalism. The crucial difference between these counter-revolutionaries and the romantics is the former's ability to decide politically and to confront the either-or.

> The root of romantic sublimity is the inability to decide, the 'higher third' factor they are always talking about, which is not a higher factor but a different third factor: in other words, it is always a way out of the either-or.[34]

As opposed to this picture of the political romantic, the founders of the counter-revolution were not only actively involved in politics, they were indeed dedicated to changing the events in the way they regarded as right. For Schmitt, bringing the notion of decision to the fore is the critical element of the political. In the writings of de Maistre, Bonald and Cortés, Schmitt finds a clear "moral pathos,"[35] which is absolutely lacking in any romantic thinker. The real world of politics demands decision, moral decisions. Engaging in endless conversation could not enhance the ability to decide between right and wrong. Instead, a clear understanding of the concept of the political necessitates making decisions, facing the risk and responsibilities and putting an end to the discussion. Therefore the romantic is condemned to be left out of the political realm.

> In spite of its subjective superiority, ultimately romanticism is only the concomitant of the active tendencies of its time and its environment. (...) It unconsciously submits to the strongest and most proximate power. And its superiority over the present undergoes and extremely ironical reversal: Everything that is romantic is at the disposal of other energies that are unromantic, and the sublime elevation above definition and decision is transformed into subservient attendance upon alien power and alien decision.[36]

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[33] Ibid., p: 49-50.
[34] Ibid., p: 116.
[35] Ibid., p: 122.
[36] Ibid., p: 162.

Thus concludes the 1925 edition of *Political Romanticism*. In its new foreword to this edition, Schmitt writes that his purpose was to rescue Burke, de Maistre and Bonald from association with romanticism and make their legitimist thought available for contemporary Europe. One could argue that he, in fact, does much more than that. The argument of *Political Romanticism* constructs liberalism as romanticism, the cultural product of modernity trapped within it, and fatally depended on the "liberal bourgeois world" as its presupposition.[37] Schmitt now begins to realize that the logic of liberal parliamentarism is defined by romantic discussion and endless conversation. Faced with an either/or, the liberal, like the romantic, avoids decision. That, for Schmitt, is the essential difference between him and the political man, and it makes the appropriation of counter-revolutionary thought by Müller and others contradictory. "The criterion," Schmitt writes, "is whether the capability of deciding between right and wrong is present. This ability is the principle of every political energy: the revolutionary, who appeals to natural right and human right, as well as the conservative, which appeals to historical rights."[38] *Political Romanticism* is certainly not the most sophisticated work of Schmitt. As polemical as his other works are, the significance of this book lies in its untailored, almost sketchy language: it is the label signifying an intuitive negation of an as yet undefined enemy. This would be the classical stance to be adopted by Schmitt in his whole life.

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[37] Ibid., p: 99.
[38] Ibid., p: 161.

iii) the sovereign

After the publication of *Political Romanticism*, the task that Schmitt undertook was to reassert the juridical validity of the notions such as sovereignty, authority and dictatorship. These non-romantic notions were necessary to strengthen the state, which was being undermined by passive, romantic, liberal politics. Schmitt argued that with the rise of liberalism public discourse was depoliticized and the real nature of the state was damaged. In other words, he claimed that the constitutive question of every state, i.e., "who is supposed to have unlimited power?" was concealed behind the endless discussions of the liberal Weimar constitution.[39] Therefore, Schmitt's self-imposed task was to show that even the mere existence of a state proved that any attempt to dispense with the above-mentioned notions was futile.

Struck by the unstable political environment under the Weimar constitution, Schmitt was motivated to search for the means to restore the political order. He found an initial answer through the development of his early work on dictatorship. Troubled by the indecisive policies and unable to overcome several deadlocks, Schmitt criticized impotent Weimar rule. However, for Schmitt the problem did not lay within the constitution, but in the liberal reading, which treated the constitution as a purely formal juridical document. For Schmitt, there was one single article that could prove the contrary: Article 48.

Article 48 of the constitution not only gave the *Reichspräsident* the power to break the current political deadlocks, but his signature also permitted the Cabinet to exercise emergency powers against any threat to public safety. According to Schmitt, the scope of Article 48 was open to interpretation, for there was the possibility of reading

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[39] Schmitt, *Political Theology*, p: 10.

into it either a commissarial or an absolute dictatorial role for the *Reichspräsident*.[40] With

the delegation of unlimited power to the *Reichspräsident,* there was no way to control or

prevent any predetermined aim that the executive organ could have. Despite the

separation of legislative power from the executive, Schmitt was quick to notice that

Article 48 was the existing provision of how an absolute dictatorship could be fitted

within constitutional bounds. According to Schmitt, this and other contradictions in the

Weimar constitution were not unexpected. It was, in fact, the true political content of the

constitution which should be read separate from its liberal façade.

Die Diktatur, which was published in 1921, was the result of Schmitt's search for

restoring the notion of the sovereign. The contrast between a conservative "commissarial

dictatorship," which defends the traditional constitutional order, and a revolutionary

"sovereign dictatorship," which dissolves an old constitution and establishes a new one in

the name of the people, is the central issue of the study. Referring to Machiavelli at the

beginning of *Die Diktatur,* Schmitt defines the commissarial dictatorship as an office

instituted for the discretionary enforcement of exceptional measures which aims to

restore public safety. In other words, it is the suspension of the office's legal justifications

to succeed in reimposing the normal situation.[41] The functional nature of the

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[40] It might be useful to cite the first two paragraphs of Article 48 of the Weimar constitution to understand clearly how broad the use of power was defined.
Paragraph 1: If a federal state does not fulfill the duties imposed on it by the Constitution of the Reich or by the law of the Reich, the *Reichspräsident* can ensure with the help of the armed forces that these duties are carried out.
Paragraph 2: If the public safety and order of the German Reich is seriously disturbed or endangered, the *Reichspräsident* may take the measures necessary for the restoration of public safety and order, and may intervene if necessary with the help of armed force. To this end he may temporarily revoke in whole or in part the fundamental rights contained in Article 114 [inviolability of personal liberty], 115 [inviolability of home], 117 [privacy of mail, telegraph, and telephone], 118 [freedom of opinion and press], 123 [freedom of assembly], 124 [freedom of association], and 153 [inviolability of private property].
Cited from, Balakrishnan. *The Enemy.* p: 31.
[41] Schmitt, C. 1921. *Die Diktatur. Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf.* Berlin: Duncker & Humblot. p: 137. Cited in. Balakrishnan. *The Enemy.* p: 32; Kelly, D. 2003. *The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber, Carl Schmitt and Franz Neumann.* Oxford: Oxford University Press. pp: 178-79.

commissarial dictatorship is limited and hence it is expected to render itself superfluous. This traditional commissarial conception of dictatorial powers presupposed a clear distinction between normal and emergency conditions of the validity and application of the law. Schmitt, in support of the necessity of this distinction, argued against those who try to "create a dictatorship," such as the Marxist notion of the dictatorship of the proletariat, "whose basis lay in some kind of revolutionary legitimacy."[42]

According to Schmitt, the traditional meaning of the commissarial dictatorship was lost when the goal of emergency powers was no longer to rescue but to replace the existing political order. This indicated a transformation not only of the form of the use of those powers but also in their structure. A new form of dictatorship, which he called "sovereign dictatorship," was now added to the old figure of the commissarial one. What distinguished sovereign dictatorship was its identification with the *pouvoir constituant* – the provisional legislator acting directly in the name of the sovereign people to enact a new constitution. It was this element that troubled Schmitt regarding Article 48 of the Weimar Constitution. The two forms of dictatorships which stand in obvious contradiction to each other were, in fact, brought together in this key article. Schmitt saw that the framers of the constitution had attempted to accommodate "a combination of a sovereign and a commissarial dictatorship."[43] The conclusion following Schmitt's reasoning would clearly indicate that the Weimar Constitution itself would be in danger of being merely a transitional entity. This is because sovereign dictatorship, aiming at

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[42] Schmitt, *Die Diktatur*. p: 205.
[43] Ibid., p: 203.

creation of a new political order, could not be contained within constitutional limits, as the Weimar Constitution seemed to imply.[44]

Warning his readers against the expected inconsistencies of any liberal constitutions in general, and the Weimar constitution in particular, Schmitt was not surprised to see that the two elements that could possibly cause their own legal destruction were accommodated in the constitution. Nevertheless, despite his criticisms Schmitt saw an opportunity to give the political its proper position. As Cristi argues, he was quick to notice that it was possible to empower the *Reichspräsident* beyond the limits set by the constitution itself. "Schmitt sought to bring out this repressed aspect of the constitution, its revolutionary stance, in order to graft onto it his own counter-revolutionary programme he thought he shared with de Maistre, Bonald and Donoso Cortés." In this respect, Cristi continues, "the notion of the sovereign dictatorship developed by Schmitt in his *Die Diktatur* manifested his desire to keep alive what he saw as the foundation of the now disintegrated German monarchy, namely the monarchical principle."[45] Pointing out the inherent inconsistencies of the Weimar Constitution, Schmitt looked for a potential sovereign dictator in favor of a strong state. At this early stage of formulating his understanding of sovereignty, his attempt was to apply the logic of the monarchical principle to the modern democratic age. However, it would take him another year to fully develop his definition of the sovereign.

In 1922, Schmitt published *Political Theology* in which he explored the notion of sovereignty as a critique of liberal jurisprudence. Against the liberal negation of sovereign will, Schmitt took sides with the Catholic conservatives. His affinity with the

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[44] Ibid., p: 202.
[45] Cristi, *Carl Schmitt and Authoritarian Liberalism.* pp: 68-9.

counter-revolutionary thinkers had been an issue, as we have seen, since *Political Romanticism*. With this work, one could see that de Maistre, Bonald and particularly Cortés became principal figures for Schmitt.

However, despite Schmitt's pact with the Catholic conservatives, Bodin was the crucial theorist of the state for his influence was obvious in the formation of Schmitt's argument on sovereignty. Bodin's importance lay in his attempt to pose the question of who has the right to decide that an exceptional situation has arisen, and suspend the laws.[46] According to Schmitt he stands at the beginning of the modern theory of state. The strength of his "legal-decisionist" theory lay in the construction of the legal logic of the state and his acute grasp of Europe's sectarian fragmentation. Following the diminishing political power of Christendom as a supernatural order, Bodin's sociological theory of sovereignty as an empirical institution served to dissolve the theological dispute over secular authority. "No matter how much power [other institutions] have," Bodin writes, "if they are bound to the laws, jurisdictions and command of someone else, they are not sovereign."[47] With that Bodin detaches the question of political authority not only from theology but from justice as well. Indeed, the sovereign is less bound to "do justice" than are magistrates and subjects; because only the sovereign can make law "affecting all subjects in general, or dealing with the general interest; law is the command of the sovereign."[48]

Schmitt's notion of sovereignty emphasizes that the sovereign's decisions are political, not moral. Since sovereign authority is political, not theological. However, reminding his readers that all significant political concepts are secularized theological

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[46] Schmitt, *Political Theology*. pp:8-10.
[47] Bodin, J. 1996. *On Sovereignty*. Cambridge: Cambridge University Press. p: 49.
[48] Ibid., p: 51.

ones, Schmitt asserts that the foundation of a legal order still rests on a transcendent source. That source is the sovereign who has the will to decide politically.

> De Maistre spoke with particular fondness of sovereignty, which essentially meant decision. To him the relevance of the state rested on the fact that it provided a decision, the relevance of the Church on its rendering of the last decision that could not be appealed. Infallibility was for him the essence of the decision that cannot be appealed.[49]

Schmitt argued that the contemporary legitimation crisis of the secular state made it both possible and politically imperative to uncover such theological thought. However it was harder than one might expect as the liberal project of neutralizing conflicts in a legalistic spirit had effectively suppressed a theologically conceived notion of authority involved in the idea of sovereignty. The antidote he found was the counter-revolutionary tradition, and more specifically the Spanish thinker Donoso Cortés.

Cortés's expression of the mood regarding the total collapse of the foundations of social order was not only influential on Schmitt. By 1848, he was a figure of European significance. He observed how liberalism tried to exist as a third party in the battle between political theism and political atheism. "According to Donoso Cortés, it is characteristic of the bourgeois liberalism not to decide in this battle but instead to begin a discussion."[50] The liberal bourgeois, oscillating between the two, wanted "neither the sovereignty of the king, nor that of the people."[51] The Spaniard, on the other hand, could not accept the modern notion of authority as it was rendered totally ineffective. Instead, his proposal was to return to dictatorship as it was "the opposite of the discussion."[52]

> Mark it well; there is no longer any moral or material resistance... It is a question of choosing between the dictatorship from below and dictatorship from above. I

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[49] Schmitt, *Political Theology*. p: 55.
[50] Ibid., p: 59.
[51] Ibid., p: 60.
[52] Ibid., p: 63.

choose the dictatorship from above because it comes from regions which are pure and more serene. In the last resort it is a question of choosing between the dictatorship of the dagger and that of the sword: I choose that of the sword because it is nobler.[53]

No doubt Schmitt was aware that Cortés's definition of dictatorship contained the elements of a concept of sovereignty which would be the negation of popular sovereignty. The responsible figure of commissarial dictatorship was transformed into sovereign dictator.[54] In this new figure the sovereign is reduced "to the moment of decision, to a pure decision not based on reason and discussion and not justifying itself, that is, absolute decision created out of nothingness."[55] However, as Cristi states, this indifferent attitude towards the content of the decision leaves the question of legitimacy out of the picture. "This is what marked the revolutionary nature of his conservatism, a conservatism with intimations of existentialism."[56] What distinguishes Schmitt from conventional conservatism, according to Cristi, is the existentialist tone of his hard decisionism. This places him among the conservative revolutionaries.

Nevertheless, one thing should be kept in mind in order to grasp the inner consistency of Schmitt's works. Despite his reputation as a Catholic thinker, it is clear that the theological framework of his books was not Catholic in any conventional sense. From the very beginning, Schmitt's principal concern was to reinstate the notion of the strong state independent of all other domains. To that end, Schmitt continued to affirm the concept of sovereignty in his Weimar writings. In one final work Schmitt articulated his views on the role of the Catholic Church in protecting the unity of the state. Published

[53] Cortés, D. 1877. "Discours sur la Dictature,"in *Oeuvres de Donoso Cortés.* Vol:1. Lyon: Briday. Cited from Balakrishnan. *The Enemy.* p:49.
[54] Balakrishnan, *The Enemy.* p:49.; McCormick, *Carl Schmitt's Critique of Liberalism.* pp:133-39.
[55] Schmitt,. *Political Theology.* p:66.
[56] Cristi, *Carl Schmitt and Authoritarian Liberalism.* pp: 73-4.

in 1923, *Roman Catholicism and Political Form* presented the Church as a common ground, which provides a model for societies struggling to reconcile deep conflicts of interest and ideology. The Church was an intuitional embodiment of the underlying unity of European political civilization, "a political form" which relativized the significance of the national and class oppositions: *Complexio oppositorum*, a complex of opposites.[57] In this respect, Schmitt argued that the contemporary technical-economic rationality of the modern capitalism and its dominant political expression, liberalism, stood at odds with the truly political power of the Catholic Church. As opposed to the narrowing effect of the "economical view" on the political, Schmitt wanted to highlight the radicalism of the Church as a complex reconciler of opposites. That is, he wished to present it in contradistinction to its typical appearance as the unworldly body. Instead, Schmitt observed that only the Church was in a position and had the will to affirm the political and hence to secure the unity of the state. Accordingly, the Church's *complexio oppositorum* was the true indicator of its awareness of the political and its continuing faith in authority. Therefore, the Church has, in effect, its own rationality, one at odds not with particular regimes but rather with the overwhelming economic rationality of modern capitalism.[58] Against the depoliticizing effect of the technical-economic view, Schmitt suggested that the Catholic Church presents the true pathos of authority: "To the political belongs the idea, because there is no politics without authority and no authority without an ethos of belief."[59] Therefore, the nature of *complexio oppositorum* requires "the absolute realization of authority" buttressed by a "power to assume this or any other form

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[57] Schmitt, *Roman Catholicism and Political Form*. p: 7.
[58] Ibid., p: 24.
[59] Ibid., p: 17.

only because it has the power of representation."[60] This power of representation finds its locus in a particular form of concrete personal authority, namely the personality of Christ. Since representation makes sense only in the realm of the juridical and the political, the Church requires the existence of a state; for without it there was nothing that "could correspond to its representative disposition."[61] In sum, the Church would be the bearer of the political, the only concrete body of authority along with the sovereign.

Schmitt's praise for the Catholic Church in *Roman Catholicism* might raise questions about his relation to the Church as an ecclesiastical body or the representative of a particular theological tradition for he had an ultimately critical relationship to both. However, given his view that all modern concepts of the state are secularized theological concepts, it is not surprising to see that Schmitt wished to illustrate the enduring power of the original source of the political. The Church, with its unique and solid *complexio oppositorum,* is a part of Schmitt's plea for a strong state. In this sense, his whole discussion of the sovereign comes to the conclusion: for the political to prevail authority must exist, thus belief.

iv) the exception

Among all the significant secularized concepts of the political, Schmitt pays special attention to the notion of exception. In his analysis, "the exception in jurisprudence is analogous to the miracle in theology."[62] Banished from the triumphal world of the modern constitutional state, the miracle represents the transgression of the laws of nature brought about by direct intervention. Following the analogy he established,

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[60] Ibid., p: 18-19.
[61] Ibid., p: 34.
[62] Schmitt, *Political Theology*, p: 36-37.

Schmitt observes that the rejection of the miracle means the refusal of the sovereign's direct intervention in a valid legal order. "The rationalism of the Enlightenment rejected the exception in every form,"[63] writes Schmitt. But, the very existence of the exception provides Schmitt with the ground to contest the new theology of which he had long been critical.

"The exception, which is not codified in the existing legal order, can best be characterized as a case of extreme peril, a danger to the existence of the state."[64] Therefore, the exception is not a part of the law; rather it is where the law of the state stops. "There is no norm which could be applied to a situation of chaos. For a legal order to make sense, a normal situation must exist and he is sovereign who definitively decides whether this normal condition actually exists."[65] Contrary to the norm as the specific form of law, the exception is a boundary concept, which must reveal a decision. This case makes the sovereign subject a real question, because the emergency is a situation that cannot be anticipated, nor can a response to it be specified in advance. Although the exception requires unlimited jurisdictional competence, from the liberal point of view no such competence is possible. The liberal constitution, at its best, could appoint the person who can act in such a situation. The role of the sovereign, then, is clear: he is to decide whether an emergency exists and what should be done to eliminate it. In this content, the sovereign stands outside of the normally valid legal system; yet Schmitt points out that "he nevertheless belongs to it; for it is he who must decide whether the constitution needs to be suspended in its entirety."[66]

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[63] Ibid,. p: 37.
[64] Ibid., p: 6-7.
[65] Ibid., p: 13.
[66] Ibid., p: 7.

The liberal impulse to avoid getting involved in such cases through legal practices is not surprising according to Schmitt. Legal theory and legal practice, Schmitt claims, are concerned with the "jurisprudence of everyday life," not with such extraordinary cases. Both concentrate on the normal and view the abnormal as a disturbance or interruption, an annoyance. Liberal constitutionalism pushes back the elements of exception and decision, restraining and binding them through the ideas of "government under law" and "checks and balances."[67] Both, therefore, limit the prerogative power of the sovereign. The decision cannot have an independent meaning in liberal constitutional theory. It is bound to remain as an aspect of law.

For Schmitt, the problem is not that liberal legal theory is methodologically unsatisfactory, but that it denies its own boundaries. The norm is only normal by reference to an exception. What concerns Schmitt is not the structure of the law, but where the law stops:

> The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: It confirms not only the rule but also its existence, which derives only from the exception. In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition.[68]

In an implicit way, the exception appears as the existential aspect of the political order. Thus the elimination of the emergency could not be perceived as a legal question, nor could the political order be legislated constitutionally. For Schmitt there is always a moment of indifference and indeterminacy that refers to the boundary of the law itself: the exception. Considering the relation of norm to exception, one should recognize that *Political Theology* contains the radical claim that sovereignty is order and that the sovereign decides absolutely whether there is "a normal situation." This part of the

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[67] Ibid., pp:18-19.
[68] Ibid., p: 15.

argument introduces an apparently unlimited space of legal indeterminacy in which sovereignty surfaces as the aspect of law that is not determined. Schmitt seems to remove all law when he writes, "all law is the law of a situation." The exception, in that sense, points to the end of law.

Part III: Legal Theory

i) introduction

Central to Schmitt's argument is always his critique of liberal reason. As demonstrated in Part II, in the early 1920s the Catholic element played a crucial role in formulating his case against liberal politics. However, after the publication of *Roman Catholicism and Political Form* Schmitt turned his attention to the legal aspects of the Weimar era. Beginning with his work *The Crisis of the Parliamentary Democracy,* published in 1923, Schmitt's writings become entirely devoted to the critique of liberal law and the liberal constitution. This does not entail a conceptual shift in his theoretical framework. Themes that were central to his early writings, such as the decision, sovereignty and the exception retained their importance; so did counter-revolutionary thinkers who cultivated Schmitt's earlier decisionism. For almost a decade, until he became a member of the Nazi party, Schmitt focused on what he considered as the flawed nature of liberal constitutionalism.

Constitutional law was a key element in Schmittian politics for it determined the existence and capability for action of a political unity. The major problem Schmitt identified in liberal jurisprudence was precisely the lack of this quality. To Schmitt all legal theory was inherently political. Henceforth, there existed a necessary relationship

between the constitution and the qualities that made up the political. Every concept that mattered to the political realm should be taken into account in the constitution. It necessarily follows that for a constitution to determine the capacity of a political unity, it must incorporate the ability to identify the exception and it must submit to the sovereign who has the authority of making a final decision. In that sense it is not the constitution which forms the political authority, but rather the authority which facilitates setting up a constitution.

In direct opposition to the formulation above, liberal constitutionalism is best captured by the term normativism. Schmitt consistently uses this concept in a deprecatory manner to define the characteristic impasse of liberal ideas. Arguing that governmental power is legitimate only when derived from a fixed, written constitution, liberals have always sought to subject political power to a system of norms and/or a rule-based legal regulation. Two key qualities ground the normative principles of contemporary liberal constitutionalism: neutrality and the rule of law. According to Schmitt both qualities aim at the establishment of constitutional democracy, which has been the fundamental project of liberal thought. Notwithstanding the diversity of liberal ideas about constitutional government, Schmitt criticizes these qualities since they rest upon contradictory premises and hence result in self-deceit.

To elaborate, Schmitt sees an essential contradiction between the theory and practice of liberal legal theory. Therefore, among all legal schools, it is legal positivism and its prominent theorist Kelsen, which Schmitt criticizes most.[69] Assuming that the

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[69] Referring to Weber's influence on Schmitt, McCormick suggests that his confrontation with legal positivism is not initially motivated by Kelsen's work. Rather Schmitt's critique is generated by his engagement with Weber. McCormick, *Carl Schmitt's Critique of Liberalism*, p: 207. For a detailed examination of Weber's effect on Schmitt see; Scheuerman, *Carl Schmitt: The End of Law*, pp: 228-229;

state is a purely juristic concept, Kelsen claims that legal order is not originated by the state, nor is it formed by the political authority. Instead, it is a system consisting of a set of norms, all of which could be derived from a "basic norm." Schmitt raises his objections to Kelsen's legal positivism first in his *Political Theology*.[70] In Kelsen's legal system, Schmitt comments, a norm is valid only by reference to another norm for they could all be validated with reference to the basic norm.[71] Following this half-mocking remark, Schmitt points out the relativism of this stance; legal positivism is self-contradictory. The jurist, he observes, can construct a unity objectively from any point within the legal system, which he confronts with relativistic superiority. Inevitably in the practice of the principles of neutrality and the rule of law one could not claim any objectivity but instead the personal decision of the jurist.[72]

Schmitt's critique of legal positivism could be seen as the heart of his general disagreement with the principles of liberal constitutionalism. However, to understand the core of his argument it is necessary to consider how Schmittian legal theory overlaps with his political theory. Therefore, the question at stake is not the accuracy or effectiveness of Schmitt's legal theory, but rather the relationship between his legal theory and the

Cristi, *Carl Schmitt and Authoritarian Liberalism*, pp: 163-165; Mehring, R. 1998. "Liberalism as a 'Metaphysical System:' The Methodological Structure of Carl Schmitt's Critique of Political Rationalism," in D. Dyzenhaus (ed.) *Law as Politics: Carl Schmitt's Critique of Liberalism*. Durham: Duke University Press. pp: 141-146. Dyzenhaus, D. 1996. "The Legitimacy of Legality," *The University of Toronto Law Journal*, 46(1): 129-180. Dyzenhaus also presents a comprehensive review of Schmitt's legal understanding in comparison to Kelsen and Heller: Dyzenhaus, D. 1996 "Herman Heller and the Legitimacy of Legality," *Oxford Journal of Legal Studies*. 16(4): 641-666.

[70] The distinction between normativism and legal positivism is not clear in Schmitt's writings until *On the Three Types of Juristic Thought* of 1934. While before 1934, Schmitt has a tendency to use these notions interchangeably, in his essay he clarifies the difference between the two. Accordingly, while the normativist thinking exercises on the principle that "only law not the necessities of the momentary, continually changing situation or even the choices of man, should be allowed to rule," positivist thinking, which is a combination of decisionism and normativism, "is held to be a 'pure juristic' method, whose purity is based on the fact that all metaphysical as well as all 'metajuristic' considerations are excluded." Schmitt, C. 1934. *On The Three Types of Juristic Thought*. Trans.by. J. Bendersky. Westport: Praeger Publishers. 2004. pp: 49,65.

[71] Schmitt, *Political Theology*, p:19.

[72] Ibid., pp:20-21.

formation of the political. As Kennedy observes, the beginning of Schmitt's political theory is located in the silence of jurisprudence on the relationship between theory to practice and the legacy of formalism.[73] Therefore, not surprisingly, Schmitt constructs his case against liberal jurisprudence in a polemical way. Three dichotomies, which he uses to reveal the conflicting foundation of contemporary jurisprudence, are noteworthy: a) form versus substance, b) the rule of law versus exception, and c) parliamentarism versus democracy. The following parts will focus on each individual dichotomy and will examine the roots of his political theory.

ii) form versus substance

In his 1934 preface to the second edition of *Political Theology*, Schmitt identifies three types of legal thinking: *Recht* as a norm, as a decision or as a concrete order. This typology is nothing new to the reader of Schmitt, for he had already outlined these three sources of jurisprudence in his *On the Three Types of Juristic Thought*, published in the same year. It is curious that Schmitt felt it necessary to resurrect his analysis of contemporary legal thought for the new edition of an essay published more than a decade earlier. Perhaps one needs to look into the relationship between the concepts of legal determinacy and of the decision in the Schmittian sense.

As Scheuerman observes, many of Schmitt's writings are from very early on occupied with the question of legal determinacy.[74] Accordingly, Schmitt claims that liberal conceptions of legal decision-making rest on a normative base, which assumes that a legal system is constructed upon a set of clear general norms. Such a system is free

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[73] Kennedy, *Constitutional Failure: Carl Schmitt in Weimar*. p: 64
[74] Scheuerman, *Carl Schmitt: The End of Law*. pp: 8; 18-27.

of any unforeseeable ambiguities for all conceivable cases and situations can be solved under the established norms.[75] As a result the judge is reduced to either the legislator of legal documents or the mouth of law. Whereas for formalistic liberals "all legal decisions are easy cases," for Schmitt only a tiny number of cases prove to be leading to the same judicial outcome under the guidance of general norms. Since reality proves otherwise, Schmitt claims that the "will" of the judge, his "pure decision," inevitably affects the legal process.

Schmitt repeatedly attacked what he conceived of as the weakest point of normativism to discredit liberalism altogether. Legal decision-making inescapably rests on the discretion of the judge. Only a person, not a system, as in the formalistic scheme of jurisprudence whose "interest is essentially material and impersonal," can decide how to enforce or realize the law.[76] In other words, the very existence of a 'pure decision' at the basis of every legal act interferes with the founding principle of normativistic liberalism as a whole. The enigma of legal indeterminism, as Scheuerman suggests, provides an effective weapon for Schmitt in his assault on liberal democracy.[77] Purely formal jurisprudence endangers the personality of the judges, their ability to engage in the concrete particularity of a given case by confining them to the mechanical application of a pre-given statute. For Schmitt, between the law and the concrete reality, there will always be a gap which must be mediated by a judge.

Aside from legal indeterminacy, normative legal thought generated deeper problems for the conception of the political. In his *On the Three Types of Juristic*

[75] Schmitt, C. 1912. *Gesetz und Urteil: Eine Untersuchung zum Problem der Rechtspraxis.* Munich: C. H. Beck. Schmitt, C. 1933. *Staat, Bewegung, Volk: Die Dreiliederung der politischen Einheit.* Hamburg: Hanseatische Verlangsansalt.
[76] Schmitt,. *Political Theology.* p: 35.
[77] Scheuerman, *Carl Schmitt: The End of Law.* p: 9.

Thought, Schmitt defined normativism as the embodiment of the rule of pure rationality, the rule of abstraction and generality. It manifested, according to him, the domination of *ratio* over *voluntas,* of objectivity over subjectivity and of *lex* over *rex.*[78] To Schmitt the obsession with the notion of objectivity made the entire school of normativism impractical and inadequate. This theoretical approach necessarily neglected the inescapable political and sociological realities which are essential to connect the existing laws to the society. A sharper separation of "norm and reality, ought and is, rule and concrete-affairs" was the inevitable outcome.[79] In that sense normativists excluded, not only in the field of jurisprudence but politically as well, crucial questions concerning legitimacy, power and sovereignty. This required an attitude that separates the justice of law from its effectiveness as the base of constitutional theory.[80] That, according to Schmitt, was the most dangerous aspect of normativism because it disregards the problem of the very "realization of that law."[81] He argues that "every legal thought brings a legal idea, which in its purity can never become reality, into another aggregate condition and adds an element that cannot be derived either from the legal idea or from the content of a general positive norm that is to be applied."[82] In his critique of normativism, as McCormick points out, Schmitt is clearly more concerned with the ethical sources of formalistic laws than with the practical application, or rather nonapplication, of those laws.[83]

Schmitt claimed that the immanent flaw of normativism clearly revealed itself when faced with the most basic content of the political experience, i.e., conflict. Perfect

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[78] Schmitt, *On The Three Types of Juristic Thought.* pp: 49.50.
[79] Ibid., p: 52.
[80] Schmitt, *Political Theology,* pp: 16-32.
[81] Ibid., p: 21.
[82] Ibid., p: 30.
[83] McCormick, *Carl Schmitt's Critique of Liberalism.* p: 217.

in defining the form, normativism failed when faced with the antagonistic content of the political.[84] Unable to guarantee its survival in the face of an extreme conflict, liberal legal normativities are entirely ineffective for resolving the situation at hand: "these can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral party."[85] Because core elements of the political experience are essentially supra-normative, Schmitt discards the value of liberal legal devices in their entirety. Utterly politicized in the conflict against the enemy, the liberal principles of neutrality and equality before the law necessarily become invalid. In the end, liberal constitutionalism betrays its own foundations; it becomes worthless precisely when the political unity of a people is at stake.

Furthermore liberals tend to conceal the unavoidable limits of normativism behind the shield of the principle of neutrality. According to Schmitt, as Bielefeldt observes, neutrality means lack of substance.[86] It is typical of a liberal approach to claim a neutral position vis-à-vis all conflicts that exist in the society. However, to Schmitt, this standpoint reveals either a dangerous loophole, a fatal weakness in normative legal theory, or a very cunning hypocrisy of the liberal bourgeoisie who in fact engage with the imperatives of political conflict, but only in bad faith. Even the most formally neutral constitutions, Schmitt argues, cannot espouse neutrality towards its own existence; no institution can facilitate its own destruction. Hence, Schmitt explains, even formal legal thought necessitates the functioning of supra-normative elements so as to guarantee

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[84] According to Schmitt's *The Concept of the Political*, which will be discussed in the following section in detail, political experience is characterized by potentially life-threatening situations in which political actors are challenged by the enemy, who "in a specially intense way, existentially something different and alien, so that in the extreme case conflicts are possible." p:27.

[85] Schmitt, *The Concept of the Political.* p: 27.

[86] Bielefeldt, H. 1998. "Carl Schmitt's Critique of Liberalism: Systematic Reconstruction and Countercriticism," in D. Dyzenhaus (ed.) *Law and Politics: Carl Schmitt's Critique of Liberalism.* Durham: Duke University Press. p: 24.

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political self-preservation.[87] Notwithstanding liberal aspirations, normativists repeatedly transgress the narrow boundaries of their own approach. In resolving the dichotomy between form and substance, liberal constitutionalism chooses neither of the two: its claim to appeal to the basic norm for constructing a valid formal legal system is inconsistent since it cannot maintain its own purportedly liberal principles. Normativism offers no way to distinguish between essential and peripheral elements of the constitutional system. Nor does it provide a moral justification for liberal ideas.[88] Deprived of both its form and substance liberal constitutionalism could secure no validity. As he later expressed more bluntly in *Legality and Legitimacy*, "no norm, neither higher nor lower, interprets and administers, protects nor defends itself; no normative validity makes itself valid; and there is also no hierarchy of norms but rather only hierarchy of men and instances."[89]

iii) the rule of law versus the exception

Schmitt identified liberal thought with a tradition that affirmed the sovereignty of individuals. In that sense the protection of individual rights was the first demand of liberalism. As he aptly formulated it, "the individual must remain the *terminus a quo* and the *terminus ad quem*" in a liberal system.[90] Maintaining the critical distrust of the state

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[87] With the establishment of parliamentary legislative state, Schmitt argues, "law, statute, and legality become 'neutral' procedural mechanism and voting procedures that are indifferent toward any content of any sort and accessible to any substantive claim." However, despite this lack of substance, Schmitt recognizes that this concept of law must contain certain qualities: "Above all, in may not be 'neutral' toward itself and its own presuppositions." Schmitt, C. 1932. *Legality and Legitimacy*. Trans. By J. Seitzer. Durham: Duke University Press. 2004. p: 27.

[88] According to Schmitt, this can be best analyzed by investigating the essential difference between the First and Second Principle Parts of the Weimar Constitution: "The Weimar constitution is literally divided between the value neutrality of its First Principle Part and the excessive value commitments of the Second." Ibid., pp: 50-53.

[89] Ibid.,, p: 54.

[90] Schmitt, *The Concept of the Political*. p: 70.

and the political, liberalism requires the limitation of power and authority of the state and its subordination to the interest of civil society. The notion of the rule of law was the essential part of the liberal constitution that guaranteed the full attainment of that requirement by fostering the limitation of the state.[91]

Schmitt was not committed to the principle of the rule of law. In fact he regards this element of the constitution as the unpolitical component.[92] The rule of law had two principal functions: First it had to ensure that there exists a clear separation between civil society and the state. Second, to prevent the state from overstepping its limitations, the rule of law maintained a strict definition as well as a separation of its powers and competencies.[93] In short, the rule of law was the main liberal legal tool that performed the encirclement of the state most effectively. Presented as a warrant against all despotism, the rule of law not only hinders the state from utilizing its organs, but also undermines its capacity to enact coercive orders under exceptional situations.[94]

Along the lines of his criticism of normativism, Schmitt pointed out that the rule of law remained a purely procedural condition. Similar to the formalistic notion of the "higher norm", the rule of law had no moral origins; it was indifferent to the

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[91] Schmitt used the notions of rule of law and *Recthsstaat* interchangeably. Both referred to the principles of protection of the fundamental rights of individuals and limitation of state intervention by restricting its range of action. However, Schmitt consistently pointed out that *Rechtsstaat*, in spite of all legality and normativity that surrounds it, is still a *Staat* and thus "contained aside from the specifically liberal rule of law element, a specifically political element." Schmit, C. 1928. *Verfassungslehre.* Berlin: Duncker & Humblot. p: 125. Cited in Cristi, *Carl Schmitt and Authoritarian Liberalism,* p: 128.

[92]. Ibid., p: 125. Cited in E. Böckenförde. 1998. "The Concept of the Political: A Key to Understand Carl Schmitt's Constitutional Theory," in D. Dyzenhaus (ed.) *Law as Politics: Carl Schmitt's Critique of Liberalism.* Durham: Duke University Press. p: 37, 43.

[93] Schmit, *Verfassungslehre.* p: 126. Cited in Cristi. *Carl Schmitt and Authoritarian Liberalism.* p: 152-53.

[94] McCormick, in a recent article, argues that Schmitt is not alone in his critique of the liberal rule of. Along similar lines, advotes of Critical Legal Studies, which is radically progressive in its self-understanding, "seeks to unmask every hypocrisy of the liberal rule of law, (...) in favor of a truly democratic approach to law." McCormick, J. P. 1999. "Three Ways of Thinking 'Critically' about the Law," *The American Political Science Review.* 93(2): 413.

consequences of its application.[95] Nonetheless, compared to his critique of normativist

thinking, Schmitt's opposition to the principle of the rule of law poses some deeper, even

existential questions for liberals. In his *Legality and Legitimacy* Schmitt engages with the

question of the sources of legal sanctions and compliance with the authority: If

legitimacy requires submission to the force of law on the grounds other than the mere

threat of sanction or the simple force of habit, then why do people obey law? Could the

principle of the rule of law, defined as purely a legislative tool, strengthen the legitimate

base of the state; or in fact is the contrary valid? Which components of the constitution

better reflect a broader popular will: the separation of powers or a more unitary institution

like the president? Could regimes based on the rule of law, faced with the antagonistic

nature of the political, withstand the inherent weaknesses of normativist

constitutionalism?

Granted the profundity of these questions, Schmitt's solution is no less

astonishing. Schmitt introduces a new typology of regimes defining the types of states by

reference to the forms and procedures through which the decisive political will

emerges.[96] Accordingly, there exist four different state systems: legislative, jurisdiction,

governmental and finally at the end of the spectrum the administrative state. Among all

four types Schmitt pays special attention to the legislative state system. The legislative

state assumes that the "community will" is expressed in sets of norms, specifically,

established by a parliament. Impersonal in their character, these norms should be pre-

established and general in form. They must refrain from targeting any individuals or

groups. Furthermore, on the institutional level, the legislative state acts on a strict

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[95] Schmit, *Verfassungslehre.* p: 126. Cited in Cristi. *Carl Schmitt and Authoritarian Liberalism.* p: 153.
[96] Schmitt, *Legality and Legitimacy.* p: 4.

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separation between the law and its application, hence between the parliament and the administration. Following this description, it is no surprise to see that Schmitt associates these characteristics of the legislative state strictly with the rule of law.[97] Conceived as the "principle of legality of all state action" Schmitt severely criticizes the rule of law and its allied legislative state

Schmitt claims that the principle of the rule of law is "mastered by a series of simple equivalencies: Law=statute; statute=state regulation." [98] Because there is no personal authority in this system, and only statutes to legalize the state's power, Schmitt asserts that the legislative state assumes away the issue of obedience. Submission to the law is granted only to the statute: "there is only legality, not authority or commands from above."[99] This creates a problem in terms of the legitimacy of the existing laws. According to Schmitt, law disconnected from both those who make it and those to whom it is applied might easily be identified as illegitimate.

> The parliamentary legislative system, with its closed, and gapless system of legality of all state action, developed a thoroughly distinctive system of justification. "Legality" here has the meaning and purpose of making superfluous and negating the legitimacy of either the monarch or the people's plebiscitarian will as well as of every authority and governing power, whether in the form that provides its own foundation or one claiming to be something higher.[100]

As McCormick aptly puts it, in Schmitt's account of legitimacy "obedience is affiliated most closely with personal authority."[101] The main argument, that abstract, impersonal domination has replaced domination by concrete persons, is repeatedly emphasized. Disagreeing with the current situation, he asserts that in the contemporary

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[97] Ibid., p: 7.
[98] Ibid., p: 19.
[99] Ibid., pp: 19-20.
[100] Ibid., p: 9.
[101] McCormick, J. P. 2004. "Introduction to Carl Schmitt's Legality and Legitimacy." in Schmitt, C.. *Legality and Legitimacy*. Trans. By J. Seitzer. Durham: Duke University Press. p: xxiv.

legislative state "laws do not rule; they are valid only as norms." Therefore, "whoever exercises power and government acts 'on the basis of law' or 'in the name of law' does nothing other than what a valid norm permits jurisdictionally."[102]

Clearly, as discussed previously, the abstract domination by impersonal norms brought on by normativist jurisprudence is still in itself intolerable for Schmitt. But in *Legality and Legitimacy*, Schmitt addresses a new form of concrete domination, which he perceives as the most dangerous aspect of such a rule of law. Abstract legality allows for seizing the state that is increasingly seen as merely an oppressive power mechanism and not the site of the integration of a people's will.

The state, which, in fact, is dominated by the abstract conception of legality and therefore appears on the verge of losing its legitimacy, is also threatened by a greater danger posed by any majority group that could take state power under their control.[103] Playing with the mathematics of the majoritarian method of will formation, Schmitt warns against the ancient problem of tyranny. Surely, it is not the question of tyranny by majority rule that attracts Schmitt's genuine interest. Nor is the finding of a solution to the deterioration of parliamentary democracy. On the contrary, Schmitt raises these problems repeatedly because they address the inherent weaknesses of the legislative liberal state. What worries him is the preservation of political unity and the state as the embodiment of it.

The notion of the exception, which forms the spirit of *Political Theology*, reemerges in his critique of the rule of law. According to Schmitt, in order to withstand the perils of abstract legality, three qualities are required: First, the concrete interpretation

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[102] Schmitt, *Legality and Legitimacy*. p: 4.
[103] Ibid., pp: 28-31.

and the use of the concept of emergency.[104] Second, the presumption of legality on the side of the legal holder of state power. And finally, the executive supremacy of the legal holder of the state power in immediate instances.[105] But, how exactly does the rule of law hamper the ability to deal with the exception? As discussed earlier, Schmitt argues that any attempt to define the exception and to regulate it in conformity with abstract legal principles is a hindrance on the actual ability to manage it.[106] Nevertheless, this does not entail that the constitution should be robbed of the capacity to deal with the exception. This is what Schmitt means by the concrete interpretation of the notion of emergency. Yet, the legislative state, with its emphasis on the regulation of the normal situations, is incapacitated when faced with an exception. To Schmitt, exception belongs to real life. Thus any effort to banish it from the realm of politics is futile: "in the exception the power of real life breaks trough the crust of a mechanism that has become torpid by repetition."[107]

The exception not only challenges the everyday regulation of the liberal rule of law. It also puts the effectiveness of its jurisprudence to the test. In the face of an exceptional situation, Schmitt claims that "the judiciary will mostly arrive too late." Notwithstanding his acknowledgment of the corrective and protective quality of the judicial change, Schmitt states that "it cannot be politically decisive and cannot support this type of legality's principle."[108] Alluding to the dreadful consequences of the Versailles Treaty, Schmitt concludes that "judicial procedures for resolving political

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[104] Among others, Schmitt also mentions concepts such as 'danger,' 'hostility to the state and constitution,' 'life and death issues.' These concepts derive their significance from being undermined despite their decisive role in difficult and politically important times.

[105] Ibid., p: 32.

[106] Schmitt, *Political Theology*. pp: 6-7.

[107] Ibid., p: 15.

[108] Schmitt, *Legality and Legitimacy*. p: 32.

conflicts have generally lost value and standing. In none of the life-and-death questions of German foreign policy could one still impudently insist on the opportunity to win an international law case affirming Germany's death penalty."

It is clear that the state of exception requires a strong sovereign will rather than a state constrained by the regulations of the rule of law. Liberals, Schmitt postulates mockingly, either forget or conceal this political truth. Indeed neither of the conclusions is correct. The legislative state establishes its continuity right at the heart of the dichotomy between the rule of law and the state of exception. Article 48 of the Weimar constitution bestows upon the executive apparatus the right to suspend the rule of law in cases of emergency. According to Schmitt, Article 48 introduces an extraordinary lawmaker, "who competes with the ordinary national legislature and who establishes rights that are not only *praeter*, but also *contra legem*, that is, who creates right in opposition to the ordinary legislature of the parliamentary legislative state."[109] The Weimar constitution, with its organizational separation of the law and legal application, forms all its protective institutions to defend itself against the executive. In the application of Article 48, nevertheless, "the distinction between the statute and statutory application, legislative and executive" disappears.[110] Besides the abolition of the principle of separation of powers, Article 48 grants authority to suspend fundamental rights, which are inalienable in the rule of law regime. As a result, all crucial limitations on the legislative state are set aside under the guidance of the constitution.

In Schmitt's terminology the exception is political par excellence. Therefore, only by facing this challenge can political unity be strengthened. In that sense the proper

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[109] Ibid., pp: 67-68.
[110] Ibid., p: 71.

functioning of the rule of law depends on how it blends with the existing political unity. By claiming a general priority over political unity and by deepening the claims to further liberalization and individualization, the rule of law only sabotages its own existence. For Schmitt, it is clear that only a strong political unity, i.e., a strong state, could guarantee individual rights and liberties; it is the political unity which protects and maintains them in the face of human endangerment and violation.

iv) parliamentarism versus democracy

In his *The Crises of Parliamentary Democracy*, Schmitt levels two kinds of criticism against liberal parliamentarism. First, he argues that the parliament has turned into an obsolete institution. Second, Schmitt attempts to show that far from being a harmonious pair, liberalism and democracy carry out antagonistic programmes.[111]

According to Schmitt, the principal objective of the nineteenth century liberal movement has been to protect an individualist civil society from the encroachments of the state. In contrast, the main objective of modern democratic movements is to establish a relationship of 'identity' between a collectively conceived people and its state.[112] In that sense, democracy is based entirely on the open-ended idea that government is legitimate to the degree that its actions reflect the will of the people.[113] Democracy raises the problem of the identity of the demos, its borders, and its homogeneity.

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[111] In his article Habermas argues the continuity between Schmitt's early work of *Political Romanticism* and *The Crisis of Parliamentary Democracy* is apparent. Accordingly, the decisionist theory emphasized in the latter work flows directly from the former. Habermas, J. 1989. "The Horrors of Autonomy: Carl Schmitt in English," in *The New Conservatism: Cultural Criticism and Historians'* Debate. Cambridge: MIT Press. p: 129.

[112] Schmitt, C. 1923. *The Crisis of Parliamentary Democracy*. trans by. E. Kennedy. Cambridge. MIT Press. 1985. p: 35.

[113] Ibid., p: 22.

Democracy, in short, depends upon homogeneity, the "identity of rulers and ruled:"

> It belongs to the essence of democracy that every and all decision which are taken are only valid for those who themselves decide. That the outvoted minority must be ignored in this only causes theoretical and superficial difficulties. In reality even this rests on the identity that constantly recurs in democratic logic and on the essential democratic argument that the will of the outvoted minority is in truth identical with the will of the majority.[114]

Schmitt here nominated Rousseau as the central theorist of democracy, but lamented the fact that "it seems to have gone unnoticed that the theory of the state set out in *Du Contract Social* contains these two different elements [liberal and democratic] incoherently next to each other." The state is outwardly justified by a liberal façade of the free contract, but the "development of the central concept, the 'general will,' demonstrates that a true state, according to Rousseau, only exists where people are so homogeneous that there is essential unanimity."[115] Hence, Schmitt concluded that "democracy can exist without what one calls today parliamentarism and parliamentarism without democracy."[116]

Besides the discordant relationship between parliamentarism and democracy, Schmitt asserted that 'the development of modern mass-democracy has made argumentative discussion an empty formality."[117] The liberal ascription of equality to all persons, to humanity in effect, actually separates it from democratic thought, he argues, and the subsequent democracy of mankind replaces the homogeneity of real democracy. In doing so it attempts to destroy the political itself. So, as he wrote, "everything depends

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[114] Ibid., p: 25.
[115] Ibid., p: 13.
[116] Ibid., p: 32.
[117] Ibid., p: 6.

upon how the will of the people is formed."[118] For Schmitt, the essence of parliamentarism is discussion, premised upon an institutional structure of separated powers where parliament is limited to a legislative function and underpinned by the abstract idea of sovereignty of the rule of law. Parliament, therefore, is the political agent of a public spirit. Accordingly its limits are set primarily through the growth and development of the public sphere.[119]

Nonetheless, Schmitt argues that while the growth of this public sphere provided a basis for the legitimacy of parliamentary democracy, it simultaneously undermined the possibility of realizing its aim. Two problems were apparent: First, the fundamental principle of parliament, i.e., discussion, had lost its genuineness. Government by discussion, Schmitt's description of parliamentarism, had been transformed from nineteenth-century laissez-faire liberalism to twentieth-century mass-party, state-interventionist liberalism. This transformation had dire effects: the discussion taking place in the parliament was no longer sufficiently informed. Hence, no legislation coming from the parliament was complete or accurate. Nor were they 'truthful.' As in any application of a liberal principle, truth was supposed to be found "through an unrestrained clash of opinion," and therefore, it had become "a mere function of the eternal competition of opinions."[120] Reminiscent of his earlier arguments on romanticism, Schmitt accused government by discussion as generating nothing but "unending

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[118] Ibid., p: 27
[119] Habermas argues that, what is problematic in Schmitt's separation of democracy from liberalism is not his negligence of the formation of public sphere. Rather Schmitt by restricting the procedure of public discussion to its role in parliamentary legislation decouples it from democratic will-formation. Habermas, "The Horrors of Autonomy: Carl Schmitt in English," pp: 138-139.
[120] Schmitt, *The Crisis of Parliamentary Democracy*. p: 35.

conversation."[121] In the end, Schmitt concluded that the parliamentary system could no longer properly perform its task, which, indeed, was destined to fail from the very beginning.

Second, Schmitt distrusted the public aspect of the parliamentary system. As discussed in the previous section, Schmitt had strong oppositions to the mathematics of the rule of law procedures. The legitimacy of any law, which is legislated by a certain percentage of the members of the parliament, did not in any sense represent the 'people.' According to Schmitt, none of the procedures that made up the nineteenth-century classical liberal representation were in use today. Rather, he argued, in contemporary liberalism the populace was betrayed by party-bound delegates cutting deals in smoke-filled antechambers. As a result, the laws did not stand for the public spirit; instead they acted for the private interests of bourgeois liberalism.

Acknowledging that the modern political principle is democracy, Schmitt vigorously rejected liberalism as the true ground for its realization. His solution is an alarming question:

> In spite of all its coincidence with democratic ideas and all the connections it has to them, parliamentarism is not democracy any more than it is realized in the practical perspective of expediency. If for practical and technical reasons the representatives of the people can decide instead of the people themselves, then certainly a single trusted representative could also decide in the name of the same people. Without ceasing to be democratic, the argument would justify an antiparliamentary Caesarism.[122]

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[121] Ibid., p: 36. As we have seen earlier, Schmitt clearly distanced himself from the liberal political values of discussion and deliberation. In fact, in *Political Theology*, he described what his intellectual heroes thought about government by discussion: "Catholic political philosophers such as Maistre, Bonald and Donoso-Cortès, would have considered everlasting conversation a product of a gruesomely comic fantasy, for what characterized their counter-revolutionary political philosophy was the recognition that their times needed a decision." p: 53.

[122] Ibid., p: 34.

Schmitt's criticism of liberal legal theory builds on his deconstruction of the state-constitution-people constellation. In many ways, this deconstruction of the three dichotomies represents an antithesis of the previous constellation: decision-exception-sovereign. In all his writings dedicated to the analysis of liberal jurisprudence, Schmitt warns his readers against the ever-existing possibility of conflict between the state and the opposing groups. In the following part, we will analyze the nature of his conflict, which Schmitt seems to perceive as the nature of the political. In other words, we will witness how the nature of the political, as Schmitt understood it, necessitates the deconstruction of liberal constitutionalism and leaves us with a certain threat: the threat of the enemy.

Part IV: The Political

i) introduction

A veritable academic growth industry surrounds Carl Schmitt's *The Concept of the Political*.[123] Published originally in 1927, the essay is certainly his most influential and also the most polemical. The book opens with a dramatic reversal of the assumptions of German state law: "The concept of the state presupposes the concept of the political."[124] With that opening statement, Schmitt immediately distances himself from

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[123] With the translation of *The Concept of the Political*, readers of Carl Schmitt have increased in large numbers on all parts of the political spectrum. Surprisingly, it has been scholars on the Left who have been most active in discussing the works of Schmitt, and in particular *The Concept of the Political*. The journal *Telos* devoted a whole issue to Schmitt (*Telos*, Summer 1987) and continued to publish commentaries on Schmitt on a regular basis. Among the full-length recent works, Chantal Mouffe's *The Return of the Political* (London: Verso) is a notable example. This enthusiasm to re-evaluate Schmitt's criticism of liberalism particularly by the New-Left writer has been received with critical reviews. Jürgen Habermas, Stephen Holmes and Richard Wolin could be named among those who approach Schmitt with a critical caution. For a recent example of New-Left's take on Schmitt see: Lefebvre, A. 2005. "The Political Given: Decisionism in Schmitt's Concept of the Political." *Telos*, 132: 83-98

[124] Schmitt, *The Concept of the Political*. p: 19.

the classical state theorists of the German intelligentsia. He strictly argues against the theories that juxtapose the political and the state. He argues that in contrast with the availability of a number of suitable definitions of the state, there has never been a clear, non-circular definition of the political: while the state is defined as a particular type of political organization, the political is usually defined as action seeking to influence the state. This, Schmitt asserts, creates an understanding of the political with far more elastic boundaries. In turn, all other spheres that are confined to the vaguely defined area between the state and the society become sites of intense political conflict. The political, he concludes, loses its autonomy.

Schmitt's crucial concern is to develop and specify the autonomous sphere of the political in contrast to other spheres of 'cultural life:' economy, religion, aesthetics and ethics. The demarcation line is to be found in "own ultimate distinctions, to which all actions with a specifically political meaning can be traced."[125] Contrary to the other spheres with their final distinctions, such as between good and evil in morality, between profitable and unprofitable in economics, and so on, the ultimate criterion or distinction of the political is that of friend and enemy. Perhaps among all the quotes taken from Schmitt's numerous essays the following is the most famous: "The specific political distinction to which political actions can be reduced is that between friend and enemy."[126] As soon as human action, behavior, thinking and motives are determined by the distinction between friend and enemy, we can speak of specific political action and behavior. As Böckenförde rightfully argues: "The central thesis and lasting scientific significance of this work is that it offers a phenomenologically discernible criterion not of

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[125] Ibid., p: 26.
[126] Ibid., p: 26.

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politics, but rather of the political, of the political sphere, or to be more exact, of the state of aggregation of the political."[127] Hence, he concludes, the concept of the political represents an analytical tool that allows delineating the specificity of the political domain.

How did Schmitt employ this analytical tool? It could be said that there are two lines of attack running through the book: against the hyperpolitization which was undermining the centrality of the state by making everything potentially political; and against the resulting drop in the level of political life which stemmed from the very same cause and had thoroughly weakened the political with the language of party politics and the mathematics of the parliamentary regime. In contrast to the mundane world of politics, Schmitt saw the heightened point of the political as tantamount to "the moments in which the enemy is, in clarity, recognized as the enemy."[128]

In this regard, as Kennedy observes, one might identify three loci of the political: a) the moment of indeterminacy contained in all law, b) revolution and civil war, and c) war between states.[129] The political in the first sense, as we discussed in the preceding part, appears in the discretionary power of the jurists in the face of the legal gaps. Or, as Kennedy puts, it is about the freedom inherent in human organizations, "the ultimately indeterminate quality of human actions." The remaining two, on the other hand, point to important actors that have not been discussed in this text yet: The state, as the executioner of all political decisions, and the enemy, as both the origin and the object of the political.

In the following two sections, these definitive elements of the political are examined. Notwithstanding the lack of a general state theory in the writings of Schmitt,

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[127]Böckenförde. E. W. 1998. "The Concept of the Political: A Key to Understand Carl Schmitt's Constitutional Theory," in D. Dyzenhaus (ed.) *Law and Politics: Carl Schmitt's Critique of Liberalism.* Durham: Duke University Press. p: 37- 41.

[128] Schmitt, *The Concept of the Political,* p: 67.

[129] Kennedy, *Constitutional Failure: Carl Schmitt in Weimar.* pp: 95, 98.

an analysis of the specificity of the state is essential for it represents the public and its unity. The enemy, on the other hand, is the most exclusive concept of Schmitt's lexicon. Aside from defining the existentialist stance of Schmitt's theory, the notion of enemy brings the core concepts reviewed so far together: the decision, the exception and the sovereign. Hence, it is appropriate to begin with who is not the friend.

ii) the enemy

The Concept of the Political introduces the specific distinction of the political realm as between friend and enemy. The enemy, not the friend, is the main character of Schmitt's political sphere. In his description of the enemy, Schmitt warns us against the conventional definitions easily associated with him. It is true, he accepts, that the ordinary language addresses the enemy as the ugly or evil or unprofitable. Nonetheless this should not affect the possibility of identifying the fundamental negation of the political, i.e., the negation of friend and enemy, and separating it from all other spheres. This negation is neither normative, nor an intellectual contradiction, but a given reality. In fact, every normative or intellectual position has its friends and enemies, even liberalism,[130] which inclines to mix the political and other distinctions. Schmitt clearly challenges liberalism by excluding all types of normative judgments from the realm of the political. What matters to him is to emphasize the reality of the confrontation that faces every human being who exists politically.

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[130] Schmitt, *The Concept of the Political,* p: 30.

Notwithstanding the speculative nature of Schmitt's concept of the political, he is not the originator of such a conception.[131] What seems original in this scheme is the claim that both friend and enemy are stripped of all kinds of normative judgments. Schmitt, without referring to a moral or aesthetic basis, addresses these notions in a purely polemical fashion. Morality was not irrelevant in politics; only self-righteous liberal ethics, which claimed to act in the name of 'humanity,' should be kept out of the political.[132]

The bases of the political, then, are threefold: First, it lies in the intensity of the negation between friend and enemy. Second, due to the specificity of the distinction it is independent of all other spheres. And finally, the political is without any necessary moral content but the threat of war. The political is not determined before it appears. Yet it is always concrete and existential. Only the subject can recognize the political and decide who the enemy is. In this sense, the enemy is the other, the stranger, with whom there is the real possibility of a violent struggle to the death. The essay explicitly assumes consciousness of the other as a concrete and existential given. The dynamics of the political, i.e., the negation of friend and enemy, resembles the dialectic of self and other as a struggle for recognition ending in lordship and servitude. Schmitt's concept of the political, one might argue, subtly reworks the terms of the Hegelian struggle for recognition. In Hegel's *Phenomenology,* the driving force of the relationship between master and slave is not only the struggle for recognition, but also the need and desire for the other. Therefore, the moment of recognition moves into moral and ethical relationship

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[131] Balakrishnan argues that one could even find a similar notion of politics in Plato's *Laws.* See, Balakrishnan,. *The Enemy.* p: 106.

[132] Balakrishnan summarizes the minimal ethic that Schmitt adopted for his 'high politics' in a nice but a superficial way: "Not love your neighbor, but respect your enemy." Ibid., p: 108. The moral base of the Schmittian politics is a topic for long discussion. We will return to this issue in the next chapter.

from the family to civil society to the state. The existential moment in which the other is recognized by Hegel's subject becomes, through Schmitt's reading, a public moment of the political.

> The political enemy need not to be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible.[133]

In many ways, the identification of the enemy appears to be arbitrary. If no normative judgment identifies him, there seems no reason to dislike this enemy. Yet, as Schmitt makes clear, like and dislike are not at issue; the enemy must not be founded upon private affect. We are concerned not with the private enemy -*inimicus,* "a person who hates us," with whom we quarrel- but with the public enemy –*hostis,* with whom we fight.[134] As Derrida elaborates, Schmitt establishes the political field in hostility, and not in enmity, such that there is no personal passion or affective aversion to the enemy: "Here we have a totally pure experience of the friend-enemy in its political essence, purified of any affect (...) If the enemy is the stranger, the war I would wage on him should remain essentially without hatred, without intrinsic xenophobia."[135] Politics begins with this purification.[136]

The primary meaning of the political is given in the possibility of war, and from that "most extreme point" of hostility, Schmitt distinguishes political actions according to

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[133] Schmitt, *The Concept of the Political,* p: 27.
[134] Ibid., p: 28. In the following section, we will return this issue to discuss the difference between the notions of public and private enemy in detail.
[135] Derrida, J. 1994. *Politics of Friendship.* Trans. by. G. Collins. London. Verso. 1997. p: 87.
[136] Ibid., p: 88. Derrida concludes that what ultimately lay behind Schmitt's fascination with the political was a fear of the concealed enemies. "Where the principal enemy, the 'structuring' enemy, seems nowhere to be found, where it ceases to be identifiable and thus reliable –that is, where the same phobia projects a mobile multiplicity of potential, interchangeable, metonymic enemies, in secret alliance with one another: conjuration." Ibid,. p: 84.

their intensity. A polity does not constantly face the question "friend or enemy?" nor does it mean that political existence is nothing but bloody war. On the one hand Schmitt does not idealize war: "It is the most extreme consequence of enmity. It does not have to be common, normal, something ideal, or desirable. But it must nevertheless remain a real possibility for as long as the concept of the enemy remains valid."[137] On the other hand, Schmitt is quick to remind us that the disappearance of the possibility of war means non-existence of the political. While arguing that the definition of the political favors neither militarism nor pacifism, in a sharp contrast he declares that politics would no longer exist should war be eliminated and the globe pacified.[138] The continuity of the political is only warranted by the figure of the enemy. The loss of this figure would mark the beginning of depoliticalization, the beginning of the end of the political.

Schmitt addresses two specific developments that threaten the existence of the political: the rise of the liberal state and the universal idea of humanity. We will deal with the issue of the liberal state in the next section. As for the second threat, Schmitt appeals to the classical theories of the nation state: as long as one state exists, there will be others. Therefore:

> It is irrelevant here whether one rejects, accepts, or perhaps finds it an atavistic remnant of barbaric times that nations continue to group themselves according to friend and enemy, or hopes that the antithesis will one day vanish from the world, or whether it is perhaps sound pedagogic reasoning to imagine that enemies no longer exist. The concern here is neither with abstractions nor with normative ideals, but with inherent reality and the real possibility of such a distinction. One may or may not share these hopes and pedagogic ideals. But, rationally speaking, it cannot be denied that nations continue to group themselves according to the friend-enemy antithesis, that the distinction is still actual today, and that this is an ever present possibility for every people existing in the political sphere.[139]

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[137] Schmitt, *The Concept of the Political,* p: 33.
[138] Ibid., Compare page 33 to 35.
[139] Ibid., p: 28.

The political world, in this sense, can never exist on a universal level. Any notion that attempts to unify the world around one ideal is a threat to the distinction between friend and enemy. The concept of humanity, after all, is not political for humanity as such has no enemy.[140] Quoting from one of his greatest opponents, Proudhon, Schmitt declares that anyone who takes an interest in humanity ceases to talk about politics. Therefore, a universal society founded upon the ideal of humanity would necessarily mean total depoliticalization.[141]

Once war ceases to be a means of international politics, it becomes a means of ideological (or religious, moral, ethnic, etc.) domination. Once war ceases to be a public contest between recognized political entities, it becomes what Schmitt called an "international civil war." Such a war is then "considered to constitute the absolute war of humanity." Schmitt warns his readers: "This war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only."[142]

Similar to his definition of the enemy, war has no normative content at all. There appears a double-sided question with such a characterization of the enemy and hence war. If the enemy is free of all normative attributes, that is there exists no reason except that he is a threat to the peoples' existence, then the genesis of the political is received from the other, the enemy. As mentioned earlier, Schmitt explicitly assumes consciousness of the

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[140] Ibid., pp: 53-54; Schmitt, C. 1930. "Ethic of State and Pluralistic State," trans by. D. Dyzenhaus in C. Mouffe (ed.) *The Challenge of Carl Schmitt*. London: Verso. 1999. p: 205.
[141] Schmitt, *The Concept of the Political*, p: 55.
[142] Ibid., p: 36.

enemy as given. In that sense, only through reciprocal recognition does the enemy become political. Yet, for the people to recognize the enemy, it must be evident. There are no potential enemies; as soon as there is a possible hostility, it becomes actual, concrete. The identification of the enemy is not a declarative act on the side of the people. Rather the enemy presents himself. Therefore, while the people decide who the enemy is, the people must simultaneously be identified by the enemy as their enemy; the people must receive the threat of the other to constitute its political being. For that reason, despite his painstaking efforts to stay in the realm of the political by swinging between the extremes of the friend-enemy distinction, Schmitt is pushed out of the very same realm, for the political is given by the enemy.

Schmitt's analysis of the case of extreme conflict, and/or war, might be a better example to explain what is at stake. Regarding war, Schmitt repeatedly states that for a combat to gain political meaning, it must have no normative content. The real occurrence of conflict needs neither moral, nor ethical, nor economic reasons.

> 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 for this reason. 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. Just as little can war be justified by ethical and juristic norms. If there really are enemies in the existential sense as meant here, then it is justified, but only politically, to repel and fight them physically. . . The justification of war does not reside in its being fought for ideals or norms of justice, but in its being fought against a real enemy.[143]

Once again Schmitt astonishes his readers. The political develops not out of intense hostility but from the real threat of a bellicose other who creates the people's political being with a war cry. Schmitt appears to claim that exposure to death is the condition of every political relationship; or, in other words, that one must risk being

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[143] Ibid., p: 49.

destroyed as a people in order to become a politically free people. Unity is achieved only through the risk of death, and there is no norm (be it ethical, juristic, or idealistic) that justifies imposing this unity over the other. The political community is formed by risk, a risk brought by an enemy, an enemy who must be repelled rather than attacked. The political possibility is that the other threatens my life; the decision which places me as the enemy of my enemy is made by this other. The political is not claimed or asserted but is initiated through the reception of a threat. In brief, the political is given.

Political association may be formed around a perceived existential threat and an ever-present horizon of warfare and annihilation. War is not desirable, stresses Schmitt, but it is unavoidable. We do not go to war, says Schmitt, unless "motivated by an existential threat to one's life." As a victim, the community is nothing but its real or perceived vulnerability. One becomes political by being able to answer the aggression of the other by founding political subjectivity: a poised and determinate subject who may in turn become the enemy of the other.

iii) the state

The Concept of the Political opens with a reversed formula: Not the state but the political exists independently. As have many political theorists, Schmitt begins with human existence but deduces no content or purpose from it, and man's existence as a conscious and embodied individual is silently assumed here as a "concrete life"[144] possessing all the qualities of mind associated with time, reason and the passions. He undertakes no original theory of humanity, nor is there a fundamentally new philosophy.

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[144] For a detailed examination of the notion of "concrete life" in Schmitt's writings see, M. Ojakangas, "Philosophies of "Concrete" Life: From Carl Schmitt to Jean-Luc Nancy." *Telos,* Fall 2005: 132, pp: 25-45.

Carl Schmitt was by no means a master of political philosophy. But he was a master in identifying the problems facing the modern state.

In his undertaking on the question of the modern state, Schmitt did not formulate a systematic theory of the state. Neither did he ever fully reconcile his understanding of the formation, structure, functioning, and future of the state. In contrast to approaches that consider political power as mere legal competence or as a function of economic-technical development, he insisted on the internal logic and independent dynamic of the state.

As discussed earlier, the differentiation between the emergency and norm is one of the most crucial analytical tools that Schmitt applies frequently. In fact, one could argue that Schmitt's focus on emergencies is a crossroad for different types of political thinking. Adopting his formulation yields a conclusion that theorizes basic political terms and problems in respect to their exception and normality. The framework that Schmitt entertains as the concept of the state does not stand alone. He develops his theory of state with respect to emergencies.

Consequently, in defining the term political unit, in general, and that of the state as one type of it, in particular, Schmitt refers to the utmost emergency case, i.e., war and civil war. That explains why the concept of the state presupposes the concept of the political: no political unit or state could exist without the distinction between friend and enemy. It is inevitable for any political unit to define its enemies, and thus its friends. In that respect, it is "something specifically different, and vis-à-vis other associations, something decisive."[145] In other words, the defining criterion of a political unit in contrast, to economic, religious, or moral associations lies in its willingness and ability to

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[145] Schmitt, *The Concept of the Political*, p: 44.

envisage the possible case of emergency. By choosing to form itself against an ever-present possibility of armed struggles, Schmitt's political unit is forced to make provisions for its self-defense: effective struggle against an effective enemy.

Insofar as the state forms one particular type of a political unit, everything that has been said about the nature of the latter must be applied to the former. Yet, differing from the generic definitions of any political unit, the state is the *jus belli*, i.e., the exclusive and actual right to resort to war that necessarily belongs to the state. "The state as the decisive political entity possesses an enormous power: the possibility of waging war and thereby publicly disposing of the lives of men."[146] The state has the exclusive control over the capacity "to demand from its members the readiness to die and unhesitatingly to kill enemies." Schmitt's definition clearly grants the monopoly over the means of physical violence to the state. According to his reasoning, the unchallenged exercise of this monopoly produces "tranquility, security, and order" within the state and its territory.

The political decision is not reducible to private decision; it implies, or even makes it possible. As Schmitt says, the enemy must be public –*hostis*- and not private – *inimicus*- because the decision as to who the public enemy is establishes the public: "it is the very sphere of the public that emerges with the figure of the enemy." This is the principal reason that Schmitt advances the state and the political as reciprocal teleological poles. The state presupposes the political as an intensity of association, but the political presupposes the sovereign state as the public structure where it forms configurations of friend and enemy: "An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity. The enemy is solely the public

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[146] Ibid., p: 46.

enemy, because everything that has a relationship to such a collectivity of men, particularly to a whole nation becomes public by virtue of such a relationship."[147]

Liberalism depoliticizes to the extent that it concerns itself only with ethics and economics into which all social life falls. In so doing, everything becomes putatively political, and, as such, liberalism obscures an understanding of the nature of the political. The state is a consensus of enmity towards the other: each immanent member is bound together in this identification. For this reason, the state is the decisionist mechanism that forms to encapsulate and express the declaration of the enemy by a unified public.

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[147] Ibid., p: 28.

CHAPTER II: Schmitt's Leviathan

Part I: Introduction

As is now widely acknowledged, Schmitt was an 'occasionalist' thinker who did not elaborate a theoretical system.[1] Even in his writings on contemporary jurisprudence, his analyses are a remodeling of the main topics of constitutional law than the invention of a theoretical system for constitutional democracy. But in this restructuring, there is one figure who is deeply engraved in Schmitt's interpretation of the political: Thomas Hobbes. His association with a Hobbesian worldview is now taken for granted by both the disciples and the critics of Schmitt's. Common to both thinkers' interpretation was the concern with authority and order in society. Like Hobbes, Schmitt underscored the centrality of violence in human experience. In this respect the sovereign, who is associated with the use of power in the face of conflicts, was the key notion for both Hobbes and Schmitt.

Schmitt's long-time interest in Hobbes can be readily inferred from his writings. Beginning with his *Political Theology*, Hobbes casts his shadow on his understanding of political authority. Neither can one read Schmitt's early works such as *The Concept of the Political* or his later study *The Nomos of the Earth* without encountering fundamental Hobbesian ideas that have become as associated with Schmitt as they were with Hobbes: *Naturzustand, bellum omnium contra omnes, homo homini lupus,* or "protection and obedience." Yet, as Schmitt's mature works would demonstrate, his affinity to the English philosopher became more personal. His *Leviathan* of 1938 is the clearest

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[1] See Kennedy, *Constitutional Failure: Carl Schmitt in Weimar*. p: ; Rumpf, H. 1972. *Carl Schmitt und Thomas Hobbes: ideelle beziehungen und aktuelle bedeutung*. Berlin: Humblot, Preuss, U. K. 1999. "Political Order and Democracy: Carl Schmitt and His Influence," in C. Mouffe (ed.) *The Challenge of Carl Schmitt*. London: Verso. pp: 155-179.

example of this transformation. Alongside clearing many interesting parallels between his and Hobbes's thought, Schmitt identifies his fate with the "lonely philosopher from Malmesbury." It is not difficult to detect in Schmitt's own persona in his reviews on Hobbes: "lonely as every pioneer; misunderstood as is everyone whose political thought does not gain acceptance among his own people; unrewarded, as one who opened a gate through which others marched on ..."[2]

Perhaps at the end of his Nazi career Schmitt felt the necessity to justify his reliance on a Hobbesian worldview. To that end, in his analysis of the Leviathan he brought together almost all the elements that had contributed to his theoretical framework: theology, legal theory, parliamentary democracy, state and the political. These were the notions that Schmitt had build his corpus upon. Nevertheless, in none of his writings is the influence of Hobbes on him clearer.

Notwithstanding the centrality of Hobbes in the works of Schmitt, the German lawyer was interested with a limited aspect of the philosopher. As McCormick suggests, Schmitt had recognized something "vital, substantive, and fundamentally human in Hobbes's grounding of the state in the fear of death."[3] That, one could argue, constituted the particular angle by which Schmitt approached the works of Hobbes. In this respect his analysis of Hobbes could be viewed as fragmentary and incomplete. Nevertheless, as Schwab suggests in his introduction, one must consider Schmitt's Weimar treatment of Hobbes in its entirety as well as in the framework of his own concept of the crucial

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[2] Schmitt, C. 1938. *The Leviathan and the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol.* Trans. by G. Schwab and E. Hilfstein. Westport: Greenwood Press. 2004. p: 86.
[3] McCormick, *Carl Schmitt's Critique of Liberalism.* p: 250.

distinction between a qualitative and quantitative total state.[4] Schwab argues that

Schmitt's theoretical construct recognized a key differentiation between the "political

sphere" (state) and the "non-political domain" (society) that had eroded by the 20th

century. Historically, the qualitative total state, while monopolizing political power,

intervened in society only on those occasions necessary to protect the state or society

from domestic or foreign enemies. However, in Weimar a multiplicity of political parties

emerged and challenged the state's domination of the political sphere. As Schmitt

described it, "between the state and its government at one pole and the mass of citizens at

the other pole, a thoroughly organized multi-party system has inserted itself and is today

in possession of the monopoly of politics." In the absence of any fundamental consensus

among Germans about the kind of society and government that should replace the

vanquished *Kaiserreich*, these parties splintered the political sphere and divided the

country so intensely against itself that, at times, Weimar bordered on the very civil war

the now debilitated Hobbesian Leviathan had been created to prevent.

By the early 1930's, Schmitt feared this process would culminate in either the

disintegration of Weimar and the German state or the seizure of power by a totalitarian

party that would then use the state to totally transform every aspect of society in

accordance with the principles of its ideology. Schwab, in an ironically apologist way,

claims that Schmitt's involvement with the presidential system at the end of Weimar was

an effort to preclude this result. According to him, even while Schmitt later collaborated

with the Nazis, he was still trying to salvage as much as possible of the traditional state

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[4] Schwab, G. "Introduction" in C. Schmitt 1938. *The Leviathan and the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol.* Trans. by G. Schwab and E. Hilfstein. Westport: Greenwood Press. 2004. p: x

and society from the all-pervasive interference and transformation inherent in universal Nazification.

Schmitt's joining of the Nazi Party certainly did not prevent the destruction of a civil war that he was utterly afraid of. In fact, Schmitt himself became one of the victims of the very same regime which he once served. In this respect, Schmitt's conviction that only a qualitative total state, i.e., Leviathan, could prevent the damages that a weakening liberal state could create was proven wrong. This should explain the complex attitude that Schmitt holds in relation to Hobbes: Leviathan, once an inspiring figure for Schmitt in his quarrel against liberalism, failed to succeed in its fundamental undertaking. Leviathan, unlike Schmitt's incomplete analysis prophesied, failed to protect those who obeyed him. Hence, Schmitt concluded his lifetime interest in Hobbes with the essay that questions the "meaning and failure of a political symbol."

This chapter focuses on Hobbes's explicit influence on Schmitt. The purpose is not only to shed light on the similarities and the distinctions between the theories of both thinkers. Rather, it also aims to demonstrate how Schmitt constructed his political theory vis-à-vis Hobbes's liberalism. Undoubtedly, Schmitt was struck by the keen description of the Hobbesian state of nature. Sharing a similar historical context with Hobbes, he used the figure of the sovereign as an apt tool against social strife. However, Schmitt's agreement with Hobbes was not only limited to his political views. He shared a similar outlook on humanity as well. Therefore, Hobbes not only provided a framework for Schmitt's political theory but also laid a moral ground for him. By consistently affirming the dangerousness of men, Schmitt promotes his authoritarian politics. The need to be governed stems from the evil nature of man. Hobbes was right to point out that

unrestrained in the state of nature, man lives continuously under the threat of physical violence not because of the fundamental equality among men but because of his evil nature.

Schmitt's understanding of the political was by no means a duplicate of a Hobbesian project for the twentieth century. He had seen a genuine political philosopher in Hobbes and yet a failed figure. Therefore his neo-Hobbesian project, as McCormick calls it[5], undertook the task of reviving the dangerous nature of man and making it the foundation of the political. Only by accomplishing that could Schmitt build his conservative agenda without the cracks that Hobbes had failed to notice.

This chapter is divided in three parts. In the first section I will discuss the political foundation that Schmitt took from Hobbes. Next, the moral ground that endorses this Neo-Hobbesian project will be analyzed. Finally, I will return to a young student of Schmitt, who contributed his attempt to construct the political with a rigorous critique: Leo Strauss. Strauss's notes on *The Concept of the Political* will help us both to say our last word on Schmitt and to begin analyzing a different voice of contemporary conservatism.

Part II: Hobbes as a Political Ground

In his magnum opus, the English political philosopher suggests that "the passion to be reckoned upon is fear."[6] His dim view of human nature, which causes a constant chaos in the state of nature, prompts him to pursue a search for stability. Hobbes is the theorist of *civitas* and a political realist who recognizes that only a strong state authority

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[5] McCormick, *Carl Schmitt's Critique of Liberalism.* p: 252.
[6] Hobbes, *Leviathan.* I, 15, 200.

could prevent *civitas* from disintegrating. He is a conservative thinker to the extent that the maintenance of the state authority is more important than the significance of individuals and social interests. Fear, in that sense, becomes the source of the political order. This basic attitude is what makes Hobbes relevant for Carl Schmitt. Insofar as Schmitt held a similar perspective, his theory serves as an antidote to liberal individualism, pluralism and parliamentary democracy.

For Schmitt the crucial element in Hobbes' theory is the ever-existing possibility of war of all against all. Placing this idea at the center of his thinking, Schmitt develops his thesis on the essence of the political: "The specific political distinction to which political actions and motives can be reduced is that between friend and enemy."[7] This assumes that individuals always find themselves, potentially, in the situation of having to decide between friends and enemies, in other words, that the natural state *(status naturalis)* of humanity is the state of war *(status belli)*. This necessary distinction between the friend and enemy is already outlined in Hobbes' state of nature: "in a condition of Warre, wherein every man to every man, for want of a common power to keep them all in awe, is an Enemy."[8] However, Schmitt recognizes the critical twist in Hobbesian teaching and one might argue that his painstaking effort to place mankind in midst of a potential war is an attempt to recover what Hobbes might have done wrong.

From Hobbes onward, liberalism has argued that the protection of the right to life is the condition for the passage from the state of nature to the state of culture: without the state assuring this right in the form of a civil society at peace, no free

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[7] Schmitt, *The Concept of the Political*, p: 26.
[8] Hobbes, *Leviathan*, I, 15, 204.

and rational development of human beings is possible.[9] Furthermore, the natural state is a stage that humanity overcomes in exercising its rational self-determination. Schmitt counters that only the return to the state of nature from the sphere of culture gives human beings access to their political existence. He is aware that only by instilling the primal fear, is it possible to revive the state of nature; thus the essence of the political.

As early as *Political Theology* of 1922, Hobbes became a key figure in Schmitt's writings. Later, he returns to the English thinker once again with an extensive analysis in the *Concept of the Political*. Schmitt's final rendezvous with him is dated 1938, with his essay, *The Leviathan*. Despite the different themes that Schmitt picks from the teaching of Hobbes -legal decisionism, *status naturalis* versus *civitas*, and the myth, he is consistently concerned with the concepts of *authoritas* and the nature of the political. Schmitt's task is to bring the Hobbesian essence of the political to light while avoiding the elements that cause the failure of the great myth of Leviathan.

The state of nature is the ground upon which Schmitt builds his project. He recognizes that the liberal tradition is based on one fundamental assumption: civil society is possible on the basis of the transition from a state of nature, which is essentially a state of potential war, to a state of culture, which is essentially a state in which social conflicts are regulated through the medium of law. To be in the state of culture means that each individual, in principle, agrees to give the pure form of law to its conduct. The liberal understanding of law supposes that the pure form of law cannot discriminate

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[9] Thus the quote follows: "There is no man can hope by his own strength, or wit, to defend himselfe from destruction, without the help of Confederates." Hobbes, *Leviathan*, I, 15, 204.

between self and other. That is why liberal doctrine holds that to act in accordance with this pure form is equivalent to recognizing every other as another self, or, as Kant says, recognizing "humanity" in the other.[10] Because the rule of law permits every other to be recognized as free and equal to myself, that state which is constituted on the basis of such a rule also seems to take away the potential for enmity, which is thought to derive from the perception of the other's inferiority or of one's superiority.[11] To explain how the form of law recognizes only the equality of individuals, modern liberal discourse makes use of a distinction between nature and culture. Radical differences between individuals belong to the state of nature: racial, sexual, ethnic, and other such differences are to be rooted in "first" nature, while religious, cultural, and philosophical differences are to be rooted in "second" nature. Once these differences have been naturalized, they can also be "neutralized" or "bracketed" so as to allow the individual's autonomous self to emerge.

The question of liberal "neutrality" is in reality a question about what feature of the transition to the state of culture places radical differences in a relation of exclusion with respect to the form of law. According to the self-understanding of political liberalism, the exclusion or neutralization of "natural differences" is an eminently "civilized" achievement for the medium it uses is rational discussion aiming at consensus solely on the basis of the force of the best arguments. The transition from nature to culture is made only on the basis of those terms about which agreement is in principle achievable through "communicative rationality" or rational discussion. For modern

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[10] Schmitt's disdain of the term humanity is worth recalling here: "Humanity is not a political concept, and no political entity or society and no status corresponds to it. Humanity according to natural law and liberal-individualistic doctrines is a universal, i.e. all-embracing, social ideal, a system of relations between individuals. This materializes only when the real possibility if war is precluded and every friend and enemy grouping becomes impossible." Schmitt, *The Concept of the Political*, p:55.

[11] "In the nature of man, we find three principall causes of quarrel. First, Competition; Secondly, Diffidence; Thirdly Glory." Hobbes, *Leviathan*, I, 13, 185.

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political liberalism, moral validity is rooted in the absolute respect for human autonomy, which presupposes the naturalization and neutralization of radical difference on the basis of a rational-communicative proceduralism.

Schmitt's critique of liberalism sees in these three presuppositions of liberal rule of law the fulfillment of "a striving towards a neutral sphere" which characterizes the transition, in the seventeenth century, from "traditional Christian theology to the system of 'natural' sciences."[12] For Schmitt, the liberal state bases its solution to the problem of religious wars on the possibility of being "neutral" with respect to the substantive conceptions of the good represented by positive religions. More precisely, it bases its neutrality on the belief that technology is the "absolute and final neutral ground" because "apparently there can be nothing more neutral than technology."[13] Analogously, Schmitt thinks that the "general principle" behind liberalism "understood as a consistent, comprehensive metaphysical system" is that "the truth can be found through an unrestrained clash of opinions and that competition will produce harmony."[14] This liberal principle of discussion, still according to Schmitt's reading, betrays a belief in the existence of a final neutral ground to settle conflicts of faith. The practice of open discussion is pragmatically possible only because "contradictory oppositions" have been, a priori, bracketed out of the discussion by a communicative practice which exercises neutrality or toleration with respect to beliefs about "absolute questions."[15]

In *The Concept of the Political,* Schmitt seems to reverse the liberal assumptions about nature and culture by calling for a return to the *status naturalis* as the authentically

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[12] Schmitt, *The Concept of the Political,* p: 88.
[13] Ibid., p: 89.
[14] Schmitt, *The Crises of the Parliamentary Democracy,* p: 35.
[15] Ibid., p: 46.

"political" state of individuals. Only by leaving the state of culture, where real differences are neutralized, and returning to the state of nature will the individual be again confronted by absolute moral alternatives, by the irreconcilable difference between good and evil, and as a consequence will be called upon to determine who is friend and who is enemy. It is therefore of great importance to Schmitt's concept of the political that he find such irreconcilable oppositions in the very "age of neutralizations" that seems to banish them.

Schmitt uses the radical subjectivity originating from the essence of the political in order to revive the fundamental uncertainty in the state of nature. If Hobbes introduces fear of violent death as the driving passion for the transition from the state of nature to civil society, Schmitt reminds us of the ever-present potentiality of war and the specific political behavior, i.e., friend-enemy grouping, caused by that possibility. The essence of the political presupposes that the threat of war is indeed ever-present, even when the actual danger is not. As Hobbes remarks, the state of nature "consisteth not in actuall fighting; but in the known disposition thereto."[16] Accordingly, Schmitt maintains that "to the enemy concept belongs the ever present possibility of combat."[17]

It is clear that for Schmitt the Hobbesian state of nature is neither a rhetorical device nor an anthropological supposition about a distant past. It did exist, and in fact, as in the example of late Weimar, still exists in the present. Agreeing with Hobbes that the threat of civil disturbance must be avoided, Schmitt explicitly

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[16] Hobbes, *Leviathan*, I. 13. 186.
[17] Schmitt, *The Concept of the Political*, p: 32.

adopts his formula: "The *protego ergo obligo* is the *cogito ergo sum* of the state."[18]

On this principle of the mutual relationship between protection and obedience rests the origin of authority. Nevertheless, while for Hobbes the establishment of authority through social contract represents the transformation from the state of nature to the civil society, for Schmitt the sovereign is he who decides on the exception, i.e., war. Hobbesian authority is based on the protection of individual life and hence could demand only conditional obedience. Schmitt, on the contrary, explicitly requires "from its own members the readiness to die and unhesitatingly to kill enemies."[19] Choosing between the two Hobbesian provinces of human life, culture and peace, i.e., *civitas*, or war and spirit, i.e., *status belli,* Schmitt picks the latter.

Schmitt thinks of Hobbes as upholding an antinormativist theory of legal authority because his sovereign can decide on the situation of exception, i.e., can decide on whether the totality of civil law applies or does not apply in a given situation.[20] The sovereignty of the state in Hobbes therefore has the authority to decide whether a given situation is a *status naturalis sive belli* or a *status civilis.* Thereby the sovereign's decision is "political" in Schmitt's sense of the term because it literally has the authority to decide as to who is enemy and who is friend. By virtue of this monopoly of the "political" decision, the Hobbesian state can also claim the unconditional obligation of the subjects because the state becomes totally responsible for the protection of their life (i.e., for the cessation of the *status naturalis sive belli*). Schmitt interprets the formula of

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[18] Ibid., p: 52
[19] Ibid., p: 46.
[20] Schmitt praises Hobbes for his discovery of "the classical formulation of the antithesis: *authoritas, non veritas facit legem.*" According to Schmitt, the form that Hobbes searches lies in the concrete decision. "What matters for the reality of legal life is who decides." Schmitt, *Political Theology*, pp: 33-34.

the Hobbesian state, *protego ergo obligo,* to mean that the "unconditional" protection offered by the state to its subjects entails their "unconditional" obligation to the state in the form of their obedience to the commands of the sovereign.

Nevertheless, according to Hobbes the whole point of leaving the state of nature behind is to preserve the right to life of the subjects.[21] The obligation to the sovereign is conditional on the state securing this basic right. The sovereignty of the state is consequently not primordial with respect to the natural right of self-preservation. Therefore, Schmitt's appropriation of Hobbes for his own conception of sovereignty is misguided: if this conception of sovereignty turns on the decision to return to the *status belli,* then it cannot be identical to the sovereignty advocated in Hobbes, which is foundational for the *status civilis* and its legal order.

The questions at issue concern whether Schmitt's misguided representation of the Hobbesian sovereignty is intentional and, if so, what is its purpose? According to Hobbes "every men, ought to endavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre."[22] The endeavor of peace is never disputed in Schmitt's writings. Yet, peace as a norm cannot sustain itself in the face of abnormal situations, i.e., war.[23] It is the exception that determines the norm. Therefore, the endeavor of peace, the right to secure one's own life, could only be the principal norm under the threat of war. Schmitt consistently drops the natural right and emphasizes the possibility of war.

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[21] "The right of nature, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own nature; that is to say, of his own life." (I, 14, 189.) "This done, the Multitude so united in one Person, is called a Common-Wealth, in latine *Civitas.* This is the generation of that great Leviathan, or rather of that *Mortall God,* to which wee owe under the *Immortall God,* our peace and defense. Hobbes, *Leviathan,* II, 17, 227.
[22] Ibid., I, 14, 190.
[23] Schmitt, *The Concept of the Political,* p: 46.

This constant emphasis on the terror of war clearly demonstrates what Schmitt's objective is: to reaffirm the sovereign order. Hobbes's fatal error was to grant the right to the member of *civitas* of conditional obedience in return for protection. This subjectivity must be returned to the sovereign entity which alone has the right to decide on the exception: "To the state as an essential political entity belongs the *jus belli*, i.e., the real possibility of deciding in a concrete situation upon the enemy and the ability to fight him with the power emanating from the entity."[24] Therefore, as oppose to Hobbes, for Schmitt only the state could decide the internal as well as the external enemy.[25] No individual has the right to decide who the enemy is: "The enemy is solely the public enemy."[26] By declaring the state as the single decisive entity, Schmitt prevents the rise of a pluralist society which emerges from the pages of *Leviathan*. The greatest liberty of the silence of law,[27] bestowed by Hobbes upon the subjects, is strictly criticized by Schmitt: "The state is weakened and relativized in the compromise of social forces –and even rendered problematic, because it is difficult to see what independent significance it might have. (...) It becomes an agnostic state."[28] With the radicalization of the Hobbesian sovereign Schmitt elevates the state above the society as a quasi-objective entity, which could alone prevent the rise of the domestic enemies among the differing subjectivities.

In his quarrel with liberalism, Schmitt follows Hobbes's footsteps. In this sense, his project involves its restoration and further radicalization of the state of

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[24] Ibid., p: 45.
[25] Ibid., p: 45, 28-29.
[26] Ibid., p: 28.
[27] Hobbes, *Leviathan*, II, 21, 271.
[28] Schmitt uses the term agnostic to define a state which "renounces completely the control of social, economic and religious antitheses." Schmitt, C. 1930. "Ethic of State and Pluralistic State," trans by. D. Dyzenhaus in in C. Mouffe (ed.) *The Challenge of Carl Schmitt*. London: Verso. 1999. p: 198.

nature as the political status of man. However behind Schmitt's choice between

status belli and *status civilis* lies a further reason: the question of human nature.

Part III: Hobbes as a Moral Ground

According to Schmitt anyone who is willing to investigate the anthropology

of the state and political ideas, would soon discover that they all presuppose man to

be by nature evil or by nature good.[29] All political considerations stand or fall on

whether man is a dangerous being or not.[30]

Already in *Political Theology*, Schmitt's mind is clear about the antagonism

between authoritarian and anarchist ideas: "Donoso Cortés, in contrast to Proudhon,

whose anti-theological anarchism would have to be derived consistently from the

axiom of the good man, whereas the starting point for the Catholic Spaniard was the

dogma of Original Sin."[31] Cortes, according to Schmitt, was just not elaborating

dogma, but was stating a religious and political reality. "When he spoke of the

natural evil of man, he polemicized against atheist anarchism and its axiom of the

good man. (...) His awareness of sin was universal. (...) According to his

philosophy of history, the victory of evil is self-evident and natural, and only a

miracle by God can avert it."[32]

Schmitt sees a direct connection between theological and political

presuppositions. Both face the danger of losing their essence if they cease to

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[29] Schmitt, *Concept of the Political*, p: 58.
[30] In Schmitt's scale of political regimes authoritarian and anarchist theories of the state represents the two extremes. While origin of the former could be traced to the idea that man is evil by nature and therefore should be kept under state control, the latter opposes any regulating agency for its radical belief in the natural goodness of man.
[31] Schmitt, *Political Theology*, p: 57.
[32] Ibid., pp: 57-58.

consider man to be evil. In the final analysis the sphere of the political is strictly defined by enmity, and only the sphere of theology, which originates fundamentally from the sinfulness of man, is analogous to the resolute position of the political.

To him, all genuine political theories agree on the problematic character of human nature. From Machiavelli to Hegel, Schmitt's list of pessimistic thinkers is long enough to justify his argument. But the question at stake is how liberalism situates itself at the junction of the essence of the political and the theological.

For Schmitt, liberalism is ultimately a system based on the rational justification of moral claims: it has never disputed the necessity of the sovereign entity, yet never advanced a positive theory of the state. Instead Schmitt claims that "it has attempted only to tie the political to the ethical," and developed a moral pathos that "turns against repression and lack of freedom."[33] In that sense, Schmitt states that, liberalism could only be partially traced to the political ideas that presuppose man to be naturally evil. "For the liberals the goodness of man signifies nothing more than an argument with whose aid the state is made to serve society." [34]

Here is an interesting paradox: Hobbes, according to Schmitt, being a genuine political thinker, sees vileness in human nature. The creation of Leviathan, as Schmitt analyzes, could only be possible by fear stemming from the nature of man. And yet, Schmitt criticizes Hobbes for the collapse of the state as a huge machine. This transformation in Schmitt's view could be explained by investigating the moral ground that Schmitt derives from Hobbes and uses in his political theology.

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[33] Schmitt, *Concept of the Political*, pp: 61, 71.
[34] Ibid., p: 60.

Miguel Vatter argues that central to Schmitt is the Christian credo which remains effective as long as "the discourse of secularization is operative."[35] In this respect, according to Vatter, Schmitt understands liberal thought, insofar as it issues from Hobbes, to depend on a fundamental continuity with Christianity and its politico-theological presuppositions. Therefore, Hobbes is the figure on which Schmitt's discourse on political theology focuses. In *The Leviathan in the State Theory of Thomas Hobbes*, Schmitt develops the thesis that the modern state's claim to religious neutrality has two components. The first consists in denying that the process of neutralization of religion in modernity has an autonomous basis: the theologico-political solution provided by Hobbes is a secularized form of Christian political theology. This entails that for Schmitt the division between Christianity and modern techno-scientific Enlightenment is only apparent: in reality there is a profound continuity between the two. Schmitt argues that Hobbes is the highest representative of this alliance between Christianity and Enlightenment.[36] The second component of Schmitt's Hobbes book consists in the claim that the alleged opposition between the modern Enlightenment and Christianity was brought about by the distinction between public and private reason that Hobbes introduced. However, to Schmitt, the fault does not lie completely with Hobbes, for it was Spinoza, "the first liberal Jew," who was the first to separate liberalism from Christianity.[37]

Schmitt observes that the fatal weakness in the creation of Leviathan was the Hobbesian division between public reason and private reason: Hobbes explains the

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[35] Vatter, M. 2004 "Strauss and Schmitt as Readers of Hobbes and Spinoza: On the Relation Between Political Theology and Liberalism," *CR: The New Centennial Review* 4(3):164, 165.
[36] Schmitt, *The Leviathan*, pp: 10, 83.
[37] Ibid., p: 57.

question of miracles as a matter of public, in contrast to private, reason; but through the universal freedom of conscience he leaves it up to the individual's private reason whether to believe or not to believe internally.[38] What disturbs Schmitt about Hobbes's distinction between private and public reason, inner faith and outer confession is the limitation that it imposes on the sovereignty of the state. The sovereign decision over absolute matters, which should be authoritative, is potentially relativized with respect to the right of individuals to decide for themselves, if only privately about these matters.[39] This possibility of relativizing the decision on ultimate beliefs makes light of the intrinsic seriousness of such a decision, of the fact that the very distinction between good and evil is at stake. Already in *The Concept of the Political,* Schmitt distinguishes between the political decision and the private, ultimately indifferent, decision of the bourgeois in choosing which church to attend, or which political party to vote for.[40] For Schmitt, the individualism that is present in Hobbes's concept of private reason or freedom of conscience imperils the politico-theological character of the state safeguarded by the public reason of the sovereign. The private freedom of conscience "contained the seed of death that destroyed the mighty Leviathan from within and brought about the end of the mortal God."[41] It does so precisely to the degree that it introduces the possibility of resisting the demand of unconditional obedience imposed by the state.

Nevertheless, the responsibility for the collapse of the mighty Leviathan does not lie on the shoulders of Hobbes. Schmitt is aware that Hobbes expected his state to

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[38] Ibid., p: 55.
[39] Ibid., p: 58.
[40] More importantly Schmitt distinguishes between the public and private enemy. For enemy to obtain the specific political meaning, it must be defined by the collectivity. Personal adversary has no such quality. Furthermore, only public enemy could have the polemical natural essential for all political concepts. The question at stake is who is to be combated or negated? Schmitt, *The Concept of the Political*, p: 28.
[41] Schmitt, *The Leviathan*, p: 56.

continue to inspire awe as a myth that stood above society, and to maintain peace through

the fear it created. Where Hobbes was wrong, Spinoza penetrated and exploited the

mechanical essence of the Hobbesian politics. Schmitt never denies the mechanical

elements and the subsequent neutralization of the state that follows from Hobbes's

teachings.[42] But whereas Schmitt considers that in Hobbes the rights of the sovereign

trump the rights of the individual, for the sake of the individual's salvation, in Spinoza

this is no longer the case:

> Only a few years after the appearance of the *Leviathan*, the first liberal Jew
> noticed the barely visible crack. In it he immediately recognized the great inroad
> of modern liberalism, which would allow Hobbes's postulation of the relation
> between external and internal, public and private, to be inverted into its opposite.
> Spinoza accomplished the inversion in the famous chapter 19 of his *Tractatus
> Theologico-Politicus,* which appeared in 1670.[43]

Spinoza is charged with turning the Hobbesian distinction between inner faith and

outer confession against Hobbes's notion of the sovereign as mortal God. Spinoza, not

Hobbes, de-spiritualizes the state and gives to the Leviathan the pejorative connotations

later associated with the doctrines of reason of state. In short, Spinoza is accused of

turning the modern liberal state to first "represented an externally driven lifeless

'mechanism' and then an animate 'organism' of political contrast, an organism driven

from within."[44] In Schmitt's reading, Spinoza achieves this result by giving priority to the

inner over the outer, i.e., by placing individual freedom of conscience as the basis and

external limit of sovereignty, rather than seeing in unconditional sovereignty the sole

safeguard of limited religious freedoms.

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[42] Ibid., pp: 41-42.
[43] Ibid., p: 57.
[44] Ibid., p: 62-63.

In analyzing the death of the mortal god Schmitt is right to point out a certain transformation in the formulation of the protection-obedience relationship. Spinoza inverts the priority set by Hobbes: in his account individual freedoms are ensured by sovereign power, not the other way round.[45] However, one might argue Schmitt still overlooks the most salient element in Hobbes's morality: the cultivation of human nature. Despite being a greedy creature in a constant quest for power, Hobbes sees great equality among men not only in their capacity to harm each other, but also in their strength to attain prudence and in the capacity to develop self-control for the sake of rational self-interest.[46] Interestingly, Schmitt drops this feature of Hobbes and persistently emphasizes his dim nature of man.

The reasons for this choice are apparent: Schmitt desperately wants to revive the fear originating from the very nature of man for a return to the state of nature. But the moral stance that presupposes man as irrecoverably evil is mistakenly driven from Hobbes. And all the more interesting, Schmitt's thesis was criticized by one of his disciples, Leo Strauss, whom Schmitt once referred as the only person who "saw through me and X-rayed me as nobody else has."[47] Strauss's thesis is that at the basis of the whole system of human rights in the sense of liberalism lies a positive anthropology according to which human beings are evil only in a negative sense, that is,

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[45] Vatter argues that Schmitt's reading of Spinoza as subverting Hobbes bypasses entirely the salient feature of Spinoza's radical Enlightenment, namely, the priority given to the freedom to philosophize over against the question of authority. Resorting to an anti-Semitism, Schmitt not only attacks Spinoza, but other prominent Jewish thinkers such as Moses Mendelssohn and Friedrich Julius. Aside from the disturbing anti-Semitic tone of his writings, Vatter criticizes Schmitt for his misguided analysis of Spinoza and instead he argues that Spinoza's radicalization of Hobbes has nothing to do with the individual's freedom of conscience, but rather consists in depriving the sovereign of the capacity and right to deploy the public use of reason. Vatter, "Strauss and Schmitt," p: 201. Also regarding Schmitt and his anti-Semitism see: Bendersky, J. 2005. "New Evidence, Old Contradictions: Carl Schmitt and the Jewish Question," Telos, Fall 2005 (132): 64-82

[46] Hobbes, *Leviathan*, I, 9, 13, 183.

[47] Meier, *Carl Schmitt and Leo Strauss*, p: xvii,

only because they are deprived of the possibility of becoming good in and through a process of civilization in which they acquire law and education.[48] Hobbes was the originator of this positive anthropology because he presents the human being in the state of nature as a wolf among wolves, and thereby reduces evil to innocent animal aggressivity. Most importantly, by showing how the state of nature can be negated through a system based on the principle of securing life pure and simple, Hobbes makes it possible to immunize the individual from the idea that human nature is evil, and emancipates the individual from the belief that a just life depends on following the natural order and the commands of God. The security of biological life protects the individual from the heteronomy, and therefore also the insecurity, that comes from faith in divine revelation. In this way, the foundation of liberalism in the right to self-preservation prepares the way for the later development of liberalism, exemplified by Kant, according to which the individual's moral autonomy, rather than its self-preservation, becomes the condition of the legitimacy of the system of rights.

> Hobbes had to understand evil as *innocent* 'evil' because he denied sin; and he had to deny sin because he did not recognize any primary obligation of man that takes precedence over every claim *qua* justified claim, because he understood man as by nature free, that is, without obligation. (...) If one takes this approach, one cannot demur in principle against the proclamation of human rights as claims of the individuals upon the state and contrary to the state.[49]

The liberal system of rights designed to protect the individual from all threats to its life, including the threat posed by the liberal state itself, does so on the ground of denying the primacy of obligation to the other, the primacy of natural duties. This primacy is dependent on the belief in the natural evil of the human being. That is why in

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[48] Strauss, L. 1932, "Notes on Carl Schmitt, *The Concept of the Political,*" Trans. by, J. H. Lomax. Reprinted in *The Concept of the Political* : Chicago: University of Chicago Press. 1996. pp: 98-100.
[49] Ibid., p: 99.

liberalism, "the opposition between evil and good loses its keen edge, it loses its very meaning, as soon as evil is understood as innocent 'evil' and thereby goodness is understood as an aspect of evil itself."[50] If evil belongs to the state of nature only in the sense that it can be eliminated by a transition to the state of culture, then the Hobbesian ideal of civilization entails the loss of the absolute opposition between good and evil, and eventually turns evil into a dialectical moment of the good.

What prepared the demise of the great mortal god was not brought about by the "first liberal Jew" as Schmitt argued. Rather, contrary to Schmitt's reading, the Hobbesian political did not involve a "morally demanding decision," and hence Hobbes never affirmed the political in the way Schmitt did. The cardinal point of Hobbes's construction of the sovereign, i.e., the relation between protection and obedience could cease at any time for 'resistance' as a right is recognized in Hobbes. This, no matter how legally nonsensical and absurd for Schmitt, demonstrates that Hobbes is the natural limit that Schmitt's critique of liberalism could reach insofar as the great Leviathan remains an inspirational source and the only figure to prove his consistency. And in fact it does:

> To us he is thus the true teacher of a great political experience; as lonely as every political pioneer; misunderstood as is everyone whose political thought does not gain acceptance among his own people; unrewarded, as one who opened the gate through which others marched on; and yet in the immortal community of the great scholars of the ages, "a sole retriever of an ancient prudence." Across the centuries we reach out to him: *Non jam frusta doces*, Thomas Hobbes![51]

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[50] Ibid., p: 99.
[51] Schmitt, *The Leviathan*, p: 86.

Part IV: Strauss's Critique of Schmitt

What united Strauss and Schmitt during the Weimar period is their mutual belief that at the heart of the "systematics of liberal thought" lies a "philosophy of culture" that is morally flawed.[52]

Strauss agreed with Schmitt that despite all the setbacks, liberal thought has not been replaced by any other system and this caused further negation of the political. Therefore, the task is to make the political apparent again so that the question of the state could be seriously considered. However in Strauss's view, Schmitt's critique of liberalism did not advance far enough, for it remained trapped within the horizon of bourgeois liberalism. Schmitt was on the right track when he confronted "the liberal negation of the political with the position of the political,"[53] but was mistaken to think that Hobbes was his ally in that respect. Hobbes's only desire was to negate the political. He sought to escape the state of nature, the *status belli*, and embrace the security and peace enforced by the state. After all, this was the man who betook himself to Paris in 1640 at the prospect of civil war. He appeared to prefer "the horrors of the state of nature to the spurious joys of society," but this was meant only as an admonishing reminder. "The bourgeois existence which no longer experiences these terrors will endure only as long as it remembers them."[54] When Hobbes left the state of nature behind and traded civil obedience for strong state protection, he knew that this was not the end of the political. His fear of the political and craving for bourgeois security led to the affirmation of the political

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[52] Strauss, "Notes on Carl Schmitt," pp: 86-87.
[53] Ibid., p: 93.
[54] Strauss, L. 1936. *The Political Philosophy of Hobbes: Its Basis and Genesis*. Trans. by, E. Sinclair. Chicago: University of Chicago Press. 1963. p: 122.

as the only effective way to ensure its negation. In his political philosophy, negation was inextricably entwined with affirmation, just as liberalism was indispensably bound with authoritarianism.

Strauss reminded Schmitt of his expressed intention to return "to the true beginning (...), the return to intact, non-corrupt nature."[55] This, he explained, required "the relinquishment of the security of the status quo" and the return to "cultural or social nothingness." However, according to Strauss, disregarding Hobbes's overall liberal intention is the fundamental flaw of Schmitt's teaching. Strauss's analysis is simple and straightforward: "with Hobbes as an ally Schmitt's critiques of liberalism occurs in the horizon of liberalism.[56] As McCormick aptly puts it, Schmitt's project is provisional insofar as it is forced make use of liberal elements.[57]

Furthermore, contrary to Schmitt's argument, Strauss states that he essentially ignores Hobbes's contribution to the neutralization of political theology. According to Strauss, that process was undertaken by both Hobbes and Descartes as they sought to underwrite the metaphysical basis of full state protection and therefore to advance the cause of the security-conscious bourgeoisie. Enlightened morality and the nineteenth century economic point of view accelerated the process of depoliticization and neutralization. Strauss fully shared Schmitt's detestation of a depoliticized world and the "illusory security of a status quo of comfort and ease."[58] But, Strauss was against any attempt that grounded the political in a Hobbesian

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[55] Strauss, "Notes on Carl Schmitt," pp: 103-104.
[56] Ibid., p: 107.
[57] McCormick, J. P. 1994. "Fear, Technology and the State: Carl Schmitt, Leo Strauss and the Revival of Hobbes in Weimar and National Socialist Germany," *Political Theory* 22(4): 631.
[58] Meier, *Carl Schmitt and Leo Strauss,* p: 41.

anthropology. Schmitt's rejection of bourgeois moral ideals stemmed from a theologically motivated "relinquishment of security of status quo, which was foreign to Hobbes."[59]

Being a student of Schmitt, Strauss is clearly familiar with his attempt to distinguish the theoretician of *status belli* from the creator of *status civilis*. Despite being in full accord with Schmitt's project, Strauss sees the necessity to distance himself from the anthropology of Hobbes all together. According to Strauss, Schmitt's failure lies in his emphasis on the radical dangerousness of man rather than "what amounts to mere 'liberal dangerousness.'"[60] As he compellingly puts it, "a radical critique of liberalism is therefore possible only on the basis of an adequate understanding of Hobbes."[61]

Strauss's rigorously penned critique of Schmitt is compelling as well as instructive for the future project that he would soon undertake. In Schmitt's conservatism, which had endorsed National Socialism, Hobbes appears as an ironic figure, at once both the creator of the Leviathan –an all-encompassing, qualitative total state- and the founder of neutral, quantitative state. Notwithstanding his partial reading, Schmitt's interpretation of Hobbes is full of misleading analysis and inconsistent conclusions. In his attack on parliamentary democracy, a Hobbesian authoritarianism strengthened by decisionism might have been the best that Schmitt could provide. However, this formulation indicates that Schmitt is incompetent as a political theorist and yet dangerous as a political conservative. As Strauss observes, his project to revive the state of nature, and his affirmation of the political as a

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[59] Ibid., p: 39.
[60] McCormick, *Carl Schmitt's Critique of Liberalism*, p: 264.
[61] Strauss, "Notes on Carl Schmitt," p: 107.

decision between friend and enemy, "prove to be a liberalism with the opposite polarity."[62] In order to witness a different political imagination that reaches beyond the horizon of Hobbes, we need to investigate Leo Strauss's teaching: for he would radicalize what Schmitt has started.

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[62] Ibid., p: 105.

CHAPTER III: Leo Strauss

Part I: Introduction

Leo Strauss has generally been regarded as a historian of ideas. His works cover a wide of range of figures from the history of political thought, varying from Alfarabi to Heidegger. In this extensive scrutiny of the tradition, Strauss's main focus was always oriented to understanding what he called "the crisis of the West." One may see his entire career as a project with two parts: exposing the "modern project" and recovering classical philosophy. On the one hand, such an enormous effort resists quick summaries, and Strauss's detailed commentaries on the works of the great philosophers place him among the most distinguished scholars of the twentieth century. It was not only the meticulous quality of Strauss's works that created his reputation. The method of esoteric writing that he revived from the works of the ancients as a response to "the crisis of the West" or the modern problem also contributes much to this reputation. However, while the disciples of Strauss praise him for his recovery of this ancient way of teaching, it made several academic circles suspicious of Strauss's intentions. In this respect, he became one of the most controversial thinkers of contemporary academia.

Strauss's multifaceted attack on the crisis of modernity is one of the most thorough criticisms of the contemporary age. He develops his diagnosis of the crisis under three headings, which in a sense also designate the *itinerarium* of Strauss's intellectual life –the question of Athens and Jerusalem, the quarrel between the ancients and the moderns and the nature of political philosophy.[1] Differing in their content and

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[1] As Alan Udoff points out, there are differences of opinion among Strauss's students, interpreters and critics about the intersection or convergence of these paths. My own division of Strauss's *itinerarium* also differs from the conventional reading. The quarrel between the poets and the philosopher, which constitutes the core of East Coast Straussians' argument, such as Alan Bloom and Thomas Pangle, will not be discussed in this chapter. See note 59.

formulation, in all these questions, Strauss's main concern is to recover the "original meaning of philosophy." Central to his undertaking is the preservation of "the fundamental and permanent problems,"[2] and the related overcoming of the primary obstacles to that preservation: positivism and historicism. These two movements, Strauss contends, act like a thick veil in the pursuit of philosophical questioning since they contradict the view that "human thought is capable of transcending its historical limitation or grasping something trans-historical."[3]

The emergence of both positivism and historicism has certain kinds of political impact. The relationship between the rise of modern liberalism, as opposed to the ancient, and the historical critiques of classical teaching is evident for Strauss. Precisely in this sense, he is in agreement with Schmitt that a strong critique of liberalism is necessary. However, unlike Schmitt, who constructs his criticism of liberalism in regard to the crisis of parliamentary democracy, Strauss chooses to focus on what he calls the crisis of the West. In that regard Strauss's problem is not a regime problem; rather he is concerned with a cultural crisis, the crisis of the tradition of philosophy.

An ally of liberal democracy would not find it difficult to detect many examples of anti-liberalism in Strauss's writings. However, to claim that Strauss has an articulate criticism of modern liberalism would be a challenging one to support. The careful reader, Strauss's favorite one, must realize that his approach to liberal democracy is simultaneously vigorously anti-liberal and accommodating of liberalism. Hence, contrary to Schmitt's outright rejection of liberalism with fascistic overtones, Strauss's critique of liberalism is at best a pragmatic attempt for betterment. The same applies to Strauss's

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[2] Strauss, L. 1959. *What is Political Philosophy?* in H. Gildin (ed.) *An Introduction to Political Philosophy: Ten Essays by Leo Strauss.* Detroit: Wayne State University Press. 1989. p: 39.

[3] Strauss, L. 1964. *The City and Man.* Chicago: University of Chicago Press. p: 210.

analysis of modernity: the anti-modern overtone of his calls for a return to the ancients possesses a dialectical quality that only a modern thinker could master.[4]

Ultimately, however, Strauss must be taken seriously as a conservative thinker for the restrained answer that he provides to the political question. According to Strauss the political life, the life of action, is certainly a lower form of life. Philosophy, on the contrary, is the pursuit of the best life. In that respect, Strauss's preoccupation with the recovery of the classical tradition, or philosophy in the original sense, is a preference that renders the problems of political life irrelevant. The only political question is the protection of the philosophical life, or the life of the philosopher. In that regard, as Rosen aptly points out that Strauss's "political philosophy, in the genuine sense, is philosophical propaganda."[5] For Strauss, questions that concern the realm of philosophy, such as the best regime, justice, freedom and equality, inevitably degrades into vulgar forms in political life. Likewise, the standards of morality and of spiritual refinement are essentially lowered in the pursuit of popular success which defines the political realm. Strauss, in the end, rejects the 'liberating' claims of the Enlightenment. Therefore his teaching is conservative insofar as he regards the testimony of modern history to be sufficiently terrifying to justify the view that the Enlightenment is corrupting.

This chapter focuses on Strauss's understanding of political philosophy. The aforementioned three headings of Strauss's *itinerarium*–the question of Athens and Jerusalem, the quarrel between the ancients and the moderns, and the nature of political philosophy- constitute the sections of this chapter.

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[4] Stanley Rosen, in his analysis of Strauss's hermeneutics, suggests that despite the conservative stance of his writings, Strauss unmistakably "identified himself as a modern, and hence as a son, or stepson, of the Enlightenment. Strauss's defense of the classics has to be understood as a defense of the conservative dimension of the Enlightenment." Rosen, S. 1987. *Hermeneutics as Politics*. New York: Oxford University Press. pp: 112-113.
[5] Ibid., p: 110.

Part II: Jewish Thought

i) introduction

As discussed earlier, Strauss is frequently understood as an interpreter and critic of a number of thinkers, both ancient and modern, who belong to the history of political philosophy. However, beyond this label, Strauss is a contributor to Jewish thought and more importantly his commentaries on Spinoza and Maimonides have an undeniable influence on the development of his political philosophy. In the first instance, placing Strauss into the field of Jewish thought seems relatively unproblematic. Even a superficial examination would demonstrate that Jewish thought and Jewish thinkers have always been a constant topic in his works. Indeed his first two books on Spinoza and Maimonides investigates major thinkers of Jewish political thought. Further, his later essays indicate that Strauss actually had never put the Jewish question aside.[6] As Strauss once put it in a lecture; "I believe, I can say without any exaggeration that since a very, very early time the main theme of my reflections has been what is called the 'Jewish Question.'"[7]

Nevertheless, at a deeper level Strauss's relation to Jewish thought appears more ambiguous. One can claim that Strauss's interest in Judaism had no theological content yet formed an important element in his studies as long as it was an illustration of a more general problem, what he called "the theological-political predicament." In this respect, as Strauss himself recognizes, "the theological-political predicament" cannot be claimed as something peculiar to Judaism, but is central to the experiences of the Christian and

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[6] Strauss's first book *Spinoza's Critique of Religion* was written as a researcher at the Akademie für die Wissenschaft des Judentums in Berlin in 1930. Following it, his second book, *Philosophy and Law* appeared in 1935 and examined Spinoza's famous predecessor, Maimonides and his conception of law.

[7] Strauss, L. 1962. "Why We Remain Jews: Can Jewish Faith and History Still Speak to Us?" in K. H. Green (ed.). *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought by Leo Strauss*. Albany: State University of New York Press. 1997. p: 312.

Islamic worlds as well. Hence, Strauss's relation to Judaism should be carefully analyzed in understanding the entirety of his thought.

Strauss reflects on the concept of "the theological-political predicament" in his autobiographical preface to his book on Spinoza, where he begins with an arresting description of his situation as a Jew and a citizen: "The author was a young Jew born and raised in Germany who found himself in the grips of the theological-political predicament."[8] The Germany to which Strauss alludes is, of course, Weimar Germany, and he depicts the position of the Jews in this modern, enlightened and liberal society. According to Strauss, the Weimar republic was of a "moderate, nonradical character," determined to maintain a "balance between the dedication to the principles of 1789 and the dedication to the highest German tradition."[9] Certainly, liberal Weimar Germany offered many opportunities to Jews. Strauss, in one of his few autobiographical remarks, recalls the refugees from Russia who were passing by his childhood village, having fled yet another pogrom. He describes the deep impression that the refugees left on him and says that "at the time it could not happen in Germany. We Jews there live in profound peace with our non-Jewish neighbors."[10]

However, Strauss is cautious in praising the liberal qualities of the Weimar Republic. On the one hand, he recognizes that liberal democracy, by claiming to be entirely neutral on religious issues, provides a base for a universal morality of natural rights that is indifferent to the differences between Jews and non-Jews.[11] In this respect,

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[8]Strauss, L. 1930. *Spinoza's Critique of Religion*. Trans. by. E. Sinclair. New York: Schocken Books. 1965. p: 1.
[9] Ibid., p: 1.
[10] Strauss, "Why We Remain Jews," p: 313.
[11] Strauss, *The City and Man*, pp: 2-4.; Strauss, *Spinoza's Critique of Religion*, p: 3.

liberalism is the first political ideology to offer Jews emancipation from the repression of religious intolerance.

On the other hand, Strauss argues that the emancipation of Jews under the liberal democracies of Europe was tantamount to assimilation. The universal morality of liberal citizenship demands from its Jewish members that they "get rid of the foundation of their religion, that is to say, of the Spirit of Judaism."[12] In Strauss's account, Jews in a liberal state need to accept "the extremely latitudinarian state religion" at the expense of forgetting about the Mosaic law in order to acquire full citizenship rights. His response to such an assimilation of the Jewish people is powerful:

> Assimilation proved to require inner enslavement as the price of external freedom. Or, to put it somewhat differently, assimilationism seemed to land the Jews into the bog of philistinism, of shallow satisfaction with the most unsatisfactory present –a most inglorious end for a people which had been led out of the house of bondage into (the) desert with careful avoidance of the land of the Philistines.[13]

In elaborating the theological-political predicament, Strauss's criticism of liberalism was not limited only to the neutral ground of state religion. By pointing to the essential distinction between the public and the private, a distinction indispensable for a liberal society, Strauss shows how the internal inconsistencies of a liberal state could still bring about discrimination against Jews. Strauss acknowledges that in such a society there are no longer any legal disabilities put on Jews as Jews. However, since religion belongs to the private sphere where no public law or regulation is in command, "the liberal society necessarily makes possible, permits, and even fosters 'discrimination.'"[14] For Strauss, this is why liberalism is inadequate to solve the "Jewish problem." Thus,

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[12] Strauss, L. 1952. "Progress or Return? The Contemporary Crisis in Western Civilization." in K. H. Green (ed.) *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought by Leo Strauss.* Albany: State University of New York Press. 1997 p: 90.
[13] Ibid., p: 92.
[14] Strauss, "Why We Remain Jews," p: 314; see also Strauss, *Spinoza's Critique of Religion.* p: 6.

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because of its fundamental distinction between the private and the public, liberal society is essentially unable to prohibit discrimination. As such, Strauss denies the liberal solution to the Jewish problem.[15]

Along the same lines Strauss criticizes the Zionist movement in which he himself was involved for some time. According to Strauss, political Zionism is a product of the failure of the liberal solution. It was the European Jews who realized that political liberalism meant in fact the assimilation of their people. Hence they turned to other sources to find "another purely human or political solution."[16] The outcome was political Zionism which "strictly understood was the movement of an elite on behalf of a community for the restoration of their honor through the acquisition of statehood."[17] However, the movement was already a concession to the Jewish tradition. Strauss points out the narrowness of the original concept, i.e., Judaism as mere nationhood, and argues that regarding Zionism as the solution to the Jewish problem was "blasphemous." In his words:

> Finite, relative problems can be solved; infinite, absolute problems cannot be solved. In other words, human beings will never create a society which is free of contradictions. From every point of view it looks as if the Jewish people were the chosen people in the sense, at least, that the Jewish problem is the most manifest symbol of the human problem as social or political problem.[18]

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[15] In this respect, Strauss is even critical of American liberal democracy. In his "Progress or Return?" Strauss states his disbelief in the American experience as a solution to the Jewish problem by purely human means.

> I do not believe that the American experience forces us to qualify these statements. It is far from me to minimize the difference between a nation conceived in liberty and dedicated to the proposition that all men are created equal, and the nations of the old world, which certainly were not conceived in liberty. I share the hope in America and the faith in America, but I am compelled to add that faith and that hope cannot be of the same character as that faith and that hope which a Jew has in regard to Judaism and which the Christian has in regard to Christianity. No one claims that the faith in America and the hope for America is based on explicit divine promises. p: 93

[16] Ibid., p: 92.

[17] Strauss, *Spinoza's Critique of Religion*, p: 5.

[18] Ibid., p: 6.

The Jewish problem, then, is among the most important because it represents "the most manifest symbol of the human problem." As Steven B. Smith argues, the problem with which Strauss is concerned is in fact the problem of the universal and the particular or "in Platonic language, the one and the many."[19] In other words, for Strauss the Jewish problem represents the fundamental conflict between universalistic commitments and particularistic identities. Indeed, the particular identity in question is not just cultural, conventional or historical but a tradition with divine or revealed origins. Therefore, the Jewish problem has universal application, one which Strauss used as a part of a larger discussion to illustrate the crisis of the West and thereby demonstrate the complexity of his conservatism.

ii) Spinoza: Progress

Integral to Strauss's approach is the way in which he links the crisis of Western civilization with the crisis in which the Jews and Judaism are immersed. Further, he uses the difficulties of the one as a dialectical means for revealing the difficulties in the other's situation. His discussion on the inadequacy of liberalism and his critique of the Zionist movement are excellent examples of this approach. For Strauss, the problem is summed up in the question of "progress or return." Thus, understanding the crisis of modern Western civilization is only possible through comprehending the very beginning; the perfect beginning of the return or the imperfect beginning of progress.[20]

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[19] Smith, S. B. 1984. "Leo Strauss: Between Athens and Jerusalem." in *Leo Strauss: Political Philosopher and Jewish Thinker*. K. L. Deutsch and W. Nicgorski (eds.) Maryland: Rowman & Littlefield Publishers. pp: 84.
[20] Strauss, "Progress or Return?" pp: 87-90.

The notion of the "return" appears repeatedly in Strauss's writings. In relation to Judaism, Strauss argues that the idea of the return constitutes the basis of the Judaic tradition: "The life of the Jew is the life of recollection."[21] It is a life dedicated to longing for the past and repentance of the present. In this regard, the idea of progress is alien to Judaism, if not entirely confounding. Strauss even points out that while "return" could be easily expressed in Hebrew, renderings of "progress" seem "somehow artificial not to say paradoxical." Hence, the truth Judaism teaches, according to Strauss, is a return to the perfect origin and the condition for this return is the thought of sin, for only sin could set man apart from his origins and create a longing for the classical past.

As opposed to the idea of the return, progress posits its perfection only in the future. The past, in this respect, stands for nothing but for an imperfect beginning. Henceforth, progress is understood as superior to its origin. The only thing it has lost along the way is its chains to the past.[22] Revolution or liberation is the key to understanding of progress as opposed to the return, which associates itself with the life of faithfulness, or loyalty to tradition.

Strauss, then, qualifies this distinction further and thereby clarifies his own conservative stance. In particular, he suggests that the contemporary idea of progress is different from the ancient conception of the term. Two crucial distinctions constitute Strauss's argument in this instance: First, the ancient idea of progress lacks the guaranteed parallelism between intellectual and social progress. The idea of infinite intellectual progress itself poses a problem for the Greeks.[23] In this respect, even though

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[21] Ibid., p: 88.
[22] Ibid., p: 89.
[23] As well-known, according to Socrates, who is the classical example of Greek thought for Strauss, achieving wisdom is not possible, but only quest for wisdom, i.e. philosophy, is open to mankind. Although

the notion of intellectual progress accompanied by social improvement was known to the ancients,[24] they considered the primary requirements of social life, i.e., stability, as largely irreconcilable with that of intellectual life, i.e., the quest for truth. It is only in the seventeenth century, with the introduction of "method" and its concomitant tendency to level the natural differences of the mind, that this idea of social and intellectual irreconcilability was challenged. As Strauss explains, modern thought acted not on the premise of the preservation of science or philosophy by the "good-natured few." Instead, it aimed at spreading the method to everyone in order to guarantee the parallelism between intellectual and social progress.[25]

Second, as opposed to the ancient notion of telluric catastrophes that could end all earlier civilizations, the modern idea of progress recognizes only the beginnings and foresees neither periodic cataclysms nor a definite end in humanity's future. In this way, man becomes the only master of the universe, and is bound to progress as history unfolds.[26]

According to Strauss, these two points not only portray the differences between the ancient and modern conceptions of progress, but in fact they indicate a crisis in the understanding of the term. Progress, in its contemporary sense, claims no responsibility or shows no correspondence in the increase of wisdom and goodness. Therefore, its deteriorating meaning not only leads to a crisis in our conception of progress, but is identical with the contemporary crisis of Western civilization.[27] Our age and its progeny,

Socrates claims no limits to the quest for wisdom, this only means that infinite progress is only possible in principle, in *theoria*.
[24] Aristotle, *Politics*, 1257b25-28. Trans. by T. A. Sinclair. London: Penguin Books. 1962. pp: 84-85. See also, Strauss, L. 1968. *Liberalism Ancient and Modern*. Ithaca: Cornell University Press. p: 37.
[25] Strauss, "Progress or Return?" p: 96.
[26] Ibid., pp: 96-97.
[27] Ibid., pp: 97-99.

modern man, are blind to the distinction between good and bad; modern philosophy or science leaves no room for value-judgment. Rather moderns replace the ancient distinction between good and evil by the dichotomy of progressive and reactionary.[28] Anything distantly related to value judgment reminds him of the past; he condemns them as they have no objective support for the positive mind. Hence, he considers them in the category of prejudices.

But how does Strauss relate the crisis of Western civilization or the crisis of progress to the Jewish question that is central to his studies? According to him, it is orthodoxy that the positive mind rebels against.[29] In other words, the current predicament of Western civilization originates from a break with the roots of orthodoxy or the revealed religion. Indeed, this is the launching point of all Enlightenment thought. What's more, it also brought about the Jewish question and the theological-political predicament, as Judaism tries to overcome the difficulties of orthodoxy by means of modern rationality. But for Strauss, this modern approach is precisely the source of the Jewish crisis. "The present situation of Judaism is determined by the Enlightenment."[30] In that sense, modern Jews and Judaism, as well as modern Western civilization, are in the midst of a similar moral, religious and political crisis which began with the Enlightenment's aim to bring a purely 'human' solution to the question of the whole or of the truth. Therefore, for Strauss, the present crisis particularly affects committed Jews who have been fundamentally affected by modern rationalism and liberalism. In particular, they either must reject divine revelation as defining Judaism or base its character on modern

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[28] Ibid., p: 101
[29] Strauss, *Spinoza's Critique of Religion*, p: 180.
[30] Strauss, L. 1935. *Philosophy and Law: Contributions to the Understanding of Maimonides and his Predecessors*. Trans. by E. Adler. Albany: SUNY Press. 1995. p: 22.

political and cultural categories, that is, secular Zionism, or they accept divine revelation but make it theologically conform to modern philosophic or scientific notions and criticisms, that is, the teachings of both Cohen and Rosenzweig.

Strauss's analysis of the crisis of Western civilization and consequently of contemporary Judaism led him to search out the specific roots of this attitude. "Vague difficulties," he wrote, "remained like some far away clouds on a beautiful summer sky. They soon took the shape of Spinoza –the greatest man of Jewish origin who openly denied the truth of Judaism and had ceased to belong to the Jewish people without becoming a Christian."[31] Yet according to Strauss, Spinoza was far removed from being a revolutionary thinker. Despite his being the most eminent critic of the Bible, Strauss argues that the revolt against orthodoxy and the emergence of modern rationality was completed prior to Spinoza. However, what distinguishes Spinoza is his philosophic system that conceives "the fundamental *processus* as a progress."[32] In this decisive respect he no longer regards the process as a descent but as an ascent or an unfolding. Thus the end is higher than the origin. Furthermore, according to Strauss, Spinoza was "the first philosopher who was both a democrat and a liberal."[33] His philosophical enterprise contained the articulation and defense of a regime grounded on natural rights and dedicated to freedom. Like other modern philosophers, Spinoza jettisoned the notion of natural human ends: "man's end is not natural, but rational."[34] Therewith, Spinoza assigned man the central role. In particular, man himself is both his own and society's end; there is nothing higher. A liberal society, Spinoza argues, leads in principle to "the

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[31] Strauss, *Spinoza's Critique of Religion*, p: 15.
[32] Ibid., p: 16.
[33] Ibid., p: 16.; see also "Progress or Return?" p: 91.
[34] Ibid., p: 16.

universal and homogenous state" where the subsuming of religious and cultural particularities is the primary requirement: "The purpose of the *Treatise* is to show the way toward a liberal society which is based on the recognition of the authority of the Bible, i.e., of the Old Testament taken by itself and of the two Testaments taken together."[35] Spinoza aimed at creating a liberal society in which Jews and Christians could be equal members. In line with Cohen's analysis, Strauss argues that in the pursuit of this aim Spinoza found reason to favor Christian faith.[36] Yet contrary to Cohen, Strauss is not disturbed by Spinoza's one-sided attack on Judaism and the Mosaic law. Rather he detects a different meaning and a deeper purpose behind Spinoza's criticism of revealed religion.[37] Accordingly, the general purpose of the *Treatise*, that is the creation of a liberal society, serves ultimately to ensure the freedom to philosophize. What mainly interests Spinoza, according to Strauss, is not to decide whether the Christian teaching or the Mosaic law best suits a liberal society. Indeed, both teachings are equally orthodox. Thus both are equally unacceptable as the foundation of a liberal state. By contrast, Spinoza's foundations are broader. In particular, his concern is to liberate "men's minds from those prejudices which the theologians have implanted."[38] In other words, Spinoza's ultimate purpose in founding the liberal state is to attain freedom for philosophy.[39]

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[35] Ibid., p: 20.

[36] Strauss, in the "Preface" to *Spinoza's Critique of Religion* explores Cohen's critical analysis of the *Treatise* in detail. According to Strauss, Cohen's understanding of the infamous philosopher is sobriety itself. Yet, to Strauss, Cohen lacks one essential quality in examination of Spinoza; that is the need to read him esoterically. While fully appreciating Cohen's commitment to Judaism and as a consequence his reasons for repudiating Spinoza, Strauss offers a different account of Spinoza's attack on Mosaic law and Jewish tradition.

[37] This is not say that Strauss was negligent of Spinoza's alienation from his Jewish roots. Nor did he disapprove of Cohen's reasons for repudiating Spinoza. However, unlike Cohen who condemned Spinoza "because of his infidelity and complete lack of loyalty to his own people," Strauss analyzed Spinoza's criticisms of the Bible on different numerous grounds. See, Ibid., pp: 168-175.

[38] Ibid., p: 112.

[39] Ibid., p: 21, 112.

Spinoza's critique of orthodoxy and his claim to gain freedom for *theoria* reflects premodern philosophical tendencies and to that degree one may argue that there are interesting parallels between him and Strauss. However, for Strauss, Spinoza's attempt was in the end a dangerous game. The critique of revealed religion and the denial of Mosaic law could bring the liberation of the Jewish people as Spinoza hoped. However, Strauss argues that if this is in fact what Spinoza had in mind then "we must stress all the more the fact that the manner in which he sets forth his proposal is Machiavellian."[40] No matter how noble Spinoza's intentions, his procedure is beyond good and evil. And this constitutes the basis for Strauss's twofold analysis of the antagonism between philosophy and orthodoxy. On the one hand Strauss sees Spinoza as thinker who revives the quarrel between orthodoxy and philosophy. On the other hand, the philosophy that Spinoza sets out to perform is not from the classical tradition. Rather the *theoria* that he longs to liberate from the suppression of orthodoxy differs from its ancient meaning to the extent that it overlooks the notion of justice and law. Therefore, to Strauss "the antagonism between Spinoza and Judaism, between unbelief and belief, is ultimately not theoretical but moral."[41]

In order to explore the changing role of modern philosophy and its rebellion against orthodoxy, Strauss turns to the sources of biblical criticism that not only inspired Spinoza but that altered the ancient quarrel between classical philosophy and orthodoxy. Epicureanism is the first school of thought that Strauss introduces to define the grounds of what he calls "the old atheism." The term Epicureanism came from the old Jewish designation for the critique of religion generally. It was "cautious" and "retiring." The old

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[40] Ibid., p: 21.
[41] Ibid., p: 29.

atheism sought to relieve people of their religious delusions so that they might more fully enjoy life. More importantly the Epicurean motives were not hostile to religion. Only with the emergence of Enlightenment thought do we encounter this new type of atheism, which is virulent and evangelical in its attack on religion. The genealogy of this atheism, Strauss suggests, shows parallels with the emergence of the new science. Hobbes rejects the teachings of religion as they are the outcome of "unmethodical thought,"[42] and thus are the source of all religious conflict in civil society.[43] Spinoza, however, advances grounds for the rejection of religion and argues that the critique of orthodoxy is "the very basis of free science."[44] He places full trust in the findings of his own intelligence. Therefore, the belief in revelation which calls trust in human reason into question must itself be examined.

According to Strauss, Spinoza's critique of orthodoxy has two fundamental grounds: the pre-philosophical critique and the philosophical critique. While the former is built on the literal interpretation of the Scripture and focuses on the inconsistencies and contradictions in its teaching, the latter attacks the belief in miracles and revelation as necessary for salvation. More importantly, Strauss states that these two criticisms aims first, at the "the awakening or re-awakening of reason to confidence in its own powers;" and second, for "the constitution and liberation of philosophy."[45] Not surprisingly, this conception of Spinoza's thought comes to be very influential in bringing to light Strauss's conservatism.

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[42] Ibid., p: 90.
[43] For Hobbes, as Strauss rightly points out, the greatest evil is vanity or *gloriatio* as it is source of desire for status and reputation as well as overestimation of one's own powers. In his analysis, Strauss states that for Hobbes *gloriatio* is the basis of prophecy, of the claim to revelation. Religion, hence, is not only rejected on the basis of its unmethodical thinking but also for the purpose of protecting public peace. See, Ibid., pp: 95-98.
[44] Ibid., p: 113.
[45] Ibid., pp: 123-124.

Thus, after painstakingly considering the arguments of Spinoza, Strauss concludes that "there can be no question of a refutation of the 'externally' understood basic tenets of orthodoxy. For all these tenets rest on the irrefutable premise that God is omnipotent and His will unfathomable."[46] Furthermore, "philological and historical critique" as employed by Spinoza "cannot undermine the principle of verbal inspiration"[47] and for the same reason it cannot refute the possibility of Biblical miracles and revelations. Despite all the self-consciousness of the Enlightenment, Strauss argues its critique does not reach the core of revealed religion. In other words, in the final analysis Enlightenment thought fails to refute the claims of orthodoxy. Yet, it still possesses a powerful weapon. Following Lessing's writings, Strauss defines this powerful weapon of modern thought as "mockery." Accordingly "the Enlightenment had to laugh orthodoxy out of a position from which it could not be dislodged by any proofs supplied by Scripture or even by reason."[48]

And so, by this argument, Strauss is able to reach the following conclusion, namely that orthodoxy easily survives the explicit attack of the Enlightenment. The reason for its failure lies in the fact that in the final analysis its claims remain as hypothetical as those of revealed religion. "The genuine refutation of orthodoxy," Strauss writes "would require proof that the world and human life are perfectly intelligible without the assumption of a mysterious God."[49] In other words, the critique of orthodoxy requires a system in which man establishes himself "theoretically and practically as the

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[46] Strauss, *Philosophy and Law*, p: 29.

[47] Strauss, *Spinoza's Critique of Religion*, p: 143.

[48] Ibid., pp: 143-144; see also Strauss,. *Philosophy and Law*. pp: 29-30.

[49] Ibid., p: 29; see also Strauss, *Philosophy and Law*, p: 31.

master of the world and his life."[50] In this sense, modern rationality or the Enlightenment

is built on an act of will that asserts itself as the self-evidently right way of life, just as

faith does. Hence, Strauss concludes that Spinoza's critique of religion remained in the

same epistemological position as orthodoxy.

The evidence that Strauss presents to unveil the epistemological common ground

between the Enlightenment and orthodoxy, is a new "fortitude" of modern thought that he

calls intellectual probity[51]: "This new fortitude, being the willingness to look man's

forsakenness in its face, being the courage to welcome the most terrible truth, is 'probity',

'intellectual probity'."[52] This probity, which is tantamount to the new atheism discussed

earlier, reveals itself as a descendant of Biblical morality. To Strauss, "the last word and

the ultimate justification of Spinoza's critique is the atheism from intellectual probity

which overcomes orthodoxy radically by understanding it radically." However, in spite of

all the claims of rationality and of liberating reason, "its basis is an act of will, of belief,

and being based on belief."

In short, Strauss considered the Enlightenment to be as dogmatic and as

evangelist as its so-called enemy, orthodoxy. In all its very denial of the supernatural by

way of restoring the "natural", modern rationality founded a new ground that is in fact

only a residue of the supernatural. Having presented all the evidences, Strauss appears to

be successful in raising his agenda; i.e., to be able to hold up orthodoxy as an

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[50] Strauss describes this attitude of the Enlightenment as the "true Napoleonic strategy." Yet, this strategy appears as the greatest weakness of modern thought despite its seemingly compelling arguments. In Strauss's interpretation the Enlightenment's claim to penetrate and move beyond the realm of God is another manifestation of the fundamental premise of the modern philosophy; namely, that it can achieve the conquest of chance in mastering nature as this is made possible by modern science.

[51] Strauss carefully distinguishes the "new probity" from the "old love of truth." Accordingly, when the former speaks of "intellectual conscience," it means "the inner sovereignty of science over man, and not just any science, but modern science." Strauss, *Philosophy and Law.* pp: 137-38.

[52] Strauss, *Spinoza's Critique of Religion.* p: 30; see also Strauss,. *Philosophy and Law.* p: 37.

intellectually defensible alternative by presenting the image of Enlightenment rationality as a faith that undermines religious belief only through mockery. By the same token, Strauss is able to resume the ancient quarrel between orthodoxy and the Enlightenment. Hence, if we track our argument from the beginning, the modern notion of progress can now be juxtaposed to the ancient notion of the return.

iii) Maimonides: The Return

For the inattentive reader of Strauss it might appear that a return to orthodoxy is the only viable option to solve the crisis of modernity and thus the theological-political predicament. This, in fact, would not be a surprising conclusion to draw. The question "whether an unqualified return to Jewish orthodoxy was not both possible and necessary,"[53] always remains as a fitting one in Strauss's account. However, as Kenneth Green suggests, Strauss's analysis of Maimonides "cannot be confused with romantic longings for a return to an idealized, noble past."[54] In fact, a return to Maimonides as the genuine origin for a compelling critique of the Enlightenment is more challenging for Strauss than ever: "The return to Judaism requires today the overcoming of what one may call the perennial obstacle to the Jewish faith: traditional philosophy, which is Greek and pagan in origin."[55]

Therefore, the task that Strauss is about to undertake is twofold: First he must awaken a prejudice in favor of the view that Maimonides is a "classic of rationalism."[56] This requires a compelling defense of Maimonides' teaching against Spinoza's criticisms

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[53] Ibid., p: 15.
[54] Green, K. H. 1993. *Jew and Philosopher: The Return to Maimonides in Jewish Thought of Leo Strauss*. Albany: SUNY Press. pp: 5-6.
[55] Strauss, *Spinoza's Critique of Religion*, p: 9.
[56] Strauss, *Philosophy and Law*, p: 21.

and indeed against Enlightenment rationality generally. Second, and perhaps more challenging, Strauss attempts to bring greater clarification to the tension between revelation and reason; or better, between Jerusalem and Athens.[57] As Strauss sees it, there exists an irreconcilable conflict between these two cities, representing the two roots of Western civilization: "One ought to be either the philosopher open to the challenge of theology or the theologian open to the challenge of philosophy."[58] The duality between the two stems from two fundamental qualities of man; deed or speech and action or thought. The question of primacy forces man to choose one over the other. Strauss's difficult task is to make a persuasive case to defend his choice.[59]

In that respect, Maimonides appears as a bridge in Strauss's work; a bridge that helps him to overcome the impasses of modern rationality while connecting him to ancient thought. As Ivry aptly puts, "Maimonides is the perfect response to Spinoza and the moderns, and an affirmation of the best in Plato and the ancients."[60] For Strauss, the

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[57] As Werner Dannhauser points out, as opposed to his general tendency to identify the decisive tensions in the history of philosophy as quarrels, Strauss never refers to the tension between Jerusalem and Athens as a quarrel. This difference, albeit minor, should suggest the difficulty that Strauss faces in picking one city over the other. Dannhauser, W. J. 1996. "Athens and Jerusalem or Jerusalem and Athens?" in D. Novak. (ed.) *Leo Strauss and Judaism: Jerusalem and Athens Critically Revisited.* Rowman & Littlefield. p:156.

[58] Strauss, L. 1979. "Mutual Influence of Theology and Philosophy." Reprinted in P. Emberley & B. Cooper. (eds.) *Faith and Political Philosophy: The Correspondence Between Leo Strauss and Eric Voegelin 1934-1964.* Pennsylvania: Pennsylvania University Press. 1993. p: 217. Also; Strauss, "Progress or Return," p: 166.; Strauss, L. 1967. "Jerusalem and Athens: Some Preliminary Reflections," Reprinted in L. Strauss. *Studies in Platonic Philosophy.* Chicago: University of Chicago Press. 1983. p: 147.

[59] The question of whether Strauss in fact chose one over the other is still an issue of debate. Strauss himself definitively left this question unanswered. One could argue that he hints as an answer, but only a vague one: "By saying that we wish to hear first and then to decide, we have already decided in favor of Athens against Jerusalem." Strauss, "Jerusalem and Athens," p: 150. While his East Coast students, such as Allan Bloom and Thomas Pangle are in agreement regarding the privileging of philosophy over revelation, Henry V. Jaffa, leading the West Coast Straussians, argues that Strauss's teaching was armed with the morality of both the Bible and classical political philosophy. For a detailed review of the debate between the East and West coast Straussians, see: Jaffa, H. V. 1984. "The Legacy of Leo Strauss," *Claremont Review of Books.* pp: 19-24; Pangle, T. 1985. "The Platonism of Leo Strauss: A Reply to Harry Jaffa," *Claremont Review of Books.* pp: 18-25; Jaffa, H. V. 1985. "The Legacy of Leo Strauss Defended," *Claremont Review of Books* pp: 20-28.

[60] Ivry, A. L. 1991. "Leo Strauss on Maimonides." In A. Udoff (ed.) *Leo Strauss's Thought: Toward a Critical Engagement.* London: Lynne Rienner Publishers. p: 77.

return meant, return to the form of ancient faith; and this faith offered the best sociopolitical alternative to the Enlightenment. In other words, classical philosophy, which is Strauss's last word on the quarrel between the ancients and the moderns, requires the assistance of traditional religion to supplant the Enlightenment.

In Strauss's analysis, there are three grounds on which Maimonides and Spinoza can be compared –the theological, the political and the epistemological – also reveal Maimonides' Platonic roots.

To begin, Strauss argues that the fundamental philosophic divergence between Maimonides and Spinoza can be located purely on theological grounds. Thus, the opposition between the two philosophers appears in the doctrine of the eternity of the world versus the doctrine of the creation of the world.[61] Nevertheless, at the bottom of this opposition, Strauss sees the divergence of the theological presuppositions as based on different conceptions of the identity of intellect and will in God. What this proposition entails for Spinoza is actually something radically different from the propositions adhered to by Maimonides.[62] The matter which Strauss is trying to get at in his elaborate discussion can be demonstrated quite simply by quoting two statements from both thinkers. Spinoza, on the one hand, is able to assert unambiguously: "The human has an adequate knowledge of the eternal and infinite essence of God."[63] On the other hand, Maimonides says "[God's] essence cannot be grasped as it really is;" and, "there is no device leading to the apprehension of the true reality of His essence."[64]

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[61] Strauss, *Spinoza's Critique of Religion*, pp: 151-152. Strauss is in agreement with Maimonides: Science can demonstrate neither the eternity nor the creation of the world. Hence, "It must leave the question unanswered and accept the solution presented by revelation." Strauss, *Philosophy and Law*, pp: 64-65, 91.
[62] Ibid., pp: 153-156.
[63] Spinoza, B. *Ethics*. Trans. by. E. Curley. Princeton: Princeton University Press. 1994. Part 2, P47. p: 145.
[64] Maimonides, Guide, I, 54; I, 59.

Strauss recognized that Spinoza also diverges from Maimonides with respect to his method of reading the Bible. In Strauss's view, Maimonides is a philosopher who manifests an "attached" attitude to the Bible and tradition, since he viewed them as essentially rational. In contrast, Spinoza is a philosopher with a "detached" attitude toward tradition. This attitude was due to Spinoza's judgment about the impossibility of an authentic rootedness in Jewish tradition consonant with reason.

To elaborate, contrary to Spinoza, Maimonides, following the Falasifa tradition, asserted that philosophy, i.e., the quest for the right way of life, is only possible through a recognition of the authority of revealed religion. Divine authority precedes all philosophizing. In that sense, philosophy is, in fact, only possible insofar as it is commanded by revealed law. For Strauss, the medieval rationalist perceived of himself as "both bound and authorized by revelation." His primary concern, then, is "the foundation of philosophy as a legal foundation."[65]

As Strauss discerned, neither philosophic consistency nor loyalty to Scripture is at issue. Rather it is fundamental philosophical presuppositions about what philosophy itself is and about what it can know that are irreconcilably conflicting. Therefore, the fundamental disagreement between Maimonides and Spinoza takes place on epistemological grounds and revolves precisely around the status of revelation in reflecting a necessary human limit. The crucial question is whether unaided human reason can be surpassed by aided or guided human reason.[66] Maimonides's response is beyond doubt: "human intellect has a limit which it cannot cross; for this reason man is obliged, for the glory of his Lord, to halt at this limit and not to reject the teachings of

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[65] Strauss, *Philosophy and Law*, pp:59-60.
[66] Strauss, *Spinoza's Critique of Religion*, pp: 158-159.

revelation that he cannot comprehend and demonstrate."[67] If not for the insufficiency of the ordinary human intellect in its ability to attain the definitive and comprehensive truth, philosophers would not have an interest in examining the claims of revelation to possess a higher, if not the highest, truth. Conversely, the philosophical critique of revelation in which Spinoza was engaged, requires the opposite belief as its basic premise, namely, the belief in the sufficiency of the human intellect for the attainment of the complete and systematic truth.

Strauss was attracted to Maimonides precisely because his classical view of philosophy, though uncompromising in its commitment to reason, seems honestly to acknowledge the fundamental problem of providing reason's sufficiency in all areas of human life, and ultimately with respect to nature as a whole. As Strauss began to notice, the modern view held by Spinoza appears in part to be rooted in merely an assertion of sufficiency, whose questionability it tries to evade by presenting itself in systematic or scientific form. As a result, Strauss started to wonder whether a thorough reconsideration of Maimonides' philosophy was not necessary in order to test his hypothesis about what he regarded as the fatal flaw in Spinoza's philosophy, i.e., its being grounded not in anything either self-evident or demonstrable, but rather in an irrational assertion of human reason's sufficiency. Such irrationality would contradict the very nature of philosophy, which is based solely on what is rational.

The differing attitudes of Maimonides and Spinoza toward philosophy are further demonstrated by their conflicting political notions. Two questions are at stake: How should the state be organized and who should rule? While the first question is related to the relationship between theory and the multitude, the second is concerned with the role

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[67]Strauss, *Philosophy and Law*, pp: 90-91.

of the prophet. According to Maimonides, divine law, i.e., the teachings of the Torah, are the highest truth that man could recognize. Hence, "the acknowledgement of a truth is to unite all men, the wise and the unwise." Yet, there is a crucial detail in spreading the teachings of divine law. Philosophizing, that is interpretation of the Torah, is restricted only to the few. Further, the multitude must be prevented from learning the secrets of the divine law. Thus, the kind of communication appropriate for the interpretation of divine law and for metaphysics is esoteric communication. This ensures that only the man who is suited for philosophizing will be allowed to study divine law.[68]

According to Strauss, this restriction against the multitude by way of esoteric teaching is consistent with the lawfully binding character of philosophy. Man's reason is insufficient to comprehend the knowledge of God. Certainly no man must be left with misleading beliefs about God. Nevertheless, it is "legally prohibited" to teach the unqualified.

As opposed to Maimonides' understanding of divine law as the truth that binds the multitude together, Spinoza argues that the multitude is irremediably "enslaved by its passions." As such, they cannot be liberated by any "acknowledgement of a truth" which is identified by revelation. Spinoza is skeptical about the rootedness in the truth, a definitive quality of revelation according to Maimonides. In fact, he goes so far as to suggest that this belief ultimately expresses a decidedly political interest, namely, the domineering philosopher's desire to rule through the religious authorities. To Spinoza, this is likely to result in the rule of an ignorant priest rather than an enlightened statesman.

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[68] Ibid., pp: 95-96, 103.

The crucial political difference between Maimonides and Spinoza revolves around what it means to be philosophically enlightened. Namely, whether philosophy should lead to a healthy political respect for revealed religion, or whether philosophy teaches one to treat revealed religion as the greatest threat to a healthy political life.

> But one must not for a moment leave any doubt that these medieval philosophers were precisely *not* Enlighteners in the proper sense; for them it was not a question of *spreading* light, of educating the *multitude* to rational knowledge, of *enlightening*; again and again they enjoin upon the philosophers, the duty of *keeping secret* from the unqualified multitude the rationally known truth; for them –in contrast to the Enlightenment proper, that is the modern Enlightenment- the *esoteric* character of philosophy was unconditionally established.[69]

What is at stake is not only a different political approach that reveals itself as two different arts of writing. Rather, it is essential to note the underlying epistemological positions. As Strauss stresses, "the esoteric character of the 'medieval religious Enlightenment' is based on the prevailing ideal of the theoretical life, just as the exoteric character of modern Enlightenment is based on the conviction of the primacy of practical reason."[70] What the moderns' did not realize was that the human race is divided into the vast majority and the very few, and that philosophizing is impossible for the many.

This brings us to the second question, the question on ruling. Even though Maimonides and Spinoza seem roughly to agree about the prophet's political function as leader, lawgiver or statesman, they disagree about what the prophet's theological teachings represent. Is it a cognitive progress in human understanding toward the highest truth as Maimonides understands it? Or, is it an overreaching of the imagination beyond its legitimate moral sphere as Spinoza attests?

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[69] Ibid., p: 102.
[70] Ibid., p: 103.

For Maimonides, the prophet attains a human perfection beyond the philosopher's. This enables him to conceive of a harmonization between Scripture and reason through the prophet, who in following nature surpasses, but does not contradict, ordinary human comprehension. In that sense the supreme practical role of the prophet is but political government.

> The prophet is therefore the proclaimer of a law directed to the specific perfection of man. But the law aims at making it possible to live together. Hence the prophet is the founder of a community directed to the specific perfection of man. (...) If the founder of the perfect community must be a prophet, but the prophet is more than a philosopher, this means that the founding of the perfect community is not possible for a man who is only a philosopher.[71]

In Strauss's view Maimonides never reductively identified revelation with reason. For Maimonides the prophet always attains a greater theoretical height than the philosopher, even with regard to superlunar physics and its attendant metaphysics. However the only context in which prophecy proper can be understood is that of politics. Strauss argues that both Maimonides and the Falasifa tradition understood 'politics' and the 'political' strictly in the Platonic sense. "The prophetology of Maimonides and the Falasifa refers to Plato not only in assuming the union of philosophy and politics as a condition of the perfect state; also of Platonic origin is the way in which the prophet's being-a-philosopher is understood."[72]

In the final analysis, Strauss partially agrees with Spinoza: the chief problem of Maimonides, i.e., his prophetology, is primarily a political problem. However, as opposed to Spinoza's claims, Strauss believes that Maimonides was not interested in politics for the sake of domineering philosophers with a passion to rule. Instead, his politics entailed vulnerable philosophers with a desire to defend the life they were leading and the activity

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[71] Ibid., p: 121.
[72] Ibid., p: 125-126.

in which they were engaged as fully legitimate with respect to divine law. A familiar

Straussian question seems to emerge here: the compatibility of philosophy or the

philosophic life with the law or the city. Maimonides and the Falasifa tradition respond to

this question with the claim that it is divine law that authorizes and even commands

philosophy. In this respect, Strauss suggests that Plato appeared as the best guide to

medieval philosophers, since his 'political philosophy' was essentially built on the

premise of reconciling the city as comprehensive law with philosophy as the free search

for knowledge. The medievals would then only differ from Plato about the origin of the

law. But in the end, they were in agreement about the need for philosophizing.

> The relation of Maimonides to Plato is characterized in the first place by the fact
> that the former proceed(s) from an un-Platonic premise. For him the fact of the
> revelation is certain; for them therefore it is also certain that a simply binding law,
> a divine law, a law proclaimed by a prophet with the force of law, is actual. (...)
> In philosophizing, they inquire into the possibility of the actual law; they answer
> this inquiry within the horizon of Platonic politics. (...) The Platonic framework
> is modified, stretched as it were, but not exploded; it remains the spiritual bond
> that unites philosophy and politics.[73]

We can now understand Strauss's oblique calls for the return. In Maimonides's

teaching Strauss discovered a view of the philosophic life as fully in unison with the

divine law, which permits and even compels those men who are qualified to attempt to

search for the best way of life. Maimonides, hence, is simultaneously both a philosopher

and a Jew. Strauss seems to be struck by the resemblance between the Platonic cave-

image and Maimonides's image of the deep dark night illuminated by lightening flashes:

> Just as, according to Plato, the perfect state can be actualized only by the
> philosopher who has ascended out of the cave in to the light and has beheld the
> idea of the good, so, according to Maimonides and the Falasifa, the perfect state
> can be actualized only by the prophet, for whom the night in which the human

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[73] Ibid., p: 128.

race is stumbling about is illuminated by lightening flashes from on high, by direct knowledge of the upper world.[74]

In any case, the example of Maimonides does not yield an easy solution to the dilemma of Jerusalem and Athens. For Strauss the essential difference between the two, when conceived properly, reveals itself as ways of life rather than conventionally as an opposition of systems. Strauss brought to light the radical virtues of Jerusalem and the moderate virtues of Athens. In that sense, "he never overlooked; instead he brought out and stressed the enormous differences between biblical thought and the thought of the Greek philosophers."[75] In conclusion, Strauss's inquiry into the works of Spinoza and Maimonides clarifies what he meant by the theological-political predicament and, what is more, it demonstrates his strong criticism of Enlightenment and thereby the complex nature of his conservatism.

Part III: Ancient Thought

i) introduction

Nothing stands out quite so clearly from a reading of Strauss's book on Maimonides than the extent to which Strauss was attracted to the wrings of the ancient Greek philosophers. Following the publication of *Philosophy and Law*, Strauss turned his attention to a deeper examination of ancient philosophy. The best-known fruit of that period is the distinction he draws between ancient and modern political philosophy; or better, the quarrel between the ancients and the moderns. In a nutshell, the conflict entailed the role of philosophy vis-à-vis politics: the ancients sought public consent in the

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[74] Ibid., p: 127.
[75] Pangle, T. 1983. "Introduction," in L. Strauss. *Studies in Platonic Philosophy.* Chicago: University of Chicago Press. p: 20.

context of a politics that preserved the autonomy of philosophy from society whereas the moderns sought public consent in the context of a philosophical expression of politics. While the ancients advocated hierarchy, nobility and virtue, the moderns highlighted the pursuit of self-interest in civil society. In contrast to the ancient encouragement of the political obligations of citizens, the moderns asserted the rights of the citizen.

Strauss's inquiry into the ancients was more like a journey into the lost vision of philosophy and the philosopher. Central to his reading was Socrates, the philosopher *par excellence*. The writings of Plato, Xenophon and Aristophanes, all who knew Socrates, captivated him. As opposed to the modern meaning of philosophy, Strauss's philosophy attempts to make the Socratic teaching plausible again by restating the original meaning of philosophy, i.e., the quest for the best way of life. As Bloom observes, "Strauss believed he had accomplished the *apology* of rationalism and the life dedicated to the quest for the first causes of all things."[76]

According to Strauss then, the primary basis of the quarrel between the ancients and the moderns is not the field of philosophy. Nor is it the realm of politics. Instead it is the juxtaposition of the two: political philosophy. In fact if there is a distinctive politics in Strauss's writings, it concerns almost exclusively what could be called the politics of philosophy. Political philosophy meant for him not merely the philosophical treatment of politics, but the political treatment of philosophy. Strauss once declared his writings to be a contribution to the study of the "sociology of philosophy" by which he meant the study of philosophers as a class.[77] Above all what distinguishes all philosophers as a class from all non-philosophers is an intransigent desire to know, to know things from their roots or

[76] Bloom, A. 1974. "Leo Strauss: September 20, 1899- October 18, 1973," *Political Theory* 2(4): 377.
[77] Strauss, L 1952. *Persecution and the Art of Writing* Chicago: University of Chicago Press. p: 7.

by their first principles. Accordingly, Strauss saw a permanent and virtually intractable conflict between the needs of society and the requirements of philosophy. Philosophy, understood as the search for knowledge, is based on the desire to replace opinion about all things by knowledge of all things. This desire to replace opinion with knowledge would always put philosophy at odds with the inherited customs, beliefs, and dogmas that shape and sustain social life. The politics of philosophy consists of the philosopher's need to show a respect for the opinions and beliefs that sustain the collective life of society and at the same time the need to address and recruit new members to the ranks of potential philosophers.

The question that naturally arises is the relation between the philosopher and the city or the political regime or, to put the matter a slightly different way, the relation between theory and practice. Strauss often presents these as virtually two incompatible ways of life, that of the philosopher and that of the citizen-statesman or what he sometimes, following Aristotle, calls the gentleman. Is philosophy ministerial to the statesman's life or is politics of value only because it provides the context for the pursuit of philosophy? Which is higher in the order of rank? Strauss's writings exhibit the same degree of discretion and tact in discussing this problem as he does in the related theme of Jerusalem and Athens.[78]

Again for Strauss, the quarrel between the ancients and the moderns does not stem from a different understanding of morality. Instead the problem is primarily political. The

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[78] It is this problem of the relation of philosophy to the regime that has divided the Straussian legacy between rival East Coast and West Coast camps. At issue between them is the meaning of the word "political" in the expression political philosophy. East Coasters are said to believe that political refers only to philosophy's mode of expression, the deference that philosophy pays to what it is compelled to obey and what it perforce pretends to esteem. West Coasters by contrast regard political philosophy as offering substantive moral guidance to political life on issues like religion, patriotism, and the status of America among the nations of the world. For a detailed review see: Jaffa, H. V. 1987. "The Crisis of the Strauss Divided: The Legacy Reconsidered," *Social Research.* 54: 579-603.

closest he ever came to giving a clear and unequivocal answer to this problem of philosophy's relation to politics occurs in a public exchange late in life with his friend Jacob Klein. In a revealing sentence Strauss noted that on the basis of his reading of Maimonides he came to attach a much greater significance to the tension between philosophy and morality than had Klein. "Mr. Klein and I differ regarding the status of morality," Strauss said. He then goes on to clarify his meaning as follows:

> Now let me explain this. That the philosophic life, especially as Plato and Aristotle understood it, is not possible without self-control and a few other virtues almost goes without saying. If a man is habitually drunk, and so on, how can he think? But the question is, if these virtues are understood only as subservient to philosophy and for its sake, then that is no longer a moral understanding of the virtues. (…) If one may compare low things to high things, one may say similarly of the philosopher what counts is thinking and investigating, not morality.[79]

The critical break in the understanding of philosophy was effected by Machiavelli. Strauss saw in the writings of the Florentine a preference for activity over thought; for doing and making over knowing and wondering; for making a less noble but more possible city rather than striving for a city that might be founded only with the cooperation of chance. This preference, consequently, finds its expression in the modern concern with freedom, with rights, with creativity and with the will. Therefore, Strauss concluded that Machiavelli was the true founder of the modern project.

In investigating the very core of the Straussian teaching, it is most appropriate to start with Plato, who undoubtedly influenced Strauss deeply. Following Strauss's extensive analysis of Plato we will turn to another ancient text, Xenophon's *Hiero or Tyrannicus*. The notion of tyranny is crucial to understand the role of politics in present-day philosophy as well as in comparison to ancient philosophy as Strauss conceives it.

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[79] Strauss, L. 1970. "A Giving of Accounts: Jacob Klein and Leo Strauss," in K. H. Green (ed.).*Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought by Leo Strauss*. Albany: State University of New York Press. 1997. pp: 463-465.

Lastly, from Xenophon, a turn to the moderns, notably to Machiavelli is essential. Only by reading Strauss's commentaries on Machiavelli can one grasp the progressive deterioration of the role of political philosophy as Strauss understands it.

ii) Plato: The Question of Philosophy

Strauss's studies of the medieval Enlightenment led him to a further examination of Greek philosophy. The underlying question of these studies was to discover the proper meaning, or better, the original sense of the term as the Greeks understood it. As Zuckert observes, Strauss attributed an undogmatic understanding of philosophy to Plato. According to this undogmatic view, "for Socrates and Plato the goodness of a philosophic way of life did not depend upon the possibility of human beings' attaining complete theoretical knowledge."[80] Instead, philosophy as a way of life necessitates wisdom or the knowledge of ignorance. Perhaps it was this skeptical philosopher, whose thought is characterized by an awareness of the limits and incompleteness of human knowledge, which attracted Strauss's attention. No matter what the real reason was, Strauss returned to Plato and classical philosophy to demonstrate the always impartial and incomplete nature of human reason.

Three qualities clearly distinguish Strauss's interpretation of Plato from the existing traditions: his manner of reading the classic texts, the crucial role given to the notion of nature, and the problem of Socrates. Along with these elements, central to his interpretation are several dichotomies, namely nature versus convention, theory versus practice, few versus many, knowledge versus opinion, and philosopher versus city.

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[80] Zuckert, C. 1996. *Postmodern Platos: Nietzsche, Heidegger, Gadamer, Strauss, Derrida*. Chicago: University of Chicago Press. pp: 116-117.

Strauss tries to find a way out of these dichotomies by bringing all of these aspects of Plato's philosophy together in his meticulous works. Whether Strauss's solution is a convincing one is another issue.

The fact that Plato wrote in the form of dialogues occupies a central role in Strauss's interpretation. According to Strauss, one cannot get to the heart of Plato's teaching without analyzing the proper relationship between the text and the author. He poses this question at the outset of his essay on the Republic; "one cannot understand Plato's teaching as he meant it if one does not know what a Platonic dialogue is."[81] Appearing as an unusual form of philosophic text, the Platonic dialogue is something that stands between Socratic oral communication and the systematic Aristotelian treatises. In that sense, Strauss argues, the dialogues still possess the flexibility and adaptability of actual speech. Different from any other written text, Platonic dialogue says different things to different people; it is for those with ears to hear. In Strauss's words "The Platonic dialogue is an enigma."[82]

The centrality that Strauss attributes to the dialogical form brings about a very unique hermeneutics in his reading of Plato. The underlying assumption of Straussian hermeneutics is that great thinkers write in esoteric way. Therefore, the interpreter must "fall back on his resources (...) for discovering the decisive part of the argument by himself."[83] Consequently, no Platonic dialogue is composed to encourage the mindless interpreter. Rather, according to Strauss, Plato wrote his dialogues "in such a way as to prevent for all time their use as authoritative texts."[84]

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[81] Strauss, *The City and Man*. p: 52.
[82] Ibid., p: 55.
[83] Strauss, L. 1946. "On a New Interpretation of Plato's Political Philosophy," *Social Research* 13(3): 351.
[84] Ibid., p: 352.

Straussian hermeneutics, then, essentially moves on in a cloud of perplexity. This is not to say that Strauss guides his readers into an endless game of signifiers. Rather, his interpretation, just like the inspirational Platonic texts, keeps reminding the reader of his own limitations. The reading of Plato remains essentially as enigmatic as the text itself for the original teaching primarily presupposes an awareness of limits. In a letter to Hans-Georg Gadamer with regard to *Truth and Method*, Strauss distinguishes his own reading of Plato from any universal hermeneutic theory:

> It is not easy for me to recognize in your hermeneutics my own experience as an interpreter. Yours is a 'theory of hermeneutic experience" which as such is a universal theory. Not only is my own hermeneutic experience very limited –the experience which I possess makes me doubtful whether a universal hermeneutic theory which is more than 'formal' or external is possible. I believe that the doubt arises from the feeling of the irretrievably 'occasional' character of every worthwhile interpretation.[85]

Strauss's emphasis on the occasional character of hermeneutics is certainly open to many debates. It is true that nowhere does Strauss outline the principles of a general theory of textual interpretation or hermeneutical reading. He does claim that "the rules governing the interpretation of Plato's book are much stricter than the rules governing the interpretation of most books,"[86] but Strauss does not specify what those strict rules are.[87] Instead he goes on to examine Platonic dialogues as "dramas in prose."[88] Therefore, not only the speeches but the deeds recorded in the dialogues gain importance. This might shift the burden of proof from the speeches of the characters to their actions, as Strauss states. However, this leaves the question of intentions, which are necessarily unknown to

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[85] Strauss, L 1978. "Correspondence Concerning *Wahrheit und Methode*," *Independent Journal of Philosophy* (2): 5-6.
[86] Strauss, "On a New Interpretation," p: 352.
[87] There are several other methodical problems regarding Strauss's hermeneutical approach. However even an overview of these problems require an understanding of his critique of positivism and historicism. We will return to Straussian esoteric writing/reading in the next part as methodological tool of modernity critique.
[88] Strauss, *The City and Man*, p: 59.

the reader, unanswered: if 'action' is as worthy of interpretation as 'speech' one needs the knowledge of intentions behind each utterance of every character. The inevitable limit of the reader's knowledge from such a hermeneutical perspective fulfills Strauss's prophecy: Platonic dialogue is truly an enigma.[89]

The greatest enigma of the Platonic dialogues, in Strauss's interpretation, is the allegory of the cave and the nature of the philosopher-king. No other aspect of the *Republic* exhibits so clearly the critical difference between Strauss's unconventional interpretation and the standard reading. According to the majority of interpreters, Plato regarded *kallipolis* as the best possible regime under the just rule of the philosopher-king who brings the union of philosophy and politics together. In spite of the differing opinions regarding the achievability of the *kallipolis*, the existing literature seems to agree on the desirability of such a regime. For Strauss, on the other hand, realization of the just city is neither possible nor desirable. The *Republic* is a dialogue that searches the limits of a possible marriage between philosophy and politics. In that sense, he maintains, the dialogue "conveys the broadest and deepest analysis of political idealism ever made" and at the end the work prescribes "the most magnificent cure ever devised for every form of political ambition."[90]

Strauss turned to the image of the cave to illustrate the tension between nature and convention; or better, to expand upon what philosophy is. By nature, Strauss never meant

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[89] In his criticism of the Straussian 'tradition,' John Gunnell argues that such an "explication of tradition of political philosophy is not a research conclusion but a dramaturgical account of the corruption of modernity." Accordingly, Strauss attributes each philosopher in the tradition their appropriate function. Gunnell clearly overlooks Strauss's own writings with regard to the already existing drama in the tradition. Nevertheless, his criticism with regard to the arbitrary nature of such a textual interpretation must be taken seriously. Gunnell, J. G. 1978. "The Myth of the Tradition," *The American Political Science Review* 72(1): 122- 134.
[90] Strauss, *The City and Man*, pp: 65, 127.

the totality of things; rather "nature is a term for distinction."[91] Philosophy, understood as

the quest for the principle of all things, precedes the discovery of nature. In that sense,

philosophy was born out of the necessity to distinguish between "the things which are

always and imperishable as opposed to the things which are not always."[92] Strauss admits

that nature is essentially understood in contradistinction to something else; the very act of

'discovery' presupposes that nature hides behind an artificial creation, namely

convention. Therefore, the task of philosophy is to recover nature from the realm of

convention.

The Platonic cave is the best illustration of the manifest problems that philosophy

faces. The artificial conditions existing in the cave intensifies the natural ignorance of

man. In fact, the disquieting depiction of the cave illustrates the natural boundaries of the

human mind: men are chained to the ground, preventing their heads from turning to the

sunlight. The light in the cave is artificial and the objects that men see are only shadows.

It is impossible to find any traces of true knowledge. Man is condemned to live merely

with opinions. The cave, despite its being a 'natural' image, is far removed from any

natural knowledge that constitutes the foundation of philosophy. The ascent from the

cave to the sunlight is difficult precisely because it requires leaving the world of

conventions behind and facing the unchanging limit of human nature. Those who can

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[91] Strauss, L. 1953. *Natural Right and History*. Chicago: University of Chicago Press. p: 82-83. Robert
Pippin rightly points out that despite its weight the concept of nature is one of the least developed notions
in Strauss's work. See, Pippin, R. B. 1992. "The Modern World of Leo Strauss," *Political Theory* 20(3):
456. It is true that the reader has to look hard for a satisfactory explanation of what nature is. Nature is
always defined in contradistinction to some other notions. My understanding is that nature represents the
intractable restraints to which human life is subject. In that sense, the grip of nature is three-fold: personal,
political and cosmic. The discovery of nature, then, is nothing but the affirmation of these restraints by
philosophy. Thus, the quest of the best life is but acceptance of human's deficiency.
[92] Ibid., p: 89.

embark on such a difficult journey are philosophers who are no longer shaped by their times and conditions.

Despite its unmistakable focus on the philosopher, Strauss's use of the cave allegory does not serve the purpose of understanding the classical notion of philosophy alone. The gist of his analysis is necessarily related to politics, or the philosophical study of political things. In that sense he defines political philosophy as an activity which seeks knowledge for the purpose of changing the present, as far as practicable. Just as philosophy in general is concerned with replacing opinions (*doxa*) with knowledge (*episteme*), political philosophy is "the attempt to replace opinion about the nature of political things by knowledge of the nature of political things"[93] which is the primary knowledge about the right or good political order. Nonetheless, philosophical thinking requires a withdrawal from the world of appearances, he argues. It is, essentially, the contemplative attempt to grasp the nature of the whole. Such activity stands in the sharpest opposition to the active pursuit of glory or greatness in the political realm, a pursuit that never leaves the "conventional" world of the polity behind and never concerns itself with the "invisibles" that are the objects of the philosopher's "What is?" question. The tension between *physis* and *nomos*, nature and convention, in Greek thought reflects the fundamental opposition between man's desire for worldly immortality achieved through words and deeds and the philosopher's experience of the eternal, which can occur only outside of the realm of human affairs and outside the plurality of men.

The most important character in this depiction of ancient philosophy is the philosopher. In his portrayal of the philosopher, Strauss stipulates a kind of continuity

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[93] Strauss, *What is Political Philosophy?* pp: 11-12.

between the world of the cave and the philosopher's pursuit of wisdom. In his view, the philosophical project is one not of dissolving or negating *doxa* but of ascending from *doxa* or common sense to what is "natural," not merely conventional. As Strauss puts it, "even Socrates is compelled to go the way from law to nature, to ascend from law to nature."[94] Socratic dialectics is nothing other than the means by which the ascent from "common sense" is achieved.

However, although Strauss seems to argue that even Socratic philosophy is in need of opinion to start with, what follows is in fact a mission of transcending the realm of plurality and conflicting opinion, to move dialectically to a comprehensive standpoint far removed from the initial point of 'common sense.' In his words, this is the true outcome of moving towards "the consistent view of the nature of the thing concerned. That consistent view makes visible the relative truth of the contradictory opinions; the consistent view proves to be the comprehensive or total view. The opinions are thus seen to be fragments of the truth, soiled fragments of the pure truth."[95]

It is precisely this nature of philosophy, according to Strauss, that creates the fundamental tension between philosophy and politics, the philosopher and the *polis*. The philosopher who is able to reach beyond the realm of appearances is a necessary threat to the foundations of the city. He, just like Socrates, can show how notions such as religion, tradition, politics and values like piety, justice, courage are conventional. Perhaps the philosopher is the only true critic of the activities of the *polis*. Therefore, hostility towards the philosopher is inevitable. For Strauss, it is no mere contingency that the emergence of the first great philosopher, Socrates, coincided with his condemnation and

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[94] Strauss, *The City and Man.* pp: 20, 29.
[95] Strauss, *Natural Right and History.* p: 124.

execution by the city. This is the very proof of intolerance of the vulgar mass against philosophical knowledge. Therefore, Strauss concludes, the philosopher must disguise himself and must talk only for "those with ears to hear." Strauss's objection to the notion of the philosopher-king could not be clearer. Yet one questions remains: Should the philosopher advise the ruler? For this we need to turn to another ancient text and Strauss's reading of it.

iii) Tyranny: The Question of Politics

On Tyranny is a close reading of Xenophon's short dialogue between *Hiero*, tyrant of Syracuse, and Simonides, the wise poet, about the burdens of tyranny and about how these burdens might be lightened. Although Strauss insists that the intention of the dialogue is nowhere stated by the author, *Hiero* stands out as a peculiar treatment of the ageless problem of tyranny by an ancient philosopher. What makes *Hiero* distinguished is the controversial argument brought forward by Simonides: it is possible to transform the most corrupt form of regime, tyranny, into a beneficent one. For moderns, perhaps this claim does not have the same effect as it would on the ancients. Perhaps, as Strauss would argue, we are already used to living in a Machiavellian world in which the wise man is the only legitimate advisor of the rulers of corrupt regimes. However, this certainly was not the case for the Greeks. Both Plato and Aristotle saw tyranny as the lowest type of regime and they conceived it as the least natural form of ruling. Furthermore, the ancients condemned tyranny not only because it causes degeneration in the political life of the polis, but also because they perceived it as a kind of sickness of the human soul. Are the tyrants happy? Does injustice bring happiness to anyone?

Ultimately Socrates' answer to these questions was negative. The tyrant has the most tormented soul on earth. But if the ancients have disagreed with tyranny to such an extent, why would Xenophon, a student of Socrates, write a dialogue on the transformation of this faulty regime? This is the main question that Strauss investigates in this book.

According to Strauss, the purpose of the dialogue is to elaborate on two ways of life –the tyrannical life or the philosophical life- rather than presenting the flaws of the tyrannical regime. In other words, "the primary subject of the conversation described in *Hiero* is not the improvement of tyrannical government, but the difference between tyrannical life and private life with regard to human enjoyments and pains."[96] In Strauss's reading of Xenophon's esoteric work, the two characters of the dialogue –Hiero and Simonides- and their profession becomes the decisive element. The conversation between the two cannot be understood as it appears on the surface. *Hiero,* in the end, was written not to provide the insights of the wise man in the service of eliminating the faultiness of the tyrannical regime, but to show the necessary difference between the contemplative life and the political life. By pursuing this aim, *Hiero*, like other classic teachings, raises the question of how man ought to live. However, in Strauss's account the answer to this key question lies in "the contradiction between the two ways of life."[97]

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[96] Strauss, L. 2000. *On Tyranny: Including the Strauss-Kojéve Correspondence.* Chicago: University of Chicago Press. p:78.

[97] Ibid., p:79. Eric Voegelin, in his review article *On Tyranny,* revises this question and points to the problem of freedom of intellectual criticism under tyrannical regime. In his account the importance of the text originates from the apparent example of an wise man who could survive, despite his raising the question of tyranny out loud in the presence of a true tyrant: "We are living in an age of tyranny; and therefore, what the ancient had to say on the subject is of importance; but perhaps of even more importance is how they managed to say it so frequently without getting killed in the process." Voegelin, E. 1949. "Review Essay *On Tyranny," Review of Politics* p: 241.

In his interpretation of the *Hiero*, Strauss pays special attention to the personalities of Simonides and Hiero. They appear as the stereotypical models of a tyrant and a wise man. The characteristic difference between the two, Strauss argues, "manifests itself in the object of their passionate interest and not in the character of the passion itself."[98] While the wise man, Simonides, is mostly interested in being honored and being admired by the competent few, the tyrant's overriding desire is to be loved but not admired by the mass. Apart from the clear distinction between the hierarchical levels of desires of each man –Strauss insists that the desire to be honored is the very source for the way to any kind of excellence, whereas the desire to be loved is only a sign of the ruler's dependence on the *demos*- Strauss concludes that these separate desires determine the roles of each man in the city. Accordingly, "the ruler whose specific function is 'doing' or 'well-doing' has to serve all his subjects. Socrates, on the other hand, whose specific function is 'speaking' or discussing, does not engage in discussion except with those with whom he likes to converse."[99] Therefore, Strauss asserts that "the wise man is alone free."

For Strauss, the specific role of politics in the city emerges essentially out of necessities. The ruler, the leading figure of the political life, functions only as a benefactor, whereas the wise man functions only to understand; "he is a benefactor only accidentally."[100] Thus, Strauss argues, "the wise man is as self-sufficient as is humanly possible" and "the admiration he gains is essentially a tribute to his perfection, and not a reward for any service."[101]

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[98] Ibid., p:88.
[99] Ibid., p: 84.
[100] Ibid., p: 90.
[101] Ibid., p: 90.

In the end, Strauss concludes that "the wise man defeats the ruler."[102] However, it is one thing to say that among the two, the philosopher has superior qualities over the ruler, and quite another thing to say that the success of the philosopher is an indication of the impossibility of the reconciliation between the life of contemplation and the life of the *polis*. Strauss clearly subscribes to the second argument. The choice is obvious; it is the philosophical life that is the most worthy to pursue.

At this point, one should consider the relevance of Strauss's account of tyranny in terms of his criticism of the modern age. The problem of tyranny, according to Strauss, is still a valid question for it is the precise symptom of the modern predicament. Strauss's argument is not based on the presupposition that a reading of the classics is sufficient for an understanding of modern tyranny. There is an "essential difference" between ancient and modern tyranny. Modern tyranny is said to have "surpassed the boldest imagination of the most powerful thinkers of the past."[103] In what, then, lies the difference? Present-day tyranny is based on present-day philosophy: no modern philosophy, no modern tyranny. In particular modern philosophy presupposes the existence of science and technology as well as mass ideology. By this Strauss means a conception of science as devoted to the "conquest of nature" imagined initially by early modern thinkers like Descartes and Bacon. It was neither Bacon nor Descartes per se who gave rise to modern tyranny, but the popularization and diffusion of the new philosophy that created previously unimagined forms of social domination and control. Strauss even suggests at

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[102] Ibid., p: 86.
[103] Ibid., p: 23.

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one point that the possibility of such a universal science was considered by the ancients, but rejected by them as "unnatural."[104]

Strauss insists that modern political science is blind to the difference between tyranny and other regimes. This has two causes; first, he argues, modern political science, due to its claim to be scientific, is forced to reject the notion of tyranny as 'mythical.' Second, and more importantly, the indifference to this most corrupt regime has it origin in Machiavelli's work which is characterized by a radical break from the tradition.[105] Machiavelli "tried to effect, and did effect, a break with the whole tradition of political philosophy. He compared his achievement to that of men like Columbus. He claimed to have discovered a new moral continent. His claim is well founded; his political teaching is 'wholly new.'"[106]

As Strauss sees the matter, Machiavelli's *Prince* stands in fundamental opposition to all previous "mirror of princes" literature due to its "deliberate indifference to the distinction between king and tyrant."[107]One cannot begin to understand modern tyranny for what it is until one carries out a systematic contrast between the *Prince* and Xenophon's *Education of Cyrus,* the only work on princes that Machiavelli "stoops to mention" and "the fountainhead" of the entire genre.[108] While the *Education of Cyrus* is devoted to "the perfect king," the *Prince* "is characterized by the deliberate indifference to the distinction between king and tyrant."[109]

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[104] Ibid., p: 178.

[105] Ibid., pp:23-24.

[106] Strauss, L. 1959. "What is Political Philosophy?" in H. Gildin (ed.) *An Introduction to Political Philosophy: Ten Essays by Leo Strauss.* Detroit: Wayne State University Press. 1989. p:40.

[107] Strauss, *On Tyranny,* p: 24.

[108] For a detailed examination of Machiavelli's approach to Xenophon see, Newell, W. R. 1988. "Machiavelli and Xenophon on Princely Rule: A Double-Edged Encounter," *The Journal of Politics* 50(1): 108-130.

[109] Strauss, *On Tyranny,* p: 24

The differences between Machiavelli and the classical teaching are not exhausted by their views on kingship and tyranny. In his reply to Eric Voegelin's review of *On Tyranny* Strauss alludes to a difference that would later become key to his reading of Machiavelli. Machiavelli's longing for Roman *virtu* is said to be "the reverse side of his rejection of classical political philosophy."[110] In other words, Machiavelli seeks to restore virtue on foundations laid by Roman philosophy. The modern philosophy of which Machiavelli was in part the creator differs from the ancients regarding his views on "the perfection of the nature of man:" "The abandonment of the contemplative ideal leads to a radical change in the character of wisdom: Machiavellian wisdom has no necessary connection with moderation."[111] It is Machiavelli's abandonment of the classical notion of the philosophical life, not any particular teaching about kingship, which appears to constitute the fundamental contrast between the ancient and modern perspectives. Yet, for a better understanding of Strauss's criticism we need to go into the details of his *Thoughts on Machiavelli*.

iv) Machiavelli: The Question of Freedom

Allan Bloom, in his article written in memory of Strauss, argues that there are three distinct phases in Strauss's intellectual development. While his studies listed in the first phase mostly deal with political-theological concerns, it is the second and third stages that most firmly define Strauss's teaching. Bloom observes that the Straussian notion of the quarrel between the ancients and the moderns is the best-known fruit of the second phase. However, only with the final stage is Strauss's teaching liberated from the

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[110] Ibid., p: 184.
[111] Ibid.

constraints of modern scholarship: "The third phase is characterized by a complete abandonment of the form as well as the content of modern scholarship. (...) He had liberated himself and could understand writers as they understood themselves."[112] His book on Machiavelli, perhaps the most unconventional interpretation of the Florentine's teaching, belongs to this last phase. Bloom is right in his observation; Strauss's critical take on Machiavelli's philosophy shares no common ground with then-existing literature.

Following his initial inquiry into Machiavelli's thought through the concept of tyranny, Strauss continuously deepens his analysis. Already in *Natural Right and History*, Machiavelli is found guilty of a 'realistic' revolt against the classical tradition. Machiavelli's attempt was a deliberate lowering of the ultimate goal, from the pursuit of moral virtues and contemplative life.[113] Therefore, the Florentine marks the initiation of modern thought and thus the radical break with Platonic political philosophy.

Strauss begins his book with a blunt statement: "We shall not shock anyone, if we profess ourselves inclined to the old-fashioned and simple opinion according to which Machiavelli was a teacher of evil."[114] The damnable characteristic about Machiavelli, from Strauss's point of view, was the newness of his teaching. His break from the great tradition of philosophers led to a new constellation of beliefs about the control of humans over nature, thus seizing their own destiny. More importantly he effectively transformed the philosophical vision regarding the belief in the achievements of highest human aspiration. Strauss argues that the corrupted teaching of Machiavelli has lost its effect on modern thinkers to a degree that no contemporary scholar pays attention to that aspect. Therefore Strauss's aim is twofold: First to prove that Machiavelli was indeed a teacher

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[112] Bloom, "Leo Strauss," pp: 384-385.

[113] Strauss, *The Natural Right and History*, pp: 178-179.

[114] Strauss, L. 1958. *Thoughts on Machiavelli*. Chicago: University of Chicago Press. p: 9.

of evil. And second, the transformation that he commenced is ultimately successful to the extent that moderns see only the spirited philosopher, not the work of a demonic genius. To substantiate his double-sided critique of modernity, Strauss examines Machiavelli from the perspective of the ancients.[115]

Strauss referred to Machiavelli as a "fallen angel," referring to the tradition he inherited and ultimately corrupted. He mastered the classics. The success of his rebellion was due to his deep knowledge of the tradition. In that sense, no perverted teaching of Machiavelli was new; they were known to the ancients and had been discredited long before. The so-called revolutionary elements in Machiavelli's work were not different from the arguments of Plato's Thrasymachus. He advocated them and sought to persuade others.

Strauss's major focus in analyzing Machiavelli's works was their literary formation. He, like the ancients he mastered, wrote in an esoteric way.[116] One does not need to look further to realize that Machiavelli had seemingly different messages for two different audiences. This established Strauss's first argument in understanding the Florentine: the teachings of the *Prince* and the *Discourses* present "the same teaching from two different points of view, which may be described provisionally as the points of view of the actual prince and of potential princes."[117] Hence, Strauss notes, each book speaks to the old and the young reader respectively.

The question of who the real targeted reader of Machiavelli's teaching was is a crucial one for Strauss. The fact that the *Prince* was addressed to an actual prince cannot substantiate the assumption that Machiavelli was in fact speaking to the old audience by

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[115] Ibid., p: 12.
[116] We will return to Strauss's esoteric exegesis on Machiavelli in the following section.
[117] Ibid., p: 29.

itself. As a matter of fact, in Strauss's view the case is just the contrary: Both in the

Prince and in the *Discourses* Machiavelli was not aiming for the old prince who is

actually in power but for the young audience.[118] To Strauss this was the clearest

indication that Machiavelli sought to begin a complete revolution through the young – a

revolution that entailed "new modes and orders," which resulted from a revolution in

one's understanding of right and wrong.[119]

> Machiavelli addresses his passionate and muted call to the young –to men whose prudence has not been enfeebled their youthful vigor of mind, quickness, militancy, impetuosity and audacity. Reason and youth and modernity rise up against authority, old age, and antiquity. In studying the *Discourses* we become the witnesses, and we cannot help becoming the moved witnesses, of birth of the greatest of all youth movements: modern philosophy, a phenomenon which we know through seeing, as distinguished from reading, only in its decay, its state of deprivation and its dotage. [120]

To understand the precise content of Machiavelli's revolutionary youth

movement, Strauss turns his attention to the critical roles of *fortuna* and virtue. The two

concepts are especially complicated since they involve Machiavelli's teachings regarding

religion and morality. *Fortuna* appears in Machiavelli's work as a woman to be

controlled, a foe to be conquered. However, Strauss's focus is rather on the more

extensive meaning of *fortuna* in which the word designates a comprehensive order rather

than a willing being. This, for Strauss, indicates that *fortuna* and nature becomes almost

equivalent in Machiavelli's thinking. Thus, one must always deal with and control nature

just as one reacts to *fortuna*. The radical break from the ancients occurs precisely when

Machiavelli's use of the words 'nature' and 'chance' refers to an altogether new

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[118] The key to that interpretation is the usage of personal pronouns. "He uses 'Thou' when addressing the prince (...) while he uses 'You' when addressing those whose interest is primarily theoretical. The latter kind of addressees of the *Prince* are identical with the addresses of the *Discourses*, the 'young.'" Ibid., p: 77.
[119] Ibid., p: 67.
[120] Ibid., pp: 126-127.

understanding of nature. He has abandoned the teleological understanding of nature. Strauss's Machiavelli presents a new normative order based upon human conditions and possibilities.

Machiavelli's new modes and orders primarily threaten classical philosophy as well as Christianity. Strauss's attention turns on the former since it is where the quarrel between the ancients and moderns develops. The classical science of political philosophy "took its bearings by how one ought to live or what one ought to do," rather than from the question of what is. By contrast, Machiavelli spurned principalities or republics that "exist only in speech" in favor of concrete lessons he could draw from empirical evidence about how people live. In other words, Machiavelli devalued theory. The outcome was a certain lessening in the goals of political philosophy: from those posited by nature, as understood by Plato and Aristotle, to the goals achievable by any reasonable man. Machiavelli argued from particular knowledge to theoretical knowledge, thus supplying a normative order attainable by humans.[121] Strauss observes a similar corruption in the goals of the political system. To the ancients the chief political objective is justice. One may say that a regime has perfected itself to the extent that its political system had achieved justice. Machiavelli rejected justice as a proper political goal on the grounds that such an objective could not be realized. By dropping the idea of a just society, Strauss suggests, Machiavelli also turns his back on the idea of human excellence. Insofar he was not bound by the ancient's restrictive teaching he could conceive a new type of society. Strauss argued that the transformation Machiavelli envisioned required "enlightenment."

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[121] Ibid., pp: 132-133.

Machiavelli is the first philosopher who attempted to force change, to control the future by embarking on a campaign, a campaign of propaganda. (...) Machiavelli desires to convince, not merely to persuade or to bully. He was the first of a long series of modern thinkers who hoped to bring about the establishment of a new modes and orders by means of enlightenment.[122]

Machiavelli's greatest project to free humanity from the control of *fortuna* emerges via his assault on classical philosophy. His objective is to break the political and social order from the constraints of any metaphysical context that once shaped earthly concerns. In this regard his reduction of the classical notion of nature to mere chance completely transformed the meaning and the role of philosophy, and consequently the philosopher. Philosophy, understood as the quest for truth, loses its autonomy: "Machiavelli's philosophizing remains on the whole within the limits set by the city qua closed to philosophy. Accepting the ends of the demos as beyond appeal, he seeks for the best means conducive to those ends."[123] The lowering of human aspirations from the excellence of nature, paradoxically, pushes philosophy into the realm of politics. The same applies to the philosopher who wishes to remain outside the concerns of the city. Therefore, the greatest sin of Machiavelli was not only to create a realm of unconstrained freedom but also to remove that same freedom from the philosopher by politicizing philosophy. In his concluding remarks Strauss clearly states that this is not a mere commentary on the works of Machiavelli. Strauss's object is to make moderns realize their demonic ancestor and his teaching that made them lose the original meaning of the good: "It would seem that the notion of the beneficence of nature or of the primacy of the

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[122] Strauss, "What is Political Philosophy?" p: 46.
[123] Strauss, *Thoughts on Machiavelli*, p: 296.

Good must be restored by being rethought through a return to the fundamental experiences from which it is derived."[124]

Part IV: Modern Thought

i) introduction

Strauss maintains that his attempt to understand the works of past political philosophers and the developments of political ideas does not derive from a "pain-loving antiquarianism" or "intoxicating romanticism" but from a confrontation with what he diagnoses as the crisis of modernity: "We are impelled to do so by the crisis of our time, the crisis of the West."[125] The purpose of the enterprise is essentially therapeutic.

The crisis which Strauss alleges is both intellectual and political, and pervades every aspect of contemporary culture. He asserts that the impasse of modern times is the product of an historical evolution which is associated with the decline of political philosophy in the classical sense. Therefore, Strauss argues that an adequate understanding of the modern predicament, its sources, and the key to its solution is accessible only through an exploration of its origins. This, inevitably, requires both an examination of classical antiquity and a need to restore it.

Modernity, according to Strauss, has turned against itself by rejecting its own origins. As such, the West has "become uncertain of its purpose."[126] More precisely, it is the "decline of liberal democracy into permissive egalitarianism" endangering its very existence, since "a permissive society which permits its members every sort of non-permissiveness will soon cease to be permissive. It will vanish from the face of the

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[124] Ibid., p: 231.
[125] Strauss, *The City and Man*, p: 1.
[126] Ibid., p: 3.

earth."[127] It is in our time, he argues, that "liberalism has abandoned its absolutist basis and is trying to become entirely relativistic."[128] Modern liberalism, which is characterized by a "passionate rejection of all absolutes including those on which its own legitimacy is based, is in fact a "seminary intolerance" in disguise."[129]

Strauss maintains that the thesis "that we are in the grip of a crisis is hardly in need of proof" and that it is equally evident that the cause of the crisis is "the modern project" and its search for the conquest of nature.[130] According to him the grounds for this strong thesis of the 'conquest of nature' are science and history, or to be more precise, positivism and historicism as the definitive qualities of the modern world. The two, Strauss asserts, create a climate of "unqualified relativism" which has come to characterize "Western thought in general" and which, in its rejection of the possibility of "knowledge of natural right" transcending particular social and historical contexts, "leads to nihilism" or reluctance and "the inability to take a stand for civilization against cannibalism."[131] Just as political philosophy in its most classical form embodied the purpose of discovering the nature of political things, positivism and historicism, which constitute a denial of the validity and possibility of that undertaking, are most characteristically expressed in contemporary social science. Therefore the context in which we situate Strauss necessarily turns to the social scientific positivism of Weber, and the historicism of Heidegger.

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[127] Strauss, L. 1972. "Political Philosophy and the Crisis of Our Time," in G.J. Graham and G.W. Carey (eds.) *The Post-Behavioral Era*. New York: David McKay. p: 242.
[128] Strauss, L. 1961. "Relativism," in H. Shoeck and J. W. Wiggins (eds.) *Relativism and the Study of Man*. Princeton: D. Von Nostrand. p: 140.
[129] Strauss, *Natural Right and History*. pp:5-6.
[130] Strauss, "Political Philosophy and the Crisis of Our Time," pp: 217-18.
[131] Strauss, *Natural Right and History*, pp: 2-3, 5; Strauss, L. 1956. "Social Science and Humanism," in L. D. White (ed.) *The State of Social Sciences*. Chicago: University of Chicago Press. p: 422.

The focus on the present section is Strauss's account of the final stage of modernity. The hard core of the crisis, articulated by Machiavelli, was the turning of moral and political problems into mere scientific questions. Machiavelli's conception of nature as a condition to overcome became evident in the physical sciences and eventually in political science. Strauss thoroughly investigated this transformation in his book *Natural Right and History*, as well as in a relatively short essay, "The Three Waves of Modernity."[132] There he focused on three different stages of the development of modern rationality articulated by the foremost names of the Western philosophical tradition: Hobbes, Locke, Rousseau, Burke and Nietzsche. All these thinkers partook in the transformation of the notion of natural right and eventually they paved the way for the current crisis. However, I argue that for Strauss the crystallization of this transformation was not only based on the individual teachings of the aforementioned, but also on the systematic methodologies of historicism and positivism. Notwithstanding the obvious disagreement between the two, both overlook the absolute character of the philosophical comprehensive view. Strauss's response is to recover a forgotten methodology that constitutes the foundation of philosophy in the original sense: esotericism. The following section will first investigate Strauss's criticism of historicism and positivism and his attempt revive esoteric writing.

ii) Weber: From Positivism to Nihilism

Strauss's *Natural Right and History* opens with two passages from Hebrew Scripture. Both passages, taken from Nathan's parable, refer to the fundamental

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[132] Strauss, 1975. "The Three Waves of Modernity," in H. Gildin (ed.) *An Introduction to Political Philosophy: Ten Essays by Leo Strauss.* Detroit: Wayne State University Press. 1989. pp: 81-99.

experiences of right and wrong, justice and injustice, which seem to be examples of pre-philosophic experiences of natural right for which Strauss is searching.[133] Natural right, as understood by Strauss, requires universal value judgments that are imperishable over time. Positivism, with its radical separation of facts and values and with its reduction of social sciences only to the analysis of facts, stands as one of greatest challenges in the recovery of natural right. Strauss addresses Weber as the key figure in the rise of modern social sciences and thus the firm distinguisher between facts and values.

"No one since Weber has devoted a comparable amount of intelligence, assiduity, and almost fanatical devotion to the basic problem of the social sciences," wrote Strauss. In that sense Weber stands as the greatest social scientist of our century.[134] Nevertheless, Strauss never openly states what the basic problem of the social sciences is: instead the reader is told that the most fundamental of all oppositions, namely, the opposition of the Is and the Ought, is the underlying theme of all Weber's works.[135] The basic problem of the social sciences, then, is but the question of genuine knowledge. Weber, Strauss concluded, insisted on the value-free character of the social sciences since he denied that there can be a genuine knowledge of the Ought.

At this point Strauss's criticism takes a decisive turn: the argument that the social sciences should remain value-free because human reason cannot solve the conflict among the variety of existing values leads Weber to nihilism. The indifferent attitude of Weberian science in the face of morally base preferences is unacceptable to Strauss. If the meaning of excellence and baseness completely lose their primary meaning, i.e., if the

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[133] Early in the book he refers to "those simple experiences of right and wrong which are at the bottom of the philosophic contention that there is a natural right." Strauss, *Natural Right and History*, pp: 31-32
[134] Ibid., p: 36.
[135] Ibid., pp: 40-41.

definition of their meaning is subject to different cultural values, then, the idea of Being is irrecoverably transformed into Becoming: "The dignity of man consists in his autonomy, i.e., in the individual's freely choosing his own values or his own ideals or in obeying the injunction: 'Become what thou art.'"[136]

The transformation from Being into Becoming is crucial for Strauss since it brings about the greatest obstacle to philosophizing.[137] Weber's thesis, according to Strauss, rests on the premise that "the conflict between ultimate values cannot be resolved by human reason."[138] Therefore, Strauss asserts that what Weber denies is not the existence of value judgments. On the contrary, the objects of the social sciences are constituted by reference to values. However, since such a reference is incompatible with neutrality, it can never be purely theoretical. One has to reach the level of abstraction for the objects of the social sciences to come into sight. All further causal analysis can be built on the indifference of the scientist.[139]

Strauss develops his counter-argument not by a direct critique of positivism. In fact, his essay takes a second decisive turn and he traces the reasons behind Weber's view on the incompatibility of ultimate values. His answer is interesting to say the least. Strauss suggests that behind Weber's conviction stands the most fundamental conflict, a conflict that troubled Strauss throughout his life: the conflict between reason and revelation. In Weber's terminology this conflict appears as the "ethics of intention" and the "ethics of responsibility." Reason cannot resolve this divergence, for reason is a party

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[136] Ibid., p: 44.
[137] Strauss points out that Weber "did not hesitate to describe Plato as an 'intellectual' without for one moment considering the fact that the whole work of Plato may be described as a critique of the notion of 'the intellectual.'" Ibid., p: 58.
[138] Ibid., p: 64.
[139] Strauss, later in the essay, reevaluates Weber's positivist nihilism and concludes that it is in fact a "noble nihilism: "For that nihilism stems not from a primary indifference to everything noble but from the alleged or real insight into the baseless character of everything thought to be noble." Ibid., p: 48.

to it. "As Weber himself pointed out, social science attempts to understand social life from a this-worldly point of view. Social science is human knowledge of human life."[140] As discussed earlier, Strauss's position is in agreement with Weber: the conflict between reason and revelation will never be resolved. Nor is a synthesis possible. What Strauss opposes is the new position of reason. Weber contends that "science or philosophy is unable to give a clear or certain account of its own basis."[141] The only basis that Weber could provide is understanding philosophy as the way toward freedom from delusion. The question at stake is the question of truth. Nevertheless according to Strauss, Weber "refused to say that science and philosophy is concerned with the truth which is valid for all men regardless of whether they desire to know it or not."[142] On Strauss's reading, then, Weber's "irreconcilable conflict of ultimate values" proves to be only the most recent form of the fundamental and permanent problem of "Athens or Jerusalem." The criticism of positivism is not the only charge leveled against Weber. More than that, Strauss accuses him of understanding the basic problems of 'philosophy' in the light of 'science.' "He certainly could deny that there is an articulation that precedes all scientific articulation. (...) But he did not even attempt a coherent analysis of the social world as it is known to common sense."[143]

iii) Heidegger: From Historicism to Existentialism

Strauss was quick to recognize the inevitable collapse of positivism into historicism. In attempting to remove value judgments, the social scientists cannot help

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[140] Ibid., p: 71.
[141] Ibid., p: 72.
[142] Ibid., p: 73.
[143] Ibid., pp: 77-78.

but realize that their scientific approach is itself a product of Western culture. And precisely this new understanding of culture, which finds its expression in history, would pave the way for the transformation from positivism to historicism. The fact that human beings have had changing beliefs and values forms the fundamental argument of the historicist approach: there are no immutable principles intelligible to humans as such. Hence the scope and content of human thought is bounded by time and place. The historicist critique of Platonic philosophy, started by Nietzsche and completed by Heidegger, asserts "the impossibility of theoretical metaphysics and of philosophic ethics or natural right."[144]

The specter of Heidegger haunts nearly every page of Strauss's work. Strauss acknowledges him in oblique ways: at times Heidegger is the profound example of radical historicism. On other occasions he mentions his name in the context of being the greatest modern thinker. But Strauss never published an extended study on Heidegger; only some relatively brief remarks in "Philosophy as a Rigorous Science and Political Philosophy," and the transcription of a lecture titled "An Introduction to Heideggerian Existentialism."[145]

Strauss and Heidegger shared an intellectual heritage. Both men drew from Husserl a common critique of modernity.[146] Following Husserl's argument that scientists

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[144] Strauss, *Natural Right and History*, p: 19.

[145] Strauss, L. 1971. "Philosophy as a Rigorous Science and Political Philosophy," Reprinted in L. Strauss. *Studies in Platonic Philosophy*. Chicago: University of Chicago Press. 1983. pp: 29-37. Strauss, L. 1989. "An Introduction to Heideggerian Existentialism," in T. Pangle (ed.) *The Rebirth of Classical Political Rationalism*. Chicago: University of Chicago Press. pp: 27-49.

[146] Several scholars aptly point out that Strauss's return to the Greek was decisively mediated by the example of Heidegger. Strauss himself admits that "by uprooting and not merely rejecting the tradition of philosophy," Heidegger "made it possible for the first time after many centuries (...) to see the roots of the tradition as they are." Strauss, L. 1959. "An Unspoken Prologue," in K. H. Green (ed.). *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought by Leo Strauss*. Albany: State University of New York Press. 1997. pp: 449-452.

fail to understand that their conception of the world is derivative of our natural understanding, Strauss sought to recover those pre-scientific experiences that make theorizing possible. Heidegger, on the other hand, wanted to deconstruct Western ontology dating back to Plato. The creative freedom of humans replaced the eternal essences of Plato as the ontological ground: existence precedes essence. In Heidegger's account the natural world of pre-rational experiences that Plato, Husserl and Strauss assumed turns into individual creation of the 'thrown' person.

Heidegger's return to "Plato's and Aristotle's question, What is being?"[147] pursued the same aim as Strauss's return. Both thinkers were convinced that only in terms of the deepest understanding of being in its highest sense can the differences between ancient and modern rationality be adequately identified. According to Strauss, however, Heidegger differs fundamentally from both Plato's and Aristotle's understanding of being in the highest sense. Whereas ancient rationality presupposes that "to be in the highest sense means to be *always*," Heidegger argued that "to be in the highest sense means to *exist*, that is to say, to be in the manner in which man *is*."[148] Man, being mortal, exists in time and essentially makes himself through or becomes his history. In other words, Heidegger was unable to recapture the pre-scientific experience that constitutes the basis of all human knowledge, because his discovery that all thought was historically limited convinced him that it was impossible to understand past thinkers as they understood themselves. In Strauss's view, thus, Heidegger returns to Greek antiquity under the sway of the most radical spirit of modernity: the disposition of historicism of human existence.

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[147] Strauss, "An Introduction to Heideggerian Existentialism," p:37.
[148] Ibid., p: 37.

According to Heidegger, all human thought was bounded both by past experience that is projected into the present and by unknown future possibilities. One of the problems with the traditional conception of intelligible beings and truth as eternal was precisely that it did not allow for unknown future possibilities; it implied that existence had a necessary structure which was essentially static. The traditional conception of the intelligible being was thus fundamentally at odds with our experience of human freedom. In the face of such charges against traditional philosophy, Strauss's objection was raised against Heidegger's methodology: historicism, too, entailed a dogmatic limitation on the possibilities of human understanding since it absolutely denies the chance that traditional philosophy might have disclosed the truth about human existence for all times.

This reveals the essential theoretical difference that distinguishes Strauss from Heidegger: while the former accepted Platonic ontology grounded upon nature, the latter denied nature in favor of the creative will of humans. Furthermore, in Strauss's judgment, Heidegger "never believed in the possibility of an ethics" and "left no room for political philosophy."[149] In this regard, an awareness of the primacy of the relationship between philosophy and politics is what distinguishes Strauss from Heidegger.[150] It follows, therefore, that political philosophy, not fundamental ontology, is the primary means of access to the human world.[151] A further consequence of this difference in perspective is the definition of human freedom: Strauss insists on nature and natural right which entail

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[149]Strauss, "An Introduction to Heideggerian Existentialism," p: 36; Strauss, "Philosophy as a Rigorous Science and Political Philosophy," p: 30.

[150] In his book *The New Quarrel*, Luc Ferry argues that the distinction between Strauss and Heidegger is not as deep as Strauss wants it to be seen. According Ferry, the only difference that Strauss could mark is his giving a political meaning to the concept of "fundamental ontology." Ferry boldly argues that "Strauss's political critique of modernity is fueled by the philosophical presuppositions of Heideggerian phenomenology." In that sense, Ferry concludes, Strauss's anti-modernism is dictated by the same logic that inspired Heidegger. Ferry, L. 1990. *The New Quarrel Between the Ancients and the Moderns.* Chicago: University of Chicago Press. pp: 3-4. 18.

[151] Strauss, *The City and Man*, p: 12.

certain built-in limitations regarding the efficacy of human action. Heidegger's *destruktion* of ontology, on the contrary, precisely aims at removing all existing limitations for the creative force of human existence and its will. In the end, the conditions created by the failure of modern rationalism, convinced Strauss that the West has a fateful choice to make: "The question of Plato or existentialism is today the ontological question."[152] In other words, the choice is between nature and history or between the ancients and the moderns.

iv) From Esotericism to Political Philosophy

The rediscovery of esoteric writing and of its exegesis created a crucial turn in Strauss's life. Following his analysis of the Islamic philosophers and Maimonides in *Philosophy and Law*, Strauss concluded that great philosophers write in such a way as to present an exoteric exterior protecting an esoteric core. The esoteric art of writing is a style that writers of antiquity cultivated to avoid persecution in societies and which is necessarily hostile to philosophy. However, to argue that what Strauss discovered is a mere style of writing would miss the point. Esoteric writing is the indivisible and the definitive quality of ancient philosophy. Therefore, for Strauss, it is the key to the lost wisdom of the ancient tradition, as well as a part of the explanation for the "crisis of modernity."

Central to Strauss's rediscovery was that an esoteric text has two messages: one for the superficial reader who reads to confirm his conventional beliefs, another for the

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[152] Strauss, L. 1949. "Letter to Eric Voegelin" Reprinted in P. Emberley & B. Cooper. (eds.) *Faith and Political Philosophy: The Correspondence Between Leo Strauss and Eric Voegelin 1934-1964.* Pennsylvania: Pennsylvania University Press. 1993. p: 63.

careful "young" reader who dedicates his life to the intransigent search for truth.[153] Great

philosophers serve both readers, protecting the political order, which is grounded on

conventional beliefs, while "teaching" untold generations the politically dangerous truths

that undermine such beliefs. The underlying reason is the conflict between the city and

the philosopher:

> Farabi's Plato informs us about the most obvious and the crudest reason why this
> antiquated or forgotten distinction was needed. Philosophy and the philosophers
> were "in grave danger." Society did not recognize philosophy or the right of
> philosophizing. There was no harmony between philosophy and society. (...) The
> exoteric teaching was needed for the protecting (of) philosophy. It was needed for
> political reasons. It was the form in which philosophy became visible to the
> political community. It was the political aspect of philosophy. It was "political"
> philosophy.[154]

Strauss' esoteric exegesis covered a wide range from Plato to Spinoza and even

up to Machiavelli who he considered as the first of the moderns. If one accepts Strauss's

contention that great philosophers write esoterically because their teachings threaten the

political order and hence their own safety, then Strauss's own works pose perplexing

questions. Firstly, Strauss's careful analysis discloses the painstakingly hidden teaching

of antiquity for every reader, even the superficial ones. Why would Strauss expose the

very teaching that threatens the recovery of an already lost tradition? Why would Strauss

share the teaching of the great philosophers with an unrestricted populace of readers?

Still more perplexing and in fact related to these questions is the problem of

interpreting Strauss's own works.[155] One might easily assume that Strauss's repeated

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[153] "Those to whom such books are truly addressed are, however, neither the unphilosophic majority nor the perfect philosopher as such, but the young men who might become philosophers." Strauss, *Persecution and the Art of Writing*, p: 39.

[154] Ibid., pp: 17-18.

[155] Among many critical approaches to Strauss's esoteric reading Shadia Drury's work is the most prominent. In her book, she suggests that Strauss, contrary to his arguments, is hostile to religion and is morally corrupted. Strauss deliberately hides under the cloak of esotericism and never presents a clear and unequivocal account of his teaching. See; Drury, S. B. 1988. *The Political Ideas of Leo Strauss*. New York:

agreement with the classical assumption that a philosopher's relationship to the contemporary political and social order is always precarious is the obvious indication that he wrote esoterically as well. Nonetheless, one should ask what persecution Strauss could face in such a liberal age of which he is utterly critical. Certainly Strauss was aware that it was not Socrates' destiny waiting for him. Rather, two other factors played more important roles in Strauss's preference for esoteric writing: First, philosophers have an obligation to prevent widespread skepticism, which is inimical to political society. Second, and more important, philosophers should protect people who are not fit for the philosophical life, while providing the means for natural philosophers to learn. Strauss keeps reminding us that "literature is addressed, not to all readers, but to trustworthy and intelligent readers only."[156] It is only the philosophic few who could bare the naked truth of nature. The importance of esoteric writing is concealed in its edifying character. "Education, they felt, is the only answer to the always pressing question, to the political question par excellence, of how to reconcile order which is not oppression with freedom which is not license."[157]

In this regard, Strauss's solution for the recovery of classical political philosophy appears mostly concerned with the protection of philosophy. Political philosophy is for Strauss "not the philosophic treatment of politics, but the political, or popular treatment of philosophy."[158] The question at stake is the political issue of the philosophical life, rather than the philosophy of politics. Therefore his purpose is twofold: First, it is to

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St. Martin's Press. Those who are critical of Drury's analysis are not only passionate students of Strauss. For a fair review of Strauss's esotericism and Drury's interpretation see the special issue of *The Vital Nexus*, May 1990, Vol 1, Issue 1.

[156] Ibid., p: 25.

[157] Ibid., p: 37.

[158] Strauss, L. 1945. "On Classical Political Philosophy," in H. Gildin (ed.) *An Introduction to Political Philosophy: Ten Essays by Leo Strauss*. Detroit: Wayne State University Press. 1989. pp: 77-78.

protect the philosopher. And second, as mentioned before, it is to cultivate potential

philosophers to the life of contemplation. The political necessarily follows the natural

distinctions existing in the city: between the few and the many, between the wisdom of

the philosopher and the opinion of the non-philosophers. Inevitably, the highest theme of

political philosophy is the life of the wise.[159] Unlike its modern counterpart, proper

political philosophy starts from the "natural, i.e., from the exact distinctions of the

political life itself."[160] And precisely for the same reason that the world of political action

belongs to the "lower world" which cannot be seen properly "without some knowledge of

the higher world –without genuine *theoria*."[161] Strauss, in describing political philosophy

proper, leaves us with a perennial question: theory versus practice. If the life of political

action, by its nature, belongs to a different level than the life of philosophy, then one

should conclude that there is no direct connection between philosophy/theory and

politics/practice. As Strauss regularly asserted, there exists an irresolvable antagonism

between philosophy and politics, which is in fact the main cause of philosophic

esotericism. Strauss, rather than offering a new way out to this traditional antagonism,

deepens the gap between the political and philosophical life. His concern with politics is

limited insofar as it creates a shelter for philosophers. In that sense, freedom becomes a

question only in relation to the freely philosophizing individual. For all other matters,

Strauss's prescription is classical natural right, and thus he is consistent in claiming that

political freedom is not license. Consequently as Gadamer points out, "one cannot

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[159] Ibid., p: 75. If Strauss's statement is true, it seems ironic that political philosophy casts no light on the life of the wise. Political philosophy is truly a shield for the wise.
[160] Ibid., p: 66-67.
[161] Strauss, *Natural Right and History*, p: 152.

consider the notion of political philosophy at all, since this is truly the concern of

philosophy."[162]

[162] Gadamer, H. G. 1978. "Philosophizing in Opposition: Strauss and Voegelin on Communication and Science," in Reprinted in P. Emberley & B. Cooper. (eds.) *Faith and Political Philosophy: The Correspondence Between Leo Strauss and Eric Voegelin 1934-1964*. Pennsylvania: Pennsylvania University Press. 1993. pp: 258-259.

CHAPTER IV: Strauss's Leviathan

Part I: Introduction

As we concluded in Chapter 2, Strauss recognizes the necessity of a strong critique of liberalism, and agrees with Schmitt that this critique is inevitably related to Hobbes. Yet Strauss challenges his teacher. The question at stake is how to develop this critique. It appears that Hobbes becomes a central figure of disagreement between the two thinkers. Schmitt, to the extent that he models himself on Hobbes, is constrained within the perimeters of the individualistic-liberal society he wishes to replace. Strauss, recognizing the limits of a Schmittian critique, concludes that such an undertaking should further distance itself from Hobbes. "Only on the basis of an adequate understanding of Hobbes," Strauss contends, "the order of human things may arise fresh."[1]

Strauss was familiar with Hobbes from the very early years of his career. Already in his *Spinoza's Critique of Religion*, Strauss points out the specific Hobbesian pessimism regarding human nature and the requirement of its disciplining. According to Strauss the apparent outcome was the domination of nature.

> The greatest misfortune is death by violence; happiness consists in the limitless increase of power man and over things. Fear of violent death and the pursuit of domination over things –it is basically these two determinants of willing which Hobbes accepts as justified.[2]

His acknowledgment of Schmitt's analysis of the centrality of the state of nature and the accompanying fear of violent death, however, takes a radical form as Strauss deepens his examination of Hobbes. Following the publication of "Notes on *The Concept of the Political*," Strauss takes on a new project. The outcome is *The Political Philosophy*

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[1] Strauss, "Notes on Carl Schmitt," pp: 105, 101.
[2] Strauss, *Spinoza's Critique of Religion*, p: 88.

of Hobbes.[3] It would be a misleading observation to state that Hobbes occupied a central position throughout Strauss's intellectual inquiries. Rather, the questions concerning Jewish philosophy, particularly Maimonides, and ancient Greek thought, turned out be the recurring themes in Strauss's writings. Nevertheless Hobbes, who was declared to be the first of the moderns, only to be replaced by Machiavelli, always retained a crucial role in understanding Strauss's famous quarrel between the ancient and the moderns. After his 1936 book, Strauss returns to Hobbes only in brief articles and reviews.[4] His second major treatment of the English philosopher is in *Natural Right and History*, in which Strauss refers to Hobbes's teaching as modern natural right, succeeded by Locke, Rousseau and Burke.[5] Notwithstanding the slight differences between his analyses,[6] Strauss's assessment of Hobbes's teaching remains essentially unchanged.

Why assign an entire chapter to Strauss's analysis of Hobbes, if the case is stated in the abovementioned manner? The easiest and the most obvious answer would be, because Strauss considers Hobbes as the founder of both "political philosophy" and "liberalism."[7] Therefore an analysis of Strauss's relationship to contemporary liberalism clearly requires his examination of Hobbes. Furthermore, however, there are two tasks

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[3] Strauss, L. 1936. *The Political Philosophy of Hobbes: Its Basis and Genesis.* Trans. by, E. Sinclair. Chicago: University of Chicago Press. 1963.

[4] See, Strauss, L. 1950. "On the Spirit of Hobbes's Political Philosophy," in *Revue Internationale de Philosophie* 4(14): 405-431; Strauss, L. 1954. "Les fondoments de la philosophie politique de Hobbes," *Critique* 10(83): 338-362.

[5] Similarly in "Three Waves of Modernity," Hobbes appears as the philosopher who effected the critical change in the understanding of natural right. See, Strauss, "Three Waves of Modernity," pp: 88-89.

[6] Most importantly, Hobbes is no longer the first philosopher who broke with the classical tradition. Rather, Strauss assigns that mission to Machiavelli, as we saw in Chapter 3. Alongside this major difference, as Zuckert observes, Strauss seems to put more emphasis on the scientific method of Hobbes in contrast to his first study. As we will discuss, for Strauss, the origins of Hobbes's political philosophy do not lie in his scientific approach. Instead, Strauss suggests that it is the moral ground that shapes Hobbes's understanding of philosophy. In *Natural Right and History,* Strauss acknowledges the influence of Euclid and Galileo and the emphasis moves slightly on to the scientific ground rather than the moral. See, Note 19 in Zuckert, *Postmodern Platos*, p: 302.

[7] Strauss, *Natural Right and History*, pp: 177, 181-182.

one has to complete as a reader of both Strauss and Schmitt: First, one has to confirm whether Strauss accomplished the task that he set for himself; i.e., to reach beyond the horizon of Hobbes for a strong critique of liberalism. Second, we need to consider seriously what Strauss has to offer to his students once he reaches beyond Hobbes, and hence beyond Schmitt.

Taking these two questions as its central concerns, this chapter presents an examination of Strauss's critique of Hobbes. Strauss argues that the foundation of Hobbesian liberalism does not lie in a political choice, but rather it is related to the new morality. By departing from the classical tradition, Hobbes deliberately lowered his sights and transformed the original meaning of natural right, understood as duties, to rights for the mere self-preservation of one's life. The outcome of this preference was the modern drive for the conquest of nature. In other words, originating from the same source, the political realm was also transformed. With Hobbes, concepts crucial to the ancient understanding of politics, such as justice, wisdom and the best regime, lost their original meanings. While the notions of 'contract' and the 'sovereign' were introduced to define justice and the best regime, the term 'equality' replaced the role of wisdom in political life. The driving force behind the formation of society was no longer to attain the best life, but to provide security for every individual participating in the contract. In that sense, the new political science was only a corrupt form of the ancients.

Therefore, in understanding Strauss's criticisms of Hobbesian politics, three concepts gain particular importance: equality, sovereignty and contract. These notions are inherently related, since radical equality, which Hobbes attributes to each individual on the basis of being driven by equally forceful passions and fears, presupposes that every

individual is entitled for self-preservation. This not only legitimizes actions required for self-preservation, but also removes the boundaries that separate the wise from the unwise. As a result, justice is reduced to the conditions for the protection of the individuals whilst the rule of the wise becomes the command of a no-name sovereign.

Strauss's criticism of Hobbes is by no means a complicated one. As a matter of fact, his account of the English philosopher is quite straightforward. However, as this chapter aims to demonstrate, it is in this plainness that one could find the clearest anti-liberal elements of Strauss's thought. Contrary to his teacher, Strauss is not under the spell of a Hobbesian state of nature. Nonetheless Hobbes plays a crucial role in inaugurating the break from the classical rationalism and "emancipating the passions and imagination"[8] of man. Therefore, Strauss's teaching is anti-Hobbesian insofar as Hobbes represents a radical break in the nature of political philosophy.

This chapter follows the same organizational scheme as Chapter 2. The first part presents the modern political philosophy that Strauss diagnosed in Hobbes and criticized thoroughly. Strauss's examination of the English philosopher, however, is not limited to a prognosis of the modern state and of liberal politics. Rather, as mentioned earlier, he sees a moral corruption behind Hobbesian politics. The next part, therefore, focuses on Strauss's account of Hobbesian morality which is said to precede the modern scientific methodology. Finally in the third part we will turn to Michael Oakeshott's short critical review of Strauss's book.

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[8] Strauss, *The Political Philosophy of Hobbes*, p: 161.

Part II: Hobbes as a Political Ground

Strauss, ironically, begins his analysis by acknowledging the continuity between the classical teaching and Hobbes: both agree on the necessity of political philosophy. Yet the content of this agreement, as Hobbes himself points out, was entirely different: traditional political philosophy "was rather a dream than science."[9] What, then, constitutes this alleged continuity? Thomas Hobbes, according to Strauss, reaffirmed natural right, i.e., justice, in holding the view that a scientific treatment of the phenomenon is the central concern of political philosophy.[10] Nonetheless Hobbes's emphasis was on ubiquitous human drives and desires rather than classically understood human ends, which only a few people can achieve. By rejecting the natural harmony between the human mind and the universe, thus eliminating the teleological cosmology, Hobbes departed from the tradition.

Moreover, Hobbes rejected the construction of natural man as being social and, hence, political. He began, along with the Epicureans, with the individual human – unconnected, asocial. Using this understanding of human nature, Hobbes could no longer think in terms of the primordial drives of autonomous man. His political hedonism, as Strauss labeled it, "revolutionized human life everywhere on a scale never yet approached by other teachings."[11] The "good" moved from lofty heights of forms to the primitive drives of human nature. In Strauss's words, "his philosophy as a whole may be said to be the classic example of the typically modern combination of political idealism with a materialistic and atheistic view of the whole."[12] The consequences proved

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[9] Hobbes, *Leviathan*, p: IV, 46, 686.
[10] Strauss, *Natural Right and History*, p: 168
[11] Ibid., p: 169.
[12] Ibid., p: 170.

dramatic, the most obvious being that modern natural right disconnects rights from duty. Hobbes left nothing to which humans ought to aspire but the most basic drives and ambitions. In the end, Hobbes successfully maintained the idea of natural right, which was disconnected from the idea of man's perfection. By contrast to the ancients who lived within a paradigm that called them to human excellence and a social order attuned to the hierarchy of ends, Hobbes derived the proper human ends from the greatest and most universal desire.

The most powerful desire, expressed negatively, is fear of violent death, i.e., desire of self-preservation. Society, or more specifically political order, is a human construct designed to address this need by lowering, insofar as is practical, incidences of violent death. Society and government serve this prepolitical right of self-preservation. In Hobbes's political philosophy Strauss discovered the direct source of modern liberalism insofar as the word liberalism means a focus on rights before duties, on the individual as antecedent to the state.[13]

The centrality of Hobbes to Strauss's understanding of the crisis of the West is evident. Strauss contends that the concept of state of nature is a necessary construction required for the break from the tradition. The explicit premise of the state of nature is "the equality of all men."[14] Hobbes unequivocally denies any existing natural gradation of mankind. Passions are the only common denominator in the study of human society and thus in the study of political philosophy. Therefore, according to Hobbes any man can decide on the right means to satisfy his desires. In other words, the right of self-preservation, the strongest passion, renders every individual equally prudent in deciding

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[13] Ibid., pp: 181-182.
[14] Strauss, *The Political Philosophy of Hobbes,* p: 101.

the necessary means for the protection of their life. As opposed to the ancients, Hobbes does not leave the answer to the judgment of the wise man.

> He attempts instead to give a universally valid maxim, by which the specific problem of application is overcome. In order to avoid the 'arbitrariness', the uncertainty of what a wise man would decide under unforeseen circumstances, he rules that each man has a right to all things and all actions, since any one under some circumstances may consider that any thing or action is a necessary means for the defense of his life.[15]

The elimination of the traditional difference between the wise minority and the unwise majority is the key to Strauss's critique of Hobbes. Strauss identifies two dire consequences of this new attitude: the abolition of the natural hierarchy and thereby the creation of a new political philosophy. To him, the outcome of Hobbesian politics, i.e., modern natural right, is "a natural right of folly."[16] However, for a better understanding of Strauss's anti-egalitarian disposition, one should trace the idea of natural inequality in his thought.

Not surprisingly, Strauss announces his elitism in an oppositional rhetoric, one that attends to the crisis of the West, and highlights the responsibility of modern liberalism. Well-known to any reader of the ancients, Strauss resurrects the hierarchical natural order in which philosophers and gentlemen rule over the vulgar majority. In that sense the existing inequality in the city is not only natural, it is radical: for Strauss, some human beings are qualitatively nobler than others.

Consider how radically Plato and Hobbes disagreed about both nature and philosophy. Plato affirmed, whereas Hobbes denied, that nature is essentially hierarchical. The very existence of the low, Strauss believed, is justified only if it subserves the high. Some souls are nobler, some are baser. What led modern rationalism

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[15] Ibid., pp: 101-102.
[16] Strauss, *Natural Right and History*, p: 186.

into an impasse was its egalitarian delusion, its unforgivably malicious attack on the high/low and above/below schemes.

Ancient rationalism thought that the essence of nature is inequality. Understanding humans as they are requires an understanding of what they would be. Human ends are complex and heterogeneous, rooted in the threefold relation of man to nature: personal, political and cosmic.[17] At its highest level human beings are attuned to the whole. As Holmes puts it, "liberal society is rotten because it has forgotten this truth. (...) To accept the distinction between those who think freely and those who are helplessly trapped in the cave of popular tradition is to reject totally the liberal lullaby that all men are created equally."[18]

In Strauss's account the problematic transformation that liberal egalitarianism brought about is not limited to the corruption in society. Further than that, the radical equality of man is a major obstacle to philosophy. He argues that "as long as the fundamental importance of this difference [the difference between the wise minority and the unwise majority] was recognized, it was necessary to study philosophy."[19] As discussed in the previous chapter, philosophy appealed to the few. However, by acknowledging the equality of all men as the founding principle, Hobbes moves the study of philosophy from the private realm to the public. "A new philosophy becomes possible which shows or aims at showing all men a way to obtain virtue and to avoid vice."[20]

In order to realize the new philosophy, Hobbes had to bring the study of history and philosophy together. The result was a historical quest of philosophy, which functions

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[17] See Chapter 3, note 91.
[18] Holmes, S. *The Anatomy of Antiliberalism*, pp: 70-71.
[19] Strauss, *The Political Philosophy of Hobbes*, p: 102.
[20] Ibid., p: 102.

for "the ordering of the world of man."[21] Order, as understood by Hobbes, is no longer "immutable, eternal in existence from the beginning, but is produced only at the end of process; because for him order is not independent of human volition, but is borne up by human volition alone."[22] Henceforth philosophy, and in particular political philosophy, is reduced to a matter of course.[23] Hobbesian political philosophy does not begin with questions regarding the essence of nature. Questions, such as 'what is virtue?', 'can it be taught?', and 'what is the aim of the state?' are no longer relevant for the study of political philosophy. Instead the only important question is 'what is the nature of man?' before any standard, any cultivation. "From the analysis of man's 'nature', thus understood, by 'standardless testing' emerges a standard, which is, according to Hobbes's view, the only significant standard."[24] Strauss is quick to remind his readers: by introducing the 'resolutive-comparative' method, Hobbes was able to ignore the justification of the natural standards, which according to Strauss is the fundamental core of political philosophy.

For Strauss, the natural standard stands for a law or an obligation.[25] What is new in Hobbesian philosophy is the transformation of standard from a law to a right. "While modern thought starts from the rights of the individual, and conceives the state as existing to secure the conditions of his development, Greek thought starts from the rights of the state. The right of the state is, however, the law."[26] In contrast to the ancients, Hobbes presented the vision of a political philosophy, fashioned by an enlightened human, capable of actualization here and now: a just order created out of mutual consent and

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[21]Ibid., p: 107.
[22] Ibid., p: 106.
[23] Ibid., pp: 152-153.
[24] Ibid., p: 154.
[25] Ibid., p: 155.
[26] Ibid., p: 155.

dedicated to the protection of natural rights. Political philosophy had become political science –theory had degenerated into *techne*.

The new philosophy has proved to have immediate consequences in the exercise of political life. Strauss attributes two significant innovations to Hobbes: "the subordination of law to right and the recognition of the full significance of the idea of sovereignty."[27] Underlying both so-called innovations is Hobbes's skeptical approach to reason. Hobbes was convinced that reason is impotent. No doubt he was aware of reason's capacity to establish and justify norms and laws. As Strauss understands it, for Hobbes the impotence of reason did not lie in its incapacity to create but to rule man in compliance with the established norms. In that sense, the classical norms of justice and the best regime were impossible to attain. Hence "the break with rationalism," as Strauss calls it, is defined by "the supplanting of the primacy of obligation by the primacy of claim."[28]

Hobbes's break with rationalism jettisoned the entire tradition of political philosophy oriented toward human excellence, thus freeing the state from any obligation other than safeguarding individual natural rights. As a consequence, he reduced justice to the protection of rights rooted in nature. Strauss suggests that the unconditional fact of self-preservation as the basis of society requires all obligation to be deduced from contract. Hence, "justice no longer consists in complying with standards that are independent of human will." Rather it "becomes identical with the habit of fulfilling one's contracts."[29] Strauss agrees that the notion of natural law is still the founding principle of society. Yet, in contrast to the ancient notion of justice, the social contract is

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[27] Ibid., p: 158.
[28] Ibid., p: 160.
[29] Strauss, *Natural Right and History*, p: 187.

a mere legal doctrine which in fact "follows from an extraordinary extension of the natural right of the individual."[30]

Related to the changing notion of justice is the question of the best regime. Strauss discusses the issue on two different levels: Natural public law and the sovereign. The gist of Strauss's anti-egalitarian disposition culminates in the discussion of statesmanship. In opposition to modern egalitarianism, Strauss advocates a hierarchical legitimation of government, which accounts for each human end, and which, at the apex, seems to feature "the secret kingship of the philosopher."[31] Strauss is aware of the impracticability of achieving a philosopher-king more than anyone else. Nonetheless, modern politics falls short on any criteria of the ancients. Liberalism, in the name of equality, has substituted a nameless sovereign for the political patrician. The sovereign, who is also driven by the passion for self-preservation, is but a mere legal doctrine. The sovereign is chosen not because of his wisdom, but because he has been made sovereign by the fundamental contract. Strauss, therefore, concludes that "command or will, and not deliberation or reasoning, is the core of sovereignty."[32]

Furthermore, in this legal doctrine, Strauss finds that laws are binding not because they are laws of truth or reasonableness, but precisely because they are laws of authority alone. However this formulation renders the sovereign himself free of any binding commitments to the society. Strauss, indeed, claims that the Hobbesian sovereign "has no obligation of any kind in the real sense of the word; for the law of nature, which is

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[30] Ibid., p: 186.
[31] Strauss, *Persecution and the Art of Writing*, p: 17.
[32] Strauss, *Natural Right and History*, p: 186.

apparently binding on the sovereign, takes on full binding force only by the command of the sovereign."[33]

If the sovereign is subject to restrictions in exercising his power, the central question of politics is how to achieve a legitimate government. Strauss suggests that the only control mechanism, the mechanism through which the rights of sovereignty are assigned, is the doctrine of natural public law. Contrary to classical political philosophy, which recognized the difference between the best regimes and the legitimate regimes, the natural public law aims to realize the right social order under all circumstances.

> Natural public law, we may say, replaces the idea of the best regime, which does not supply, and is not meant to supply, an answer to the question of what is just order here and now, by the idea of the just social order which answers the basic practical question once for all, i.e., regardless of place and time.[34]

According to Strauss the search for a universally applicable solution to the political problem aims at eliminating the question of statesmanship. Whereas the classics perceived the practical wisdom of the ruler as a fundamental requirement for political philosophy proper, Hobbes removed this requirement entirely. Henceforth, political philosophy no longer needs to search for the best regime and the appropriate ruler. Only with Hobbes, Strauss asserts, are the essential differences between the classical typology of regimes reduced to a mere question of legitimacy. In fact, in the end, Hobbes even declared that every effective rule is *eo ipso* legitimate. "The words 'tyranny' and 'despotism', therefore, lose all significance for him."[35]

The gist of Strauss's critique of Hobbesian politics is not the liberal principle. Nor is he critical of Hobbes when he declares his preference on the side of democracy as the

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[33] Strauss, *The Political Philosophy of Hobbes*, p: 69.
[34] Strauss, *Natural Right and History*, p: 191.
[35] Strauss, *The Political Philosophy of Hobbes*, p: 68.

primary form of artificial state. Strauss's harshest criticisms are directed against the radical equality that Hobbes perceived as the fundamental quality of human kind. In Strauss's reading the gradual deterioration of political philosophy proper is inaugurated by natural equality. Crucial to him is the protection of philosophy, and thus the protection of the few. It is precisely in that sense that Strauss raises no strong objections to Hobbesian liberalism: He condemns him for lowering the goals of mankind, promoting selfishness, and encouraging the pursuit of material gain. Nonetheless Strauss deplores Hobbes's materialism and permissiveness much less than his commitment to a norm – the norm of equality. It is Hobbes's egalitarianism that Strauss finds basest.

In his criticism of liberalism, unlike Schmitt's, Hobbes is an ally for Strauss. The gist of his criticism is the modern attempt at the conquest of nature. An initial assessment tells Strauss's reader that with his criticism, Strauss is indeed beyond Hobbesian politics. What we find beyond that horizon, however, is not an alternative to liberalism. It is true that Strauss's philosophic politics is thoroughly anti-egalitarian. Strauss rather seems to suggest a cautionary compartmentalization between philosophy and politics. For a better understanding of his teaching we also need to examine Strauss's moral criticism of Hobbes.

Part II: Hobbes as a Moral Ground

Strauss begins his study of Hobbes by declaring, contrary to Nietzsche, that modernity originated in Hobbes's thought as a moral attitude that is "independent of the foundation of modern science."[36] Hobbes's political philosophy did not have its origins merely or even primarily in his admiration for the natural science of Galileo and Bacon.

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[36] Ibid., p: 5.

Instead it grew out of a new understanding of morality that not merely built on, but literally incorporated, a good deal of ancient political thought, especially Aristotle's analysis of the passions in the *Rhetoric*. Hobbes first turned to history, especially Thucydides, in an attempt to discover how morality might be made more effective. But further reflections on what had to be done to establish a just political order led him to see that the aristocratic honor he first admired was incompatible with the requirements of justice.

> Originally he considered fear as the main, but not as the sufficient, motive of right behavior. (...) Later he understands that by fear not only the motive for right planning but also the motive of right execution. (...) As fear is thus considered (...) the sufficient motive for the founding of the State, it is impossible to approve any virtues which do not arise from fear, fear of violent death, and whose essence consists in the conquests or denial of fear. (...) Honor, which was originally recognized by Hobbes as the virtue of war alongside the virtues of peace, is finally directly opposed to justice and therefore to virtue in general.[37]

Strauss's study of Hobbes convinced him not only that modern philosophy had its origin in a moral concern, but also that the understanding of morality finally put forward was determined by a desire to effect certain political results instead of a judgment about what was moral in itself.

In his commentary on Schmitt's work, Strauss chastised his senior for not distinguishing between the pessimistic views that, on the one hand, conceive humanity as prudent animals, dangerous yet educable, and on the other hand, attributes mere corruption and thus sees man only in need of being ruled. Strauss argues that man's reason, rather than making him educable and improvable, as the former kind of pessimism argues, makes him even more dangerous and even more in need of being ruled:

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[37] Ibid., p: 113.

The specific difference between man and all other animals is reason. Thus man is much less at the mercy of momentary sense-impressions, he can envisage the future much better then can animals; for this reason he is not like animals hungry only with the hunger of the moment, but also with future hunger, and thus he is the most predatory, the most cunning, the strongest, and the most dangerous animal.[38]

Strauss points out the tension between the vitalistic conception of man and the mechanistic one, which he explicitly characterized in his commentary on Schmitt as the specifically liberal conception. While the former conception posits that "human appetite is infinite in itself" and hence unquenchable and volatile, the latter insists that "as a result of the infinite number of external impressions" made from without the body, human appetite is manageable and controllable. Strauss asserts, despite the contradiction, "there can be no doubt that only this latter view of human appetite corresponds to the intention of Hobbes's political philosophy."[39] Therefore, the war of everyone against everyone arises of necessity from man's very nature."[40]

It is precisely "the fear each man has of every man as his potential murderer" that serves as the "origin of law and the state."[41] For Strauss, it is not merely fear of death that is at the base of Hobbesian morality, but fear of violent death. Strauss, in his analysis, focuses more dramatically on this fear of death than any other commentator. The role of death is crucial for Strauss's analysis for two reasons: First, he has to show that the fear of violent death serves as the strongest antidote to the realm of pride. Second, only by strengthening the effect of the existing fear, Strauss argues, could Hobbes justify the lack

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[38] Ibid., p: 9.
[39] Ibid., pp: 9-10.
[40] Ibid., p: 12.
[41] Ibid., p: 17.

of a *summum bonum* and render this fear "the root of all right and therewith of all morality."[42]

> Pride, far from being the origin of the just attitude, is rather the only origin of unjust attitude. Not pride, and still less obedience, but fear of violent death, is according to him the origin of the just intention. What man does from fear of death, in the consciousness of his weakness at the hands of other men, when he honestly confesses to himself and to others his weakness and his fear of death, unconcerned about his honor, this is alone fundamentally just.[43]

Strauss concludes that the fear of violent death as the source of morality must exist before civil society and thus before science, which necessarily lies within the realm of culture and society. Therefore a truly Hobbesian theory of the state cannot be based on science. What is at stake is a moral ground; more importantly a moral choice. Hobbes's political philosophy "can never fall completely into the danger of abstraction from moral life and neglect moral difference. [It] has thus for that very reason a moral basis, because it is not derived from natural science but is founded on first-hand experience of human life."[44]

By reading Hobbes's political philosophy as grounded on a moral choice rather than a scientific method, Strauss successfully corrects the fundamental mistake in Schmitt's theory. He has, indeed, reached beyond the horizon of liberalism. However, in a short review essay, Michael Oakeshott raises challenging questions regarding the definition and the role of science. Oakeshott's skeptical reading seems to suggest not a faulty diagnosis on the part of Strauss –he appears to be fascinated by the originality of Strauss's argument- but rather a narrow and superficial understanding of science. Oakeshott applies a similar line of attack on the definition of 'tradition'; which thinkers

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[42] Ibid., p: 18.
[43] Ibid., p: 25.
[44] Ibid., p: 29.

are a part of that tradition? Are the Epicureans considered a part of the tradition? Does Hobbes's teaching really constitute the break from the tradition? If so, how shall we position Machiavelli?

Oakeshott's brief review of *The Political Philosophy of Hobbes*, one could argue, has a strong impact on Strauss's later writings regarding Hobbes and the tradition. In that respect, one should definitely examine his short essay to trace the transformations in Strauss's thought and to better understand his politics beyond liberalism.

Part IV: Oakeshott on Dr. Leo Strauss.

Oakeshott begins his 1937 review with a professed admiration: "I regard it as the most original book on Hobbes which has appeared for many years."[45] What attracted Oakeshott's attention was, no doubt, its attempt to replace the traditional, positivist image of Hobbes as a naturalist philosopher engaged in a scientific analysis of politics with an image of Hobbes as a genuine moral philosopher. Despite his general agreement with Strauss, Oakeshott challenges the idea that the original and real basis of Hobbes's political philosophy was a prescientific moral attitude upon which Hobbes, in his mature writings, merely superimposed a scientific form but never really abandoned.

Oakeshott diagnoses two crucial points in Strauss's analysis:

> When Dr. Strauss comes to explain this moral attitude in detail he describes it as a "new moral attitude," and if I understand him correctly, it is new in two senses –it is new because it is "untraditional," because it is a break with the Aristotelian tradition, and it is new because it appears in Hobbes's writings as a successor to an original acceptance of the old or traditional moral attitude; that is, it is new in

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[45] Oakeshott, M. 1937."Dr. Leo Strauss on Hobbes," in M. Oakeshott. *Hobbes on Civil Association.* Indianapolis: Liberty Fund. p: 142. Besides the review included in this edition, Oakeshott reviewed Strauss's book in *The Cambridge Review* 57 (1936-37): 150; and in *Philosophy* 12 (1937): 239-241.

the history of moral philosophy and it is new in the history of Hobbes's own intellectual development.[46]

Beyond these points, Oakeshott rightly suggests that Strauss's argument has a third dimension. The original foundation for Hobbes's political philosophy is moral and not natural, and it is new and not traditional, and has further consequences both in Hobbes's later writings and in modern political philosophy. Oakeshott points out that the gist of Strauss's analysis does not lie in identifying what is unique to Hobbes. Rather, his claim is that "this moral doctrine is not merely the *genesis*, but is also the *basis* of Hobbes's mature political philosophy", a basis covered up by a "form of proof borrowed from mathematics and a psychology borrowed from natural science" which dominates and perverts his later writings."[47]

Oakeshott writes that he is not convinced of the evidence that Strauss presents. According to him, as far as Hobbes is concerned, the argument that his "political philosophy was based upon a moral opinion or 'attitude' was insecurely based."[48] At best, we can conclude that the increasingly scientific character of Hobbes's writings suggests an earlier period in which Hobbes's mind was influenced but not entirely shaped by his scientific theories. The main problem Oakeshott identifies here is not whether Hobbes had ever developed a scientific attitude which tends to obscure his earlier moral base. Rather Oakeshott poses the question about what science means for Strauss? The distinction between 'science' and 'nonscience,' argues Oakeshott, is unduly narrow and in fact insufficiently elaborated by Strauss. To Oakeshott, Hobbes was never a scientist in any true sense: "He is never concerned with the scientific observation of the natural

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[46] Ibid., pp: 145-146.
[47] Ibid., p: 148.
[48] Ibid., p: 151.

world, but always with what the character of the world must be if we are to have any knowledge of it; he is not concerned with the natural world for its own sake, but with the causes of sensation."[49] In that sense, Oakeshott claims that the mature writings of Hobbes constitute a genuine advance in his philosophical thinking not because it is more scientific, but because they represents Hobbes's attempt to find a firmer basis than merely a moral opinion for his political philosophy.

The difference between science and nonscience is essentially related to Strauss's treatment of Hobbes as the break from the classical tradition. Notwithstanding Oakeshott's acceptance of Strauss's thesis that Hobbes substituted rights for law as the basis of the state, this does not entail the alleged break from the tradition. To Oakeshott, what Hobbes introduced to the tradition of political philosophy was not completely unprecedented. Strauss neglects two key thinkers that Hobbes had strong affinities with: Machiavelli and the Epicureans. According to Oakeshott it was Machiavelli who in fact started a similar rejection of both the form and the content of the classical theological tradition, though in a different and less systematic way.[50] One only has to look up the *Discorsi* of Machiavelli to see where that break was initiated.

Moreover, Oakeshott observes that Strauss neglects Hobbes's links to the Epicurean tradition. In his account "the biographical evidence for connecting Hobbes with the neo-Epicurean tradition is conclusive."[51] But further than that, it is Hobbes's Epicurean ties that prevent him from receiving the honor of being "the founder of modern political philosophy." Oakeshott, as we will see in Chapter 6, does not consider Hobbes as one of the modern thinkers for several reasons. Among these reasons it is crucial that

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[49] Ibid., p: 152.
[50] Ibid., p: 153.
[51] Ibid., p: 154.

Hobbes never had "a satisfactory theory of volition" and "the whole Epicurean tradition to which he belonged did not bear fruit until this lack was remedied."[52]

Now, the attentive reader will recognize that Strauss was a good student and he certainly did his homework by reviewing the role of Hobbes in the history of political philosophy. In Strauss's subsequent studies Hobbes no longer appears as the first modern to break with the ancients. It was Machiavelli, as Oakeshott suggested. Hobbes, on the other hand, is nominated as the creator of political hedonism, "a doctrine which has revolutionized human life everywhere on a scale never yet approached by any other teaching."[53] It would not be wrong to state that Oakeshott had foreseen this conclusion in his review essay: "Hobbes's importance is that he was the first in modern times to experiment with the cultivation of the "slip" which modern political thought has grafted on to the old natural law theory to create something more comprehensive and coherent than either: never before or since the Epicurean tradition has so acute an exponent or received so masterly a statement."[54]

Strauss has certainly valued Oakeshott's observations regarding Hobbes and his role in the history. Nonetheless the analysis of Hobbes's teaching remained essentially unchanged for Strauss. Hobbes might have lacked a theory of volition; yet he has a theory of egalitarianism and for Strauss's philosophic politics this provides the sufficient ground for the "crisis of the West."

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[52] Ibid., p: 157.
[53] Strauss, Natural Right and History, p: 169.
[54] Oakeshott, "Dr. Leo Strauss on Hobbes,", p: 158.

CHAPTER V: Michael Oakeshott

Part I: Introduction

Michael Oakeshott was a political philosopher better known for his conservative politics than his philosophy. A famed and self-proclaimed conservative, Oakeshott was a critic of what he called Rationalism, to which he attached various meanings including being an opponent of the welfare state, of ideological politics, and of technical approaches to politics. In his critique, Oakeshott positioned himself as a political conservative who understood politics as the "pursuit of intimations." His criticism of Rationalism and his defense of "conservative disposition" in the face of the increasing reign of technical knowledge became the central interest of many Oakeshott scholars. His writings did not only purvey political opinions, however, as Oakeshott considered himself a political philosopher whose main concern is to understand human activity in general and political activity in particular. In this respect, his writings demonstrated a wide scope of interests, ranging from history to religion, from morality to politics.[1] However his main focus was always the relevance of philosophy to politics and this will be the major concern of this chapter as well.

Oakeshott's philosophical roots have been a topic of controversy in recent years. While the conventional reading of Oakeshott associates him with British idealism, a new

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[1] Notwithstanding the richness of Oakeshott's writings, his corpus does not exhibit the same degree of variety that one could see in the works of Schmitt or Strauss. Rather, Oakeshott was a focused scholar whose major concern is to understand human experience and its philosophical repercussions. To an Oakeshott reader, issues such as religion, law, and history are familiar. But for Oakeshott, these issues are subsidiary themes that enhance his understanding of human conduct. Similarly, Oakeshott does not attempt an interpretative reading of the history of political philosophy and its crucial figures. Unlike Strauss and to a certain extent Schmitt, Oakeshott does not spend much time elaborating on other philosophers. Hobbes, in that sense, stands out as a major exception in Oakeshott's writings.

line of debate positions Oakeshott among the contemporary skeptics.[2] Oakeshott's writings provide plenty of evidence to support the claim of the both sides. In the introduction of *Experience and Its Modes*, Oakeshott frankly admits that his view "derives all that is valuable in it from its affinity to what is known by the somewhat ambiguous name of Idealism." Then he goes on to say that the works from which he is "conscious of having learnt most are Hegel's *Phänomenologie des Geistes* and Bradley's *Appearance and Reality*."[3] In this early stage of his scholarship, Oakeshott leaves no doubt that idealism, and British idealism in particular, stands most immediately in the background of his thought.

The skeptic's side, on the other hand, does not overlook Oakeshott's idealist past. In fact, Gerencser argues that Oakeshott, after expounding an idealist philosophical system in *Experience and Its Modes*, moves away from this system and embraces a radical skepticism about the possibility of philosophical understanding. Central to his argument is to demonstrate that skepticism, only latent in his earlier works, becomes the animating force behind Oakeshott's writings. Along the same lines, Tseng argues that "no fundamental change in spirit has ever occurred in Oakeshott's idea of philosophy."[4] He joins with Gerencser and suggests that the skeptical character of Oakeshott's writings is evident especially in his life-long critique of the Enlightenment. Gerencser, too, argues that skepticism is the ground on which Oakeshott's "conservative disposition" and the

[2] For the former approach see, Greenleaf, W. H. 1966. *Oakeshott's Philosophical Politics*. London: Longmans; Dray, W. 1968. "Michael Oakeshott's Theory of History," in P. King and B. C. Parekh (eds.) *Politics and Experience*. Cambridge: Cambridge University Press. pp: 19-42. For the latter argument see, Gerencser, S. A. 2000. *The Skeptic's Oakeshott*. New York: St. Martin's Press; Tseng, R. 2003. *The Skeptical Idealist: Michael Oakeshott as a Critic of the Enlightenment*. Thorverton: Imprint Academic.
[3] Oakeshott, M. 1933. *Experience and its Modes*. Cambridge: Cambridge University Press. p: 6.
[4] Tseng, *The Skeptical Idealist*, p: 5.

resulting political philosophy are built.[5] In this regard, there seems to be strong affinity between Oakeshott's skepticism and his political theory.

There is no doubt that a proper study of Oakeshott's philosophical roots is important to analyze the basic qualities of his political theory. The relationship between philosophy and practice, which remains as the central concern of Oakeshott writings beginning from *Experience and Its Modes,* is essential for a deeper understanding of his works. However, it is also crucial to consider Oakeshott's conception of philosophy in the broadest sense, instead of labeling and categorizing, in order to reach a comprehensive view of the relationship between theory and practice. Therefore this chapter is interested in elaborating the controversy between the idealistic and the skeptical camps only in a limited sense. The main concern of the following section is rather to shed light on Oakeshott's notion of philosophy in general and its relationship to the world of practice and politics in particular.

Nevertheless, a similar disagreement also exists in casting Oakeshott's political thoughts. While the initial reception of *Rationalism in Politics* has been labeled as "traditionalist" and "conservative," more recent scholarship, in contrast, has tried to show that Oakeshott's political philosophy can be read as a restatement of liberalism.[6] Oakeshott was certainly not a doctrinal liberal. His attitude towards liberalism was neither a hostile criticism nor a complete embracement of liberal principles. Rather, in

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[5] Gerencser, *The Skeptic's Oakeshott,* p: 11.

[6] For interpretations of Oakeshott as a political conservative, see Spitz. D. 1976. "A Rationalist *Malgré Lui*: The Perplexities of Being Michael Oakeshott," *Political Theory* 4(3): 335-352 Anderson, P. 1992. "The Intransigent Right at the End of the Century," Republished in P. Anderson. *Spectrum: From Right to Left in the World of Ideas.* New York: Verso 2005. pp: 3-28.; Pitkin, H. F. 1973. "The Roots of Conservatism: Michael Oakeshott and the Denial of Politics," *Dissent* 20: 496-525. For the interpretation of Oakeshott as a liberal see Franco, P. 1990. "Michael Oakeshott as Liberal Theorist," *Political Theory* 18(3):411-436; Franco, P. 1990. *The Political Philosophy of Michael Oakeshott,* New Haven: Yale University Press.; Coats, W. 1985. "Michael Oakeshott as Liberal Theorist," *Canadian Journal of Political Science* 18: 773-787. Gray, J. 1993. *Post-liberalism: Studies in Political Thought.* New York: Routledge. pp: 40-46.

Oakeshott's writings one could observe signs of a more complex relationship with liberalism. Liberalism, according to Oakeshott, suffers from an "ignorance of who its true friends are," from its fascination with the idea of "progress," and its narrow identification with the programme of a certain party.[7] In that sense, as this chapter aims to illustrate, interpretations that position Oakeshott as a liberal are not convincing, because to Oakeshott, liberalism appears as a form of Rationalistic politics. Liberalism, taken together with its abstractness and universalism, is more of an heir of the Enlightenment rationalism that Oakeshott tries hard to transcend. It might seem plausible to argue that the crucial role of individualism in Oakeshott's political philosophy reveals the liberal tendencies in his politics. However, as will be discussed in Chapter 6, Oakeshott's individualism is neither radical, nor egalitarian, which characterize the basic tendencies of liberal individualism.[8] Oakeshott's individualism is, ironically, based on Hobbes's political theory. Yet, it was not the key qualities of contemporary liberal individualism that attracted Oakeshott's attention; it was instead Hobbes's voluntarism. Therefore, the issue at stake is the "morality of individualism" rather than liberal individualism.

Oakeshott was not a dogmatic conservative. However, his self-professed conservatism should be taken seriously to the extent that he considered politics as a second-rate activity, which could only be guided by tradition. Likewise, his strict separation of philosophy from politics and his pessimistic view concerning the use of political philosophy should be regarded as consequences of his conservative disposition.

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[7] Oakeshott, M. 1949. "Political Economy of Freedom," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund. 1991. p: 385.

[8] John Gray, who places Oakeshott among the prominent liberal thinkers of the twentieth century, argues that liberalism can be characterized as a recognizable identity by reference to four features: individualism, egalitarianism, universalism, and meliorism. See, Gray, J. 1995. *Liberalism*. Buckingham: Open University Press. pp: 85-86.

This chapter consists of three parts. The first part deals with Oakeshott's account of human experience and its philosophical meaning. In *Experience and Its Modes*, Oakeshott presents his most comprehensive analysis of philosophy and its relation to the remaining realms of human experience; namely historic, scientific and practical experiences. By focusing on his elaboration of philosophical and practical experience, this part aims to provide a general outline of Oakeshott's view of philosophy and its relation to politics. The following part concentrates on Oakeshott's best-known critique of Rationalism and his alternative view of "conservative disposition." Rationalism, as the most prominent offspring of the Enlightenment thought, is a constant target in his criticism. In this respect, understanding Oakeshott's examination of Rationalistic politics is required in order to understand his account of the tradition of modern Western politics and its defects. Finally, the last section offers a critical account regarding the core of Oakeshott's political imagination: civil associations.

Part II: Experience

i) introduction

Experience and Its Modes was not Oakeshott's only philosophical endeavor in the late twenties and thirties. However, it is the most ambitious work of his corpus and also the primary source for his early philosophy. It seems unquestionable that the intellectual environment within which the book established itself concerns the debate over the nature of philosophy in terms of the questions "What is the relation of philosophy to science and history?" His main concern, as he clearly states in the introduction, is to discover the

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implications of a certain conception of philosophy: namely the idea of philosophy as "experience without presupposition, reservation, arrest, or modification."[9]

For Oakeshott, only philosophy could provide a complete and satisfactory world of experience. Therefore, unlike other modes of experience, when philosophy is sought, it must be sought for its own sake. In that sense, philosophy has its own aims, methods, and results which transcend those of science and history. Philosophy is not a second-order reflection on experience but first-order reflection which transforms, supersedes, and destroys whatever it reflects upon. "Philosophical experience," writes Oakeshott, "by no means stands above the battle of experience; it is experience itself. It is at once the field and the battle, the strength and what remains undefeated in every combatant, the promise and the criterion of victory."[10]

However, *Experience and Its Modes* is not a book on philosophy. Rather, it is a book devoted to the idea of philosophy and yet analyzing various forms of non-philosophical experience. Oakeshott asserts that philosophy by composing the single world of experience surpasses other forms of experience and provides what they themselves seek but cannot provide. It is in that sense that Oakeshott gives the description of philosophical experience in the negative, i.e., "experience without presuppositions, reservations, arrests, or modifications." His intention is to liberate philosophy from the methods, results and authority of the separate sciences. To Oakeshott, such separate and non-philosophical realms are the sustained modifications of experience. Therefore, not only they must be kept apart from philosophy, but must be

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[9] Oakeshott, *Experience and Its Modes*, p: 3. As Tseng suggests, the book can be regarded as Oakeshott's attempt to find an alternative answer to the problem of the nature of philosophy rather than pursuing those solutions offered by positivism, historicism, and pragmatism. Tseng, *The Sceptical Idealist*, p: 75.
[10] Oakeshott, *Experience and Its Modes*, p: 353.

separated and distinguished from one another. The failure to do so causes the most serious form of intellectual error, *ignoratio elenchi*, or the fallacy of irrelevance.

What are these separate and non-philosophical realms? Oakeshott calls them "modes." The particular modes he examines are those of "Historical, Scientific and Practical experience [which] represents the main arrest or modifications in experience."[11] That is to say that a mode of experience "is not a separable part of reality, but the whole from a limited standpoint. It is not an island in the sea of experience, but a very limited view of the totality of experience."[12] Therefore, while all three non-philosophical modes of experience form different concrete parts of reality, contrary to philosophical experience, they fail to contribute to the overall coherence of our world of experience. In fact, Oakeshott claims, by maintaining their own presuppositions and reservations, they hinder and distract our understanding of philosophy.

Oakeshott finds the solution by actively rejecting "any form of experience which falls short of the character of experience."[13] Hence, the main business of philosophy is to consider and reject various arrests or modifications which offer themselves as distractions to the pursuit of a concrete world of experience.

> For ordinarily our experience is not clear and unclouded by abstract categories and postulates, but confused and distracted by a thousand extraneous purposes. And unless we are exceptionally fortunate, a clear and unclouded experience is to be realized only by a process of criticism and rejection. In philosophy (...) it is not less necessary to be unwearied in rejection than in invention, and it is certainly more difficult.[14]

According to Oakeshott, the critical authority of philosophy vis-à-vis the modes of experience rests on the fact that it satisfies the criterion of coherence which other

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[11] Ibid., p: 84.
[12] Ibid., p: 71.
[13] Ibid., p: 80.
[14] Ibid., p: 83.

modes fail to satisfy. Therefore, philosophical criticism is not external; it is rather inevitable. It involves not a simple rejection of the different modes of experience, but affirmation of the truth that a particular mode already, albeit partially, possesses.

In the context of this chapter it is both impossible and in fact irrelevant to provide an entire account of the whole doctrine of the modes. Instead what must be considered is Oakeshott's separation of philosophy and practice. Oakeshott's two crucial assertions present a well-defined framework for such an examination. The first is his claim that the "practical consciousness . . . is secure in the knowledge that philosophical thought can make no relevant contribution to the [distinctive] coherence of its world of experience"[15] because philosophy and practice are alleged to be "different and exclusive worlds of ideas."[16] The second is that philosophy is "perverted" or "false to its own character" when it considers practical issues.[17]

However, it is important to understand Oakeshott's characterization of practical life in order to cast doubt on his general theory of the separateness of the forms of understanding. Therefore, in the next section his conception of practical experience will be developed first. Only then a critical reading of his account of philosophy as pure critical thought which can countenance no practical commitments is possible.

ii) Philosophy and Practice

To begin with, for Oakeshott the gulf between philosophy and practice is total. His negative description of philosophy denies not only that philosophy can establish specific positive conclusions about what is practicable or desirable in political life, but

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[15] Oakeshott, *Experience and Its Modes*, pp: 320-321.
[16] Ibid., p: 338.
[17] Ibid., p: 297.

also that it can ever undermine our beliefs or actions in even a negative way by showing that they are incoherent, inconsistent or without justification. No practical recommendations, neither positive nor negative, may follow as the conclusion of a philosophical argument. Because he believes that philosophical reflection is an irrelevant interference in practical life, and that considerations logically compelling in philosophy will not satisfy practical men, Oakeshott is committed to the conclusion that there is no necessary relation between following a philosophical criticism and reconsidering our political beliefs, whatever they may be. In other words, philosophy cannot lever the world of practice.

Oakeshott asserts that philosophy is irrelevant to practice because he believes that the circumstances of practical life exclude philosophical reflection and make other standards of reasoning appropriate. Arguing that the nature of practical reason is defined by the essential characteristics of practical life, he concludes that it must divest itself of irrelevant preoccupations if it is to remain practical:

> Practical experience is practical in virtue of being limited to a world of experience of a certain character; it neither has use for nor recognizes judgments which are not themselves specifically practical. If thinking is to issue in valid practical conclusions it must be exclusively practical thinking and must on one side all interests and arguments not determined by the categories of practical experience.[18]

Clearly, then, much depends upon Oakeshott's characterization of practice and practical reason. He understands practice as a world of action and change which is without a critical character and cannot achieve complete consistency. Practice comprises everything belonging to "the conduct of life as such," it is a world of human doings and deeds; it is "action itself," the "totality of actions" through which we attempt to "alter

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[18] Ibid., p: 338.

existence or to maintain it unaltered in the face of threatened change."[19] In practical life, will and evaluation are combined in actions which attempt to transform "what is" into "what ought to be" by means of specific change.[20] This world of ceaseless activity is always to be understood under the category or concept of change. It is a world of what is "here and now, of what is present as such,"[21] but it is a "mortal world" which is "mutable, unstable, and transient."[22] Men's pressing problems and urgent actions comprise only a world of the particular moment, for they have but a fleeting currency before time passes and they form the past. The notion that practical life is action in the midst of change leads Oakeshott to insist that it is "without a critical conception of reality,"[23] by which he means that it is not essentially reflexive. Of course, practical men reflect and criticize each other, but it is only in practice. They cannot question their presuppositions systematically, because the urgencies of the moment are too pressing and the concept of action presupposes that certain concepts are taken for granted. All that is important to us as agents is that things be "designated or identified, not defined."[24] That is, in action we just presuppose "a world of discrete realities" such as societies, communities, and individuals without questioning their adequacy from a philosophical standpoint: we recognize men as individuals "appreciate [their] separateness, without ever analyzing the concept of an individual."[25]

Moreover the element of change, which is crucial to the practical realm, convinces Oakeshott that practical reason should not aspire to any notion of timeless

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[19] Ibid., pp: 256, 260-261.
[20] Ibid., p: 290.
[21] Ibid., p: 273.
[22] Ibid., p: 258.
[23] Ibid., p: 268.
[24] Ibid., p: 268.
[25] Ibid., p: 269.

truth, nor even attempt consistency in action, for in the practical world what was true yesterday can be false today.[26] Hence a completely consistent system of ethics must be irrelevant at all times because circumstances constantly change and defy reduction to a single rational system.

In sum, Oakeshott defines four key features of practice: it is a world of action and change which is necessarily uncritical and inconsistent. Taken together, these features of practice, Oakeshott argues, necessarily separate practical from philosophical reason. While seemingly diverse, they participate in a common form, for they all rely on a contrast of pure thought and action. Oakeshott's essential idea is that practice differs from all the other modes of experience in that they are unhurried and able to revise or rethink their ideas. Practice is inevitably further still from philosophy, for philosophy's *differentia* is pure thought. In emphasizing that practice is a realm of action, Oakeshott wants to bring out that situations often require us to act decisively even when all policies are beset by uncertainty and objections. His stress on temporal change confirms the same idea that actions are categorical whereas it is the nature of philosophy to be hypothetical. Whereas thoughts can be postulated, questioned, criticized, and retracted, actions are both fleeting and final because, once done, they cannot be undone. Besides confirming the idea that actions are irreversible categorical doings, the notion of change implies that practical reason is always subject to a sense of urgency because it must resolve pressing questions of the moment conclusively before they pass away to be replaced by others.

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[26] As we will discuss in the next section, Oakeshott argues that it is only the Rationalist who insists upon consistency in action because of the alleged belief that virtue and success are to be achieved through applying abstract principles uniformly in practical life. Oakeshott sees an epistemological error in Rationalist theory: The supposition that by reflection we can free ourselves from the inconsistencies we find in the world by constructing a consistent ethic is condemned to fail since any reflection, to be practical, must be rooted in the prejudices of its time. That is to say no reflection could be free of the inherent inconsistencies of the practical world.

Unlike philosophy, it cannot be open-ended in the sense of following wherever the argument leads for the argument's sake alone but is circumscribed by considerations of the moment. The same contrast of practical reason and pure thought is implicit in Oakeshott's third characteristic of practice, namely his idea that practice is without an essentially critical conception of reality. In action we seem not only to exclude questioning the adequacy of, say, the presupposition that there are individuals, but to treat such a presupposition as a truth whose validity could not possibly be questioned. The fourth aspect of Oakeshott's case about practice rests on the same contrast of pure thought and action. In saying that practical life must embrace inconsistency, he means that whereas the philosopher may want all his ideas to harmonize in a systematic rational whole, the practical man's actions are always tied to changing circumstances and standards which necessarily preclude uniformity of judgments. To try to eliminate all inconsistency and discrepancy from our practices would be to court moral disaster. Existing inconsistencies between our practical judgments is no reason to change any of them, for inconsistency is not just tolerable but necessary. Therefore, all four aspects of Oakeshott's characterization of practice rely upon a contrast between pure thought and action. The unifying idea is that practical reason is not pure thought: it is bound to action, restricted by the urgency of the moment, and can be neither critical nor consistent but must content itself with determining only what should be done in particular shifting circumstances.

Oakeshott concludes that practical experience is irrelevant to the world of philosophical ideas; and to subject conclusions of philosophy to the criticism of practice or life is to commit an *ignoratio elenchi*. But this is only half of the story. He insists

equally on the irrelevance of philosophy to the world of practical experience. It is true that only philosophy can appreciate the abstractness, partiality and essentially uncritical character of the modes of experience. Philosophy, ultimately, is an examination of their presuppositions but is not itself organized under any system of concepts. No particular concepts are essential to define its identity and there are none which it is necessary to adopt in order to do philosophy. Therefore, philosophy questions and criticizes what the modes merely assume without question, for its concreteness lies in its critical independence from all presuppositions. For this reason, philosophy cannot allow its scope of enquiry and standards to be dictated by considerations of practice. It follows from the "necessity of keeping philosophy unencumbered with the mood and postulates of practical experience" that "it is meaningless alike either to accept or reject a philosophical proposition for a practical reason."[27] Philosophy can neither recognize nor compromise with any authority other than itself, for "who serves two masters serves none."[28] Conversely, and most importantly for Oakeshott, the critical power of philosophy gives it no authority to rule over practical experience or displace it; indeed, "so long as [practice] remains faithful to its own explicit character even [philosophy] cannot compete with it upon its own ground."[29] By questioning the presuppositions unquestioned in practical life, philosophy frees itself from their partiality and supersedes them, but it can offer practice no guidance because, being free of presuppositions, it has no message that can be expressed in terms of abstractions such as "what ought to be."[30] Philosophy's only purpose is to supersede all abstractions in order to achieve "a

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[27] Ibid., p: 320.
[28] Ibid., p: 339.
[29] Ibid., p: 332.
[30] Ibid., p: 321.

completely coherent world of ideas [which] is absolute and unqualified;" hence its only interest in practice is to examine its assumptions, placing them within a coherent and comprehensive map of the modes of experience. This takes the general form of recognition that practice is only an abstract world, whereas its particular form is an "attempt to define notions of "value", of "good", of "right" and of "ought.""[31] Philosophy is not the construction of a world of values or "a criterion of right action" but the discovery of the "ultimate character of moral and practical concepts,"[32] because the attempt to view practical experience from the standpoint of the totality of experience excludes viewing it in terms of what ought to be.

The strict separation between the world of philosophy and the world of practice would continue to provide a solid base for Oakeshott's philosophy of knowledge throughout his writings. Even later in *On Human Conduct* Oakeshott retains the separation between the two realms. However, for the time being it is important to point to the connection between *Experience and Its Modes* and *Rationalism in Politics*. The attempt to categorize the diversified reasons for philosophy and modes of experience clearly illustrates Oakeshott's aversion from any integral philosophical system. For Oakeshott such an understanding of philosophy is apt to turn into Rationalism. The gist of distinguishing philosophy from practice is to refrain from an epistemology that establishes a rational programme for conducting human practice, and denies the tradition of the past as the source of genuine knowledge of practice. In order to develop a deeper understanding, though, one should turn to Oakeshott's criticism of Rationalism and its politics.

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[31] Ibid., p: 337.
[32] Ibid., p: 340.

Part III: Rationalism and Tradition

i) introduction

Oakeshott's dissatisfaction with the philosophical orthodoxy of the day manifests itself in a prolonged critique of what he believes is the practical, moral, and political manifestation of the misunderstanding of experience and the confusion of categorically different world of ideas. His earlier concerns in *Experience and Its Modes* with demonstrating the inadequacy of the different modes of experience is replaced later by an effort to establish the independence of the modes and by a sustained investigation of the character of political activity. Oakeshott's essays from 1930's through the 1960's contain a consistent critique of what he calls modern Rationalism. His investigation of the character of modern Rationalism provides both a critique of theory of knowledge and the theory of morality. Rationalism, in this account, is depicted as one of the most distinct aspects of the modern world: its philosophical resources can be traced back to modern foundationalism, and its most significant influence is in the department of politics and morality. In an attempt to criticize the outcomes of Rationalist thought, Oakeshott formulates his own conception of traditional activity and his recognition of the practical/traditional aspect of all knowledge. The concept of traditional activity helps to answer the question of the genesis of the world of values. Projects, purposes, and value springs from an activity as that activity is understood as a more or less discrete and concrete unity. Oakeshott's understanding of traditional activity also suggests that the embeddedness of human choices is not restricted to the world of practice, although it is especially appropriate to self-understanding of that mode.

The conflicting positions of Rationalism and tradition represent Oakeshott's frustration with liberal politics. As Tseng suggests, Oakeshott aims to "re-establish an Aristotelian theory of human activity"[33] which follows from his conservative politics –or as he puts it, conservative disposition. While carefully tracing the impact of Rationalism in the realms of politics and morality, Oakeshott introduces new concepts to challenge the dominating effect of modern politics. In that sense, notions of 'familiarity' and 'conversation' are keys to understand his conservative disposition. As will be discussed, Oakeshott's conservatism has a unique formulation which distinguishes him from the Burkean tradition.

In this respect, Oakeshott's conservatism is not only concerned with the importance of traditional knowledge in political practice, but also with the tradition of modern Western politics itself. Hence, notwithstanding his poorly presented historical account of the conflict between traditionalist politics versus Rationalist politics, one should pay attention to both the philosophical and historical elements that compose this conflict.

ii) Mr. Rationalist

Rationalism, Oakeshott claims, is the most remarkable intellectual concern of post-Renaissance Europe.[34] The gist of Rationalism consists of *a priori* 'reason' which can be exercised as an 'infallible guide' to human conduct by formulating a set of 'self-contained' and 'perfect' rules. In this sense, Oakeshott argues that modern Rationalism

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[33] Tseng, *The Skeptical Idealist*: p: 132. Similarly, Franco argues that Oakeshott's notion of practical knowledge not only recalls Aristotle's *phronesis,* but also has obvious parallels with Ryle's 'knowing-how' and Polanyi's 'tacit knowledge'. Franco,. *The Political Philosophy of Michael Oakeshott*, p: 110.
[34] Oakeshott, M. 1947. "Rationalism in Politics," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays.* Indianapolis: Liberty Fund. 1991. p: 5.

embraces more than an epistemological stance; in fact, it represents a world view which includes a moral disposition as well.

Oakeshott elaborates on the practical effect, the historical roots and the philosophical inadequacy of Rationalism in his essays entitled "Rationalism in Politics" and in "The Tower of Babel." He focuses on politics in the former and on morality in the latter. Yet, for Oakeshott, the characteristics of Rationalism and its defects are common to both. To him, the "hidden spring" of Rationalism is a doctrine about human knowledge.[35] This doctrine dominates contemporary thought with a disposition which disdains tradition and tends to be well-trained instead of well-educated.

In order to explicate this doctrine, Oakeshott distinguishes two sorts of knowledge: technical and traditional/practical. Both types spring from concrete activity, yet they differ radically. Whereas technical knowledge, according to Oakeshott, consists entirely of formulated rules, principles or maxims, practical knowledge exists only in use and thus lacks any kind of formulation. Technical knowledge, by nature of defining an intellectual discipline, can be found in and learned from books, as opposed to practical knowledge which can only be acquired or imparted.[36] As far as the Rationalist is concerned, practical knowledge is considered as no knowledge at all. To Oakeshott, this is the definitive characteristic of Rationalism.

What follows this brief epistemological categorization is Oakeshott's systematic consideration of the possible implications of Rationalism. The Rationalist believes that practical activity consists of testing of the rationality of institutions, and the administration of rational programs. Indeed, "nothing is of value simply because it exists,

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[35] Ibid., p: 11.
[36] Ibid., p: 15.

familiarity has no worth, and nothing is left to be left standing for want of scrutiny."[37] In

that sense, "Rationalist activity is activity in search of a certain, conclusive answer to a

question, and consequently the question must be formulated in such a way that it admits

of such answer."[38] Consequently, Oakeshott argues, rational conduct is regarded as the

achievement of a formulated purpose, i.e., an "independently premeditated end"[39] which

springs from something that has already taken place in advance of human activity. As

Oakeshott sees, Rationalist substitutes an ideology, an abridgement of tradition, for

tradition itself. Human conduct is considered to consist of problem-solving and the

proper analogy for this conduct is that of an engineer solving a series of unconnected

crises. Rationalist activity consists of a politics of perfection and uniformity because the

rational solution of a problem is the perfect solution, regardless of circumstance.

Bewitched by the premise of certainty and self-completeness of technical

knowledge, the Rationalist takes the view that application of rational will or the attempt

to discover a perfect solution should lead different people to the same conclusion. In this

respect, Oakeshott asserts, Rationalism is identical with a form of "intellectual

equalitarianism."[40] According to Oakeshott, the implication of such an understanding of

human conduct moved by a ubiquitous reason alone is more dangerous than the belief in

the possibility of achieving perfect conduct. The Rationalist leaves no room for a

tradition, a custom or a habit of human behavior. The accumulation of experience,

Oakeshott argues, has no importance for the Rationalist: he has nothing but "an impatient

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[37] Ibid., p: 8.
[38] Oakeshott, M. 1950. "Rational Conduct," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund. 1991. p: 103.
[39] Ibid., pp:103-104
[40] Ibid., p: 6.

hunger for eternity and an irritable nervousness in the face of everything topical and transitory."[41]

The kernel of Rationalism, according to Oakeshott, is but a combination of all these elements: "perfectionism," "universalism," and "abstractness." This kernel formulates the "infallible guide" in human conduct; its own logic contains a set of devised examples for practical life. However, as Pitkin observes, a central ambiguity runs through Oakeshott's analysis of Rationalism: "it seems he cannot decide whether the Rationalism he opposes is impossible, so that we in fact cannot act rationalistically in politics, morals, education; or merely undesirable, so that there is a real danger that we might do so."[42] To answer this question, one should investigate Oakeshott's perception of politics, since he maintains that no area of human activity has been more affected by Rationalism than politics.

Oakeshott's claim is a strong one: contemporary politics, he believes, is thoroughly rationalistic. "Rationalism has ceased to be merely one style in politics and has become the stylistic criterion of all respectable politics."[43] Relying upon the same epistemological ground, the Rationalist expects an ordered programme from politics. Even though Oakeshott provides several characterizations for rationalistic politics, such as "politics of perfection," "politics of uniformity," "politics of engineering," and "the politics of the book," one phrase reflects the gist of his understanding: contemporary politics is "the politics of the felt need." Politics is regarded as the discontinuous application of "reason" to the felt need, problem or the crises of the moment. The Rationalist perceives no connection between the successions of crises, thus "each

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[41] Ibid., pp: 6-7.
[42] Pitkin,. "The Roots of Conservatism," p: 500.
[43] Oakeshott, "Rationalism in Politics," pp: 20-21.

generation should see unrolled before it the blank sheet of infinite possibility."[44]

Ironically, the only experience that the Rationalist has is a *tabula rasa*.

Rationalistic politics, Oakeshott argues, possesses no accumulation of experience. It has no intention to retain or to improve the existing tradition. In fact, such an approach, the Rationalist perceives, involves an attitude of submission. Therefore, Rationalism necessarily turns into an "ideology", which is "the formalized abridgement of the supposed substratum of rational truth contained in the tradition."[45] To Oakeshott, ideological politics is essentially the politics of the book, an abstraction of technical information from a settled manner of behavior. In this regard "politics appears as a self-motivated manner of activity when empiricism is preceded and guided by an ideological activity."[46] The ideologist ignores the practical knowledge from which the technique is derived, and, in doing so, produces a caricature or parody of concrete knowledge. The training in technique appropriate to ideological politics precludes a genuine education in political activity as practical knowledge.

Tseng points out three qualities that compose the philosophical foundations of Rationalism are "the criterion of knowledge as 'certainty', the notion of the mind as an instrument for thinking and the existence of *a priori* 'reason.'"[47] One could argue that rationalistic politics rises upon the same foundations. What Oakeshott calls "politics of perfection" is analogous to the search of certainty on philosophical grounds. Similarly, the notion of ideology as the guideline for the premeditated ends of political activity

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[44] Ibid., p: 9.
[45] Ibid., p: 9.
[46] Oakeshott, M. 1951. "Political Education," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays.* Indianapolis: Liberty Fund. 1991. p: 48. For Oakeshott, the definitive characteristic of a political ideology requires it to be built either around an abstract single notion, such as freedom, equality, racial purity etc., or around a complex scheme of related ideas, such as Marxism, democracy, and liberalism. See, ibid., pp: 48-49.
[47] Tseng,. *The Sceptical Idealist.* p: 139.

exposes the instrumental rationality underlying Rationalism. In this respect Oakeshott traces the appeal of Rationalism in its "intellectual equalitarianism." The presupposition regarding the existence of *a priori* reason paves the way for the incursion of the politically inexperienced into politics. Oakeshott presents three examples: the new ruler, the new ruling class, and the new political society.[48] For him newcomers in politics constitute a serious problem since it is the newly acknowledged strata that precisely necessitate the Rationalistic style. The admission of the previously excluded social groups, who lack the relevant experience, habit or tradition, the "politics of the book," strengthens its foundation. Therefore, Oakeshott claims, the new ruler will be inevitably attracted to Machiavelli's *Prince* which offers a convenient set of maxims to guide his action.[49] As an example of the new ruling class, Oakeshott has the works of Locke's *Second Treatise* and Marx and Engels in mind. However, it is Marxism, he claims, that emerges as the predominant ideology of newly politicized classes "for it was composed for the instruction of a less politically educated class than any other that has ever come to have the illusion of exercising political power."[50] Besides new rulers and new ruling classes, Rationalism also appeals to new nations, which may seek rationalistic politics based on self-conscious reflections and abstract principles. America is the perfect case,

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[48] Oakeshott, "Rationalism in Politics," p: 28.

[49] Ibid., pp: 28-29. Oakeshott addresses Bacon and Descartes as the dominating figures in setting the Rationalistic project on foot. Now, Machiavelli is also given a place in tracing the historical origins of the phenomenon. Similar to Bacon and Descartes, Oakeshott suggests, Machiavelli was also aware of the definite limitations of technical knowledge: "to the new prince he offered not only his book, but also, what would make up for the inevitable deficiencies of his book –himself." Ibid., p: 30.

[50] Ibid., p: 31. Oakeshott's criticism should not be mistaken as being aimed at the proletariat class. It is true that he finds the working class unworthy of exercising political power. Nevertheless the main target of his analysis is the Marxist teaching itself.

for it was established with "a specific rejection of traditions" and has been Rationalistic ever since.[51]

After this meticulous classification of rationalistic politics, Oakeshott is ready to present his case, his diagnosis regarding the corrupting effects of the Rationalism. The current predicament, he asserts, is one of a great confusion. The increasing influence of Rationalism had the contrary effect on contemporary politics: we have lost control over our affairs which have come to be characterized by an ever growing irrationality and arbitrariness. The denial of the value of practical knowledge leaves no ground for the accumulation of concrete knowledge. As Franco suggests, "Rationalism only serves to deepen the inexperience out of which it was originally generated."[52]

If politics is the area of human activity which is affected by Rationalism to the greatest degree, morality inevitably becomes the succeeding area. In his essay "The Tower of Babel," Oakeshott elaborates on the morality of the Rationalist. To the attentive reader his account will not demonstrate a different depiction than what he had already presented in the case of rationalistic politics. Morality, as understood by the Rationalist, is "the morality of the self-conscious pursuit of moral ideals." Notwithstanding the rationalist claim that this self-conscious morality is superior to "the unselfconscious following of a tradition of moral behavior," Oakeshott claims that in reality contemporary "morality is reduced to a technique, to be acquired by a training in an ideology rather than an education in behavior."[53] Hence the morality of the Rationalist is the morality of the self-made man and of the self-made society.

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[51] Ibid., p: 32.
[52] Franco, *The Political Philosophy of Michael Oakeshott,* p: 113.
[53] Oakeshott, "Rationalism in Politics," pp: 40-41.

Oakeshott, in "Rationalism in Politics," concludes his discussion on rationalistic morality by pointing out that moral ideas are no more independent and self-contained than a political ideology. In "The Tower of the Babel" he takes up the issue from this point. His purpose, Oakeshott writes, is "to consider the form of the moral life and in particular the form of the moral life in contemporary Western civilization."[54] Accordingly he observes that there are two types of moral knowledge. In the first, moral knowledge is considered to be a habit of behavior which springs from a traditional way of life. The education appropriate to this morality consists of living within the society, and this education cannot be said to begin or end at any specific point, other than the birth and death of individual. Oakeshott writes that:

> The education by means of which we acquire habits of affection and behavior is not only coeval with conscious life, but is carried on, in practice and observation without pause in every moment of our waking life (...) what is begun as imitation continues as selective conformity to a rich variety of customary behavior.[55]

Thus, traditional moral knowledge is an inevitable result of life inseparable from living in a community. The second type of moral knowledge, analogous to the Rationalist conception of politics, consists of the pursuit of a systematic set of moral principles or rules which guide conduct. A value is placed on the self-conscious creation of this system of rules prior to moral activity, and their subsequent application to conduct. Oakeshott writes that "its distinctive virtue is to be subjecting behavior to a continuous corrective analysis and criticism."[56] The education appropriate to this type of moral knowledge is a technical training in the proper rules and their application. However, the defect of rationalist morality, like that of rationalist politics, lies in mistaking a partial and

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[54] Oakeshott, M. 1948. "The Tower of the Babel," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund. 1991. pp: 466-467.
[55] Ibid., p: 469.
[56] Ibid., p: 474.

derivative knowledge for concrete (hence real) knowledge. Oakeshott claims that systems of moral ideals, like ideologies, "are products of human practical activity to which reflective thought gives subsequent, partial and abstract expression in words."[57] Torn from the concrete context of a tradition of behavior, moral ideals become increasingly incapable of determining behavior. What efficacy and determinacy they retain derives entirely from the traces of traditional behavior which continues to operate in them. This tradition contains implicitly within itself the bare ideology along with the concrete practical knowledge which completes it. By themselves, moral ideals cannot determine or generate human behavior; and a morality in which moral ideals are dominant "is not something which can stand on its own feet."[58] Thus, Oakeshott concludes, morality of ideals, just as ideological politics, is a philosophically inadequate account of the practical activities of politics and morality.

In both articles Oakeshott aims to depict the common features and deficiencies of the Rationalist. He is cautious about presenting his own critique and the respective alternatives regarding political and moral activities. In other words, neither of the two articles aims at a philosophical critique of moral or political theories. They diagnose the current predicament and discover a perfect description for Mr. Rationalist as the underlying reason. In his later writings, Oakeshott would reveal his own understanding of the conservative disposition as the only viable option in the face of the Rationalist threat. However, before going into his rather more critical works, it is essential to identify the existing problems in Oakeshott's account.

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[57] Ibid., p: 480.
[58] Ibid., p: 480.

One fundamental question or perhaps paradox concerns his conception of the nature of Rationalism: it is not clear whether Oakeshott treats Rationalism as an actual form of human conduct or as a mere theory. Considered in the latter form, i.e., Rationalism as a mere theory, a criticism of the rationalist school is inevitably a futile attempt. Rationalism could constitute a danger insofar as it becomes a way of practice. It would be absurd to develop a critique of a theoretical school unless it turns itself into practice. As Pitkin aptly puts it, "who but a theorist cares about an incorrect interpretation?"[59] On the other hand, a criticism of Rationalism as a form of human conduct is as problematic as the previous alternative. Oakeshott considers Rationalism as an inadequate human activity. McIntyre suggests that if one follows Oakeshott's logic then "no human activity can actually be Rationalist."[60] A powerful criticism of Rationalism should spring from the practical realm; the realm precisely on which Oakeshott centers his analysis. Yet his account is thoroughly theoretical, instead of practical.[61] In that respect, Oakeshott's examination cannot provide a satisfactory answer regarding either the theoretical or the practical deficiencies of Rationalism.

Likewise, his depiction of the Rationalist is worthy of questioning. The Rationalist appears almost as a "monster," a "fictitious adversary" that Oakeshott has first created to demonstrate the antithesis of his own ideas and then destroyed with his critique.[62] The Rationalist is essentially defined by his extremity. He appears as the

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[59] Pitkin, "The Roots of Conservatism," p: 502.

[60] McIntyre, K.B. 2004. *The Limits of Political Theory: Oakeshott's Philosophy of Civil Association.* Thorverton: Imprint Academic. p: 58.

[61] Pitkin suggests that the unresolved ambiguity in Oakeshott's account of Rationalism "derives from his unwillingness to abandon the philosophical mode or argument." Pitkin, "The Roots of Conservatism," pp: 502-502.

[62] Archer, J.R. 1979. "Oakeshott on Politics," *The Journal of Politics* 41(1): 153-154; Koerner, K. 1985. *Liberalism and Its Critics.* New York: St. Martin's Press. p: 286. According to Archer, Oakeshott has a selective perception in his criticism of Rationalism. Accordingly, Arhcer focuses merely on disproving

orphan child of the Enlightenment; his roots in the society no longer exist, he has burned all the bridges with his past. His trust in the capacity of reason for any kind of large-scale or collective creation is limitless. It is not clear who Oakeshott had in his mind when describing the Rationalist. He admits that even the French Revolution, whose ideology is addressed as the ultimate in Rationalistic abstraction, was not the product of a reflection in advance of activity, but an extrapolation from the tradition of French political practice.[63] So, who is the Rationalist, but a caricature? In order to back this claim with a satisfactory examination, one should compare Mr. Rationalist with Mr. Conservative.

iii) Mr. Conservative

In "Rationalism in Politics," Oakeshott contrasts the Rationalist with a different orientation: an orientation that appreciates the value of things as they are, inherited from the past and that respectfully recognizes their complexity and interdependence, the richness of concrete reality. Such an orientation values tradition, prescription, and continuity. By stressing the intricacies of human practice, it defies formulation in explicit rules and thus considers the slow evolution, rather than revolutionary transformation, as more akin to the nature of human conduct. Oakeshott calls this orientation "conservatism." Later, in his writings, he prefers "conservative disposition" to distinguish his approach from the conventional sense of conservatism.

The password of Oakeshott's Conservative is tradition: human conduct is shaped by habits deeply rooted in traditions. In politics, the Conservative is disposed to preserve

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technical knowledge being complete knowledge. Koerner, however, takes on the question of the validity of the philosophical roots of Rationalism. Contrary to Oakeshott, he claims that neither Locke nor Bentham presented an unmixed theory of empirical sciences, history and tradition. In this regard, Koerner concludes that Oakeshott's Rationalist does not correspond to any figure in the history of political thought.

[63] Oakeshott, "Rational conduct," p: 122.

inherited institutions. He is willing to reform or adjust them where that is necessary in order to keep them stable, but this manner of reform is always piecemeal and gradual, in ways consistent with the tradition. As opposed to the Rationalist, he prefers existing practice to the abstract imported idea. The task of politics, in this regard, is to enhance the coherence in a nation's inherited culture. Oakeshott strips the notion of tradition of any metaphysical connotation. In fact, he refers to the rules of cricket (one of many Oakeshottian examples) to illustrate his point. To know a tradition is to know its details: "What has to be learned is not an abstract idea, or a set of tricks, nor even a ritual but a concrete, coherent manner of living in all its intricateness."[64]

Many commentators have interpreted Oakeshott's Conservative as a restored twentieth century Burkean model.[65] Similarities between the "traditionalism" of Burke and Oakeshott are indisputable. However, as we will see in the following chapter, such a reading overlooks the influence of Hobbes on the entirety of Oakeshott's works.[66] As Franco argues, "Oakeshott's conservatism ultimately has more in common with the skeptical conservatism of Montaigne, Hobbes and Hume than with the religious and cosmic conservatism of Burke."[67] In fact, Oakeshott sums up the disparity between his line of conservatism and the Burkean line as follows: "What makes a conservative

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[64] Oakeshott, "Political Education," p: 62.

[65] Wood, N. 1959. "A Guide to the Classics: The Skepticism of Professor Oakeshott," The Journal of Politics 21(4): 657; Pitkin, "The Roots of Conservatism," p:505, 508.

[66] Among the writers who rejects the idea that Oakeshott was a Burkean conservative see; Tseng, *The Skeptical Idealist*, p: 165; Franco, *The Political Philosophy of Michael Oakeshott*, p: 139-140; Gerencser, *The Skeptic's Oakeshott*. p: 123. Devigne, R. 1994. *Recasting Conservatism: Oakeshott, Strauss, and the Response to Postmodernism*. New Haven: Yale University Press. pp: 17-18. Podoksik, on the other hand, argues that a certain tension between the romantic and "Whig" elements shapes the peculiar character of Oakeshott's conservatism. While the romantic elements in his theory renders him closer to a Burkean conservative tradition, the "Whig" element distances him. See, Podoksik, E. 2003. *In Defense of Modernity: Vision and Philosophy in Michael Oakeshott*. Thorverton: Imprint Academic. pp: 174-175.

[67] Franco, "Michael Oakeshott as a Liberal Theorist," p: 419. Franco also points out the degree of contingency in Burke and Oakeshott respectively. While for Burke a tradition is not a very contingent thing, for Oakeshott tradition is eminently contingent. See, Franco, *The Political Philosophy of Michael Oakeshott*, p: 139-140.

disposition in politics intelligible is nothing to do with a natural law or providential order, nothing to do with morals or religion; it is the observation of our current manner of living."[68]

Oakeshott elaborates his ideas on conservatism in two distinct articles: "Contemporary British Politics," and "On Being Conservative." A closer look to both articles is necessary to outline the element of Oakeshott's Conservative, as well as to develop a better understanding of the role of tradition in Oakeshott's understanding of politics.

In "Contemporary British Politics," Oakeshott first draws a distinction between "liberal conservatism" in favor of a natural law theory and the genuine "conservatism" that he wishes to re-construct. The gist of the essay, in fact, is not to criticize the obvious target, but to analyze the inadequacy of current British conservatism. According to Oakeshott, the problem of contemporary British politics is the tyranny of central planning mainly carried out by the British socialists. Nevertheless, the issue of central planning is not limited only to the realm of economy; it necessarily involves society as a centrally planned society.[69] Oakeshott identifies politics of central planning with the politics of the felt need; here he calls it "the ideal of all rationalist politics." Although the British conservative differs from the socialist in understanding politics as "a limited activity, a

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[68] Oakeshott, M. 1956. "On Being Conservative," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays.* Indianapolis: Liberty Fund. 1991. pp: 423-424.

[69] The correlation between Oakeshott's and Hayek's views on centrally planned economy cannot be overlooked. They share similar views on both restricting the political influence of intermediate organizations and creating a civil association that does not pursue purposive goals. However, Oakeshott distances himself from the utilitarian and economic terms of the libertarian school. In that sense, while Oakeshott's emphasis on the separation of powers doctrine and the rule of law enhance the authority of the central state, Hayek's mixed government doctrine is based on the idea of limiting the authority of the state. For a recent analysis of both thinkers' views, see Franco, *The Political Philosophy of Michael Oakeshott,* p: 10-11; Devigne, *Recasting Conservatism.* pp: 22-23; Rayner, J. 1985. "The Legend of Oakeshott's Conservatism: Sceptical Philosophy and Limited Politics," *Canadian Journal of Political Science* 18(2): 313-338.

necessary but second-rate affair," as "the politics of the diffusion of power" which "are the only guarantee of the most valuable and substantial freedom known to human beings," the British conservative fails to realize that human freedom is not "natural" but social.[70] In other words, Oakeshott distinguishes himself from the British conservatives by conceiving the rights and duties, which lay the ground for human freedom, as historical and relative. Oakeshott argues that:

> The conservative thinks of human rights and duties as "limitation" and of their adjustment as "interference." It is an unfortunate way of thinking which is inherent in the simpler forms of natural law conception of society. The truth is, however, that we do not begin by being free; the structure of our freedom is the rights and duties which, by long and painful effort, have been established in our society. The conditions of individuality are not limitations; there is nothing to limit. And the adjustments of those conditions are not interference (unless they are over-head adjustments); they are the continuation of the achievement.[71]

To keep the "natural" constituent out of a genuine conservatism, Oakeshott's ultimate purpose is to establish an ideal mode of human relationship which is categorically distinctive from rationalist politics. The truly significant opposition to the politics of central planning, Oakeshott claims, lies not in liberal conservatism but in what he calls the "rule of law."[72] The difference between the two is that whereas the former still understands politics in terms of an abstract ideology, the latter is able to recover the sense of politics as a "way of living" by considering the solidarity of a society in terms of rights and duties in practice.

It appears that Oakeshott's main concern is, once again, to warn against the threat of misunderstanding the political tradition. For him the most important thing to recognize about the existing political tradition is that it is a tradition; something living and

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[70] Oakeshott, M. 1947. "Contemporary British Politics," *The Cambridge Journal* 1 pp: 485, 487.
[71] Ibid., pp: 487-488.
[72] Ibid., p: 479.

changing, not simply a body of abstract rights. "British democracy," he writes, "is not an abstract idea. It is a way of living and a manner of politics which first began to emerge in the Middle Ages."[73] The problem, according Oakeshott diagnosis, is the corruption in the meaning of British democracy as a way of living or as a tradition. "What went abroad as the concrete rights of an Englishman have returned home as the abstract Rights of Man, and they have returned to confound our politics and corrupt our mind."[74] Therefore what is required is to regain the sense of politics as a tradition. The reason why Oakeshott directed his criticisms to both anti-traditionalist and conservative sides is now clarified: Oakeshott has to disencumber conservatism of the similar tendency of seeking a remedy to the political predicament in abstract ideology-based foundations.

"On Being Conservative" is the outcome of this attempt. His principal purpose in this essay is to define a conservatism which does not rest on natural law or any sort of general beliefs about human nature or universe –hence removing it from any ideological stance.[75] Oakeshott begins the essay with a disclosure of the general character of being conservative. In total contrast to the Rationalist, he claims that "to be conservative is to prefer the familiar to the unfamiliar, to prefer the tried to the untried, fact to mystery, the actual to the possible, the limited to unbounded, the near to the distant, the sufficient to the superabundant, the convenient to the perfect, present laughter to utopian bliss."[76] Oakeshott's depiction of the Conservative is akin to enjoy what is available in the present rather than to wish for a sudden change and innovation in the future. In a word, the key concept of being conservative is to act upon what is "familiar."

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[73] Ibid., p: 489.
[74] Ibid., p: 489-490.
[75] "On Being Conservative", Franco argues, is a thoroughly modern defense of the conservative disposition against Burke and his followers. See, Franco, *The Political Philosophy of Michael Oakeshott*, p: 149.
[76] Oakeshott, "On Being Conservative," p: 408.

According to Oakeshott, conservative property as such is not necessarily rooted in so-called human nature: men naturally prefer safety to danger; but rather it is much apt to obtain it from the observation of human conduct itself. Oakeshott seems to be suggesting that even a conservative disposition has its boundaries: "to be conservative on all occasions and in all connections is so remote from our habit of thought as to be almost unintelligible."[77] Clearly, Oakeshott's hesitation to recommend an unequivocal conservative disposition springs from his aim to distinguish himself from the Burkean approach. However it is not clear how such a conservative disposition would prescribe solution in political realm by maintaining its own coherence. Oakeshott's own examples, unfortunately, do not provide a satisfactory answer to this question neither.

For instance, to him there are some fields of human activity that can be exercised only in the virtue of a disposition to be conservative, because in these an attendant enjoyment rather than an extraneous reward is sought. His example is the case of friendship: friends are not concerned with what might be made of one another, but merely with the enjoyment of one another. He even extends the scope of this example to other forms of activity such as patriotism and conversation.[78] Common to cases is the notion of familiarity. Now, it would be absurd to argue that cases such as friendship, patriotism and even conversation do not entail any elements of politics. All these cases, thus, involve a certain degree of conflict springing from differences, and more importantly an essential element of change. It is not clear how such a naïve description of conservatism, based on enjoyment and familiarity, would be able sustain any transformation –whether progressive or not- in the content of such activities.

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[77] Ibid., p: 422.
[78] Ibid., pp: 415-416.

A further example might better explain Oakeshott's unsatisfactory account of the conservative disposition. He observes that there are also other activities which are not engaged for their own sake and which also call for the disposition to be conservative. Oakeshott gathers such activities under the heading of "goal-pursued activities", such as projects. As his case unfolds Oakeshott makes a distinction between the enterprise itself and the tools used for its achievements. As it turns out, since "familiarity is essence of tool using," as long as man is a tool using animal he is disposed to be conservative.[79] In other words, for Oakeshott "tool using" necessarily involves traditional or practical knowledge. It involves the element of familiarity in contradistinction to the abstract rules of technical knowledge. The notion of familiarity, in this case, is tantamount to routines. In fact, Oakeshott, once again, extends this example to the routines followed in the House of Commons and procedure of a court of law.[80] Once again, he does not provide any clarification regarding how these routines could guide the political realm.

Oakeshott's account of the Conservative raises a series of questions which his essay fails to address. First, it seems that he does not recognize (or chooses to ignore) that in any given human activity there can be conflicting routines. Second, routines appear to be choice-worthy since they have been tested over the years. However, the equation of age with virtue might be misleading. Third and more important, it is not clear if Oakeshott is suggesting that the routines and familiarity that comes with them are reliable guidance for actual political decisions. With regard to the perennial question of political philosophy, how is familiarity/routine supposed to provide justice? Or to put the other way, is what is familiar also just?

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[79] Ibid., p: 419.
[80] Ibid., p: 421.

Oakeshott's Mr. Conservative fails to offer satisfactory answers to those questions. Perhaps one should turn to Mr. Oakeshott himself and converse with him.

iv) Mr. Oakeshott

It is plausible to argue that Oakeshott is aware of the deficiencies in his depiction of the Rationalist and the Conservative. He addresses some of the mentioned problems in the essays "Rational Conduct" and "Political Education." He attempts, again, to provide, an adequate understanding of the theoretical account of reason given by the Rationalist. He reminds his reader that the critique of rationalism is not directed against reason per se but against a certain interpretation of reason, namely, the identification of reason with technique. The Rationalist is preeminently concerned with the purposive, premeditated formulation of the ends of human activity which also entails the purposive, premeditated formulation of the means to those ends. For the Rationalist "the rationality of conduct springs from something that we do before we act; and activity is rational on an account of it being generated in a certain manner."[81] The presupposition which constitutes this account of rationality is that individuals have an independent faculty, reason, which exists externally to the objects of reason. Oakeshott writes that "what needs to be assumed is the mind as a neutral instrument, as a piece of apparatus and rational conduct springs from the exercise of it."[82] In short, what is being assumed here is a doctrine of the mind: the mind as a "neutral instrument," a "piece of apparatus," "intelligence," something that "can be separated from its contents and its activities." Human activity is believed to be

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[81] Oakeshott, "Rational Conduct," p: 104.

[82] Ibid., p: 107. To illustrate his view Oakeshott takes a very "Oakeshottian" example of the bloomers. Bloomers, in Victorian times, were asserted to be the "rational" form of dress for girl bicyclists. It was considered to be especially rational because their design seemed to spring solely from independent reflection on the specific problem of efficiently propelling a bicycle. See, ibid., p: 101.

composed of articulate and discrete problems, purposes and actions. What is being offered by the Rationalist is a theory of behavior, not a description of actual behavior. One immediate question should be raised here: If Oakeshott considers this theory of behavior as erroneous, than why bother criticizing the theory at all? He suggests that "the practical danger of an erroneous theory is not only it may persuade people to act in an undesirable manner, but that it may confuse activity by putting it on a false scent."[83] In other words, Oakeshott is not only warning against the dangers of ideological politics but he is pointing at a more fundamental problem, the problem of misconceiving human conduct.

To Oakeshott a philosophical account of human activity which rests upon a separation of mind and its object is mistaking an abstract distinction for an absolute division. He asserts that the concept of mind as a separate entity "is nothing more than hypostatized activity ... [Mind] is offspring of knowledge and activity composed entirely of thoughts."[84] Mind is constituted by thought, judgment, and activity which are philosophically inseparable from each other and from the concept of mind. Reiterating his conclusions about the nature of experience from *Experience and Its Modes*, Oakeshott concludes that activity does not spring from a premeditation of ends and means accomplished after a purge of the mind.[85] The consideration of principles, ideas, and ends is a possibility which grows out of conduct itself. Reflection necessarily follows activity. Oakeshott maintains that:

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[83] Ibid., pp: 108-109.

[84] Ibid., p: 109.

[85] Oakeshott invokes another example to illustrate his point: A cook is not a man who first has a vision of a pie and then tries to make it; he is a man skilled in cookery, and both his projects and his achievements spring from that skill." Ibid., pp: 52-53. If we are to take Oakeshott criticism of Rationalistic mind together with such examples then the inevitable conclusion follows that human mind is disposed to act conservatively. This conclusion would not be mistaken at all, if one considers Oakeshott's aforementioned examples that depict man as a tool using animal.

Doing anything both depends upon and exhibits knowing how to do it; and though part (but never the whole) of knowing how to do it can subsequently be reduced to knowledge in the form of propositions..., these propositions are neither the spring of the activity nor are they in any direct sense regulative of the activity.[86]

Therefore, Oakeshott concludes, the purposes, the means and the ends of activity, which the Rationalist wishes to place outside the activity, are always formulated within the context of a specific activity.

In "Rational Conduct," Oakeshott's critique of the Rationalist doctrine of knowledge, reason, and the mind is elaborated from a philosophical standpoint. Here, Oakeshott offers a more concise account of human activity than one could find in *Experience and Its Modes*. However, to examine the direct application of his view to politics, one should turn to "Political Education." By maintaining his theoretical orientation, Oakeshott aims at achieving a concrete understanding of the political activity. Politics, according to him, is "the activity of attending the general arrangements of a collection of people who, in respect of their common recognition of manner of attending in its arrangements, compose a single community."[87]

In contrast to his definition, Oakeshott argues that the Rationalist approach to politics is undermined by the same theoretical weaknesses in its empirical and ideological forms. Politics understood as an empirical problem-solving activity posits mind as both separate from its objects, and continuously purging itself of knowledge in order to pursue the next discrete and independent problem which appears to it. Of course, if these problems are completely unique, then they cannot be comprehended, and if mind is continuously purged, then problem cannot be identified. Thus, the Rationalist attaches this empirical construct to an ideological one. This ideology is considered to be

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[86] Ibid., p: 110.
[87] Oakeshott, "Political Education," p: 56.

independent of, prior to, and external to political activity. It is intended to provide a

rational goal to which empirical politics can aspire. The Rationalist's theory of politics

suffers from the same philosophical problem as its theory of rationality. The separation of

mind from its objects results in a misunderstanding of the nature of reflection. Oakeshott

describes the actual result of ideological thinking as:

> A system of ideas abstracted from the manner in which people have been
> accustomed to go about the business of attending to the arrangements of their
> society. The pedigree of political ideology shows it to be the creature, not of
> premeditation on advance of political activity, but of meditation upon the manner
> of politics.[88]

Having exposed the abstractness of ideological and empirical politics Oakeshott

begins to elaborate his own account of political activity. Accordingly, political activity

always precedes ideological reflection and comprehends it within its concrete tradition of

behavior. Ideological politics ignores this traditional knowledge, denying the complex

nature of political activity. Oakeshott argues against the alleged character of inflexible

tradition. No tradition is simply fixed or finished, he argues. Therefore, political activity

should be the exploration and pursuit of what is intimated in a tradition. In other words,

to Oakeshott the elements that constitute a tradition are at once coherent and incoherent.

Despite the existing patterns in a tradition, he suggest, it always intimates a sympathy for

what does not fully appear. "Political activity is the exploration of that sympathy; and

consequently, relevant political reasoning will be the convincing exposure of a sympathy,

present but not yet followed up, and the convincing demonstration that now is the

appropriate moment for recognizing it."[89]

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[88] Ibid., p: 51.

[89] Ibid., pp: 56-57. Oakeshott presents an interesting example, perhaps the only example with a direct
political content, to illuminate the issue. His case is the political enfranchisement of women in Britain.
According to Oakeshott it was a case of incoherence because "the rights and duties which composed it

It is now clear that Oakeshott's understanding of politics necessarily relates back to the notion of tradition. However, at this point in his argument, Oakeshott introduces two new depictions of politics: Politics, we are told, is "pursuit of intimations," or "a conversation, not an argument." It appears that in politics the pursuit of intimations involves a conversational way of learning. Political activity does not entail deduction, submission, or demonstration; these belong to argumentative discourse. Instead, politics as the pursuit of intimations involves a tradition of behavior. Even so-called "revolutionary situations" do not escape this condition. In a footnote Oakeshott claims that the Russian revolution was not the implementation of an abstract design worked out by Lenin, but a modification of Russian circumstances. [90] In other words, Oakeshott is saying that the ideological style no less than any other style of politics is bound to tradition and confined to pursue its intimations.

Once again, Oakeshott leaves his reader with a puzzle. The claim that even the ideological politics is bound to existing tradition requires one to discard the entire preceding argument. As Pitkin rightly observes, if in the end all politics are traditionalist then it is not clear how any ideology might threaten tradition.[91] The answer lies in Oakeshott's understanding of the relationship between theory and practice. The radical disjunction of theory and practice, as discussed before, is a central feature of his theory of knowledge from *Experience and Its Modes* onward. The separation that Oakeshott makes between Rationalistic politics and its practical implications is only another reflection of

intimate rights and duties which were nevertheless not recognized." The changing status of women after electoral enfranchisement cannot be considered as a progress. Nor can it be explained by notions such as recognition of natural rights or social justice. To Oakeshott, it was merely the result of pursuing one particular set of intimations which were already afoot. Such reasoning, then, could easily justify the total disenfranchisement of women by arguing that it is now the appropriate moment to recognize it.

[90] Ibid., p: 59.

[91] Pitkin, "The Roots of Conservatism," p: 502.

his theory of knowledge. In several essays, Oakeshott implies the ultimate impossibility of rationalistic or ideological politics. As a matter of fact, his criticism of Rationalism as a theory is futile insofar as he asserts that theory should be isolated from practice. However, notwithstanding the inability of theory in producing concrete piece of behavior, Oakeshott seems to be concerned that this erroneous theory can have practical consequences. Now, in order to avoid the apparent contradiction in his account, Oakeshott must prove that the Conservative alternative is superior to Rationalist politics in practice. This point explains Oakeshott's examples, specifically chosen from several instances of daily life, as well as his down-to-earth style of writing. But more than these, it helps the reader to understand the inherent inconsistencies in Oakeshott's account of Conservatism. Politics as conversation is destined to remain vulnerable to criticism to the extent that Oakeshott conceives philosophy irrelevant to politics and thus leave politics "with no destination to be reached or even a detectable strand of progress."[92]

Part IV: Civil Associations

i) introduction

On Human Conduct, as the most important work of Oakeshott, has been received with various and sometimes conflicting, interpretations. While for the critiques of Oakeshott, such as Pitkin and Spitz, the book is "rigidly dogmatic, assertive, and idiosyncratic almost to the point of being crotchety,"[93] or an unsatisfactory "restatement of his teaching,"[94] for his students it either presents the articulation of "several themes we

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[92] Oakeshott, "Political Education," p: 66.
[93] Pitkin, H. F. 1976. "Inhuman Conduct and Unpolitical Theory: Michael Oakeshott's On Human Conduct," *Political Theory* 4 (3): 302.
[94] Spitz, "A Rationalist *Malgré Lui*: The Perplexities of Being Michael Oakeshott," pp: 343-344.

have been following through Oakeshott's career"[95] or indicates another version " of his skepticism and of the notion of contingent relations between types of experience that he established within the metaphor of conversation."[96] Leaving aside the validity of different interpretations, *On Human Conduct* stands as the work in which Oakeshott accomplished the task of "putting together" the thoughts about political life that had occupied him "nearly as long as [he] can remember."[97]

The importance of the book for the purpose of the present study, however, is that it is only in *On Human Conduct*, Oakeshott presents his concrete political philosophy, i.e., his theory of civil associations. As Barber suggests, the work "addresses not a problem in political theory, but theory itself; it does not treat political issues, it treats with the issue of 'the political.'"[98] Therefore, this part will focus on examining the political implications of the concepts such as "*civitas*," "*universitas*," and "*societas*,"[99] rather than tracing the evidences of Oakeshott's changing understanding of philosophy.

Furthermore, it is crucial to examine the continuity between Oakeshott's essays in *Rationalism in Politics* and *On Human Conduct*. The distinction between Rationalistic and Conservative politics, discussed in the previous section, finds another expression in Oakeshott's work. Now, Oakeshott introduces his reader to a new dichotomy between *universitas*, or enterprise association, and *societas*, or civil association. The position

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[95] Franco, *The Political Philosophy of Michael Oakeshott,* p: 157.
[96] Gerencser, *The Skeptics Oakeshott,* p: 43. Gerencser criticizes Franco and Greenleaf for not acknowledging the changing notion of philosophy and overlooking the conception of conversation between diverse idioms.
[97] Oakeshott, M. 1975. *On Human Conduct.* Oxford: Clarendon Press. p: vii.
[98] Barber, B. R. 1976. "Conserving Politics: Michael Oakeshott and Political Theory," *Government and Opposition* 11: 450.
[99] Oakeshott's preference for the Latin equivalent of the concepts is not limited to the above mentioned notions. Almost all central concepts, which Oakeshott presents as the "ideal case," are presented in Latin. His aim in introducing Latin words to designate his central concepts, is for them to be "more easily detached from contingent circumstances" and less likely "to be mistaken for the characteristics of historic and equivocal" phenomena. Ibid., pp: 108-109.

favored by dispositional conservatism unfolds itself in the comparison between *universitas* and *societas*. As this part aims to show, Oakeshott's preference is on the side of the latter.

In that regard, what Oakeshott theorizes under the rubric of "moral practice," which he takes as the foundation of civil association, is in fact what he previously theorized as "tradition." His principal point is that customs, rules, and maxims, which compose a practice, are not commands to perform specific actions for the purpose of substantive ends. Since one could only subscribe to a practice, one could only subscribe to civil association. This view, though implicitly, has already been stated in *Rationalism in Politics*. However, to conceive its full political impact, one should examine *On Human Conduct*.

ii) Civitas

On Human Conduct begins with a rigorous and highly abstract attempt to come to grips with the fact that human associations take many forms. Our confusion stems from this variety, and especially from the tendency to confound these 'modes'. As he cautions:

> There are, then, two categorically discrete modes of human relationship to be reckoned with: the one substantial, concerned with the satisfaction of chosen wants from which an agent may extricate himself by a choice of his own, the other formal and in terms of the considerations which compose a practice.[100]

The first mode includes the whole range of voluntary associations that we create in pursuit of our various enterprises:

> Agents thus related may be believers in a common faith and concerned or not concerned to propagate it, or they may be partners in a productive undertaking (a bassoon factory); they may be comrades or allies in the promotion of a 'cause', colleagues, expeditionaries, accomplices or conspirators; they may be joined in

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[100] Ibid., p: 121.

belonging to the same profession or in having the same trade ... The ties of this association may be close like those of a corporation; or they may be looser ties of partnership or alliance.[101]

In his account, then, all enterprise associations exist for specific purposes. The prodigious variety of human enterprises suggests that society is composed of an almost infinite number of purposive associations. Indeed, most human energies are channeled into associations of this sort: "of all durable human relationship[s] it [enterprise association] is the most familiar."[102]

By contrast, the second mode of human relationship – civil association – is not a purposive association of individuals gathered together in the pursuit of some communal good. What Oakeshott terms 'civil' association or the *civitas* is characterized as a "moral association." Rather than being sustained – like a chess club, church or bowling league – by some overarching enterprise shared by all of its members, 'civil association' is defined by the acknowledgment on the part of its members (or *cives*) of the moral conditions to be subscribed to in their conduct. Properly speaking, civil association "is not concerned with the satisfaction of wants and with substantive outcomes but with the terms upon which the satisfaction of wants may be sought."[103] In other words, the characteristic of a morality is that "it is not instrumental to the achievement of any substantive purpose or the satisfaction of any substantive wants," not even to such generalized purposes as "common good," "the human good," or "human excellence."[104]

Instead, Oakeshott suggests that moral practice acts like a language "in being an instrument of understanding and a medium of intercourse, in having a vocabulary and

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[101] Ibid., p: 114.
[102] Ibid., p: 117.
[103] Ibid., p: 174.
[104] Ibid., pp: 60-62.

syntax of its own, and in being spoken well or ill."[105] It is the vernacular character of a

moral conduct that Oakeshott wants to bring forward. Like the use of daily language, the

language of a moral conduct has "room for the individual idiom, affords opportunity to

inventiveness, it may be spoken pedantically or loosely, slavishly or masterfully; it has

rhythms which remain when the words are forgotten (…) the ill-educated speak it

vulgarly, the purist inflexibly, and each generation invents its own slang."[106] A morality,

Oakeshott claims, is not something above our daily existence; rather, it is a medium for

conduct without which no action or utterance could take place.

Oakeshott, later in the essay, repeats the argument that vernacular language of

intercourse constitutes the essential character of the civil condition. "The language of

civility," he accepts, may not be spoken on every occasion; nevertheless "it is never put

by," and "there is no situation *inter homines* to which it cannot relate." Therefore he

concludes that,

> the investigation of this condition has flourished only when it has been tied to a
> reading of its character in it is recognized as agents exploring their relation in
> terms of a language of understanding and intercourse which is native to and is
> continuously re-enacted by those who use it.[107]

Having stressed the vernacular character of a moral practice, Oakeshott goes on to

consider another aspect of morality: moral rules. Civil association, according to him, is to

be understood not as a moral practice, but as a special kind of moral practice. *Civitas* is

"composed entirely of rules; the language of civil intercourse is a language of rules;

civitas is a rule-articulated association."[108] Oakeshott is aware that rules in general and

moral rules in particular are "abridgements" of a concrete practice; they "concentrate into

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[105] Ibid., p: 62.
[106] Ibid., p: 65.
[107] Ibid., pp: 123-124.
[108] Ibid., p: 124.

specific precepts considerations of adverbial desirability which lie dispersed in moral language."[109] In this way general moral considerations or "intimations" are transformed into relatively precise prescriptions. Oakeshott is quick to warn against the Rationalist tendency to attribute moral conduct an inevitable instrumental role. He argues that it is only possible insofar as they are abstracted from the concrete vernacular language from which they derive.

Nevertheless, Oakeshott is strictly against the idea that a moral practice, which constitutes the foundation of civil association, should be guided by instrumental purposes. Against this threat, Oakeshott makes a distinction between moral practices in general and civil association as a special moral practice. Unlike *civitas* other moral practices do not share its exclusively rule-articulated character. As opposed to general moral considerations, the rules that comprise civil association are not to be regarded simply as an abridgement of morality. Civil association has to be regarded as a genuine morality and a living tradition, not as an abridgement or a code.

An apparent ambiguity surfaces in Oakeshott's distinction of moral practices in general and civil association in particular. It seems that the only way to understand Oakeshott's point clearly is to revisit his claim that what distinguishes civil association is the lack of substantive purposes in its formation. *Civitas* does not pursue any common purposes. Nor is it directed in terms of common actions or utterances. Even though a moral practice is common to both civil association and enterprise association, Oakeshott seems to think that the moral rules that form civil association are more precisely formulated. That is to say those common purposes such as happiness and excellence, security and peace are too general and indeterminate to constitute objectives capable of

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[109] Ibid: p: 66.

guiding action. Even as one cannot seek happiness but only specific satisfactions, civil association cannot pursue security in the abstract but only enforce specific laws. Therefore the moral rules that comprise civil association differ from other moral considerations,

> in being subject to enactment, repeal and alteration in an authorized procedure, in that the conditions they prescribe are narrower, less demanding, and more precisely formulated, in there being an authoritative procedure for determining whether or not an agent in acting has adequately subscribed to these rules, and in there being known penalties attached to inadequate subscription and an apparatus of power to enforce them.[110]

The *differetia* of civil association is, then, the characterization of *civitas* in terms of non-instrumental moral rules. Once again, Oakeshott is alert against the Rationalistic interpretation of the concept of rules. Moral rules, by nature of being a practice, are accepted as "authoritative" or "binding" and they are not "instrumental to the achievement of any substantive purpose or to the satisfaction of any substantive part."[111] As such, civil association cannot be understood or identified as enterprise association. Oakeshott contends that it can only be a practice-based or moral association. There seems to be a veiled dualism that shapes Oakeshott's understanding of moral practices. He seems to think that a practice is either a means to a purpose or inherently binding. While the former is attached to the character of enterprise association, by introducing non-purposive moral rules Oakeshott neatly ties *civitas* to the latter form. However, it is difficult to see how the dualism can be sustained. As Oakeshott says, men are purposive beings engaged in seeking substantive satisfactions. Hence, practices and purposes are interdependent and constitute a single whole. When detached from the other, each

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[110] Oakeshott, M. 1976. "On Misunderstanding Human Conduct: A Reply to My Critics," *Political Theory* 4(3): 366.
[111] Oakeshott, *On Human Conduct*, pp: 60, 62.

becomes what Oakeshott in another context calls an "ideal extreme" or "unintelligible abstraction."[112] It is therefore difficult to see how a practice can be defined and discussed in total dissociation from the context of human purposes and satisfactions. Furthermore, the consequences of such a characterization are significant in term of politics. Before jumping to the consequences, however, one should further examine the nature of the rules.

Rules constituting the civil association are of various kinds. Common to all are four fundamental features; namely, being authoritative, possessing a general and abstract nature, prescribing adverbial considerations, and the common recognition by subject. This last feature, according to Oakeshott is "the most important postulate of *civitas*," and it requires that civil rules, i.e., *lex*, are the sole terms in which *cives* are related. [113]

This entire system of interrelated rules, Oakeshott calls "*respublica:* the public concern or consideration of *cives*." Civil association is constituted by the common recognition of the authority of *respublica*. Oakeshott observes, "what relates *cives* to one another and constitutes civil association is the acknowledgement of the authority of *respublica* and the recognition of subscription to its conditions as an obligation."[114] In relation to *respublica, cives* put by all that differentiates them from one another and acknowledge themselves as formal equals. Qua *cives,* they share nothing in common except the "practice of civility," and have no obligations to one another save to be civil or civilly just. They are not partners or comrades in an enterprise with a common purpose, but participants in a common practice defined by formal rules. Of all the rules constituting *respublica,* the *lex* is the most important. It is unique to civil association and

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[112] Oakeshott, "Rationalism in Politics," p: 29.
[113] Oakeshott, *On Human Conduct*, p: 128.
[114] Ibid., p: 149.

its very basis. *Lex* is not a mere collection but a self-contained and internally co-ordinated system of rules enacted by the highest law-making authority. It prescribes the rights and responsibilities of *cives* and unites otherwise unrelated men. *Lex* lays down norms of conduct which, like all general norms, do not enjoin specific actions but only describe the conditions to be subscribed to by *cives* in making their choices of actions and utterances and in terms of which their choices may be civilly justified or indicted. *Lex* cannot be obeyed or disobeyed, only subscribed to or not subscribed to.

Oakeshott suggests that civil rules have three essential postulates: authority, obligation and politics. A civil association needs to ensure that its *lex* is adequately subscribed to by its *cives,* and therefore requires "ruling" and an "apparatus of rule." Unlike legislation which only lays down conditions of general subscription and does not deal with substantive actions by specific persons, ruling requires or forbids an identified person to engage in a specific action. Ruling consists of two types of activity. Firstly, *lex* needs to be interpreted and applied to contingent situations to determine if a *cives* has adequately subscribed to it. That is, it requires 'adjudication', which results in a "ruling" based on *lex.* Secondly, the prescriptions of *lex* need to be administered. This consists in "policing" civil association by engaging in such activities as detecting and preventing crimes, maintaining order and enforcing the law. For Oakeshott, law-making and ruling are the two most basic activities of civil association. He cannot see why except for the threat of war, civil association should need the all-too-familiar executive apparatus.

For Oakeshott *cives* have an obligation to observe *lex* because it is made by authorized men according to established procedures. To recognize an authority is to accept an obligation to subscribe to its norms of conduct. Civil laws are morally binding

because they are authoritative. A *cives* need not approve of them, that is, believe that they are right or good. He need only recognize their authority and adequately subscribe to their prescriptions.[115] His approval or disapproval is entirely irrelevant to the authority of a law and neither increases nor decreases his obligation to observe it.[116] *Respublica* is not a perfectly rational construction. Nor does it claim to be one. Instead, it is

> A manifold of rules, many of unknown origin, subject to deliberate innovation, continuously amplified in judicial conclusions about their meaning in contingent situations, not infrequently neglected without penalty, often inconvenient, neither demanding nor capable of evoking the approval of all they concern, and never more than a very imperfect reflection of what are considered to be "just" conditions of conduct.[117]

Notwithstanding the varying importance and degree of dependence on other each other, rules are all interlocked and interdependent. Rules constituting the *respublica*, then, derive their authority from each other. It may be asked how *respublica* derives its own authority. In Oakeshott's view its authority is derived from the "continuous acknowledgement of *cives*," an acknowledgement expressed not in their acts of obedience but in their recognition of the obligation to subscribe to its prescriptions.[118] If they were to cease recognizing its rules as binding upon them, its authority would lapse. The authority of *respublica* is not a once-and-for-all endowment made by *cives* at some specific point in time as some contractualists naively imagined, but the result of a slow

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[115] Ibid., p: 158.

[116] Oakeshott's strict distinction between the authority of *respublica* and the desirability of its conditions is a clear sign of Hobbes's influence on his understanding of politics. Hobbes, too, argues that the authority of law does not rest on its being found desirable or true; it rests solely on its being executed by a sovereign ruler. In the following chapter, we will return to the close affinity between Oakeshott's and Hobbes's theories of politics.

[117] Ibid., p: 154.

[118] One of the stark differences between Schmitt and Oakeshott is that, while the former explained the logic of sovereign authority with protection/obedience formula, the latter, by transforming the role of "will" from the sovereign to the subjects, constructs authority on the basis of recognition/obligation formula. To Oakeshott, civil authority and obligation do not compromise the moral autonomy of human beings since they relate to *lex* only to the extent that *lex* does not specify substantive actions but only adverbial considerations. He admits that "authority and obligation do not argue or ask to be approved (...) But their prescriptions are not expression of "will" and their injunctions are not orders to be obeyed." Ibid., p: 157.

and painful historical process. European states took centuries before they were able to establish a single legitimate and universally acknowledged civil authority within their territorial boundaries. In another striking example Oakeshott explains his view by looking at the manner in which the Marylebone Cricket Club was founded. Established in 1787 as a private club with no power to enforce its decisions, the gradual acquirement of complete authority over the rules of cricket provides an instructive analogue, according to Oakeshott.[119]

In sum, Oakeshott concludes, rules constituting the *respublica* are obligatory because of their authoritative nature; and *cives* need not evaluate and approve of them. However, they may wish to examine, criticize, and replace them by other rules. Oakeshott calls such deliberations by which *cives* seek to influence the legislative authority "politics". Being the third postulate of civil association, politics is concerned with the rules of *respublica,* the "conditions of civility," and basically consists in private persons negotiating with the occupants of legislative office. It is at once both an acquiescent and a critical activity; it accepts the authority of *respublica* and criticizes its specific rules. Most importantly, it restricts the desirabilities in terms of which *respublica* may be deliberated to *civil* desirabilities, to *bonum civile*. Oakeshott contends that

> [E]ngagement in politics entails a disciplined imagination. (...) It is to forswear the large consideration of human happiness and virtue, the mysteries of human destiny, the rift that lies between the aspiration of human beings and the conditions of human life, and even the consideration of the most profitable or least burdensome manner of satisfying current wants, and to focus attention upon civility; that is, upon a practice of just conduct and the conditions which should be required to be acknowledged and subscribed to under threat of civil penalty or sentence of civil disability.[120]

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[119] Ibid., p: 154. But, one should ask; is not a cricket club an example of enterprise association and hence a contradiction?
[120] Ibid., p: 164.

A political proposal cannot be concerned with such objectives as creating a perfect society or bettering the lot of mankind (for civil association is not enterprise association), nor with distributive justice (for civil authority has "nothing to distribute"), nor the "interest of the community" (which "for me does not exist"), nor with imposing specific moral beliefs (for civil association is only concerned with rules of conduct).

Civil morality is autonomous and distinct from personal and social morality. Unlike them, it is backed by force, deliberately enacted, and concerned only with the civil aspect of human conduct. Oakeshott does not specify the positive considerations in terms of which civil morality may be debated beyond saying that a civil rule should be equally applicable to all *cives,* enforceable, on balance beneficial, and coherent with prevailing practices. In his view it is a rationalist fallacy to believe that one can discuss political proposals in terms of abstract principles and ideals, for, among other things, such ideals are too general and indeterminate to be integrated into the ongoing life of a community. Politics is correction of incoherence, not pursuit of perfection, and therefore a political proposal must be "intimated" by the established tradition of behavior or, as he now puts it, show regard for the "etymological decencies and syntactical proprieties" of the prevailing vernacular language of civil intercourse.[121]

One could trace the evidences of Oakeshott's favored conservative disposition in *Rationalism in Politics* in *On Human Conduct*. He is concerned to show that political deliberation is a contingent and circumstantial engagement, not a demonstrative or deductive one.[122] This position has already been elaborated in the previous part. Nonetheless, it is only here that Oakeshott most clearly reflects on the actual implications

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[121] Ibid., p: 180.
[122] Ibid., p: 173.

of such concerns. Once again he rejects natural law and unconditional principles as criteria for political deliberation, and he defends instead a more historical understanding of the process in political activity.

Accordingly, to Oakeshott, politics may occur in civil association, but need not, as it adds nothing significant to civil life. Civil association exists to provide civil freedom, that is, freedom to pursue only those purposes that one has chosen for oneself and to be restrained by nothing save general and formal civil norms of conduct. This freedom is neither increased by the freedom to participate in political deliberation, nor diminished by its absence. Those who have participated in the making of a law do not enjoy any more freedom than those who have not. Both alike have equal obligation, namely to subscribe adequately to the prescriptions of *lex*, and equal freedom, namely to pursue their self-chosen purposes within the framework of the law.[123]

With this conclusion, Oakeshott finalizes his analysis of *civitas*. However, his understanding of politics is not free from complexities. "The formalism of his theory"[124], as Pitkin observes, or "the procedural character of politics"[125] as Barber suggests, leaves the reader with an unsatisfactory account of politics. As pointed out before, the alleged dualism between purposive and binding character of civil association necessarily requires Oakeshott to treat politics as second-rate activity with no effective impact in the formation of *civitas*. Civil society is based on rules, and unlike moral practices, rules are deliberately made for specific reasons. While Oakeshott is right to argue that not all reasons are in the form of purposes, the latter constitute some of the important reasons for

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[123] Ibid., p: 314.
[124] Pitkin, "Inhuman Conduct and Unpolitical Theory: Michael Oakeshott's On Human Conduct," p: 306.
[125] Barber, "Conserving Politics: Michael Oakeshott and Political Theory," p: 458-459

making rules. He is right to stress that civil society is *constituted* in terms of authority not purpose; but wrong not to appreciate that its *conduct* is necessarily purposive in nature.

Once it is recognized that civil authority necessarily pursues substantive purposes, the whole realm of politics, which Oakeshott regards as a contingent feature of civil association, assumes considerable importance. Civil association requires politics as its necessary basis. Since a political society implies common commitment to a government based on public debate and discussion and a general consensus on a broad range of purposes which it is proper for the government to pursue, it increasingly becomes a political community sharing in common not only the *respublica* but also a way of life and a collective concern for the moral and social well-being of its members.

CHAPTER VI: Oakeshott's Leviathan

Part I: Introduction

Besides being widely recognized as one of the most significant figures of contemporary political philosophy, Oakeshott had a special place among Hobbes scholars. As Franco rightly points out, "Hobbes is the political philosopher about whom Oakeshott has written the most; and it is upon his interpretation of Hobbes that Oakeshott's reputation still to a large extent rests."[1] His writings, in all six essays on Hobbes or Hobbes interpretations[2], compose an important part of Oakeshott's entire corpus. Therefore, it is not surprising that Oakeshott is most commonly associated with not with Hegel, Bradley, Bosenquet, and the idealist tradition, but with Hobbes and especially the English defense of tradition.

Hobbes, for Oakeshott, was primarily a philosopher. His analysis of politics is made from a standpoint of a philosopher, and thus his political philosophy is not something as time-bound as common sense. Therefore, according to Oakeshott, Hobbes must first be recognized as a philosopher in order to understand his political philosophy.

The main significance of Hobbes for Oakeshott lies in his radical break with the rationalism of Plato and Aristotle and the natural law tradition flowing out of them, and his revolutionary movement of will to the center of political philosophy. According to Oakeshott the originality of Hobbes's philosophy springs from his conception of will, the individual will, as the basis of the state. Will here takes the place of reason as the master-conception of politics. For Hobbes, reason is always hypothetical, never categorical; it is

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[1] Franco, *The Political Philosophy of Michael Oakeshott*, p: 88.
[2] Four of these articles, "Introduction to *Leviathan*," (1946) "The Moral Life in the Writings of Thomas Hobbes,"(1960) "Dr. Leo Strauss on Hobbes," (1937) and "*Leviathan*: a Myth" (1947) are reprinted in *Hobbes on Civil Association*. "Logos and Telos," (1974) is available in *Rationalism and in Politics and Other Essays*.

therefore incapable of imposing duties or obligations. Legitimate authority can only derive from an act of will on the part of one who is obligated, that is from individual consent. No philosopher, according to Oakeshott, not even Locke, has so emphatically made will or consent the basis of political authority.

Even this general overview of Oakeshott's interpretation of Hobbes indicates the significant difference between the conventional reading and his reading of the English philosopher. On a traditional reading of Hobbes, his philosophy would be considered a materialist one. As Greenleaf explains this view, "the traditionalist case, or orthodox interpretation of Hobbes, is that he is a materialist imbued with ideas of the 'new' natural science and that he methodologically applies its themes and procedures to the elucidation of civil and ethnical theory."[3] Oakeshott, on the other hand, exceptionally establishes his interpretation of Hobbes by directly challenging the fundamental belief of Hobbes's materialism. "Two views" of Hobbes's philosophical system, writes Oakeshott in his "Introduction to Leviathan," "it appears, between them hold the fields at the present time. The first is the view that Hobbes's philosophy is a doctrine of materialism (...) A mechanistic-materialist politics is made to spring from a mechanistic-materialist universe."[4] The second view about his system, according to Oakeshott, maintains that while Hobbes intended such a materialistic understanding of nature, and thus also of politics, he was not successful. That is, even though a coherent materialist or mechanistic philosophy was attempted, Hobbes did not succeed in achieving it. This second view, according to Oakeshott, maintains that "the joints of the system are ill-matched, and what

[3] Greenleaf, W. H. 1972. "Hobbes: the Problem of Interpretation." In M. Cranston and R. S. Peters. (eds.) 1972. *Hobbes and Rousseau*. New York: Anchor Books. p: 6.
[4] Oakeshott, M. 1946. "Introduction of *Leviathan*," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund. 1991. p: 235.

should have been a continuous argument, based on a philosophy of materialism, collapses under its own weight."[5]

Each of these views misunderstands Hobbes's political philosophy, since for Hobbes, "to think philosophically is to reason; philosophy is reasoning."[6] Because Hobbes expresses his understanding of reasoning in terms of physical causes and effects, he has been misconceived as a materialist and mechanist. For Oakeshott the truth is the opposite of this view. He holds, Hobbes "does not say that the natural world is a machine; he says only the rational world is like a machine."[7]

The analogy of 'machine' has a central role in understanding Hobbes's conception of philosophy and Oakeshott's interpretation of *Leviathan*. The machine example, Oakeshott asserts, is used to indicate the relationship between science and philosophy in Hobbes's mind. In his introduction, he writes "in the writings of Hobbes, philosophy and science are not contrasted as *eo nominee* (...) Indeed Hobbes normally uses the word science as a synonym for philosophy: rational knowledge." Therefore, according to Oakeshott Hobbes's distinction between philosophy and science can only be understood in terms of the difference "between the knowledge of things as they appear and enquiry into the fact of their appearing, between a knowledge (with all the necessary assumptions) of a phenomenal world and a theory of knowledge itself."[8] Clearly the example of machine precisely refers to such a distinction; while the scientist actually took the world to be a machine, Hobbes understood the world on the analogy of a machine.

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[5] Ibid., pp: 235-236.
[6] Ibid., p: 236.
[7] Ibid., p: 238.
[8] Ibid., p: 239.

What this subtle distinction indicates is indeed a fundamental one, since the analogy is used as the result of reasoning not as an assumption about the world.

Consequently, Oakeshott claims, it would be a mistake to see Hobbes's political writings as scientific; instead they are philosophical. This final argument of Oakeshott on Hobbes's conception of philosophy also constitutes a challenging answer to the orthodox claim that Hobbes attempts a materialist-mechanist view, but he fails to endeavor. For Oakeshott, those who put forward this view have misunderstood what to expect from a philosophical system. "What is expected here is that a philosophical system should conform to an architectural analogue. [However] the coherence of [Hobbes's] philosophy, the system of it, lies not in an architectonic structure, but in a single 'passionate thought' that pervades its parts."[9] Oakeshott states that Hobbes's understanding of political is not a construction upon the philosophical doctrine of materialism; rather it is related to his system of philosophy "because it is philosophical."

The established contrast between the philosophy and science, in Oakeshott's account, also refers another important distinction from the orthodox interpretations of Hobbes. The alliance of Hobbes's philosophy with the beginnings of modern science puts him into a tradition following Bacon's empirical and inductive science. However, as discussed above, Oakeshott rejects any simple relationship between Hobbes's understanding of philosophy and modern empirical science. For Oakeshott, Hobbes is not one of the founders of a new philosophy of materialism or scientific mechanism, but one of the last of the medieval, Scotist nominalists.[10] It is there, within a tradition of scholasticism, nominalism, and a brand of skepticism, that Oakeshott places Hobbes. In

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[9] Ibid., p: 236.

[10] Coats, W. J. 2000. *Oakeshott and His Contemporaries: Montaigne, St. Augustine, Hegel, et. al.* London: Associated University Press. p: 110.

other words, instead of understanding Hobbes as a revolutionary against this scholastic tradition, Oakeshott claims that he is indeed its inheritor: "[Hobbes's] conception of the nature of philosophy and of the philosophical argument was much more nearly related to that of Scholasticism than the view of Bacon and his successors."[11]

It is important to understand that by placing Hobbes into a tradition of scholasticism, Oakeshott draws the frame of his interpretation. It is a tradition of thinkers from St. Augustine through the medieval British nominalists, to Montaigne, Pascal, and on to Kant, a tradition supremely aware of the limits of philosophic reason. Thus, the fundamental reason behind interpreting Hobbes's methodology out of the orthodox school is precisely for pointing out his skepticism; "in an age of skeptics he was the most radical of them all"[12] simultaneously with his nominalism.

Therefore, it is in this frame that one should examine the affinity between Hobbes's politics and Oakeshott's civil philosophy. To that end, in the following part Hobbes's influence as a political philosopher will be discussed. Oakeshott's remarkable interpretation of the relation of civil philosophy to a system of philosophy in Hobbes's establishment is perfectly harmonious with his own position. By revisiting Oakeshott's notions of *civitas*, this part aims to reveal that theory of civil association presented in *On Human Conduct* presents a more sophisticated form of conservatism in politics by successfully incorporating Hobbes's notion of law-making authority into the legalistic structure of *civitas*. Nevertheless, Hobbes's impact on Oakeshott is not limited to his political theory. A quick reading of Oakeshott's essays concerning the problem of

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[11] Oakeshott M. 1935. "Thomas Hobbes." *Scrutiny* (4): 286.
[12] Oakeshott, "Introduction to *Leviathan*," p: 230.

individuality would reveal the influence of Hobbes on his moral theory. To Oakeshott *civitas* is not only a political notion, but moral as well.

Part II: Hobbes as a Political Ground

"It may be said, then, that Hobbes was not an absolutist precisely because he is an authoritarian. His skepticism about the power of reasoning, which applied no less to the 'artificial reason' of the Sovereign than to the reason of the natural man, together with the rest of his individualism, separate him from rationalist dictators of his or any age."[13] In this striking passage, Oakeshott connects his emphasis upon Hobbes's skepticism with his interpretation of Hobbes's political thought. For Oakeshott, Hobbes was not an absolutist, because his skepticism served to undermine the certainty on which absolute claims could rest. By labeling Hobbes, he reveals authority as the central concept of his reading of Hobbes's political philosophy.

Briefly, Oakeshott's interpretation of Hobbes's political thought reads as follows: civil society is the only condition in which human have obligation, the only situation in which concepts such as justice and injustice have meaning, the only place where law binds them. Only in civil society can one find an authority that can create obligation, duty, and law. The sovereign possesses this authority because it has been authorized by those under its jurisdiction: it is the product of their wills, created and maintained to exercise authority. In civil society, the only source for the duties that subjects posses and the laws that bound them is the acknowledgement of the authority of the sovereign. The laws of nature, thus, are merely prudential recommendations of reason; even when these

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[13] Ibid., pp: 282-283.

are understood as God's law revealed in scripture, they obligate only within civil society once they are promulgated by the sovereign authority as binding.

If this brief reading of Oakeshott's interpretation of Hobbes's political theory is correct, then it is plausible to argue that Oakeshott models his theory of civil society after Hobbes's. To begin with Oakeshott uses the Hobbesian terminology of *civitas* for the ideal condition of civility, *cives* for the personae related in this manner, *lex* for the terms of their relationship, and *respublica* for the comprehensive conditions of association. Moreover, Oakeshott is also following Hobbes in understanding the civil condition as an "artifact:" civil association is an understood relationship of intelligent agents.

Hobbes's authoritarianism does not require the unanimity of the common will for the unity of *civitas* lies solely in the system of rules that binds its subject. Therefore key to understanding Oakeshott's notion of authority is the formal conditions of civil association, i.e., *lex*. He sees three important postulates in *lex*: legislation, adjudication and ruling. It is no coincidence that these cardinal elements of civil law could be found in the pages of *Leviathan*.

Legislation, to start with, is the procedure in which new *lex* is enacted or current *lex* is amended or repealed. In any event, legislation is of importance in the civil condition, because *lex* is "the life of civil association."[14] In Hobbes's words, "Commonwealth is the legislator."[15] Therefore, *civitas,* understood in terms of a system of laws, is an emblem of human responsibility which may be alterable to the extent that

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[14] Ibid., p: 277.
[15] Hobbes, *Leviathan*, II, 26, 313.

legislation is a procedure of legal innovation by means of which civil association can enjoy its durability.[16]

However, even if "the Legislator [is] known; and the Lawes, either by writing, or by the light of Nature, sufficiently published; there wanted yet another very materiall circumstances to make them obligatory. For it is not the Letter, but the Intendment, or Meaning; that is to say, the authentique Interpretation of the Law (which in the sense of the Legislator) in which the nature of the Law consisteth."[17] In other words, adjudication is the procedure in which the meaning of *lex* can be deciphered significantly, justifiably, and appropriately. Oakeshott agrees with Hobbes that in the civil condition the "faculty" of adjudication is exercised in the court of law.[18] He concludes that "in a court of law, the 'judge' is not an arbitrator in a conflict of interests, he is the custodian of norms of *lex*."[19] Oakeshott clearly follows a Hobbesian line of argument:

> "The Interpretation of the Law of Nature, is the Sentence of the Judge constituted by the Soveraign Authority, to heare and determine such controversies, as depend thereon; (...) And the Sentence he giveth, is therefore the Interpretation of the Law of Nature; which Interpretation is Authentique; not because it is his private Sentence; but because he giveth it by Authority of the Soveraign."[20]

In other words, for both Hobbes and Oakeshott, since in civil association no common good is pursued, the opinion of the "judge" is merely concerned with the maintenance of a system of moral considerations which are indifferent to any interest in procuring substantive purposes.

Finally, the condition of ruling must appear in civil association. In a nutshell, to rule is to require an identified agent to make a specified choice in an assignable situation,

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[16] Oakeshott, *On Human Conduct*, pp: 138-141.
[17] Hobbes, *Leviathan*, II, 26, 321-322.
[18] Oakeshott, "Introduction to *Leviathan*," p: 263.
[19] Okaeshott, *On Human Conduct*, pp: 132-133.
[20] Hobbes, *Leviathan*, II, 26, 323.

that is, to administer the prescriptions of *lex*. "The Author, or Legislator is supposed in every Common-wealth to be evident, because he is the Soveraign, who having been Constituted by the consent of every one, is supposed by every one to be sufficiently known."[21] However, because ruling is the exercise of authority deriving from *lex* which is not the rule-book of an enterprise, those administrating rules "are not managers, arbitrators between claims or merits of conflicting interests, *largotors* or patrons of preferred interests" but "office-holders with powers and obligations concerned with the observance of a procedure."[22]

Put together, then, the notion of *lex* postulates an "apparatus of rule" in civil association and Oakeshott calls this system of condition as *respublica* which indifferent to a common good, is "a manifold of rules and rule-like prescriptions to be subscribed to in all the enterprise and adventures in which the self-chosen satisfaction of agents may be sought."[23] The revealed Hobbesian legalism that shapes the postulates of *lex* appears as the main reason for the purposeless characteristic of Oakeshott's civil association.

According to Hobbes the authority of *civitas* is required for the common peace and safety; or alternatively the condition of peace and safety is the effect of

> a covenant of every man with every man, in such a manner, as if every man should say to every man, *I authorize and give up my rights of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all actions in life manner.*[24]

Nevertheless, as Oakeshott puts it, in Hobbes the covenant is "to erect" and maintain a "sovereign" civil authority, not to unite covenanters in pursuit of a common

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[21] Ibid., II, 26, 320.
[22] Oakeshott, *On Human Conduct*, p: 144.
[23] Ibid., p: 148
[24] Hobbes, *Leviathan*, II, 17, 227.

substantive enterprise. [25] In other words, Hobbes's civil association does not pursue a *summum bonum* such as peace and safety, the contract to establish a sovereign does that. Hence, in *Leviathan* there is a difference between the desire for peace and safety as the motivation to get out of the state of nature in which every man is against every other man, and the task of civil association, commonwealth or state itself is to produce civilization. Thus, according to Oakeshott, Hobbes can have the unity necessary to maintain the authority of the *civitas* without proposing substantive benefits to its subjects.

The reason to refrain from an all-purpose *civitas* lies in the problem of individuality in Hobbes's theory of civil association. Oakeshott wrote in his earlier consideration of Hobbes that "what is remarkable in Hobbes's doctrine of authority [is] that it finds no place whatsoever for authority except in the control of men's actions."[26] This comment essentially brings us to the opening remark of this part: to Oakeshott Hobbes is not an absolutist. He contends that while Hobbes understood the need for authority to regulate actions, he did not advocate for control of thoughts and feelings. It is for this reason that, Oakeshott argues later, "it is Reason, not Authority, that is destructive of individuality."[27] Reason expects conformity of the mind to its process and to its results; authority expects only conformity of actions to the rules it commands. Furthermore, Oakeshott asserts, reason is a very limited faculty; one which must be supplemented by habit. Reason, hence, is only effective in the context of, within the horizons set by, the myth of civilization.

Nonetheless, Oakeshott's unique interpretation of Hobbes leaves two crucial questions regarding the role of authority: the limits of authority and the power of the

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[25] Oakeshott, *On Human Conduct*, pp: 232-233.
[26] Oakeshott, "Thomas Hobbes," p: 276.
[27] Oakeshott, "Introduction to *Leviathan*," p: 282.

sovereign. In developing his authoritarian Hobbes, Oakeshott ignores the passages of *Leviathan* where Hobbes suggests that authority may, perhaps, must control both actions and thoughts. For instance, in describing the right of the sovereign to "Judge of what Doctrines are fit to be thought," Hobbes claims "for the actions of men proceed from their Opinions and in the well governing of opinions consists the well governing of men's Actions."[28] Hobbes does not limit this to those matters that affect peace, but again, the sovereign is sole judge of which those are. Oakeshott argues, on behalf of Hobbes that "law as the command of the sovereign holds within itself a freedom absent from law as Reason or custom,"[29] in doing so, he disregards Hobbes's empowerment of the sovereign to determine custom.

In a similar vein, Oakeshott seems to pay no attention to the notion of power. He speaks of various rights of the sovereign office, and of course its authority, and earlier even of its duties however, Oakeshott's only significant comment on power is that he notes that the founding institution "is a covenant not merely to transfer a right (...) but to be continuously active in supplying the power required to exercise it –for the Office can have no resources of its own."[30] Over and over again in *Leviathan* Hobbes maintains that it is power that ensures that promises are kept, contrasts are maintained, and covenants are valid. A famous example from the opening page of Part II "Of the Common-Wealth" illustrates the importance of power for Hobbes: "For the Lawes of Nature of themselves, without the terrour of some Power, to cause them to be observe, are contrary to the naturall Passions. And Covenants without the Sword, are but Words, and of no strength

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[28] Hobbes, *Leviathan*, II, 18, 233.
[29] Oakeshott, "Introduction to *Leviathan*," p: 282.
[30] Ibid., p: 260.

to secure a man at all."[31] For Oakeshott's purposes, however, the importance of *Leviathan* is not that it is a consideration of power, but that it is a reflection upon what exercises of power by whom are authoritative. In any event, while Hobbes writes often not only of the authority of the sovereign, but also of the significance of its power, Oakeshott passes by this latter dimension of Hobbes's argument.

Oakeshott's treatment of Hobbes is not only limited to his theory of civil associations. He once declared that Hobbes's *Leviathan* is "the greatest, perhaps the sole, masterpiece of political philosophy written in the English language."[32] And it is in his reading of Hobbes's philosophy that Oakeshott sets forth most clearly his views on the nonrational and moral elements of human life and reasoning. However, one should turn to Oakeshott's moral theory to further elucidate Hobbes's influence on Oakeshott's understanding of human predicament.

Part III: Hobbes as a Moral Ground

In "The Moral Life in the Writings of Thomas Hobbes," Oakeshott tells us that, "in Hobbes's vocabulary the words 'good' and 'evil'" had no moral connotation. These words merely denoted, respectively, objects of human appetite and aversion. "When Hobbes said: 'Reason declares peace to be good', he did not mean that all men ought to promote peace, but only that all sensible men will do so."[33]

Oakeshott's Hobbes seems to have constructed a purely rational system; a system that prescribes nothing, but attempts to show what it is that reason "dictates" without

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[31] Hobbes, *Leviathan*, II, 17, 223.

[32] Oakeshott, "Introduction to *Leviathan*," p: 223.

[33] Oakeshott, M. 1962. "The Moral Life in the Writings of Thomas Hobbes," Republished in M. Oakeshott. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund. 1991. p: 310.

"obligating". Peace is the proper goal of humanity, and both good and evil are defined thereby. Definitions tell us what is reasonably the case. But no transcendent moral judgment is implied by a definition; for Oakeshott's Hobbes, no moral standard may be invoked until the covenant has been entered into.[34]

But Oakeshott's Hobbes was not concerned only with a rational construct. His "project was to display a theory of obligation consistent with the tenets of his general philosophy and with his reading of human nature; and also to show his contemporaries where their civil duties lay and why they lay there, in order to combat the confusion and anarchical tendencies of current thought and conduct."[35] These two projects, according to Oakeshott, are contradictory as presented in Hobbes's writings. But this contradiction was probably not the result of mere confusion, but "artful equivocation."[36] Hobbes had "two doctrines, one for the initiated (those whose heads were strong enough to withstand the giddiness provoked by his skepticism)" and the other for ordinary men who must be spoken to in more familiar terms, with novelties made to appear as commonplaces.[37]

There is a distinction between sufficient causes of and justifications possible for human action. Properly instituted, laws obligate because this is what reason dictates. But, if he is to convince men to act in accordance with this rational precept, Oakeshott's Hobbes must address what is definitely not rational in man. Even a philosopher is at least in part a creature of passion; namely pride. And passion, if it is not tamed, will make proper reasoning impossible. Thus "pride, even when it does not degenerate into vain-

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[34] Oakeshott, "Introduction to *Leviathan*," p: 232.
[35] Oakeshott, "The Moral Life in the Writings of Thomas Hobbes," p: 337.
[36] For Oakeshott moral conduct is strictly an art, not nature. He defines it as "the exercise of an acquired skill." Ibid., p: 296.
[37] Ibid., pp: 337-338.

glory, is too dangerous a passion to be allowed, even if its suppression somewhat dims the brilliance of life."[38]

Civil association is not a matter of form; it may be monarchical, aristocratic or democratic: "Reason gives no conclusive answer, but tells us only that the main consideration is not wise but authoritative rule."[39] The purpose of the state, for Oakeshott's Hobbes, is to establish and preserve peace, and peace requires, not a particular form of politics, but agreement to abide by the rules of the given form of politics. Indeed, for Oakeshott, Hobbes's "skepticism about the power of reasoning (...) together with the rest of his individualism" led him to conclude that "moral authority derives solely from an act of will of him who is obliged, and (...) since the need for authority springs from the passions of men, the authority itself must be commensurate with what it has to remedy."[40]

Rationalism itself is a sort of passion, one of intellectual pride. And it is his concern with pride which characterizes Oakeshott's own project, as it does his treatment of Hobbes. Oakeshott's Hobbes, following the Augustinian tradition, "recognized the twofold meaning which the word has always carried. Pride, in that tradition, was the passion to be God-like. But it was recognized that this may be either the endeavor to put oneself in the place of God, or the endeavor to imitate God." The first form of pride leads to the search for domination, but in the second meaning of pride "self-love appears as self-knowledge and self-respect, the delusion of power over others is replaced by the

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[38] Ibid., p: 339.
[39] Oakeshott, "Introduction to *Leviathan*," p: 261.
[40] Ibid., p: 283.

reality of self-control, and the glory of the invulnerability which comes from courage generates magnanimity and magnanimity, peace."[41]

Oakeshott's Hobbes did not pursue this latter line of argument, thinking that this kind of pride was too rare to be counted on. "In short, Hobbes perceived that men lack passion rather than reason, and lack, above all, this passion." But where this form of pride does exist, there lies the basis for peace and "the surest motive for just conduct."[42] This proper pride - "the moralization of pride itself"[43] - is not extensively discussed in Hobbes. But Oakeshott himself thinks that this character should be more fully drawn.

A man of proper pride is certainly afraid of being publicly shamed, dishonored and even killed.

> But let us also suppose that the preponderant passion of this man remains pride rather than fear; that he is a man who would find greater shame in the meanness of settling for mere survival than in suffering the dishonor ,, of being recognized a failure; a man whose disposition is to overcome fear not by reason (that is, by seeking a secure condition of external human circumstances) but by his own courage; (...) not exactly a hero, too negligent for that, but perhaps with a touch of careless heroism about him.
> Now, a man of this sort would not lack stimulus for the vital movement of his heart, but he is in a high degree self-moved. His endeavor is for peace; and if the peace he enjoys is largely his own unaided achievement and is secure against the mishaps that may befall him, it is not in any way unfriendly to the peace of other men of a different kind.[44]

This man of honor maintains his pride by maintaining his independence from the baser actions political life requires. He achieves peace through his own courage and so provides an alternative life to that of rational, calculating fear. This man's independence is not the product of any particular political system or society, but his own ability to remain aloof from communal enterprises. What differentiates him from the fearful

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[41] Oakeshott, "The Moral Life in the Writings of Thomas Hobbes," p: 341.
[42] Ibid., p: 343.
[43] Ibid., p: 339.
[44] Ibid., pp: 339-340.

calculator is his ability to control his fear and achieve peace through self-restraint rather than mere agreement.

For Oakeshott's Hobbes, proper pride is morally superior to fear. Oakeshott quotes from *Leviathan*: "That which gives to human actions the relish of justice (...) is a certain Nobleness or Gallantness of courage (...) by which a man scorns to be beholden for the contentment of life, to fraud or breach of promise. This justice of Manners, is that which is meant, where justice is called a virtue."[45] A man may keep his word, for Oakeshott's Hobbes, not merely because he fears to break it, but from "a glory or pride in appearing not to need to break it."[46]

If peace is the goal for Oakeshott as it is for Oakeshott's Hobbes, and if this goal requires the abandonment of all other substantive political goals, it would seem that it is this life of proper pride which is left as the proper or good life. The proper path to peace is through the noble epicurean pursuit of private pleasures;[47] a pursuit consistent with prudence and temperance, with the elimination of possibilities for dishonor and with the cultivation of friendship.

It is possible to establish peace through fear alone, but it will not be the peace of men who are morally good. What is more, a peace based on fear is forever in danger of being violated by men enslaved to the passions of hubristic pride and childish materialism. If men do not believe that it is intrinsically good to refrain from disrupting the peace of society, their baser passions will defeat their weak reason and cause them to reject their obligations in favor of substantive, destructive political projects.

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[45] Ibid., p: 340.
[46] Ibid.
[47] Oakeshott, "Dr. Leo Strauss on Hobbes," p: 157-158.

This provides the Oakeshott reader another important reason for his silence on moral judgments concerning any particular form of government; proper conditions or terms of association are merely those to which the associates agree. For Oakeshott's Hobbes, civil association cannot provide substantive ends - there can be no final end since human conduct is not teleological.[48]

> Nevertheless, what it offers is something of value relative to [man's] salvation. It offers the removal of some of the circumstances that ... must frustrate the enjoyment of Felicity. It is a negative gift, merely making not impossible that which is sought. Here, in civil association, is neither fulfillment nor wisdom to discern fulfillment, but peace, the only condition of human life that can be permanently established.[49]

In obvious approval, Oakeshott interprets Hobbes's civil association to be concerned, not with providing substantive ends for its members, but with allowing members to achieve their own ends of the moment. Human nature is such that peace is the most which politics can provide. The man of fear is relatively untrustworthy since he has only his awe of the sovereign to keep his desire in check. But the properly prideful man desires nothing more from civil association than this peace. This man is both capable and desirous of choosing his own ends and the methods by which he will seek to attain them.

But this view of politics is not all-accepting. While many different forms of regime may fit this model of civil association, its concern is with preventing the pursuit of substantive ends from disturbing the peace. For Oakeshott, politics as an activity may go beyond the pursuit of peace only by forcing unwilling (or slavish) actors to join in the pursuit of material ends best left unfulfilled and undesired.

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[48] Oakeshott, "Introduction to *Leviathan*," p: 250.
[49] Ibid., p: 293.

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There will always be those who will attempt to impose purposive ends upon and so change the character of civil association. Of course, this does not mean that that which is engaged in is no longer politics, Rationalism may be a "mistake" but even a mistaken practice has its own motive force. At all times,

> agents whose slavish concern for benefits makes them fit subjects of such an imposition are not wholly absent. But (...) the undertaking to impose this character upon a state whose membership is compulsory constitutes a moral enormity, and it is the attempt and not the deed which convicts it of moral enormity.[50]

Those who lack prideful self-restraint are "slavish" and, in their attempt to force substantive concerns onto the civil, are guilty of a "moral enormity." What they are doing is clearly "political." It is also wrong - not just mistaken, but morally wrong.

This moral enormity, for Oakeshott, has a twofold origin; in the slavish desire to have things granted to one without one's own independent efforts, and, more damning from the philosopher's standpoint, in philosophical hubris. In *On Human Conduct*, Oakeshott condemns the hubristic pride of the philosopher in the character of the theoretician - the theorist who has deserted his "modest programme of investigation" and has assumed "the office of tutor" to those concerned with practice. "This deplorable character has no respectable occupation." He forms theorems divorced from their context in practice and seeks to force practice to conform to these abstract, illusory notions. "But since such theorems are incapable of specifying performances, the engagement of the 'theoretician' is a spurious engagement in conduct itself, an undertaking to direct the activities of map-makers, diagnosticians and agents by systematic deception."[51]

In the guise of theorizing, the theoretician attempts the moral enormity of changing practice according to abstract, and necessarily incomplete and faulty, reasoning.

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[50] Oakeshott, "On Misunderstanding Human Conduct: A Reply to My Critics," pp: 366-367.
[51] Oakeshott, *On Human Conduct*, p: 26.

He is making a category mistake; he is also acting in a manner which is deplorable. The hubris of the Rationalist threatens the peace which is the only possible gift of civil association. This is a sin of which Oakeshott would not accuse Hobbes, who recognized that mankind is a race "whose highest virtue is to cultivate a clear-sighted vision of the consequences of its actions, and whose greatest need (not supplied by nature) is freedom from the distraction of illusion."[52]

Rationalism is the illusion that philosophical knowledge may produce constructive prescriptions for human action. But the greatest illusion is the notion that it is possible to dispense with illusions altogether. Oakeshott reminds his readers that the sole masterpiece of political philosophy written in the English language was in fact a retelling of a myth. *Leviathan,* according to Oakeshott, was the product of an artist whose profound imagination teaches us that "life is a dream which no knowledge that mankind acquire is able to dissipate."[53] And as an artist, Hobbes's strongest faculty is to be aware that myth, unlike science, "is a perception of mystery, not a pretended solution."[54] Therefore, it is not surprising that Oakeshott is attracted to Hobbes, for he "recalls man to his littleness, his imperfection, his mortality, while at the same time recognizing his importance to himself."[55]

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[52] Oakeshott, "Introduction to *Leviathan*," pp: 293-294.
[53] Oakeshott, "*Leviathan*: a Myth." p: 163.
[54] Ibid.
[55] Ibid., p: 163.

CONCLUSION

The question that should be addressed is "What could be said about the unique character of the contemporary conservative imagination?" Conservatives, we were told, seek to conserve something. In doing so, their dissatisfaction with the dominant intellectual, social, and political trends of the day manifests itself by a series of criticisms directed against Enlightenment thought and its heirs. While it is plausible to argue that the entire conservative literature is built on the denunciation of the Enlightenment values, there are significant differences among the teachings of conservative thinkers. In that respect, the contention that contemporary conservatism does not form a homogeneous block is crucial; though it might not be very interesting. What is interesting is to realize that despite its intransigent nature, conservative thinkers are, in fact, deeply influenced by the theories that are considered as the primary sources of the Enlightenment values.

Such is case that I have analyzed in this thesis. Schmitt, Strauss, and Oakeshott are considered as the three prominent representatives of contemporary conservatism. Nearly every anthology of conservative works includes selections from all three philosophers. Moreover Schmitt, Strauss, and to a certain extent Oakeshott, are seen as the most rigorous anti-liberal theoreticians of the day. They were adopted by the conservative camp and were outcast by the defenders of liberalism. However, common to both sides is a total negligence of the complex bodies of philosophical works presented by Schmitt, Strauss, and Oakeshott. As a result, conservatives and liberals alike have dealt with little more than caricatures of these philosophers and their works. In part, it

was the purpose of this thesis to understand Schmitt, Strauss, and Oakeshott as reactionaries without forcing them into the conservative mold.

Common to all three thinkers is the belief that the West is in a crisis. While for Schmitt this crisis is tantamount to the crisis of the parliamentary democracy, for Strauss it "reveals itself in the fact, or consists in the fact, that modern western man no longer knows what he wants –that he no longer believes that he can know what is good and bad, what is right and wrong."[1] Oakeshott, on the other hand, is concerned about the impact of, what he calls, Rationalism upon contemporary European politics. "Guided by a belief in reason," writes Oakeshott, "much of the [Rational] political activity consists in bringing the social, political, legal and institutional inheritance of the society before the tribunal of the intellect."[2] In Oakeshott's account, the Rationalist is the enemy of authority, of prejudices, of the merely traditional, customary, or habitual.

As I have tried to illustrate, this common notion of "crisis" eventually turns into a criticism of liberalism in the writings of Schmitt, Strauss, and Oakeshott. Among the three, it was Schmitt who specifically targeted key elements of liberalism; notably, the principle of the rule of law and the distinction between public and private. Strauss and Oakeshott, on the other hand, maintained a more subtle criticism of liberal politics. In their writings, one has to trace the meaning of the "crisis" in the examinations of various forms of thought, such as historicism, existentialism, and rationalism.

Along with offering a comprehensive discussion of the theoretical frameworks of these thinkers, this thesis also aimed to show that the criticism of liberalism offered by Schmitt, Strauss and Oakeshott is very intricate in nature. This complexity, as I have

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[1] Strauss, "Three Waves of Modernity," p: 81.
[2] Oakeshott, "Rationalism in Politics," pp: 6, 8.

argued, springs from the key role of Thomas Hobbes in the works of all three. Hobbes, as the founder of liberalism, appeared in the teachings of these thinkers either as the origins or, at times, the solution to crisis. The impact of Hobbes surfaces most clearly in examining the dichotomies which are almost the defining elements of the three. Fundamental to conservatism is the duality between theory and practice. In the teachings of Schmitt, Strauss and Oakeshott, we see that this dualism crystallizes in the tension between philosophy and politics. Schmitt's decisionist politics, Strauss's philosopher versus city, and Oakeshott's philosophical versus practical experience are all different manifestations of the problematic relationship between theory and practice. Not surprisingly, Hobbes turns out to be the source of inspiration in diagnosing either the causes of the dualism, or the solutions for it. In this regard, I wish to engage in a brief comparative analysis of the three thinkers' examination of Hobbes.

Oakeshott and Strauss agree that Hobbes marks a fundamental break from ancient and medieval political philosophy by posing individual will, not natural law, as the basis of politics. In Oakeshott's view, Hobbes's assertion that all human activity was animated by the will sets limits on the goals of philosophy. "From beginning to end there is no suggestion in Hobbes that philosophy is anything other conditional knowledge, knowledge of hypothetical generations and conclusions about the name of things, not about the nature of things.[3] As philosophy itself was a product of the will, it could not create and envision the best regime, and it did not endorse attempts to remold society.

Strauss agrees, suggesting that the will is the sole basis of human activity is analogous to lower the goal of philosophy; however, he counters that this diminished

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[3] Oakeshott, "Introduction to *Leviathan*," pp: 244-245.

view of philosophy contributed to Hobbes's extending of philosophy into the service of society. Hobbes divorced from philosophy the concept of ultimate causes, eternal questions, and the idea of universe as a whole. However, wrote Strauss, Hobbes believed that the social and political world was completely knowable because we were its cause. Hence, humanity has the opportunity to be sovereign. In other words, the placement of the will at the foundation of political societies was the first stage of liberalism and it progressively deteriorated until philosophy and society were joined.

The question of the sovereign is necessarily related to the dualism of the philosopher and the city. Strauss is, by no means, an advocate of a philosopher-king. It is precisely this nature of philosophy, according to Strauss, that creates the fundamental tension between philosophy and politics, the philosopher and the *polis*. The philosopher who is able to reach beyond the realm of appearances is a necessary threat to the foundations of the city. Therefore, the hostility towards the philosopher is inevitable. For Strauss, it is no mere contingency that the emergence of the first great philosopher, Socrates, coincided with his condemnation and execution by the city.

However, with philosophy becoming an integral part of the city, the question of who should rule regains its centrality. As I have argued, Strauss's main objection to Hobbes is his radical egalitarianism. It is in this regard that the gist of Strauss's anti-egalitarian disposition culminates in the discussion of statesmanship. In opposition to Hobbesian egalitarianism, Strauss advocates a hierarchical legitimation of government, since modern politics falls short on any criteria of the ancients. Liberalism, in the name of equality, has substituted a nameless sovereign for the political patrician. The Hobbesian sovereign, who is driven by the passion for self-preservation, is but a mere legal doctrine.

Consequently, the sovereign is chosen not because of his wisdom, but because he has been made sovereign by the fundamental contract. Strauss, therefore, concludes that "command or will, and not deliberation or reasoning, is the core of sovereignty."[4]

For Schmitt, on the other hand, only the sovereign could define the authentic limits of the political; that is to say only the sovereign could act upon a decision. He is not only an integral part of politics; his capacity and willingness to decide on the exception, i.e., the enemy, is what makes the sovereign the sole actor of the political. However, in Schmitt's view, modern-day politics is devoid of its essence since it systematically tends to reduce sovereignty "to a textbook formula, something for examination."[5]

According to Schmitt, modern liberalism overlooks the principle of the mutual relationship between protection and obedience which is the origin of authority. He explicitly adopts the Hobbesian formula: "The *protego ergo obligo* is the *cogito ergo sum* of the state."[6] Nevertheless, Schmitt's sovereign, unlike the Hobbesian one, could demand unconditional obedience. He explicitly requires "from its own members the readiness to die and unhesitatingly to kill enemies."[7] Choosing between the two Hobbesian provinces of human life, culture and peace, i.e., *civitas*, or war and spirit, i.e., *status belli,* Schmitt picks the latter.

In contrast to Schmitt, it is the notion of *civitas* that shapes Oakeshott's political philosophy. In Hobbes, Oakeshott argues, the covenant is "to erect" and maintain a "sovereign" civil authority, not to unite covenanters in pursuit of a common substantive

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[4] Strauss, *Natural Right and History*, p: 186.
[5] Schmitt, *Political Theology,* p: 16.
[6] Schmitt, *The Concept of the Political.*, p: 52
[7] Ibid., p: 46.

enterprise. [8] In other words, Hobbes's civil association does not pursue a *summum bonum* such as peace and safety, the contract to establish a sovereign does that. Hence, in *Leviathan* there is a difference between the desire for peace and safety as the motivation to get out of the state of nature in which every man is against every other man, and the task of civil association, commonwealth or state itself is to produce civilization. Thus, according Oakeshott, Hobbes can have the unity necessary to maintain the authority of the *civitas* without proposing substantive benefits to its subjects.

Therefore, unlike Schmitt, Oakeshott did not conceive the Leviathan as a fallen myth. Here is an interesting contrast: for Schmitt the death of the mortal god is caused by the most important liberal quality of Hobbes's teaching, namely the distinction between the inner faith and the outer confession. Although Schmitt blames Spinoza for recognizing "the barely visible crack" in Hobbes's philosophy, he is aware that the foundation for the separation of private freedom from public obligation was already prepared by Hobbes. *Leviathan* failed for it paved the way for modern liberalism.

For Oakeshott, on the other hand, *Leviathan* is a product of art. What makes the re-telling of the myth so powerful is that restates the vainness of providing prescribed solutions to the human predicament. *Leviathan*, in that sense, is a great piece of philosophy for it is aware of its limits. In contrast to Rationalist politics, the myth reminds us once again that the flaws of man; "it recalls man to his littleness, his imperfection and his mortality[9]." Therefore Oakeshott concludes that "the world is the best of all possible worlds, and everything in it is a necessary evil."[10]

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[8] Oakeshott, *On Human Conduct*, pp: 232-233.
[9] Oakeshott, *"Leviathan*: a Myth," p: 163.
[10] Oakeshott, "Rationalism in Politics," pp: 30-33.

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