

**THE USE AND ABUSE OF LEO STRAUSS IN THE SCHMITT REVIVAL ON  
THE GERMAN RIGHT—THE CASE OF HEINRICH MEIER**

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**FIRST VERY ROUGH DRAFT**

**REFERENCES INCOMPLETE**

**COMMENTS WELCOME**

## Introduction

The Schmitt revival has generated many interpretations of Schmitt—some on the left, others on the right—and has brought forth, as well, a variety of views about the relationship of Schmitt’s Nazism and Anti-Semitism to the core of his political thought. But Heinrich Meier occupies a unique place in the new Schmittian canon. Before coming to Schmitt as a scholarly preoccupation, Meier was apparently working on “Biosozialismus” at the Carl Siemens-Stiftung, a form of social Darwinism supporting the thesis of “natural” human inequality (while leaving the racist implications to be drawn by others). This was one of many interests of Armin Mohler, the director of the Siemens Stiftung at the time, Meier’s mentor and whose successor he would eventually become: Mohler is often considered a central intellectual figure of the post-war extreme Right in Germany (among his many works is one that contributes to Holocaust revisionism, *Der Nasenring*).<sup>1</sup>

When Meier turned to Schmitt, he found a unique angle for his scholarship, one that had been neglected by the right wing of the Schmitt revival; this was Schmitt’s relationship to the Jewish thinker Leo Strauss, who left Germany shortly before the Nazis came to power, never to return. In re-establishing Schmitt’s respectability and deflecting concerns about his Anti-Semitism, the fact that the great Strauss—a reverential student of Maimonides and his Greek masters—took Schmitt seriously and actually shared Schmitt’s enmity to bourgeois liberalism might obviously be of some help. Before Meier, Stephen Holmes, a liberal American political theorist, had pointed to certain remarks of Strauss’s in the 1930s about Schmitt as evidence that Strauss had outdone even the Nazi

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<sup>1</sup> A. Mohler, *Der Nasenring: Im Dickicht der Vergangenheitsbewältigung* (Essen: Verlag Heitz & Hoeffkes, 1989).

thinker Schmitt in his hostility to liberalism. As Berkowitz<sup>2</sup>, Behnegar<sup>3</sup> and myself<sup>4</sup> have argued, among others, this is not a proper reading of Strauss's thought, even at that stage of his career. Meier's brilliance however was to see in this discrediting of Strauss as a fanatical anti-liberal, a *crediting* of Schmitt. Indeed, Meier developed an entire (and highly favorable) reinterpretation of Schmitt on the basis of a short essay by Strauss on Schmitt written in 1932, and a few letters and marginalia that establish, according to Meier a "dialogue" between Strauss and Schmitt.

In 1988, Meier published *Carl Schmitt, Leo Strauss und "Der Begriff des Politischen: Zu einem Dialog unter Abwesenden"*<sup>5</sup>, which consisted of a reprinting of Strauss's essay on Schmitt's *Concept of the Political*, a couple of letters from Strauss to Schmitt from the early 1930s, and Meier's commentary on this material. When Meier's book was published in English the subtitle was translated as "the hidden dialogue"—given Strauss's emphasis in his writing on esoteric or hidden philosophical communications,<sup>6</sup> the implication was that Strauss might have been carrying on a covert philosophical friendship with Schmitt all his life. The German sub-title is less misleading in referring to those absent, at least if one remembers that the reason that Schmitt and Strauss were absent from one another is that while Schmitt was a Nazi official, Strauss was a Jew who obviously could not return to Nazi Germany.

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<sup>2</sup> Cite review of Holmes in Yale L.J.

<sup>3</sup> N. Behnegar, "The Liberal Politics of Leo Strauss", in M. Palmer and T.L. Pangle eds., *Political Philosophy and the Human Soul: Essays in Memory of Allan Bloom* (Lanham, MD., Rowman and Littlefield, 1995), 259ff.

<sup>4</sup> R. Howse, "From Legitimacy to Dictatorship--and Back Again: Leo Strauss's Critique of the Anti-Liberalism of Carl Schmitt", in D. Dyzenhaus, ed., *Law as Politics: Carl Schmitt's Critique of Liberalism* (Durham, NC.: Duke University Press, 1998), pp. 56-90.

<sup>5</sup> I cite mostly in the text to the English translation, which I follow unless explicitly indicated; but I use the original German publication date). H. Meier, H. Lomax, tr., *Carl Schmitt and Leo Strauss: The Hidden Dialogue* (Chicago: University of Chicago Press, 1995).

<sup>6</sup> For a systematic examination of this controversial and complex aspect of Strauss's thought, see R. Howse, "Reading Between the Lines: Exotericism, Esotericism, and the Philosophical Rhetoric of Leo Strauss", *Philosophy and Rhetoric* 32 (1999), 60-77.

Meier's book was a great success in what one might have thought was an unlikely quarter—the circle of orthodox American students of Leo Strauss, many of whom are Jewish. Although somewhat less than charmed by Stephen Holmes' associations of Strauss with extreme proto-fascistic forms of anti-liberalism, the Straussians have been thoroughly charmed by Meier, who they view not only as perhaps the definitive authority on Schmitt, but also as a faithful interpreter of Leo Strauss. Harvey C. Mansfield Jr. has called Meier “a subtle and penetrating thinker with a relentless determination to get to the bottom of the matter. In political philosophy he is one of the best scholars I know.” Mark Lilla, whose recent book *Reckless Intellectuals* is a polemic against the flirtation of modern thinkers with tyranny, ends up going easy on none other than Carl Schmitt, under the spell of Meier's interpretation.

The success of the German edition of his small volume on Strauss and Schmitt may have encouraged Meier to write a much more wide-ranging book, *Die Lehre Carl Schmitts*, published in German in 1994 and in English translation in 1998, which purports to take account of Schmitt's entire career as an intellectual. With the publication of this book even some of Schmitt's most distinguished German students, like Ernst-Wolfgang Boeckenfoerde, the former constitutional court judge, jumped on the bandwagon, pronouncing in Boeckenforde's case that there were “good reasons” for adopting Meier's interpretation of Schmitt (*Frankfurter Allgemeine Zeitung*).

The core of Meier's interpretation is that the central driving force of Schmitt's thought is faith—obedience to Revelation. All of the key distinctions in Schmitt's theory of law and politics must be seen in that light, including and especially the notion of the friend/enemy antagonism as central to the “political”. But while faith was the basis on

which Schmitt chose sides and took stands intellectually and politically, the actual choices themselves can be accounted for only by the particular historical moment. For although faith commands one to act and to choose, the choices themselves remain undetermined, and must be faced, and made, by the lone will of the decider. In other words, Schmitt was not exactly commanded by God to serve Hitler and hate the Jews, but he *was* commanded to choose that which, in the historical situation as it appeared to him, furthered the “enmities” that sustain the “political” as such. “Great political formations and figures, the state, the empire, or the guerilla, may suffice for the “unique” historical “call” or fall short of it; they may for a certain time, for *their* time, establish orders and finally fail; but, by means of the enmities that are effective in them and are produced by them “the dark meaning of our history grows on”.”(Meier, 1988, p. 70, emphasis in original).

This reading of Schmitt has remarkable consequences, which can only be fully understood when we consider the general context of Schmitt apologetics. Until Meier, Schmitt’s apologists had resort to a very different set of arguments or constructs in order to “deal with” Schmitt’s choice for Hitler. Schmitt may have been naïve, or made an error of judgment; he might have been seeking to moderate the Nazi regime from within; he might have made the choice for reasons of opportunism or personal ambition, which—although doing no credit to his character—would not as such discredit his philosophy. All such apologetics could have only limited credibility once Schmitt’s *Glossarium*, his personal post-war notebooks and diaries were published.<sup>7</sup> The *Glossarium* amply displayed that, long after he had (apparently) distanced himself from the Nazis, anti-Semitism remained a central component of Schmitt’s outlook on the human condition.

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<sup>7</sup> C. Schmitt, *Glossarium: Aufzeichnungen der Jahre 1947-1951* (Berlin: Duncker & Humblot, 1991).

Indeed, as David Dyzenhaus has pointed out, Hitler himself was another crime that Schmitt came to blame on the Jews—but for the need to deal with the Jews, right-thinking people would not have cast their lot with a cause as inadequate to the demands of the war against the Anti-Christ as that of Nazism.<sup>8</sup>

How, after the *Glossarium*, not to have to face anti-Semitism head on, in providing a sympathetic account of Schmitt's thought? Here, Meier's reading of Schmitt would appear to offer a way out. "Political theology defends the primacy of action against knowledge because political theology places everything under the commandment to be obedient"(Meier, 1988: p. 80). The authenticity of one's response to the commandment to be obedient does not depend upon right knowledge about how to act, especially about *who* is the enemy, and who at a particular historical moment is adequate to the task of opposing the enemy, or maintaining that enmity between faiths, which according to Meier's Schmitt, is crucial to keeping God's command alive in (human) history. Thus, in *Der Lehre Carl Schmitts*, Meier is able to discuss Schmitt's anti-Semitism in terms that make "the questions that preoccupy historians, and in particular move apologists and prosecutors, fade into unimportance" (Meier, 1998, Brainard Translation; p. 133). Here, in this later work of Meier, we see clearly how, in making the move to an apologetics that is beyond the questions of apologists and prosecutors, Meier was taking his cue from Schmitt himself, who said of his own choice for Naziism that "It is the bad unworthy and yet authentic case of a Christian Epimetheus".<sup>9</sup>

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<sup>8</sup> D. Dyzenhaus, *Legality and Legitimacy: Carl Schmitt, Hans Kelsen and Herman Heller in Weimar* (Oxford: Oxford (Clarendon), 1997), p. ?

<sup>9</sup> As we will discuss at length in the next chapter, devoted to *Lehre Carl Schmitts*, Meier was also taking his cue here from his Siemens mentor Armin Mohler; this understanding of himself was proposed by Schmitt in correspondence with his student Mohler, and developed in Mohler's own gloss on that correspondence. See A. Mohler, I. Huhn and P. Tommisen (eds.), *Carl Schmitt-Briefswechsel mit einem seiner Schueler* (Berlin, 1995). See also R. Gross, *Carl Schmitt und die Juden: Eine Deutsche Rechtlehre*

According to Meier, the plane on which Schmitt operated—that of political theology—is above the questions about the goodness or badness, worthiness or unworthiness that historians might pose; the fundamental issue is that of authenticity, whether Schmitt was authentically obeying to the command, and authentically doing battle with the Anti-Christ. Thus, Meier’s *Lehre Carl Schmitts* climaxes in an unflinching and entirely uncritical presentation of Schmitt’s anti-Semitism, absent all sweeteners or softeners (Meier, 1998, Brainard Translation: ch. IV). And at the very center of that presentation we find Meier suggesting that Schmitt’s adherence to Hitler’s formula “In fending off the Jew, I fight for the work of the Lord” was an “authentic” act of obedience to the command (if bad and unworthy from the secular but irrelevant perspective of the historians or prosecutors). For as Meier asks, in a question that makes perfect sense of “political theology” and its intent, “Can action that wants to listen to “history” rule out that *anything* or *anyone* serves the “work of the Lord”?”(emphasis added).

Meier’s articulation of “political theology” has, however, general implications that go far beyond the re-interpretation and rehabilitation of Carl Schmitt. At the very end of *Der Lehre Carl Schmitts*, cannot resist returning to the relationship between Strauss and Schmitt. The meaning of political theology is such, Meier suggests, that it is in eternal opposition to political philosophy (the path chosen by the Jew Strauss). There can be no conversation or dialogue between political theology and political philosophy, given that for the former “divine revelation” is the “supreme authority and ultimate foundation”. There is no valid normative standard on the basis of which political reason can judge the thought and action that emanates from “political theology”. These are two simply incompatible, and indeed hostile ways of looking at the question “How Should I

Live?”(Meier, 1998: 173). Having begun his journey towards Carl Schmitt through stressing what was common between Strauss and Schmitt, and even suggesting their “friendship”, Meier’s last word on Schmitt suggests the fundamental unbridgeable gulf between Strauss and Schmitt, “an insuperable opposition”: “ *Inter auctoritatem et philosophum nihil est medium*” (173). Having used Strauss for his own purposes, Meier concludes by a new instantiation of friend/enemy (Authentic Christian political theologian vs. Jewish atheist philosopher), which ends up vindicating, in a new way, the “authenticity” of Schmittian anti-Semitism. In 1936, in his infamous writing “German Legal Science in Struggle Against the Jewish Spirit” Schmitt had warned of the Jew’s ability as an intellectual parasite, capable of quickly recognizing what is genuine and valuable, and exploiting it: Perhaps, in his treatment of Strauss Meier had this thought of Schmitt’s in mind, and sought to “turn the tables” as it were. In order to discern whether this was Meier’s intent, we must return from the *Lehre Carl Schmitts* to the use and abuse of Leo Strauss in the earlier work, *Dialog unter Abwesenden*. Only on the basis of this original articulation of the relationship of Schmitt and Strauss as one of *both* friendship *and* opposition, can we adequately appreciate the *Lehre Carl Schmitts* (and then finally the change of gears evident in Meier’s closing the “Schmitt file” and writing most recently on Strauss alone

The rest of this essay will thus be devoted to *Dialog unter Abwesenden*.

### **Strauss and Schmitt: Comrades in Arms Against Liberalism**

In the first part of *Dialog*, Meier’s main aim is to show that Strauss and Schmitt make common cause against liberalism; indeed, Meier argues, Strauss was able to identify with unusual clarity and precision the core intent or aspiration of Schmitt’s

thought, and to assist him in perfecting it. Thus, one of Meier's textual claims is that a variety of changes that Schmitt made to the wording of *The Concept of the Political* in editions subsequent to the edition on which Strauss first commented reflect the influence of Strauss's observations and criticisms. Strauss, we are led to believe, enabled Schmitt to express his anti-liberalism more consistently, more boldly, and more comprehensively than had hitherto been the case.

In the first chapter of *Dialog*, Meier begins with the observation that "Leo Strauss writes little about his contemporaries. With few does he expressly argue. He devotes detailed studies to only three theoreticians during their lifetimes; with only three does he enter into a public discourse or attempt to begin such a discourse—Alexandre Kojève, Martin Heidegger and Carl Schmitt" (Meier, 1988: 11)". What are we to make of this observation? To begin with, it is untrue. On the one hand, Strauss addressed the thought of many of his contemporaries in one public forum or another, including Jacob Klein, Hans-Georg Gadamer, Gerschem Scholem, Karl Lowith, Martin Bueber, Julius Guttmann, and Eric Voegelin. If one includes a broader conception of "contemporary", one would certainly want to add to the list Edmund Husserl, Hermann Cohen and Franz Rosenzweig, who were intellectual presences in Strauss's lifetime, if significantly older than him.

On the other hand, Strauss never devoted a detailed study to any of Kojève, Heidegger or Schmitt. In the case of Kojève, Strauss did engage in a public discourse, but there was no "detailed study", only a response to a response that Kojève had written to Strauss's essay on Xenophon's *On Tyranny*. In the case of Heidegger, Strauss was much moved and preoccupied by his teaching and thought (and said so publicly in

various of his writings), but never wrote a study: an edited version of a lecture on Heidegger that he gave to students was published posthumously, but was not a "detailed study" and was never intended by Strauss for publication. As for Schmitt, while as I among others have argued, Strauss addressed some of Schmitt's claims indirectly in his later writing, there is no study of Strauss on Schmitt beyond the few pages that Strauss wrote in 1932. Meier repeatedly claims there is a "dialogue" between Strauss and Schmitt, but the three letters that Strauss sent to Schmitt (the last one was sent in July 1933, with Strauss apparently unaware of Schmitt's joining the Nazis), never received replies from Schmitt. Only one of these letters contains any substantial intellectual content, namely some afterthoughts of Strauss concerning his essay on *Concept of the Political*.

Why would Meier make an inaccurate statement about Strauss's engagement with the thought of his contemporaries? At least by the time of the English publication of *Dialog* Meier and his wife were already working on a German edition of Strauss's collected works, and thus Meier would surely have been aware of the inaccuracy of his observation. What motive does Meier have for falsely singling out among Strauss's contemporaries Heidegger, Schmitt and Kojève? Heidegger like Schmitt became a Nazi, and Kojève maintained a friendship of sorts with Schmitt after the War. Thus, according to Meier the entire universe of Strauss's contemporaries who he took seriously enough to engage in public discourse with, consists of two ex-Nazis and an ex-Stalinist who consorted with one of the ex-Nazis. Indeed, beginning *Dialog* on this note, Meier ends *Dialog* with the observation that Strauss's choice of friends is revealing of his identity (87). Strauss according to Meier did not like to define himself in opposition to the

enemy. But *this* choice of (philosophical) friends allows Strauss to reveal an identity that—against Strauss’s own reticence--discloses a (common) enemy: liberalism. For do not the arguments among Strauss Schmitt and Heidegger reveal their common aversion to liberalism, or more precisely, to use a phrase of Meier’s in the forward to the English edition of *Lehre Carl Schmitts*, “the global triumph of the union of liberalism and capitalism” (Meier, 1998, Brainard Translation; xviii)?<sup>10</sup>

Meier’s claim that there was a “dialogue” between Schmitt and Strauss amounts to the following contention: according to Meier, reading Strauss’s short essay on *Concept of the Political* helped Schmitt to make stronger his critique of liberalism in several respects. Strauss had commented on the Second Edition of *Concept*: according to Meier, changes that Schmitt made when he published the third edition of *Concept* in 1933 show this influence of Strauss.

First of all, Meier claims, in his notes on *Concept of the Political* Strauss pointed out that Schmitt’s defense of the political against liberalism remained locked within the premises of liberalism itself. Schmitt sought to uphold the political as a distinctive and autonomous human domain, as against liberalism’s attempted reduction of the political to other interests, primarily economic. However, in so doing, Schmitt was buying into the characteristic liberal way of thinking, which divides (horizontally as it were) the human situation into different realms of culture, thus denying or suppressing the hierarchical nature of human ordering. . To truly defend the political would be to reject this understanding *tout court*—for to confine the political to one distinctive or independent

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<sup>10</sup> Here of course Meier has the awkward difficulty that Kojève, though in some sense anti-liberal, actually endorsed the world state, and thus did not share the anti-cosmopolitanism attributed by Meier to Strauss and Schmitt alike.

realm of “culture” is to sell it short, and to confirm at least a large part of the liberal diminishment of the political. The political must instead be re-affirmed as total, as fundamental, and potentially transforming all else in the human situation.

Second, Meier points out that Schmitt’s articulation of the political as merely one independent, autonomous domain of human activity in the earlier versions of *Concept of the Political* had the disadvantage of confining the implication of the friend/enemy distinction to foreign policy, to wars between nations (Meier, 1988; 21). But once the political is understood as fundamental then relations *within* the state must also be defined by the fundamental notion of enmity, of mortal conflict with the enemy. Thus, in later versions of the *Concept of the Political* Schmitt was able to speak of the “internal enemy”, and ultimately to speak of the “natural enemy”—the enemy who is against “whatsoever is of God”.

Third, Strauss helped Schmitt to see how Hobbes, far from being the original philosopher of the total state, in fact operated within the individualist premises of liberalism. While Schmitt had already somewhat distanced himself from Hobbes by the second edition of *Concept of the Political*, the edition that followed Strauss’s “Notes” contained altered wording, which Meier attributes to the influence of Strauss, which recognizes that Hobbes is not a political thinker in Schmitt’s sense, due to his individualism, even if Hobbes is nevertheless still able to ask political questions.

Fourth, according to Meier, in the edition of *Concept of the Political* post-Strauss’s “Notes”, Schmitt embraces Strauss’s supposed critique of the “philosophy of culture”. “Culture” represents the “ideal of civilization” of the liberals—the “elevation

of bourgeois existence to the universal destiny of everything that has a human face”, in Meier’s turn of phrase (Meier, 1988; p. 37).

Finally, Meier suggests that Strauss’s critique of *Concept of the Political* forced Schmitt to bring out into the open the faith-based or theological character of his thought. Strauss had argued that, in concealing the moral intent behind his affirmation of the political Schmitt risked collapsing into the kind of individualism that he abominated in liberalism—if fighting is valued regardless of what is being fought *for*, then the choice of commitments then becomes a matter of individual, private decision. In order to overcome this difficulty, according to Meier, in the 1933 edition of *Concept of the Political*, Schmitt was more explicit as to the “theological presuppositions” of his thinking.

Did reading Strauss’s “Notes” produce these alterations in the *Concept of the Political*? If so, why does it matter?

On the first question, it is really impossible to say for sure. Meier clearly devotes considerable intellectual energy to proposing the connection. However, it is impossible to prove or disprove whether reading Strauss, as opposed other factors or influences, resulted in such alterations. Meier refers to a letter from Schmitt to one Dr. Ludwig Feuchtwangler in June 1932, praising Strauss’s “Notes” as the one interesting review of *Concept of the Political*. Meier also refers to hearsay in the preface to the American edition of *Dialog*—Guenther Krauss, who was a doctoral student of Schmitt’s in Berlin, was apparently told by Schmitt that “[Strauss] saw through me and X-rayed me as nobody else.”(Meier, 1988; xvii)

If we are to believe this letter (which is in the hands of a Prof. Helmut Quaritsch, according to Meier) and this apocryphal story of Dr. Krauss, Strauss was seen by Schmitt as someone who could penetrate to the core of Schmitt's thought. There are reasons in fact to believe that Schmitt might have felt he was being "X-rayed" by Strauss. It should be recalled that in his 1936 Pamphlet, "German Legal Science in Struggle Against the Jewish Spirit" Schmitt had warned of the "relationship of the Jew to our intellectual work". According Schmitt, "Through his gift for trade the Jew has a sharp sense for the genuine; with greater resourcefulness and a quicker sense of smell he knows how to hit upon the genuine. . . ." He goes on to refer to "the Jewish art dealer's ability to discover a genuine Rembrandt quicker than a German art historian, . . ." It is hardly surprising then that Schmitt would have felt the Jew Strauss to have penetrated to the substance of his thought, where others in the first or early wave of reviewers or critics had not. Schmitt might well have thought of Strauss as having "X-rayed" him, the way that in Schmitt's mind, a Jewish art dealer might X-ray a canvas to determine its genuineness.

As we can see, the statements that are attributed by Meier to Schmitt concerning Strauss's insight into his writing are completely consistent with Schmitt's anti-Semitic understanding of "the relationship of the Jew to our intellectual work." But it is one thing to establish that Schmitt felt that Strauss had a particularly good grasp of what he was up to—it is quite another to interpret the changes between the second and third editions of *Concept of the Political* to Strauss's influence.

In an essay on Schmitt's thought that, in my view, is one of the best ever written, Karl Loewith offers an interpretation of the changes between the second and third editions that has nothing to do with the influence of Leo Strauss. Loewith sees these

changes as in the nature of a *Gleichschaltung*: Schmitt had finally decided to throw his lot in with the Nazis and, consistent with what Loewith calls Schmitt's "Occasional Decisionism", Schmitt adapted his treatise on the political to the demands of the historical moment.<sup>11</sup>

Meier dismisses Loewith's alternative interpretation with the bare assertion that "[he] misses what is most important for *the substantial issue*" (fn. 6, p. 7, emphasis in original). Then Meier adds to this blanket assertion the more specific claim that the third change between editions to which Loewith refers cannot be explained by Schmitt's adaptation of thought in light of the strongest historical force of the moment. In the second edition, Schmitt had on the one hand affirms that war as a real possibility is still present "today", while at the same time admitting that in consequence of liberalism, "today" war was "probably neither something pious, nor something, morally good, nor something profitable". Strauss argued that, given this admission, Schmitt could not persuasively point to the continuing possibility of "war" today as evidence that the depoliticized state of humanity was still not at hand.

In the third, 1933 edition of *Concept of the Political*, Schmitt replaced the word "today" with the expression "in an age that veils its metaphysical oppositions in moral or economic terms". Meier interprets this change as a response to Strauss in the following manner: Schmitt was now affirming that, in as much as metaphysical oppositions can only be veiled but not destroyed or overcome, war is *always* possible. Loewith finds this change to be in tension with Schmitt's political decisionism, which he understands as

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<sup>11</sup> "The Occasional Decisionism of Carl Schmitt", in K. Loewith (R. Wolin, ed.), *Martin Heidegger and European Nihilism* (New York: Columbia University Press, 1995), p. 155.

subordinating all other categories and oppositions, including metaphysical and theological ones, to the authority of the political. According to Meier, Loewith finds a tension or contradiction here, because he is unaware of Schmitt's "dialogue" with Strauss. Meier suggests that Schmitt understood how Strauss read, watching for the decisive line or word in a text (Meier, 1988, Lomax translation p., 61, fn. 64). Loewith, he implies would have been unaware of such matters.

The problem here is that Loewith, in his essay on Schmitt's decisionism,<sup>12</sup> cites Strauss's "Notes" twice; he was aware of Strauss's early book *Philosophie und Gesetz*, on medieval Jewish and Islamic legal theory, and would thus have been fully cognizant of Strauss's manner of reading. Thus, there is no reason to believe that Loewith's alternative explanation of the changes in the third edition of *Concept of the Political* is attributable to unfamiliarity with Strauss.

Furthermore, when read carefully, there is no inherent contradiction between, on the one hand, Loewith's observation about the tension between Schmitt's decisionism and the reference to metaphysical oppositions in the third edition of the *Concept of the Political*, and on the other hand, Loewith's overall interpretation as to the *motivation* or *intent* of Schmitt in making the changes. Thus, if we focus on the fact that Schmitt was *removing* a statement that appeared critical of the notion of war "today" being justified, one can easily understand his motivation in terms of *Gleichschaltung*. For as the legal adviser of the Third Reich, Schmitt might well find himself in the position of justifying

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<sup>12</sup> As Meier himself points out in his Forward to volume 2 of the Strauss complete works, *Gesammelte Schriften Band 2*, XI. *Philosophie und Gesetz* was published around the same time as the first iteration of Loewith's essay on Schmitt's decisionis (spring 1935). In 1960, Loewith republished the Schmitt essay with some changes, by which time he had been familiar with Strauss's thought, and his way of reading and writing for several decades.

war “today”. Indeed, the fact noted by Loewith that in removing the reference to “today” Schmitt uses language that appears in tension with his basic conceptualization of the political as autonomous from and superior to other oppositions, is entirely consistent with the possibility that Schmitt’s concern in 1933 was not theoretical consistency at all, but merely insuring that his past utterances did not become an obstacle to his political career in the Third Reich.<sup>13</sup>

In sum, a careful examination of Loewith’s comments on the changes in *Concept of the Political* between the second and third editions reveals, *contra Meier*, a consistent explanation of the changes in terms of political opportunism on Schmitt’s part—an explanation by someone who was a highly astute observer of the political and philosophical scene as it was changing in Germany, and who would have been familiar enough with Strauss and his views on Schmitt to discern any connections between those views and the changes in *Concept of the Political*.

Set against these two alternative interpretations of the changes between the Second and Third Editions—*Gleichschaltung* (Loewith) or a dialogue with Strauss that results in a theoretical clarification (Meier)—is Meier’s stunning admission (albeit in a footnote) that when Schmitt in 1963 republished *Concept of the Political* what was republished was the second edition and was silent concerning the existence of the Third, 1933 edition. (Meier, 1988, Lomax translation, footnote 5) Does not this in itself speak volumes about Schmitt’s own view: namely, that *Schmitt* considered the most adequate

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<sup>13</sup> On which career, and how carefully Schmitt prepared for it, see D. Blasius, *Carl Schmitt: Preussischer Staatsrat in Hitlers Reich* (Gottingen: Vandenhoeck & Ruprecht, 2001).

articulation of his position to be in the edition of the *Concept of the Political* published prior to what Meier alleges to be a “dialogue” with Strauss?

Forced to devise an explanation as to why Schmitt would have re-published an inferior edition of *Concept of the Political* when (according to Meier’s own theory) a “superior” one was available, Meier is compelled to disclose that, as Loewith had in fact suggested, the text of 1933 contains alterations “suitable to the time”. Some of these alterations having to do with anti-Semitism and pro-Nazism, it would have been offensive, Meier suggests, to publish the 1933 texts in 1963; the text would have been, in Meier’s words, “politically assailable”.<sup>14</sup> Poor Carl Schmitt! Due to the touchiness about things like Nazism and anti-Semitism in the 1960s, he was forced (if one believes Meier) to publish an inferior and indeed misleading statement of his ultimate views about the political. Certainly, what Meier does not suggest is that the anti-Semitism and pro-Nazism of the 1933 edition would itself have given, in 1963, an inaccurate or misleading impression of Schmitt’s intent, as opposed to an impression that is merely “politically assailable.”

Now that Meier himself is compelled to assert that there are differences between the 1932 and 1933 that can be attributed to “the times”, his argument against Loewith boils down to the proposition that, even though Schmitt wrote the 1933 edition of *Concept of the Political* to satisfy the Nazis in mind, he *also*, at one and the same time, used the occasion to conduct a dialogue with the Jew Strauss—or, more precisely (because we should not fall into the trap of simply accepting Meier’s repeated assertions

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<sup>14</sup> But note that Meier does not say, “morally assailable”, throughout *Dialog* he remains true to the position that Schmitt’s anti-Semitism, being in response to the call of faith, is “beyond good and evil”, beyond moral judgment and critique.

of a dialogue) to clarify his theoretical position in response to Strauss. Meier is notably silent on the relationship, to say nothing of the consistency, of these two intentions.

This brings us to the question of why *it matters so much* for Meier that Strauss may have influenced certain changes in the 1933 edition of *The Concept of the Political*. What could Meier be up to here? Is he seeking to induct Strauss, retroactively as it were, into the *Judenrat*, by insisting that Strauss actually *aided* Schmitt in the presentation of his thought in a manner more congenial to the Nazis? Let us take but one of the points on which Meier insists that Strauss helped Schmitt to develop and clarify his position: According to Meier, Strauss helped Schmitt to see that one implication of Schmitt's understanding of the political was that the friend/enemy opposition permeated relations within the state, and was not entirely or primarily a matter of foreign policy; if this were true, then indeed Strauss would have facilitated an articulation by Schmitt of his position that more clearly moved beyond conservative German *nationalism*, towards an obsession with the enemy *within* as the primary enemy—i.e. the Jew. The historical situation around 1932 and 1933 could then be said to have allowed Schmitt to actually *take advantage* of what in 1936 he would pinpoint as the particular strength and dangerousness of the Jew in German intellectual life (in this case, the Jew Strauss)—the ability to see through to the genuine heart of the matter more quickly—in order to consolidate his own identification of the Jew as the *enemy*.

The possibility that Meier may be raising here—that Schmitt had seen how one could use the Jew against himself—is not inconsistent with Schmitt's actual behavior. Dyzenhaus notes, for example, that “Schmitt helped in ousting Kelsen, the Jewish liberal enemy, from the Law Faculty at Cologne (shortly after personally securing Kelsen's help

to get himself appointed there), . . .”<sup>15</sup> This allows one to reconcile his emphasis on the common ground between Strauss and Schmitt (their *friendship* against the common enemy “liberalism”) on the one hand, with Meier’s equally and probably more emphatic claim concerning an insuperable “opposition” or *enmity* between political theology (Schmitt) and political philosophy.<sup>16</sup>

As already noted, the “friendship” consists in an alliance against a common enemy, liberalism or “the global union of capitalism and liberalism”. According to Meier, “Leo Strauss knows himself to be in agreement with Carl Schmitt in disapproving of a world-state, in rejecting the illusory security of a status quo of comfort and of ease, in holding in low esteem a world of mere entertainment and the mere capacity to be interesting. In no way does he fall shy of Schmitt in opposing an idea that, should it ever be realized, would threaten to reduce humanity to a partnership for culture and consumption . . . He subscribes to Schmitt’s objection to that striving for agreement and peace at all costs, . . .”

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<sup>15</sup> Dyzenhaus, *supra* n. ?, p. 84.

<sup>16</sup> Dyzenhaus makes the following observation, which relates to Schmitt’s view of the possibility of “common ground” with an enemy: “Schmitt reserves his most vicious anti-Semitic diatribe for Friedrich Julius Stahl (originally Jolson), the converted Jewish constitutional lawyer and politician who played a crucial counter-revolutionary role in Prussian politics in the mid-nineteenth century. In this essay and also in *Meaning and Failure*, Schmitt seemed all the more enraged by the fact that he and Stahl share many views in common, since he attributed rather mysteriously to Stahl responsibility as an “inner political enemy” for subverting the Prussian state from within, and thus also for the German defeat in the First World War. He says of Stahl that he used the sacrament not only as his ticket of entry into society, but also into the “sanctum of a still very solid German state” which he then proceeded to “confuse ideologically and paralyze spiritually.” This diatribe displays Schmitt’s understanding of the nature of the Jew as enemy — the Jew is prepared to wear masks, to undermine from within, eating away at the foundations from inside. Thus, the Jew cannot be defeated in the old, noble manner—in forthright, honorable unmasked battle. One could say that Schmitt “learned” from Stahl. In order to undermine the rule of law, and enfeeble the German constitutional and public law tradition so as to clear the way for absolute rule, Schmitt operated as a jurist and constitutional lawyer; the antinomian teaching of his political “theology” is proceeded and accompanied by a careful and shrewd presentation of the tensions within constitutionalism, especially liberal constitutionalism. Schmitt achieved genuine insight into the troubled and complex relationship of liberal constitutionalism, and liberalism as such, to the idea of the “state”. For this reason he is worth studying, even by those who rightly feel revulsion at the purposes to which Schmitt put such insight.

In essential respects, this is a misleading presentation of Strauss's position on liberal cosmopolitanism. First of all, Meier makes Strauss's concern appear as that of *Kulturkritik*. But, while Strauss early and often in his writing does discuss the increasing doubts of thinking people about the desirability or worthiness of the kind of civilization brought forth by philosophical modernity—and hence the ideal implicit in that thinking of something like cosmopolitanism—he is primarily interested in the *crisis of thought* provoked by the apparent failure of the modern ideal. Does the crisis point to the failure, or impossibility, of philosophy? Or only of modernity? While modern thought may have to stand or fall on the basis of the kind of civilizational fruit that its premises and hypotheses have born, is this the case for philosophy as such? To answer such questions, Strauss seeks a horizon beyond liberalism, not (as for example, as Holmes suggests, radically against liberalism), but rather a perspective or vantage point that allows a dispassionate judgment on the apparent failure of the modern project as represented by the ideal of liberalism. According to Strauss, the apparent failure of modern thought as a civilizational project has given rise to stronger objections, and more intransigent questioning than ever in the past of the of the very ideal of philosophy—of rationalism. Thus, when once asked what era he would have wanted to live in if he had the choice, Strauss was able to answer without any hesitation that it was today, the 20<sup>th</sup> century.<sup>17</sup> By forcing philosophy to give a more adequate account of itself, or a fuller account than had been the case in the past, the crisis of modernity represents a great, and unprecedented opportunity for thought. Thus, Meier is wrong to present Strauss's

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<sup>17</sup> Cite George Grant book.

posture towards modernity as fundamentally one of disapproval, censure, or disparagement.<sup>18</sup>

What then of Strauss's rejection of a "world state", of cosmopolitanism? One of the objections that Strauss raises to a "world state" in his response to Kojève (which Meier will go on to cite) is that centralized rule of the whole world could only be achieved through tyranny or absolutism.<sup>19</sup> This is an objection to the world state that Strauss in fact shares with the (proto) liberal Kant.<sup>20</sup> Here, there is no common ground with Schmitt, who defends absolutism.

As for cosmopolitanism as such, Strauss's judgment is complex and subtle. Cosmopolitanism is not simply wrong in seeking a universal human common ground, a humanity that transcends differences of culture, nation, race, and so forth, even if modern *political* cosmopolitanism tends to find the common ground in the lowest common denominator. Thus, contrary to Meier, Strauss does not assert that cosmopolitanism as such points to the reduction of "humanity to a partnership for culture and consumption." In fact, in his essay on Kurt Riezler, Strauss makes the point that Riezler's choice for nationalism over cosmopolitanism, based on "his experience of the low character of actual cosmopolitanism" does not do justice to the "ideal of cosmopolitanism".<sup>21</sup> Moreover, Strauss suggests, Riezler's (one may say in contrast to Schmitt's) appreciation of "genuine cosmopolitanism" –the search for truth as uniting individuals even if it does

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<sup>18</sup> In the final chapter of this book, we will develop these corrections of Meier's presentation of Strauss, and show that contrary to Meier's position Strauss's "political philosophy" can in fact reach to the core of Schmitt's "political theology" and indeed offer the basis for a decisive critique of that "political theology".

<sup>19</sup> See *On Tyranny*, ed. Gourevitch and Roth. For discussion, see R. Howse and B-P. Frost, "Introductory Essay", in B-P. Frost ed., Frost and Howse, trs., Alexandre Kojève, *Outline of a Phenomenology of Right*.

<sup>20</sup> See Kant, *Perpetual Peace*.

<sup>21</sup> "Kurt Riezler 1882-1955", in *What is Political Philosophy?*, p.

not unite nations or citizens—allowed Rizler to appreciate the “disastrous hollowness” to which nationalism itself tends when it becomes war-like and expansionist. Thus, Rizler had warned against Germany getting entangled in the First World War.<sup>22</sup> For Strauss, the violent opposition of nations one to another is as much a distortion of what is highest in humanity as “a partnership for culture and consumption”—even if the violent opposition of nations is a reality that must be taken into account in any sober diagnosis of politics in modern times, i.e. which cannot or should not be wished away by pacifist prayers.

This helps us to understand the distortion of Strauss’s thought perpetrated by Meier when he suggests that Strauss is at one with Schmitt in opposing peace or agreement “at any price”. To begin with, to reject peace or agreement at any price is one thing—to regard enmity, and potentially violent opposition as the normal and desirable state of humanity is quite another. Secondly, the passages that Meier cites here from Strauss’s “Notes” on the *Concept of the Political* come from a paragraph where Strauss states at the outset that his intent is not to state his own position, but rather to look “more closely at Schmitt’s description of the modern age as an age of depoliticization”. (“Notes”, para. 28). It is easy to present Strauss as in agreement with Schmitt if one quotes Strauss’s paraphrase of Schmitt as if it were not a paraphrase but rather Strauss’s presentation of his own views!

*After* Strauss has finished paraphrasing *Schmitt’s* position as to the superiority of conflict to agreement, Strauss proceeds in fact to tear that position apart (“Notes”, paras. 30-32). In particular, Strauss notes that what Schmitt’s position boils down to is a

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tolerance for every conviction that tends to lead to sustain war or conflict or for conflict—the mirror opposite of the liberal’s tolerance for every conviction that is consistent with peace and legal order, and equally empty, equally a “neutralization”.

Finally, Meier’s claim that Strauss rejects “the illusory security of a status quo of comfort and of ease, in holding in low esteem a world of mere entertainment and the mere capacity to be interested” is also a distortion of Strauss’s thought. Strauss consistently rejects the manner of thinking that holds comfort and ease to be at odds depth and greatness. Strauss *rejects*, for example, the atheism from (secularized Christian) probity that rejects belief in God because it is comforting or provides “illusory security”.<sup>23</sup> *Against* the existentialists, he *questions* the identification of *Angst*, unease, and discomfort with human seriousness and *philosophical* intransigence. He prefers the taste and sensibility of Jane Austen to that of Dostoevsky. And he appears to endorse the ancient perspective according to which the city at peace, or at rest, is more naturally human, and more conducive to order of human excellence, than the city at war.

In sum, all the points of agreement between Schmitt and Strauss that Meier adduces are in fact illusory. These are positions of Schmitt, to which Strauss does not subscribe.

Let us now consider what Meier describes as the “insuperable opposition” between Strauss’s thought and that of Schmitt. The antagonism or opposition is defined by Meier as that between political theology (Schmitt) and political philosophy (Strauss). Schmitt’s opposition to liberal modernity is grounded in his faith in God and his belief

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<sup>23</sup> See Preface to the English Edition of *Spinoza’s Critique of Religion*.

that through the neutralization and depoliticization of the present age “the *Antichrist* has begun to establish his dominion (Meier, 1988, p. 48, Lomax translation). The Antichrist seeks to triumph by convincing men that “they no longer need to decide between Christ and Antichrist”. Thus, the Antichrist appears as a liberal who seeks to have men abandon the opposition between friend and enemy which is the lifeblood of politics.

Once one understands the core of Schmitt’s thought as faith it is impenetrable to Strauss’s criticisms, according to Meier. Or any criticisms—criticisms belong to the world of mere discussion, the world of liberals and philosophers. Indeed, the move to the ground of faith, of political theology, even obviates an effective questioning of whether Schmitt is *really* responding to the call of God. Thus, Loewith and others may interpret Schmitt’s “political theology” as a secularization of Christian categories into political nihilism; but such an interpretation is external; according to Meier, “the political theologian is wholly in his own realm. Is one to suppose that the decision born of the obedience of faith in the supreme authority cannot, in the end, be distinguished from the decision that bases one’s commitment on nothing? In the case of Carl Schmitt, everything depends on the answer to this question. Inasmuch as his political theology is constructed on the peak of faith, *probitas* has to carry the whole burden.”(Meier, 1988; p. 80, footnotes omitted). In other words, to stake a claim on the basis of faith, is to stake a claim the credentials of which cannot be challenged or questioned. It is a matter alone for the man of faith to be true to himself in the decision. There is no external criterion for verification of the authentic origin of the decision in faith.

According to Meier, the criticisms that Strauss is able to make of Schmitt’s account of the political on the plane of philosophical rationalism show (to Schmitt

himself or at least to us) why the political requires God. According to Schmitt the political must be beyond moral or legal judgment or constraint. But Strauss had astutely pointed out that Schmitt's argument *for* the political is necessarily a moral argument. If only cryptically, it is an argument for a concept of human seriousness or the right way of life for man. The political cannot, according to Strauss, sustain itself even on Schmitt's own terms, in remaining autonomous from morality, as Schmitt would like.

The faith in God provides a foundation for the friend/enemy distinction that preserves the autonomy or supremacy of the political at least as regards morality and law; faith teaches the opposition of God and the Antichrist, but leaves to men of faith *complete latitude of action* in deciding where and in what guise the Antichrist appears, and how effectively to oppose him. Thus, as Meier emphasizes, by "political theology" Schmitt does not connote the substantive grounding of political decisions in religious truths, but rather the dependence of the political on God in a very different sense. "Politics needs theology" (Meier, 1988, p. 54, Lomax translation). In other words, theology is in the service of politics, is the guarantor of the autonomy and supremacy—and permanence--of the political.

But what does this theology have to do with the God of the Bible? Is the fundamental thrust of the Bible to underwrite a politics, or a political elite, autonomous from or superior to all moral judgment and constraint? Does the God of the Bible really leave man unguided in the content of his "decision", of his action here and now? The least one can say is that the few select quotations from Christian biblical sources cited by

Meier cannot resolve this question in Schmitt's favor.<sup>24</sup> For now we shall merely assert or suggest that the "political" view of the God of the Bible on which Schmitt's "political theology" is grounded is none other than the utterly modern view which in the first analysis depends on Machiavelli's and to some extent Spinoza's biblical criticism—the very biblical criticism that informs the varieties of modern philosophical liberalism that Schmitt detests. A full consideration of Schmitt's "theology" would affirm and indeed strengthen Strauss's fundamental criticism of Schmitt (rather than countering it as Meier would suggest). That is to say, in its (hidden) dependence on an utterly modern view of the God of the Bible—a view that has God providing no guidance for human action but delivering man up to History and leaving politics free of morality—what Meier calls Schmitt's "theology" further demonstrates the extent to which Schmitt remains trapped within the horizon of liberalism.

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<sup>24</sup> It should be noted that to create a God that serves the (Schmittian) political, Schmitt had to do battle with the actual theologians of the Church, whose God, not surprisingly, did provide in the revelation moral and legal guidance and direction to man. See R. Gross, *Carl Schmitt und die Juden*, supra n. ??, pp. 374ff. See also my discussion of Schmitt's book *Political Theology* in R. Howse, "From Legitimacy to Dictatorship—and Back Again: Leo Strauss's Critique of the Anti-Liberalism of Carl Schmitt", in D. Dyzenhaus ed., *Law as Politics: Carl Schmitt's Critique of Liberalism*, supra n. ??