

**NOTE TO PARTICIPANTS IN CONFERENCE ON LEO STRAUSS,  
UNIVERSITY OF NOTTINGHAM, MARCH 27-28, 2006.**

**The long essay below is the core of a short monograph I am writing on Leo Strauss; the final version will also include extended discussions of Strauss on Machiavelli and Nietzsche, and of the relationship of “Straussianism” and especially Allan Bloom to Strauss’s thought.**

**Rob Howse**

“In some cases . . . ideologies are known to have been originated by outstanding men. In such cases it becomes necessary to consider whether and how the ideology as conceived by the originator was modified by the adherents. For precisely if only the crude understanding of ideologies can be politically effective, it is necessary to grasp the characteristics of this crudity: . . .”—Leo Strauss

## **LEO STRAUSS-MAN OF WAR? STRAUSSIANISM, IRAQ AND THE NEOCONS**

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**FIRST DRAFT: CITATIONS INCOMPLETE, COMMENTS WELCOME**

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<sup>1</sup> I am grateful to Peter Berkowitz, Tod Lindberg, Harvey C. Mansfield Jr., Nasser Behnegar, Jan-Werner Mueller, Kalypso Nicolaidis, Anne Norton, Tracy Strong, among others, for conversations about Leo Strauss or reactions to my previous writing on Strauss and/or Schmitt and Kojeve . Some of the ideas in this paper on Strauss’ relation to Kojeve and Schmitt were developed in my lectures on Kojeve as a visiting professor in the fall of 2005 at the University of Paris I (Pantheon-Sorbonne). My thanks to Emmanuelle Jouannet for encouraging me to present Kojeve’s thought to this audience; in Paris, I also have learned much from my discussion with Corine Pelluchon, whose recent book on Strauss is probably the best overall treatment of his thought yet published. My greatest debt is to the students in my seminar at Michigan over the last two years on Justice and Law in International Relations, who were the sounding board for the ideas in this paper, especially those on Thucydides and Strauss, and who have enriched and challenged my thinking in many ways. This paper was presented at the University of Chicago International Law Workshop on March 6, 2006 and I am grateful for the searching criticisms and illuminating suggestions of the participants.

## **Introduction**

Was there a coherent foreign policy doctrine or a philosophy of world politics behind the United States decision, along with its allies, to make war on Iraq and destroy the regime of Saddam Hussein? If so, is there a view about international law, either explicit or implicit, in this doctrine or philosophy?

A range of media commentators and academics have suggested that the decision to go to war was prepared and decisively influenced by a perspective on world politics derived from “Straussianism,” a school of thought that developed around the teachings of Leo Strauss, a 20<sup>th</sup> century German-Jewish philosopher who is well known as a critic of liberalism, and whose diagnosis of the spiritual and intellectual crisis of modernity led to an attempted recovery of pre-modern philosophical perspectives on thought and politics as an alternative to “nihilism” and to the political implication of nihilism—fascism.

Much has been made of Strauss’s hostility to liberalism, but to the extent he criticized liberalism this hostility is largely based on liberalism’s embrace of relativism and positivism, the separation of morals from law and politics, which Strauss saw had rendered Weimar liberalism impotent to counter the extremists with effective arguments and counter-strategies. One cannot underestimate the impact on Strauss of the collapse of the moderate center in German politics, and the spectacle of the Weimar as “justice without a sword or of justice unable to use a sword,” incapable of standing up to fanaticism: Strauss witnessed these events with his own eyes in his formative years as a

Jewish scholar in Berlin.<sup>2</sup> Contrary to some critics of Strauss, however, the failure of Weimar democracy did not lead him to conclude that liberal democracy is necessarily weak or unable to maintain good public order. He noted that “there were other liberal democracies which were and remained strong”<sup>3</sup> through the economic crises and instability of the 1920s. While drawing some general lessons about the vulnerabilities of liberal democracy as a form of government, his explanation of the failure of liberal democracy in Weimar focuses on the specific political history and pathologies of German civilization.

Strauss notoriously attracted students who were conservatives and even reactionaries. This was not only because of his critique of liberalism (which does not necessarily imply an endorsement of conservative thinking), but because of the potential for the recovery of “classical” thought to legitimate all kinds of prejudices which had become disreputable as “elitism,” “sexism”, and so forth. Did not the ancients believe in slavery? Did they not regard giving citizenship to women as unthinkable? Just as the Nazis had invoked Nietzsche as a “great mind” to give philosophical weight to their prejudices, Strauss might have opened up the possibility for American conservatives and reactionaries to invoke Plato and Aristotle for purposes of giving intellectual respectability to positions generally viewed as crudely “redneck,” as dark superstitions of the bad old days.

But Strauss did not present Plato and Aristotle as apologists or ideologists for conventional Greek politics; instead, according to Strauss, the distinctiveness of ancient

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<sup>2</sup> Here I rely on Strauss’s own intellectual biography, “Preface to the English Edition of Spinoza’s Critique of Religion,” which is the concluding chapter in his work *Liberalism Ancient and Modern* (New York: Basic Books, 1968) 224, 224-225.

<sup>3</sup> *Ibid*, p. 225.

political philosophy emerges through its critique—indeed a radical critique—of the adequacy of the Greek city as against the standards of perfect, or rational, justice. In Strauss’s reading, however, this radical critique does not lead to a call for revolution, the actual implementation of the “philosopher-ruler” proposal in Plato’s *Republic*. On the contrary, in displaying what kind of drastic and deforming surgery would be needed to cure the defects in actual political life, the “philosopher-ruler” proposal suggests the limits to politics as such,<sup>4</sup> and results in a political theory that considers *every* form of political ordering to be a compromise of rationality and irrationality, and the *best* form of political ordering to be, as Strauss puts it, a mixture of wisdom and consent,<sup>5</sup> a mixed regime that gives a proper place both to popular will and to the role of educated political, legal, and military elites. What separates this from the modern liberal idea of separation of powers and checks and balances is that Strauss, following the classical political philosophers, does not believe the mixed regime can work as a balance of self-interested powers checking each other; it depends also on the character of those who exercise power, the kind of education they receive, and especially their capacity to believe in a common good and their respect for the rule of law. While character and education are not absent themes in liberal political philosophy,<sup>6</sup> they are minor themes, and troubling ones for liberals who believe the state should be neutral among conceptions of the good.<sup>7</sup>

Be that as it may, the fact is a number of students or followers of Strauss have

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<sup>4</sup> Leo Strauss, “On Plato’s *Republic*,” in *The City and Man* (Chicago: University of Chicago Press (Midway Reprint), 1963), p. 138: “as Cicero has observed, the Republic [of Plato] does not bring to light the best possible regime but rather the nature of political things—the nature of the city. Socrates makes clear in the Republic of what character the city would have to be in order to satisfy the highest need of man. By letting us see that city constructed in accordance with this requirement is not possible, he lets us see the essential limits, the nature of the city.”

<sup>5</sup> Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1965), p. 141.

<sup>6</sup> Cite Judith Shklar; Amy Guttmann, Martha Nussbaum..

<sup>7</sup> Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton: Princeton Univ. Press, 2001).

become prominent figures in American conservatism, especially neoconservatism, Irving and William Kristol being the most famous examples.

### **The Indictment**

In a long and much cited article in the *New Yorker* in May 2003<sup>8</sup>, the famed investigative journalist Seymour Hersh purported to unearth the fact that a closely knit group of Straussians in or near to the Bush Administration, most prominently Paul Wolfowitz, had essentially plotted the war against Iraq, seeking to gain public acceptance for the war through the fabrication or distortion of intelligence about WMD. According to Hersh, these Straussians were inspired by Strauss's view (as expressed by one of them, Abram Shulsky) that "deception is the norm in political life." Strauss apparently taught that politics is best practiced by a king (or tyrant) advised by a small circle of elite counselors, always willing and able to deceive or trick the people into going along with what they want.

While such apparent teachings of Strauss could explain the alleged use of deception with respect to intelligence on WMD, they obviously go only to means and not ends, and thus do not appear to illuminate why the goal of making war against Iraq would itself be justified or rationalized by a Straussian moral outlook. Hersh himself noted, "Strauss' influence on foreign-policy decision-making (he never wrote explicitly about the subject himself) is usually discussed in terms of his tendency to view the world as a place where isolated liberal democracies live in constant danger from hostile elements abroad, and face threats that must be confronted vigorously and with strong leadership."<sup>9</sup>

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<sup>8</sup> Seymour M. Hersh, "Selective Intelligence", *The New Yorker*, May 12, 2003, 44.

<sup>9</sup> Hersh, *supra.*, p. 48.

If this is the Straussian outlook on foreign policy, and if Hersh is right that the Straussians in the Administration knew that Saddam did **not** possess the threat of WMD, then it would have made no sense in a dangerous world to stretch and deplete crucial US military resources in defeating a non-dangerous enemy, given all the real threats which one might need to respond to by calling on those resources. A “constant danger from hostile elements abroad” requires a very judicious use of weaponry and personnel. Moreover by “crying wolf” (no pun intended), the Straussians would undermine the capacity to persuade the public of the need to respond with force to *real* threats in the future.

These difficulties with the notion that Straussianism was the outlook behind the Iraq War did not diminish the influence of Hersh’s article; instead he merely provoked others, attracted by the idea of blaming Iraq on the Straussians, to fill in the gaps, by suggesting why Straussianism was not only as behind the supposed deception involved in the case for war, but also why Straussianism made the invasion of Iraq an attractive *goal*.

Two main hypotheses emerged. The first related to Strauss’s supposed affinity with the Nazi political and legal philosopher Carl Schmitt; like Schmitt, Strauss identified human seriousness with a world in which mortal conflict was still possible and the liberal ideal of perpetual peace with the end of human seriousness, Nietzsche’s “last man”, who lives only to satisfy the basest of needs. The division of the world into “friends” and “enemies” is crucial to political life; a political community gains its internal coherence, dignity, and vitality from the capacity to unite against a common enemy. Well before Iraq, one Canadian scholar had identified Strauss with these Schmittean positions, or

rather with a radicalization of them from the Right;<sup>10</sup> if Shadia Drury's claim lost in credibility from her unremitting hostility to Strauss in all respects, much more damning of Strauss as a teacher of a basically bellicose view of human excellence or virtue, was the fact that a German scholar very sympathetic to Strauss, Heinrich Meier, had sought to connect Strauss to these positions of Schmitt's; Meier's assertion of a "dialogue" between Strauss and Schmitt in his short volume *Leo Strauss and Carl Schmitt: A Hidden Dialogue* received approval from such leading American conservative disciples of Strauss as Harvey C. Mansfield Jr., the teacher of such influential policy minds as William Kristol and Elliot Cohen.

In her book *Leo Strauss and the Politics of American Empire*,<sup>11</sup> Anne Norton claims that both Strauss and Schmitt endorsed permanent war or threat of mortal conflict because of a fear of world government as a degradation of humanity; referring apparently to Schmitt's works on international law and his invocation of a conception of "European" international law that both allows and constrains war at the same time, Norton suggests that Strauss or the Straussians went farther than Schmitt in approving the absence of any normative constraint whatever on the use of force; Strauss and his disciples are "proponents of war without limits."<sup>12</sup> According to this view, Strauss was able to criticize Schmitt for retaining a morality of war even while attaching a positive moral value to war or the possibility of war; Schmitt therefore remained within the horizon of liberalism, and was unable to become a perfect anti-liberal. What seemingly allowed Strauss to be such an anti-liberal, was what another prominent journalist, James Atlas,

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<sup>10</sup> Shadia Drury, *Leo Strauss and the American Right* (New York: St. Martin's Press, 1997).

<sup>11</sup> Norton, *Leo Strauss and the Politics of American Empire* (New Haven: Yale University Press, 2004), 123, 148.

<sup>12</sup> Norton, *supra*, at 144.

asserted in the New York Times to be Strauss's endorsement of "the natural right of the stronger."<sup>13</sup>

The natural right of the stronger was precisely the position taken by the Melian generals in the famed dialogue in Thucydides' *Peloponnesian War*, an important element of the outlook of Athenian imperialism as presented by Thucydides, on whom Strauss wrote a very long essay in *The City and Man*. But is the position taken by the Athenian generals the core of the teaching that Strauss derives from Thucydides? Strauss's interpretation is remarkable for its emphasis on aspects of Thucydides' work that have often been neglected by interpretations focused on the power politics of the Melian dialogue. The statements of the Athenian "dove" Diodotus, in his plea for clemency for the people of a city that unsuccessfully revolted against Athenian imperialism, including Diodotus's radical suggestion that the compulsion of the oppressed to rebel against domination is as natural as the compulsion of the strong to dominate, are suggested by Strauss to be truer to Thucydides' own teaching, and truer simply, than the position of the Athenians at Melos.

It has been claimed that Strauss endorsed or inspired by his thinking a modern version of this kind of idealistic imperialism, which underpins the mindset of those who advocated and planned the Iraq War. According to Alain Frachon and Daniel Vernet, writing in *Le Monde*, the neocon Straussians are "idealistic and optimistic, convinced of the universal validity of the American democratic model" and prepared to impose it by force, through regime change;<sup>14</sup> they extol the virtues of "militant democracy." In the *New York Times*, Atlas points to a statement by Strauss in the introduction his book-

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<sup>13</sup> James Atlas, "A Classicist's Legacy: New Empire Builders",

<sup>14</sup> "Le Stratege et le philosophe," *Le Monde*, 16 April 2003, 12-13. Translations are my own.

length statement of classical political philosophy, *The City and Man* (a study which begins with Aristotle, proceeds through Plato, but *culminates* with Thucydides, who is given a treatment half as long again as that devoted to Plato's *Republic*): "to make the world safe for Western democracies, one must make the whole globe democratic, each country in itself as well as the society of nations." Immediately after quoting this statement, Atlas draws his conclusion that "There's a reason that some Bush strategists continue to invoke Strauss's name."<sup>15</sup>

It will be immediately obvious that the "Schmittean" and the "militant democracy" hypotheses about the Straussian origins of the Iraq war cannot both be right; Strauss could not have endorsed a *la Schmitt* a bellicose stance as a last stand *against* the universal homogenous state—the liberal internationalist dream—while at the same time advocating violence as a means to *realizing* that universal human condition. This is only one of the strange twists in the whole exercise of attributing the stance behind the war to Straussianism. Another is the nagging question of whether the Strauss in question is largely the invention of students and disciples who made a cult around Strauss, in other words, a mythology that bears little relationship to the deepest meanings in Strauss's own thought. Even, and especially if this could be the case, it is necessary to assess whether Strauss's own teachings support the claimed mindset(s); only by knowing what those teachings say, can one be sure about the intellectual origins of the war, or at least the warmongers; unless we know Strauss's actual teachings, we cannot know whether Straussianism itself is another "smokescreen" for some quite different intellectual position, one antithetical to American conservatism such that the cloak of Straussianism

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<sup>15</sup> Leo Strauss, *The City and Man* (Chicago: University of Chicago Press, 1964), at 5. As will be explained later of this essay, the statement that Atlas quotes is in fact a *paraphrase* by Strauss of a position that he went on to criticize.

might have been needed or useful in presenting it to conservative Republicans. As Strauss himself observed: “In some cases . . . ideologies are known to have been originated by outstanding men. In such cases it becomes necessary to consider whether and how the ideology as conceived by the originator was modified by the adherents. For precisely if only the crude understanding of ideologies can be politically effective, it is necessary to grasp the characteristics of this crudity: . . .”<sup>16</sup>

This essay is based on the analysis of key texts of Strauss on issues such as deception in politics, tyranny and the world state, the normative constraint of power in war and peacetime, the moral significance of war and war-like virtue, and the justification of imperialism. The examination in question will, I think, show that none of positions of Strauss on these matters could have reasonably inspired the project of war against Iraq or even a mindset that would undertake such a war, either on Schmittean nihilist grounds as a stand against perpetual peace and the corresponding degradation of man, or alternatively, as a project of militant democracy. This does not mean that Strauss’s views on foreign policy could not or would not have led him to support the Iraq war on other grounds, or are simply incompatible with such a project (as some anti-war Straussians have suggested, most notably Thomas West)..

I would also stress that my analysis does not exonerate Strauss from responsibility of a sort for the misuse of his ideas. Strauss himself would have thought otherwise. For example, although Strauss knew that Nietzsche despised fascism, anti-Semitism, and militant nationalism, Strauss still insisted that Nietzsche was the “stepgrandfather of fascism”<sup>17</sup> As he explained in his essay “What is Political Philosophy?”, “[Nietzsche]

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<sup>16</sup> *The City and Man*, supra, at 8-9.

<sup>17</sup> “Liberal Education and Responsibility” in *Liberalism Ancient and Modern*, supra, at 24,

used much of his unsurpassable and inexhaustible power of passionate and fascinating speech for making his readers loath, not only socialism and communism, but conservatism, nationalism and democracy as well. After having taken on himself this great political responsibility, he could not show his readers a way toward political responsibility. He left them no choice except that been irresponsible indifference to politics and irresponsible political options.”<sup>18</sup>

Anyone open to the charm and persuasive force of Strauss’s writings cannot come away without a sense that modernity has diminished the possibilities for human excellence, and in particular that modern political philosophy culminates in a nihilism that eschews the very possible of rational grounding for the human good. Strauss’s recovery of classical thought holds out the hope that this crisis is a product of the particularly modern project of reason as the mastery or control over nature, and not of rationalism or philosophy as such (as it was presented by Heidegger). It is thus possible to think, with the ancients, “outside” of modernity. But Strauss does not regard as either practical or desirable, a *political* revolt against the degraded social and cultural condition produced by the defective modern project. Indeed, past attempts at such revolt have led only to a *greater* menacing of the freedom of the mind than the easygoing conformism of that degraded social and cultural condition (above all, fascism). If there is a foreign policy goal to be gleaned from Strauss’s stance, it is (in the cold war context) vigilance against Sovietism, which is also a menace to freedom of the mind. In other words, Strauss’s “neo-classicism” allows a liberation in *thought* from the crisis of modernity and the deadly nihilism that is its culmination, but no liberation in practice, in “life”(in

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<sup>18</sup> “What is Political Philosophy?” in *What is Political Philosophy? and Other Studies* (Glencoe, Ill: Free Press, 1959).

Nietzsche's meaning), or in politics. From the point of view of freedom of thought, the present age, Strauss once suggested, is the best one, since it is possible to reconsider Platonism *along with* the greatest objections to Platonism, those of Heidegger and Nietzsche.<sup>19</sup> But contemplation is the *only* possible escape from the cage of modernity. As long as liberal democracies are strong enough to fend off the temptation of political extremism from within as well as external threats from tyrannical regimes, liberal democracies will remain conducive to escape from modernity at the level of thought; the genuine Straussian politics consists in ensuring that they remain so conducive. This means avoiding appeasement or *détente*, on the one hand, and McCarthyism, on the other (as Strauss claimed, rather courageously at the time, itself a threat to intellectual importance of no small significance<sup>20</sup>).

But what of the impact of this teaching on students of a worldly and combative rather than a resigned and contemplative bent? To such students—perhaps very ambitious politically—Straussianism would seem to offer nothing but a depressive nostalgia for ancient virtue, for a time when (western) history was a stage for excellence

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<sup>19</sup>TRACE SOURCE OF THIS ANECDOTE: CORRESPONDENCE OR MEMOIRS OR BIOGRAPHY OF GEORGE GRANT?

<sup>20</sup> In 1954, Strauss referred to “men like Senator Joseph McCarthy” as among the principal causes of “the contemporary dangers to intellectual freedom”; he worried whether the academic liberalism of the time, dominated by positivistic social science, could effectively stand up to McCarthyism. Leo Strauss, “On a Forgotten Art of Writing,” reprinted in *What is Political Philosophy? and Other Studies* (Chicago: University of Chicago Press, 1959, p. 223. This reference to McCarthy is, to my knowledge, just about the only public critique that Strauss made of any contemporary American political figure. To have made this remark when he did, in 1954, and despite his loyal following of American conservative students and disciples, most of whom could be presumed to be rabid anti-Communists, was extraordinarily courageous, I would hazard. Today’s enemies and critics of Strauss treat his concern with persecution either as ridiculous or disingenuous, perhaps just a pretext for elitism and the use of cryptic methods of expression: after all Strauss was in free America and should have gotten over the experience of “old Europe.” These enemies and critics should do their homework on the 1950s in America, and particularly the McCarthy era.

and greatness.<sup>21</sup> For Allan Bloom, who taught the various figures who are identified as the Straussians behind the Iraq war, “at first everything [Strauss] taught was the absolute Other for me, an Other which, if it was true, seemed to deny my special individuality. But I finally learned from that great man that self-actualization depended on seeing what the human possibilities are and that they live in flesh and blood in old books.”<sup>22</sup> If Strauss himself went to the old books in order to revive the quarrel of ancients and moderns and obtain a perspective on the crisis of modernity not itself unselfconsciously dependent on modern assumptions—a kind of free spiritedness or philosophical distance—in studying those books with Strauss Bloom eventually discovered another kind of escape from the cage of modernity, that of living or reviving through the imagination human possibilities swept away in the debris of contemporary culture. This alternative was explicitly developed by Jean-Jacques Rousseau, who became, after the stormy period of Bloom’s relationship with Strauss, the central focus of Bloom’s scholarship: Rousseau anticipated nihilism before it happened: he saw that the modern scientific understanding of nature would deprive nature of its previous status as a rational ground of human meaning for civilized man; nature could only induce a nostalgia for a primitive unity of spirit that could not be recovered. This nostalgia constituted one dimension of Rousseau’s thought; but another dimension was the notion that man was free to form himself according to his own ideals, inventing those ideals through his imagination and making them real through imposing them on reality. The imagination

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<sup>21</sup> Note the nostalgia of Bloom’s former student (and now repentant neocon), Francis Fukuyama for “men with chests,” For the bloody macho struggle that disappears with the End of History. Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992), p. 312 for example. Fukuyama was philosopher enough to work out this nostalgia by writing about it; he actually opposed the Iraq war.

<sup>22</sup> “Preface” in Allan Bloom, *Giants and Dwarfs: Essays 1960-1999* (New York: Simon and Schuster, 1990).

could re-enchant nature itself, infusing it with human ideals through poetry and romantic love. The imagination could make a decadent civilization worth the devotion of a heroic military leader. Rousseau's notion of self-construction, of human perfectability through imagination, overcomes nihilism by practicing virtue without really believing in it (i.e. with an awareness that one is creating through the imagination the grounds or objects of one's own striving, heroism, virtue). The facts do not matter; it is the ability to act on the basis of an imaginative account of reality that supports one's longings that is decisive. This side of Rousseau, and its implications, are most fully developed by Bloom in his essay on Flaubert's *Madame Bovary* in his last book, *Love and Friendship* (which some of his closest students regard as his best). Emma Bovary is able to imagine a pathetic, withered old man as a great chevalier of the ancient regime.<sup>23</sup> Being a woman, these powers of fantasy lead her nowhere; but they lead her masculine creator, Flaubert, to create great art in a world that does not deserve great art and lacks the spiritual centre to support it. In a brilliant passage of literary interpretation, Bloom suggests the importance, easy to neglect, of the great doctor Lariviere, called in to save Emma after she has attempted suicide by poisoning. Lariviere is a superior mind and soul in a diminished bourgeois world; his superior virtue is not supported by that diminished world, but he practices virtue nonetheless without really believing it. This is a form of spiritual health in dark times. Paul Wolfowitz may live in a world where there will be no more Alexander the Greats or Napoleons but he can still find an outlet for his superiority serving a world and a cause (liberal democracy) that is itself degraded and in which he might not truly be able to believe.

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<sup>23</sup> Anne Norton makes something different of Bloom's emphasis on this passage in *Madame Bovary*: See Norton, *supra*, n. , p.

Once we understand this perspective as the mindset of those Straussians connected to the Iraq project, then their particular manner of planning and justifying the war becomes much clearer, as does the gulf in their outlook from that of others, whether security-obsessed conservatives, or human rights hawks, who might have supported the war from a genuinely belief of the necessity of using force to protect and advance democracy.

However, a first step in appreciating the importance of Bloom is to appreciate his decisive deviations from Strauss on the matters in question; this is based on Strauss's own suggestion, noted above, that one cannot understand the crude ideology that has been built from distortions of the teaching of an outstanding thinker unless one first understands the original teaching of that thinker. Only by grasping the deviations from the original teaching can we understand the ideology in its crudity. To understand what essential defect in Strauss's thought may have given rise to Allan Bloom, we shall have to gain a good understanding of that thought. In order to do that, we must first of all overcome the prejudices and misunderstandings about Strauss that have been perpetrated by his accusers and enemies. A truly adequate and competent, and therefore decisive and effective, critique of "Straussianism" can only begin once we have liberated ourselves from the current, inadequate and misleading, critique.

### **"Straussianism" and Deception in Politics**

Long before the attempt to link Straussian ideas to the Iraq war, Strauss's thesis that the philosophers of the past wrote so as to dissimulate the unorthodox nature of their thought created considerable enmity and suspicion among mainstream scholars.<sup>24</sup> This

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<sup>24</sup> See R. Howse, "Reading Between the Lines: Exotericism, Esotericism, and the Philosophical Rhetoric of Leo Strauss", *Philosophy and Rhetoric* 32/1 (1999) 60, from which parts of this section are freely drawn.

thesis was based on Strauss's historical claim that, generally speaking, philosophy has been subject to persecution in most societies where it has existed, ranging from ruthless suppression to the mildest form—ostracism.<sup>25</sup> The historical argument might not have been so hard to swallow by mainstream liberals, had not Strauss also given the impression that, at least for the ancient philosophers, the point was not only to avoid oppression of free thought but to protect society against dangerous truths that could be destructive of a relatively healthy or decent social order. Seen through the evident cliquish, snobbish and exclusionist tendencies of the Straussian circle of epigones and students, Strauss's meaning was taken to be that the masses ought to continue to be duped into obedience by conventional religious morality or political ideology, while a philosophical elite soars free of these constraints, able to put everything in question as long as it remains in its "secret garden."

As was already noted in the introduction, Strauss appeared to have a strong sense that, even where those ideas are misused and misunderstood, a thinker must bear some responsibility for the political and social consequences of such misuse and misunderstanding. As is evident from his own intellectual biography, Strauss believed to have witnessed as a young scholar the way in which ideas of philosophical origin prepared the outlook of fascism, and indeed Nazism itself—the destruction of a liberal democracy. I myself do not see his advocacy of caution in expression, based in a sense of the social responsibility of intellectuals, as illiberal. He simply understood that one must balance the possibility that philosophical critique of society will be contribute to emancipation from tyranny against the possibility that such critique could be abused by

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<sup>25</sup> Leo Strauss, "Persecution and the Art of Writing," in Strauss, *Persecution and the Art of Writing* (Glenwood, Il.: Westview Press, 1973), pp. 32-33.

demagogues or false prophets, i.e. used as a basis for mass delusion, in the aid of new forms of ideological control.. In this respect Strauss's view is closer to Foucault's understanding of the relation of reason to power than to the radical Enlightenment notion that the truth will necessarily set us free.

But there is more. Strauss appeared to teach that no society is completely rational. Every society requires for its ordering the acceptance of some myths and conventions, a sort of civil religion, which allows for trust between citizens and thus a politics of citizenship, which is characterized by open debate and deliberative decisionmaking under the rule of law. Thus, “. . . every political society that ever has been or ever will be rests on a particular fundamental opinion which cannot be replaced by knowledge and hence is of necessity a particular or particularist society. This state of things imposes duties on the philosopher's public speech or writing which would not be duties if a rational society were actual or emerging; it thus gives rise to a specific art of writing.”<sup>26</sup>

In most liberal democracies, there exist a range of particularist rituals and conventions that are connected to the building of public trust or public spiritedness, most of which today fall somewhere between compulsory invocation of divinity and purely secular symbolism. An example is the use of oaths for court witnesses and public office holders. The predominant tendency in modern liberal thought is to dismiss the importance of such devices: as guarantees against fraud, corruption and abuse of power in legal and political institutions, oaths and the like seem almost ridiculously ineffective compared with checks and balances, separation of powers, judicial review, a free and independent press, and so forth. Strauss's response, I believe, would be that, ultimately,

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<sup>26</sup> *Liberalism Ancient and Modern*, supra at viii.

these devices themselves depend on the *character* of those individuals who serve in legal and public offices, their sense of the sanctity of the public trust, and belief in a common good that unites the entire political community. Civic piety—for some rooted in belief in a religious orthodoxy, for others of us based in a natural intuition of conscience, or a reverence of our “own” institutions, or even a deeply felt Kantian *Achtung fürs Gesetz*—builds character, and, moreover, sustains it under the pressures of public and professional life.

In any event, beliefs, customs, conventions, myths (historical and legal-constitutional as much as “sacred”) play a big role here according to Strauss; to the extent that they imply truth claims, those truth claims are ill susceptible to rational verification or philosophical proof. But nor are they easily refutable either. Philosophers, according to Strauss, should engage such beliefs, conventions etc. on the plane of their function in individual moral economy and in public life; this may entail a genuine respect for that which cannot be rationally verified as a truth claim (nor however rationally refuted either).

Whether Strauss is right or not about this, it should be clear that the intent of this respect is not some sort of complicity with priests and princes to keep the people duped or under the “opiate” of religion. To the contrary, the goal is to sustain the kind of public trust and public spiritedness that allows a constitutional regime based on the rule of law to operate in broad light of day.

There is yet one more dimension to Strauss’s presentation (and apparent advocacy) of caution and even dissimulation in philosophical writing. This is the notion of “esoteric” teaching as opposed to merely cautious or cryptic writing. In Strauss’s view

the ancient philosophers did not believe that cautious writing would be enough to guard against persecution; it would be necessary as well to enlist and education political allies or friends in the cause of freedom of thought. Since ancient philosophy is oriented towards the notion of contemplation not praxis as the happiest or best human life, the requirement to find political allies for philosophy necessitated a presentation of philosophy in such a manner as to attract those suited to a life that is not itself philosophical in the proper sense.

In the third part of his essay “Persecution and the Art of Writing,” Strauss makes a number of clear hints that classical political philosophers practiced not only “exotericism,” the written presentation of the truth in a subtle or cryptic manner to avoid persecution, but also that the classics practiced “esoteric teaching,” which includes the presence of “noble lies” within philosophic writings, in other words, active deception of the students to whom the teaching is directed, and not merely defensive measures to avoid the censor. For instance, Strauss makes the rather oddly structured statement that philosophers must “conceal their opinions from all but philosophers, either by limiting themselves to the oral instruction of a carefully selected group of pupils, *or* by writing about the most impost subject by means of ‘brief indication.’”<sup>27</sup> The disjunctive “or” in this sentence suggests that careful writing and oral instruction of pupils are *alternative means* of concealing opinions from all but philosophers. Thus, where a philosopher engages in cautious writing *as well as* the instruction of pupils, the latter is for reasons other than the communication of the truth to philosophers alone. Early in the same essay, Strauss had said that cautious or “exoteric” writing “has *all* the advantages of private communication without having its greatest disadvantage—that it only reaches the

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<sup>27</sup> Supra n. 25, p. 34-35. Emphasis added.

writer's acquaintances."<sup>28</sup> If this is literally true, then when a philosopher engaged in "esoteric teaching" as well as "exoteric writing," the former would have to be for reasons other than cautious communication of the truth, since exoteric writing would have all the advantages, without the disadvantage, of private communication. .

If this presentation of the approach of classical political philosophy is meant by Strauss to also articulate his own practice, is it not possible that Strauss communicated a secret (but false) teaching to students such as Wolfowitz, which appealed to their political ambition? Might Strauss have been willing to legitimate a certain kind of political ambition through philosophical deception in order to secure allies for philosophy in high political places?

What Strauss suggested to these men in private could be quite different than the (deepest and real) meaning in his writings. Thus, it has to be said, in fairness to Hersh and the other accusers of Strauss in the Iraq affair, that Strauss's idea of the use of esotericism to obtain political friends to philosophy gives rise to a kind of suspicion that cannot rest *fully* rebutted through a careful reading of Strauss's published writings, which is the main aim of this paper. However, an adequate grasp of Strauss's written teachings should allow us to grasp the general nature or kind of messages he might have sent in "esoteric" instruction of students for purposes of winning political friends for "philosophy." Thus, in his interpretation of Plato's *Seventh Letter* and its allusions to what can only be communicated orally, Strauss suggests that nevertheless "the decisive indications" of Plato's teaching can be grasped from his dialogues.<sup>29</sup> To be "political" philosophy in Strauss's sense of the word, this written teaching would have to include the

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<sup>28</sup> *Supra* n. 25, p. 25.

<sup>29</sup> Strauss, "On a New Interpretation of Plato's Political Philosophy," (1946) 13 *Social Research* 326, p. 352.

“decisive indications” of the kind of stories that philosophers need to tell their “political”/non-philosophical students/disciples in order to advance the political protection of philosophy.

### **The Schmitt Connection**

While the vilification of Strauss as authoritarian and anti-liberal has been common in the Anglo-American academy for decades, the issue of Strauss’s relationship to the Nazi lawyer and philosopher Carl Schmitt has only recently become a feature of such critiques. In his early thirties, Strauss wrote a review essay of Schmitt’s *Concept of the Political*, a work in which Schmitt identifies the friend/enemy relation as the fundamental basis of the political, which finds itself endangered by liberal universalism and pacifism. Schmitt identified human seriousness with the possibility of war against a mortal enemy, and glorified a politics of “decisionism,” the will of the leader to decide in light of his identification of the enemy and the threat the enemy poses, unconstrained by legal or other normative limits. Strauss ended his essay by suggesting that Schmitt remained within the philosophical horizon of the liberalism that he criticized, and that what was needed was a horizon beyond liberalism; this could be interpreted as suggesting that Strauss was advocating an even more extreme form of warrior morality than was Schmitt. In fact, as I shall explain, the “horizon beyond liberalism” that Strauss intends is also a horizon beyond anti-liberalism, beyond the polemic against liberalism. Strauss criticizes Schmitt for being locked into a polemic with what he is *against*, and thus not being able to think beyond what he is against to what is simply true.

The idea that Strauss's critique of Schmitt actually evidenced a fundamental agreement between the two thinkers became plausible on the basis of a short book published in 1988 by Heinrich Meier, who had taken over the helm of the Carl-Siemens-Stiftung from Armin Mohler, one of the leading figures in the European extreme right. *Carl Schmitt, Leo Strauss und "Der Begriff des Politischen: Zu einem Dialog unter Abwesenden"*<sup>30</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, 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. 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

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<sup>30</sup> H. Meier, H. Lomax, tr. *Carl Schmitt and Leo Strauss: A Hidden Dialogue* (Chicago: University of Chicago Press, 1995).

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.

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”<sup>31</sup> 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, JuliusGuttman, 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

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<sup>31</sup> Meier, *supra* n. 29, p. 11.

were intellectual presences in Strauss's lifetime, if significantly older than him.<sup>32</sup> 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*.<sup>33</sup> 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" 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 works, and thus Meier would surely have been aware of the inaccuracy of his own observation. What motive does Meier have for falsely singling out among Strauss's contemporaries Heidegger, Schmitt and Kojève? Heidegger like Schmitt became a Nazi,

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<sup>32</sup> On the vital importance of engagement with these thinkers to the development of Strauss's thought see, C. Pelluchon, *Leo Strauss une autre raison, d'autres Lumières* (Paris: Vrin, 2005).

<sup>33</sup> The Strauss-Kojève connection will be discussed in detail in the next section of this essay.

and Kojève maintained a friendship of sorts with Schmitt after the War.<sup>34</sup> 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 (p. 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"<sup>35</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 that in his notes on *Concept of the Political* Strauss pointed out that Schmitt's defense of the political against liberalism remained locked

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<sup>34</sup> I discuss this relationship in Howse, "Europe and the New World Order: Lessons from Alexandre Kojève's Engagement with Schmitt's "Nomos der Erde," forthcoming, *Leiden J. of International Law*, 2006. See also the excellent discussion in Jan-Werner Mueller, *A Dangerous Mind : Carl Schmitt in Post-War European Thought* (New Haven: Yale University Press, 2003).

<sup>35</sup> H. Meier, *The Lesson of Carl Schmitt: Four Chapters on Political Theology* (Chicago: University of Chicago Press, 1999?), p. xviii.

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 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.<sup>36</sup>

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"

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<sup>36</sup> Meier, *supra*. n. 28, p. 38.

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.”<sup>37</sup>

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 Sprit” 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

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<sup>37</sup> Meier, *supra* n.29, p. xvii.

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>38</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

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<sup>38</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.

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 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.<sup>39</sup> Meier implies that Loewith would have been unaware of such matters.

The problem here is that Loewith, in his essay on Schmitt’s decisionism,<sup>40</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

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<sup>39</sup> Meier, *supra* n. 28, p. 61, fn. 64.

<sup>40</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 decisionism (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.

*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 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.

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. Does not this in itself speak volumes about Schmitt's own view: namely, that *Schmitt* considered the most adequate 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". 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

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' 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*.

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, . . .”

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 the ideal of cosmopolitanism p simpliciter in that thinking—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 *against* it—a perspective or vantage point that allows a dispassionate judgment on 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, as noted above, 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. 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 posture towards modernity as fundamentally one of disapproval, censure, or disparagement.

What then of Strauss's rejection of a "world state," of cosmopolitanism? As for cosmopolitanism, 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>41</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 not unite nations or citizens—allowed Riezler to appreciate the "disastrous hollowness" to which nationalism itself tends when it becomes war- like and expansionist. Thus, Riezler had warned against Germany getting entangled in the First World War. 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

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<sup>41</sup> Leo Strauss, "Kurt Riezler," in Strauss, *What is Political Philosophy? and Other Studies*, supra n.??, pp. 234-237.

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.

As Nasser Behnegar has pointed out, in his critique of Max Weber, Strauss directly addresses the notion that human nobility or seriousness implies a moral preference for conflict: Strauss shows how that preference led Weber to flirt with a debased warrior ethics to which he was required to posit an alternative unworldly pacifist ethics as an antidote, so to speak. In this discussion, Strauss lays bear the inner tensions of a moral posture that idealizes conflict as protective of human seriousness and nobility, the “tragic” perspective, as he calls it.<sup>42</sup> Schmitt, unlike Weber, did not hesitate to resolve these tensions in a more straightforward way, by embracing Machiavellianism, and ultimately reducing the notion of human nobility or seriousness to man’s “dangerousness.”

Significantly, 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.

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<sup>42</sup> Nasser Behnegar, *Leo Strauss, Max Weber, and the Scientific Study of Politics* (Chicago: University of Chicago Press, 2003), at 114ff.

30-32). In particular, Strauss notes that what Schmitt's position boils down to is a 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”.<sup>43</sup> 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”. *Against* the existentialists, he *questions* the identification of *Angst*, unease, and discomfort with human seriousness and *philosophical* intransigence.<sup>44</sup> 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.

### **The Kojeve Connection<sup>45</sup>**

Just as Meier has distorted Strauss's thought on cosmopolitanism, so also he, and Anne Norton (perhaps following Meier), distort Strauss's position on the “world state.” Strauss's views on the world state come into sharpest relief in his debate with the

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<sup>43</sup> I have dealt at length with Strauss's critique of Schmitt's “decisionism”—i.e. of the very view that Meier thinks that Strauss shares with Schmitt—in 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. 56-91.

<sup>44</sup> See “Preface to Spinoza's Critique of Religion”, in *Liberalism Ancient and Modern*, supra, at 256.

<sup>45</sup> The following draws on my previous writing on Kojeve, including R. Howse and B.-P. Frost, “Introduction: The Plausibility of the Universal and Homogenous State,” in B.-P. Frost and R. Howse, eds. and trs., *Alexandre Kojeve Outline of a Phenomenology of Right* (Lanham, Md.: Rowman and Littlefield, 2001), pp. 1-27 and “Kojeve's Latin Empire,” *Policy Review* (2004).

Hegelian Marxist philosopher Alexandre Kojève, presented in a book entitled *On Tyranny*.<sup>46</sup> A particular difficulty with correcting the misunderstanding of Strauss on the issue of the world state, is that this misunderstanding, especially in Anne Norton (and already in Shadia Drury), is compounded by a total misunderstanding of Strauss's interlocutor in this debate, Alexandre Kojève. To understand Strauss's position concerning the world state and its connection to the problem of tyranny, one has to understand what is at issue between Strauss and Kojève in the first place. According to Norton: "Strauss, Schmitt and Kojève feared the "universal and homogenous state" as the state of Nietzsche's Last Man, loving comfort, threatening no one, lacking a sense of gravity, seeking only entertainment. . . . The emergent future appeared to Strauss and Kojève as a condition of uninterrupted sovereignty and power."<sup>47</sup> The problem here is that, contrary to Norton, the Kojève whom Strauss addresses in *On Tyranny* is not an enemy of the world state, but its leading philosophical advocate!<sup>48</sup>

A child of the bourgeoisie, Kojève left Russia in 1920; he studied philosophy in Berlin and in Heidelberg under Karl Jaspers, and later settled in Paris where, during the 1930s he gave a series of celebrated lectures on Hegel's *Phenomenology of Spirit*. These classes were attended by many of the era's leading intellectuals (Raymond Aron, Maurice Merleau-Ponty, Jacques Lacan, Raymond Queneau, and others); with considerable rhetorical brilliance, Kojève there presented an atheistic, Marxist/humanist reading of Hegel, based on the centrality of the Master/Slave dialectic. According to Kojève, the

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<sup>46</sup> Leo Strauss, *On Tyranny: Revised and Expanded Edition Including the Strauss-Kojève Correspondence*, ed. V. Gourevitch and M.S. Roth (Chicago: University of Chicago Press, 1999).

<sup>47</sup> Norton, *supra* n. , p. 148.

<sup>48</sup> One must use the word "advocate" however with some caution: Kojève believed that the world state was the inexorable logical implication of the process of human history; at the same time, he believed that this state would solve the problem of human justice forever, and in this sense his teaching concerning the world state is normative not only positive.

decisive moment in the struggle between the class of masters and that of slaves is the French Revolution, where the struggle is resolved through universal citizenship—the aristocratic class recognizes the bourgeois and working classes as human on account of their work, i.e. productive economic activity. The possibility of such recognition through citizenship transcending a single political community is reflected in the project of Napoleon, and his imperial civil code.

Kojeve taught that the French Revolution with Napoleon represented the End of History. Afterwards, there was no longer a need for violent struggle to establish the rational supremacy of the regime of rights and equal recognition. At the same time, Kojève saw a long, arduous path to the full realization of equal recognition in adequate economic, social and legal institutions, even if the struggle to establish the ideal was complete. The path would be very different for different countries or civilizations, and in some cases it would be quite bloody, given the need to clear away anachronistic but still powerful interests and castes.

In the 1930s, Kojève spoke of himself as a Stalinist; he had no illusions about the barbarism of Stalin's rule, or that Stalin was out to realize the project of equal recognition. Rather, Kojève appears to have believed that forced “modernization” was the only, or the fastest, means of bringing Russia to the point where it might be capable of a peaceful transformation into a regime of rights. Stalin was merely a vehicle of post-history. Moralizing against him was philosophically meaningless.

After the Second World War Kojève largely avoided radical circles; he despised the student rebels of the 60s. Kojève instead labored in the French ministry of foreign

economic relations, and became an architect of the European Community and the GATT system of liberalized trade.

These choices could be explained in purely personal terms—Kojève was notoriously playful and a lover of paradox—or even in a sinister manner (it has been suggested that during this period Kojève was a spy for the Soviet Union). But they are certainly consistent with important aspects of Kojève’s thought that, until recently, have been largely ignored, both by his intellectual friends, and his critics.

In Kojève’s *Outline of a Phenomenology of Right*, written near the end of the Second World War but not published until the 1980s, Kojève articulates the notion of universal recognition as tending towards a legal order beyond the (nation) state, through explicitly accepting then “reversing” the Schmittian concept of friend/enemy.<sup>49</sup> As long as the world is divided into states in potential or actual relations of enmity with one another justice remains “political”—contingent on the interests of the particular state, and its governing elite, in relation to other states; justice is not truly impartial and disinterested, as implied, according to Kojève, by the very idea of *droit*. The “political” is the hard constraint against which the universalist aspiration of law must falter. Unless, and this is Kojève’s departure from Schmitt, the realization of this aspiration itself is capable of overcoming the “political.”

According to Kojève, through the increasing integration, mutual recognition, and harmonization of laws and legal judgments between “states”—the regulators and jurists of the different states—the political is ultimately replaced by the juridical as the basis of resolving differences *between* states. Once this process reaches a certain point, it

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<sup>49</sup> A. Kojève, *Outline of a Phenomenology of Right*, ed. Bryan-Paul Frost, tr. Bryan Paul Frost and Robert Howse (Lanham, MD: Rowman and Littlefield, 2000).

becomes unthinkable that these states would ever revert to war in order to resolve their differences as among themselves. The differences are subsumed within a universal concept of justice (which is what has in fact allowed the integration); thus, they can be resolved administratively by civil servants and lawyers, *without* the Schmittean political.

Kojeve writes, “As a political entity, the State tends to propagate itself by conquest; it tries to absorb purely and simply foreign States. But as a juridical entity, the State limits itself to imposing abroad its domestic *Droit*. In other words it tend to create a *Federation* of States or a federal State by becoming itself one of the federated States, the Federation having for a base and a result the existence of a unique *Droit*, common to all the federated States, and implying—in its “public *Droit*” aspect—an element of “federal *Droit*, regulating the relations of the federated States among themselves, [and] in particular the federal organization of justice. If the Federation is not universal—if it has enemies-States outside, it will have to organize itself into a (federal) State properly so-called. Its integral elements—the federated States—will also have enemies; they will therefore be *States*. But they will always have common enemies and will only be able to be reconciled with them in common: they will therefore not be sovereign States but federated States. However, the Federation will have a tendency to propagate itself as much as possible. At the limit it will encompass the whole of humanity. Then it will cease being a State in the proper sense of the word, no longer having enemies outside. And the federated States as well will consequently cease to be genuine States. The Federation will then become a simple, worldwide juridical Union (at least I nits juridical aspect, which is not the only one).”<sup>50</sup>

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<sup>50</sup> *Outline supra* n. 9, p. 327.

Yet the concept of justice on which the ultimately worldwide juridical Union is based is a complex one. It contains both an idea of equal opportunity in the marketplace, the ability to be compensated for one's labor at its exchange value, but also a notion of substantive equality, or equality of status—which means social rights, the welfare state, and so forth.<sup>51</sup> The concrete legal and economic institutions that achieve a balance or synthesis of these aspects of justice do not spontaneously emerge at a global or universal level but rather in particular social and cultural contexts. In this Universal and Homogenous State there remains considerable administrative decentralization and “subsidiarity,” reflecting local differences that do not, however, rise to differences about the meaning of justice itself; there are no conflicts of a kind that require struggling to the death in order to resolve, hence no more Schmittean “political.”

This synopsis of Kojeve's thought allows us to now understand the nature of Strauss's engagement in *On Tyranny* with the notion of the world state. While by the time of their exchange on tyranny, Strauss was probably aware that Kojeve saw the world state as likely to emerge as an EU type federation of liberal democracies<sup>52</sup> (although there is no evidence that Strauss had read Kojeve's manuscript on law, the “Outline”), in the dialogue on tyranny, Strauss addresses Kojeve as a Stalinist philosopher—as a thinker who proposes to facilitate the bringing about the world state through the expansion of the communist dream throughout the world; what is needed is to convince Stalin—or the

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<sup>51</sup>, *Outline*, *supra* n. 9, and see the interpretative essay by Howse and Frost in the same volume.

<sup>52</sup> In 1950, at the time at which Strauss sent to Kojeve his “Restatement,” the final sally in their exchange on tyranny, Strauss, Kojeve raised in a letter to Strauss that the world state might not be brought on at all by the victory of Soviet communism over the West but rather “if they [the Western nations] integrate their economies and policies (they are on the way to doing so), then they can defeat Russia. And that is how the End-State will be reached (the same universal and homogenous state).” Letter of September 19, 1950.

Soviet Communists—that only through humanizing Marxist-Leninism will it be possible to achieve the goal of a global socialist utopia.

The foundation of “On Tyranny” is Strauss’s interpretation of a dialogue by that title of the Greek political writer Xenophon.. This dialogue works through the permanent attraction of the wise man or philosopher to tyranny. This attraction is based upon the delusion, exposed in this dialogue and Strauss’s interpretation of it, that the tyrant’s absolute power, through being guided by the wise, can be turned to the benefit of justice—that tyranny appears to offer a short cut to radical political reform.

In the course of his commentary on Xenophon’s *Hiero*, Strauss makes many statements, some explicitly attributed to Xenophon and others not, which are pro-tyranny. These statements have been used by the accusers of Strauss as evidence of his anti-democratic orientation. For example, “. . . the rule of an excellent tyrant is superior to, or more just than, rule of laws.”<sup>53</sup> “Xenophon could not help being led to giving a greater weight, at least apparently, to the praise of tyranny than to the indictment of tyranny.”<sup>54</sup> “[According to Xenophon’s Socrates]’ constitutional’ rule, rule derived from elections in particular, is not essentially more legitimate than tyrannical rule, rule derived from force or fraud.”<sup>55</sup>

However, if one reads Strauss’s essay with any degree of care, it becomes clear that he and indeed Xenophon state the attractiveness of tyranny so emphatically not to in order to endorse tyranny but to overcome the temptation towards tyranny. One cannot really overcome a temptation adequately unless one let’s oneself feel its full force and

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<sup>53</sup> “On Tyranny,” in *On Tyranny*, supra n. ??, p. 74.

<sup>54</sup> “On Tyranny,” in *On Tyranny*, supra n. ??, p 67.

<sup>55</sup> “On Tyranny,” in *On Tyranny*, supra n. ??, p 74-75. Socrates, however, does not appear in the dialogue *Hiero*.

admits its power. Tyranny is compelling in theory: why should the implementation of the philosophically correct principles and policies be delayed or compromised by the unwise? But in practice Xenophon, Strauss and the classics generally according to Strauss, endorse government based on legitimacy and consent. Even in the service of “wisdom” tyrannical government remains tyrannical; it must be imposed by force and is inherently oppressive.<sup>56</sup> A tyrant cannot afford simply to do the bidding of the wise man; he would not remain a tyrant for long if he were not to listen as much (or more) to his bodyguard, his colonels and his secret police as to the wise man.

But there is more. In “On Tyranny,” Strauss psychoanalyses, as it were, the tyrant and the wise man as characters or human archetypes. At bottom, the deepest needs or desires of each cannot be satisfied in the sphere of the political: they cannot complete one another or answer each other’s neediness, because each is in a *different* way a cosmopolitan, seeking a *different* kind of satisfaction that is transpolitical: each is not satisfied by political life but not for the same reasons. The tyrant wants to be loved by everyone and is for this reason inherently dissatisfied by the constraints of the political community; the wise man seeks admiration and friendship of others who are wise, regardless of whether they are citizens or foreigners—a *different* motivation for being dissatisfied with the limits of the closed political community.

It is this analysis of the *echec* of the tyrant/wise man relationship that sets the stage for Kojève’s brilliant reply to Strauss. According to Kojève, the implication of Strauss’s analysis is not that an alliance between the wise and the tyrant is not possible or satisfying, but rather that both must aim in their alliance for a truly *universal* goal, one

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<sup>56</sup> “On Tyranny,” in *On Tyranny*, supra n. ??, pp. 75-76.

that transcends the limits of the Greek city—the closed or bounded political community: this goal is the “world state,” the universal and homogenous state.

Alexander the Great, the student of Aristotle, already saw how it would be possible to “go beyond the rigid and narrow confines of the ancient City.”<sup>57</sup> On the basis of the universalism or cosmopolitanism of the *philosophers*, Alexander was able to truly universal state as the outcome of an empire “in which conqueror and conquered are merge” and all become equal citizens: through mixed marriages and the merging of laws and customs, the prior particularist ties of ethnicity and religion are eroded and transformed into universal “civilization” or “culture.”<sup>58</sup>

But what essential interest does the philosopher or wise man themselves have in this universalist project? As against Xenophon/Strauss, Kojève the Hegelian/Marxist argues that philosophical wisdom cannot be verified through acceptance by a small circle of philosophical friends; only the universal actualization of philosophical ideas proves in the end that they are “true,” i.e. something other than the mad or eccentric notions of the thinker himself. By confining his need for confirmation or verification to a small circle, a thinker may be merely selecting not those truly competent to judge, but those who already share his prejudices, and thus whose “verification” is philosophically meaningless.<sup>59</sup> Ultimately, then, the true “satisfaction” of the philosopher and that of the “tyrant” or absolute ruler point to, or imply, the realization of the universal and homogenous state on the basis of the philosopher’s ideas. Only once his ideas are definitively actualized, or at least at the End of History, when no rational person will take

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<sup>57</sup> Kojève, “Tyranny and Wisdom,” in *On Tyranny*, supra n. ???, p. 170,

<sup>58</sup> Kojève, “Tyranny and Wisdom,” in *On Tyranny*, pp. 170-171.

<sup>59</sup> Kojève, “Tyranny and Wisdom,” in *On Tyranny*, supra n. ???, pp.158-159.

violent action to oppose their actualization, can the philosopher be sure that he is genuinely “wise.” To the problem of the secret police, etc., Kojeve’s response is that the philosopher should not interfere with the tactics of the tyrant; tactics should be left to those who are competent in tactics. Thus, it is strictly illegitimate for the philosopher to criticize the means adopted by the tyrant, however oppressive or brutal. To second-guess this kind of decision, the wise man would himself have to *become* the tyrant.

This is Kojeve’s implicit defense of Stalinism. For the communist intellectual or philosopher to be “disillusioned” by Stalin’s brutality is disingenuous to say the least. The intellectual cannot judge what is required by a particular political situation at a particular moment. The sole question is whether the tyrant’s action will in fact advance progress, in the long term, towards the actualization of the universal and homogenous state, “the world state.”

In his reply to Kojeve, “Restatement,” Strauss focuses on the viability and desirability of the “world state.” This reply brings into sharp relief the opposition between Kojeve, the proponent of the “world state,” and Strauss, who opposes such a possibility (if indeed he even admits it as a possibility.) Strauss, first of all, claims that the world state, even if based on “universal agreement regarding the fundamentals” would not be stable, because such agreement would have to be accepted on faith by the majority of people, who are not able to work through philosophically the basis for such agreement. And, according to Strauss, every faith, or ideology, gives rise to a counter-faith or ideology, with its own counterclaim to universality. The diffusion of knowledge

by the wise (*Aufklaerung*) will not solve the problem because “knowledge inevitably transforms itself into opinion, prejudice or mere belief.”<sup>60</sup>

But this leads to the more fundamental critique by Strauss of the world state, which is that, even if realized, it would not lead to the universal “satisfaction” claimed by Kojève. Having argued that man humanizes himself through violent struggle and work, how can Kojève claim that man will be fully satisfied as man in a state where, as Kojève claims there is no need for further violent struggle, and men will work less and less, as technology increases the possibilities of leisure? The recognition afforded in the universal and homogenous state to each individual as an equal citizen is, according to Strauss, very modest; he doubts it would compensate for the loss of opportunity to humanize oneself through violent struggle and work.

For this reason, it is likely there will be dissidents or resisters to the world state. “There will always be men (*andres*) who will revolt against a state that is destructive of humanity or in which there is no longer a possibility of noble action and of great deeds.”<sup>61</sup> Thus, the world state will in fact need to be coercive. Of course Kojève might object that this resistance is strictly speaking *irrational*: it is based on nostalgia for History—like Fukuyama’s lament for the passing of “men with chests.” The nobility and the greatness of the deeds to which Strauss refers derived from the human ends for which they were done—the struggle for recognition, which has now been accomplished. Thus, the discontents are rebels without a (rational) cause. They are the skinheads, etc. It is totally proper that the authorities in the world state lock them up; if they are not outright crazy, they are simply irrationally violent personalities. I believe Strauss fully

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<sup>60</sup> Strauss, “Restatement,” in *On Tyranny*, supra n.

<sup>61</sup> “Restatement,” in *On Tyranny*, supra n.??, p. 209. .

understood the weakness of this response to Kojève and that this is not his deepest response. But it should be emphasized that the objection in question is one that Strauss makes to Kojève based on Kojève own apparent affirmation that humanity is defined by struggle and work.

Contrary to what Drury, Meier, and Norton and Fukuyama all suggest, Strauss's real complaint against the world state, i.e. his normative objection (as opposed to his doubt as to whether it is viable or possible on Kojève's own terms) is not that it is the state of Nietzsche's "Last Man," an utterly unheroic, pacifist and therefore dehumanized condition. On the contrary, the fate met by war and work in the "world state" has to be reconsidered in light of the *different* possibility that "it is not war nor work but thinking that constitutes the humanity of man."<sup>62</sup> In order to be effective as a basis for governing a vast, indeed global, administrative space, the philosophy on which the world state is based will necessarily have to be disseminated to lawyers, judges, civil servants, administrators in such a way that it becomes ideology or prejudice, or mixed with prejudice. But since it is this philosophy that justifies the universalism of the world state, it must be defended by the ruler(s) against critique or attack, even when it degenerates into a ideology tainted with prejudice or particularistic belief. This requires the suppression of free thought, and is in turn a threat to philosophy. The diversity of political regimes preserves freedom of thought; for in the world state there is no other political community to which the persecuted philosopher can turn for exile, either physical or spiritual. Ultimately, then, Strauss objects to the world state, not in the name

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<sup>62</sup> "Restatement," in *On Tyranny*, supra n. ??, p. 209.

of Schmittean warrior ethics but in the name of freedom—for much the same reason as the liberal or proto-liberal Kant objects to it in the *Perpetual Peace*.<sup>63</sup>

### **“Decisionism” in Strauss’s Mature Thought: Schmittean or anti-Schmittean?**

If Meier’s and Norton’s efforts to associate Strauss with Schmitt’s militant decisionism are dubious at best, and if Strauss’s motivations for rejecting the world state have nothing to do with an attachment to a warrior ethics demanding the permanence of violent conflict between states, nevertheless passages in Strauss’s later writings where he appear to endorse—or present the “classic” perspective as endorsing—a liberation from normative constraints in dealing with the enemy. The difference with Schmitt is that the endorsement by the classics is quiet, somewhat ashamed, and reluctant, rather than loud, enthusiastic, and unhesitating. But are these merely differences of tone or do they point to differences of substance?

Consider the following statements in *Natural Right and History*: “. . . not even despotic rule is per se against nature”; “No law, and hence no constitution, can be the fundamental political fact, because all laws depend on human beings”; “Let us call an extreme situation a situation in which the very existence or independence of a society is at stake”; “. . . societies are not only threatened from without. Considerations that apply

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<sup>63</sup> CITE. Of course, this argument presupposes that the world state cannot tolerate the questioning of its “ideology,” even in light of the true philosophical teaching on which that ideology is based. Thus, this argument of Strauss presupposes the prior argument that many (non-) philosophers will not be “satisfied” by the world state, to the point of rebelling against it in such a way that the tolerance of intellectual critique becomes dangerous and destabilizing. I am far from sure that Kojève is not right that the rebels can be adequately handled by the police and the psychiatric system, *if* there rebellion is irrational. If it is rational—that is, if they rebel because *in fact* they do not receive the recognition of free and equal citizens, the recognition that should lead to satisfaction along with recognition through work and family life—then this means that the world state is as yet imperfect in its social and political justice.

to foreign enemies may well apply to subversive elements within society””; “it is not possible to define precisely what constitutes an extreme situation in contradistinction to a normal situation. Every dangerous external and internal enemy is inventive to the extent that he is capable of transforming what, on the basis of previous experience, could reasonably be regarded as a normal situation into an extreme situation.”; and, most importantly, “A decent society will not go to war except for a just cause. But what it will do during a war will depend to a certain extent on what the enemy—possibly an absolutely unscrupulous and savage enemy—forces it to do. There are no limits which can be defined in advance, there are no assignable limits to what might become just reprisals.”<sup>64</sup>

One need not be pre-disposed against Strauss and Straussians to read these passages and see a link between the teachings of Strauss and the abuses at Abu Gharaib. The idea that the inventiveness and cruelty of the enemy simply does not permit the definition of *any* limits in advance to how one may justly respond seems, at first glance, fatal to the laws of war. Moreover, while Strauss limits the applicability of this observation to the “extreme situation” he appears to agree with Schmitt that one cannot determine in advance, by rules, what is an “extreme situation” and therefore one cannot insure by the rule of law or laws that normative constraints are only jettisoned in a *genuine* “extreme situation”, i.e. where the self-preservation of a society justifies actions that would otherwise be contrary to natural justice.

On a closer examination, however, a different possibility emerges. In speaking of the impossibility of defining limits in advance, it turns out that Strauss is referring to the kind of limits that are stated as absolute rules that permit of no exception. These rules do

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<sup>64</sup> Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), at 160-161.

not allow for any discretion, or the balancing of military necessity for instance against humanitarian imperatives in the battleground. Yet many of the rules of international law, including the laws of war, are expressed precisely in terms that require such balancing by the commanders in the field. Concepts such as proportionality and necessity are crucial to the operation of these laws; and what is legal is can only be assessed based on the facts as they are known to those who have to make the decision on the ground at a given moment. Ken Anderson notes, with respect to the fundamental norm of minimizing collateral damage to civilians, “Every day, every night, Air Force lawyers and planners must consider possible targets and weigh what they think the military value might be, in the future course of war, against the best intelligence data on how many civilians might be killed or injured, or how much civilian property destroyed. It is a thankless game of guesswork. By their nature, such judgments involve factual evaluations and guesses that cannot be legally challenged, unless something approximating willful, intentional gross negligence can be shown.”<sup>65</sup>

For Strauss the difficulty of making such tradeoffs on the ground on a case by case basis does not imply that “in war law is silent” or that those who make the decisions must be given the benefit of the doubt. On the contrary, just because the decisions in question cannot be pre-determined by general rules, but require situational judgment, in no way excuses those who make the decisions from *ex post* accountability: “the objective discrimination between extreme actions which were just and extreme actions which were unjust is one of the noblest duties of the historian.”<sup>66</sup> If “objective discrimination” of this

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<sup>65</sup> K. Anderson, “Who Owns the Laws of War?”, *New York Times Magazine*, April 13, 2003.

<sup>66</sup> *Natural Right and History*, supra, at 161.

kind is possible for the historian, it is *a fortiori* possible for independent tribunals and commissions, with their power to collect evidence and summon witnesses.

This being said, could the various legal positions taken by the Bush Administration on the laws of war and related restraints be rationalized on the basis of what Strauss describes as the flexibility needed to respond on the spot to an enemy that is not only “savage” and “unscrupulous” but also “inventive”—for example, able to exploit existing legal constraints to its advantage by using “human shields”? Neither friends nor critics of the Administration will like what I would consider the approach to this problem that is most in keeping with the spirit, and letter, of Strauss’s thought. In the Straussian approach, in considering the loosing of legal constraints in time of war, one would need to consider the character of those making the decisions. Are the individuals in question likely to be overly cautious and be easily exploited or tricked by the enemy, if they do not feel a freer hand? Or are they persons of a character such that they would see such a casual or permissive view of legal constraint as a mandate, to use a line from a Cole Porter song, “to take the brakes off” and “misbehave”? What happened at Abu Gharaib suggests that what was fatal to humanity was a combination of a casual or permissive view of legal constraints with inattention or even willful reckless disregard to the character and education of those in charge..

Strauss does not provide an answer as to whether in principle it is better to have absolute rules—“torture is never permitted”—which in an extreme situation may be violated but with the possibility of the violator being “excused” ex post or not prosecuted, based on the extreme or exceptional nature of the circumstances, or on the other hand flexible rules that can be manipulated and adjusted in light of the situation. Much may

depend on what we assume about human character in extreme situations, and tractability of that character to education and training.

### **Thucydides and Democratic Imperialism**

It is above all to Thucydides that Strauss turns when he seeks to examine the question of human character in extreme situations.<sup>67</sup> Since Thucydides' account of the Peloponnesian Wars directly engages the question of justice and power in international relations, and the role of interest vs. principle in decisions of war and peace, it is no wonder that the Straussian view of Thucydides should play a prominent role in the debate over whether Straussianism is the intellectual cause of the Iraq war. According to Anne Norton the predominant Straussian reading of Thucydides has changed over time from an interpretation that presents Athens' downfall as a rightful punishment for its hubristic imperial ambition (a "pro-Spartan" reading) to a reading that suggests, instead, that the Athenians failed because they did not pursue imperial war boldly enough, giving too much not too little slack to the reckless Alcibiades.<sup>68</sup> The Athenian people proved too fickle and fearful to allow their leaders to pursue intransigently the strategy implied by the speech and conduct of the Athenian generals on Melos—the natural right of the stronger, or the proposition that there is no justice between the weak and the strong. Though there are a number of allusions in her book to the Straussian interest in Thucydides, Norton never actually considers what Strauss himself had to say about the readings of Thucydides in question, though she seems to view the neocon reading as Strauss's own interpretation. In fact, in his comprehensive 100-page-long interpretation of Thucydides Strauss considers explicitly and rejects *both* of the readings of Thucydides

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<sup>67</sup> "On Thucydides' War of the Peloponnesians and the Athenians," in Leo Strauss, *The City and Man*

<sup>68</sup> Norton, *Leo Strauss and the Politics of American Empire*, supra, at 200.

that Norton attributes to Straussianism. He seizes on the kernel of truth in each of these rather simplistic readings to come to a much more subtle appreciation of Thucydides teaching on justice, law, war and power.

Strauss was intensely aware of the actual political context of his interpretation of Thucydides—the Cold War. In the introduction to the book in which that interpretation appears, Strauss describes how Communism has shaken what he refers to as the purpose of the West, which, especially in the post World War II period, has been “progress toward a society embracing equally all human beings; a universal league of free and equal nations, each nation consisting of free and equal men and women. For it had come to be believed that the prosperous, free, and just society in a single country or in a few countries is not possible in the long run: to make the world safe for the Western democracies, one must make the whole globe democratic, each country in itself as well as the society of nations. Good order in one country presupposes good order in all countries and among all countries.”<sup>69</sup> Because it was impossible for the “Western movement” of liberal internationalism to understand Communism as just another reactionary force whose eventual removal would clear the last obstacle to the universal society of democracies, the experience of Communism provided the “Western movement with a twofold lesson, a lesson regarding what to expect and what to do in the foreseeable future, and a lesson regarding the principles of politics.” The first lesson is that in the presence of the Communist/Western divide, one cannot interpret the “federation” of nations that now exists (by which Strauss clearly means the UN system) in light of its apparent objective of a universal society of peaceful nations. Unless foreign policy is to run grave risks, one must read the norms of the United Nations in light of the actual

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<sup>69</sup> *The City and Man*, supra, at 5.

failure to realize a true system of collective security, which would overcome the fundamental condition of anarchy and insecurity among nations. While the Communist/Western divide persists, that condition *cannot* be overcome.

One logical inference that could be drawn from this analysis is that, once the Cold War is *over* and Communism is *defeated*, one can get moving again with the march toward the universal society. Perhaps it was in part this reading of Strauss that inspired Francis Fukuyama to understand the end of the Cold War as the End of History; all that remained in the way of the universal society were a few “reactionary forces” the removal of which could be foreseen within a reasonable period of time.

However, there is another lesson that according to Strauss has been learnt by the experience with Communism and this is not just a lesson about what is possible within the confines of the Cold War, but a lesson concerning the principles of politics. One element in this lesson about “the principles of politics” is the rejection based on the experience of Communist tyranny of the notion that any means—however bloody or barbaric—can be justified by the goal of “a universal prosperous society of free and equal men and women.”<sup>70</sup> Moreover, “no bloody or unbloody change of society can eliminate the evil in man: as long as there will be men, there will be malice, envy and hatred, and hence there cannot be a society that does not have to employ coercive restraint.”

It will be recalled that in his dialogue with Alexandre Kojeve, Strauss had objected to the idea of a universal and homogenous state on the grounds that such a state could only be effectively operated—given the nature of human diversity—through tyrannical *means*, centralized rule of the world based on authority grounded in fear. In the *City and Man*, he appears to recognize that the universal society could instead be a

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<sup>70</sup> *The City and Man*, supra, at 5.

society of free and democratic nations that regulate their relations on the basis of liberal democratic principles; this different image of the universal and homogenous state in fact corresponds to vision that Alexandre Kojève had been developing in private writings, i.e. something like the European Union writ large. Unity is guaranteed not by the ruthless suppression of difference but by mutual recognition and integration of legal and administrative practices, consistent with a respect for “subsidiarity” or local diversity,<sup>71</sup> with regional integration being deeper within areas of the world sharing a common spiritual sensibility (the Latin/Mediterranean world, the Anglo-American world, etc.)<sup>72</sup>

Thus re-articulated, would Strauss have any remaining objection to the universal social order after the end of the Cold War? In the introduction to the *City and Man*, Strauss largely ignores the second objection to the universal social order that he posed in *On Tyranny*: this objection is not so much about the means that might have to be used to impose such an order, but the ends it would serve. Namely, the order in question would represent the ultimate and definitive triumph of commerce and administration over higher or grander human possibilities. This second objection appears at first sight to be unphilosophical—based on an anti-bourgeois moral prejudice—and what is more it does seem to place Strauss in Schmitt’s camp in a way that I had argued against earlier in this paper in opposing Meier’s view of Strauss. But, as we have seen, what separates Strauss here from the Schmittian view is that for Strauss the crucial factor is that, empirically, there are human beings who will not be satisfied by the range of human possibilities offered by the universal social order, who will then become discontents, trying to

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<sup>71</sup> See Howse and Frost, “Introduction” in Alexandre Kojève, *Outline of a Phenomenology of Right*, supra, at ??; R. Howse, “Kojève’s Latin Empire”, *Policy Review* (2004).

<sup>72</sup> See R. Howse, “Kojève’s Latin Empire”, supra.

destabilize it. The answer of Kojève, as we have discussed, would be that since the dissatisfaction of the discontents is not strictly speaking rational, we can treat them as criminals or lunatics, jail them, drug them, deny them tenure, etc. And this answer leads to the problem that the world state, given its vulnerability to the discontents, might need to engage in suppression of freedom of thought, it might have to depend on a philosophical teaching that (however true) has degenerated into an ideology, and therefore is a proper target for philosophical critique. Thus the possibility of rebellion, however little rationally justified, threatens to turn the world state into a police state, from which free thinkers have no possibility of flight or exile.

But this takes us far off from the question of whether international law properly tends to the notion of a universal social order that would overcome definitively the possibility of war to the extent that the entire globe is essentially absorbed into that order. What is important for these purposes is the possibility that the “discontents” could be sufficiently numerous and capable that they might create, for example, a breakaway state, or even if not, acquire weapons of mass destruction. Even if they could not directly or immediately break up the universal order, or prevent it from continuing to emerge, the *threat* they posed with the Weapons of Mass Destruction might return the various component parts of the order, the regional groupings and the (weakened) “states” within them, to the kind of conflict where such serious differences of principle emerge, that the component parts return to a sense of the old anarchy among sovereign states—a level of distrust that leads to the component parts viewing each other once again as potential enemies in the “Schmittean” sense.

This leads us directly into the core of Strauss’s interpretation of Thucydides.

Before proceeding to consider Thucydides' teaching, Strauss makes the observation that: "Today, not a few people believe that Thucydides, far from being opposed to democracy, was in sympathy with the imperialism that went with Athenian democracy or that he believed in "power politics"; accordingly, they hold that Thucydides' comprehensive view is stated by the Athenians in their dialogue with the Melians."(p. 145).<sup>73</sup> In response to the Melians' claim that having submit to Athens as a colony is an injustice, the Athenian generals state that there is no justice between the weak and the strong: the strong take what they can and the weak bear what they must. This is an iron law of politics—the generals dare to suggest that even the gods, the divine, support the right of the strong to aggress and to dominate. The Melians fail to yield to the Athenian demands, and in the result the male population is killed and the women and children enslaved.

Strauss observes that Thucydides' silence concerning his own judgment of the Athenian position on Melos can no more be read as an endorsement of that position than as a rejection of it. He notes that "perceptive" contemporary interpreters of Thucydides observe the presence in Thucydides' work of that which transcends power politics, which Strauss calls "the humane." The question then is how Thucydides' teaching reconciles or balances the "power-political" and the "humane."

On one view, Thucydides' judgment of Athens' bold, "power political" imperialism, and its claimed "right" of the powerful as expressed on Melos, is contained in his narrative of the disastrous fate that Athens suffered with the plague and the Sicilian Expedition: "The city can disregard the divine law; it can become guilty of hubris by deed and by speech; the Funeral Speech [of Pericles] is followed by the plague and the

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<sup>73</sup>. The Melos episode can be found in Thucydides at 5.84-116.

dialogue with the Melians is followed by the disaster on Sicily. This would seem to be the most comprehensive judgment which Thucydides silently conveys, . . .”(p. 153) Thucydides prefers Spartan moderation and caution to Athenian ambition and daring. He is a critic of Athenian imperialism and a severe critic of the Athenian claim to unlimited or unrestrained imperial expansion. Such is the view of Thucydides that Anne Norton claims was passed down by her Straussian teachers at Chicago, presumably in Strauss’s name—only eventually to be usurped by a different, neocon Straussian teaching, according to which Athens’ failures can be attributed, on the contrary, to the inability to pursue its imperial project with enough boldness and resolve, Athenian democracy precluding the strong authoritarian leadership required for victory in war.<sup>74</sup> Norton, while in some respects exonerating Strauss himself for the effects of Straussianism, suggests that when it comes to Thucydides, the neocon teaching is in the Straussian original: “Neoconservative foreign policy begins, for [Irving] Kristol, with Thucydides as *Leo Strauss* and Donald Kagan taught him. Read the theses that Kristol marks as central to American neoconservatism: patriotism, zealously cultivated; a fear of world government and the international institutions that might lead to it; and finally, and most revealing, the ability ‘to distinguish friends from enemies.’”<sup>75</sup>

Having presented the case for Spartan moderation in the early part of his essay on Thucydides, Strauss spends most of the rest of the essay taking apart the notion of

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<sup>74</sup> Norton, supra. n. ?, p. 200.

<sup>75</sup> Norton, supra n. ? pp. 178-179. Emphasis added. Norton further does not believe that these ideas can be gleaned from a correct reading of Thucydides. See, Irving Kristol, “The Neoconservative Persuasion: What it was, and what it is,” *The Weekly Standard*, August 25, 2003: “The favorite neoconservative text on foreign affairs, thanks to professors Leo Strauss of Chicago and Donald Kagan of Yale, is Thucydides on the Peloponnesian War.”

Spartan moderation; he often appears sympathetic to Athenian daring and ambition. It may seem then that Strauss's Thucydides is in fact, the neocons' Thucydides.

As we will see, however, there are important if not decisive respects in which Strauss's true reading of Thucydides diverges from that of the neocons. For example, Strauss pays much greater attention to international law, in this case principally treaty law, than would a neocon. Strauss's Thucydides rejects, as do the Athenian generals on Melos, the notion of divine law guaranteeing of the triumph of the just and legal over the unjust and lawless; but this rejection is not a rejection of the meaningfulness of moral and legal standards in war and empire. These standards come not from "divine law" but are instead a matter of the human or the humane; lacking the guarantee that comes from divine providence, the humane necessarily has a certain fragility and contingency. At the same time, justice from humanity has a superior nobility to justice that is practiced from fear of punishment, which is the typically Spartan kind of justice. Justice from humanity, as Strauss puts it so eloquently, comes from the gentleness and generosity of the soul. (p. 217) In the case of Sparta, fear of divine punishment did not prevent the Spartans from (in their own interpretation) breaking the peace treaty; it simply meant that, having (again, in their own eyes) broken the treaty, the Spartans were timorous in pursuing the war in its first phase, lacking confidence in their cause. If there were moments where humanity gave way to anger, hatred and brutality among the Athenians, it is also true that according to Thucydides, the Spartan sense of divine restraint did not prevent the Spartans themselves from committing atrocities when it was in their self-interest to do so.(p. 216-217). Far from seeing the necessities of war as license for all manner of inhumane conduct, Strauss echoes and indeed magnifies Thucydides' moral judgment:

referring to Thucydides' account of the massacre of Mycalessus Strauss uses expressions such as "murderous savagery" and "senseless slaughter of women, children and beasts." Such language would be altogether unwarranted if the situation of war entailed the wholesale *suspension* of moral choice and moral judgment.

### *International Law*

The relevance of international law is where Strauss's judgment of the "power political" implications of Thucydides differs most clearly from that of the neocons, and indeed from *all* "realist" theorists of international relations. Strauss defends the relevance of international law as an important factor in maintaining peace. In a brilliant stroke he explains exactly why the principle enunciated by the Athenians on Melos is compatible with an important role for international law: the right to limitless imperial expansion is "perfectly compatible" with "fidelity to covenants": "it is only incompatible with covenants that would limit a city's aspirations for all future times; but such were not the covenants with which Thucydides had seriously to be concerned." (P. 191) This statement echoes Strauss's rejection of the ambition of post world war II international law to outlaw war forever, a rejection clearly stated in the preface of the *City and Man*. International law does not have a solution to the factual inequality, the relative power of states--the Athenians on Melos are correct to that extent. At the same time as the necessarily hegemonic striving of a superior power cannot be fully checked by international law, Strauss states that international law—in particular, peace treaties—were essential to Greek civilization and may be essential for the development or progress

of any civilization. To understand the position that international law is necessary to civilization, yet insufficient to save civilization from war and indeed from reversion to barbarism, we need to examine Strauss's articulation of the theory of history that Thucydides sketches in the "archeology" that introduces Thucydides' account of the Peloponnesian War, and to which Thucydides averts in many subtle ways throughout the book.

This theory of history is based upon the interplay of "rest" and "motion." In order for civilization to develop out of barbarism, out of a primitive state where there are no arts and sciences, nothing of refined beauty in human life, one needs long periods of "rest" where there is an absence of generalized insecurity or conflict. Even imperial ambition itself only develops on the basis of "rest" that brings into being civilization. But civilization is inherently unstable; it is not the product just of "rest" but of a certain interplay of "rest" and "motion"; civilization imposes its own kind of violence (this Foucauldian/Freudian insight is teased by Strauss out of the speaker in Thucydides with whom he most identifies, Diodotus) and brings with it the prosperity, pride and intelligence that informs a project like the Athenian Empire.

Civilization is inherently destabilizing, or self-destabilizing—in the long term. Yet while it lasts it is responsible for the goods that make human life worth living: freedom, beauty, and philosophy. International law helps it last, by constraining aggression and conduct that could provoke aggression. Since even a hegemonic power needs "rest" and cannot sustain its own strength and greatness under conditions of constant insecurity and conflict, even a hegemonic power has good reason to accept the rule of international law, at least most of the time. Strauss puts it this way: "Neither

rest and Greekness nor even war is possible without treaties among cities, and the treaties would not be worth keeping in mind if the partners could not be presumed to keep them; this presumption must at least partly be based on past performance, i.e. on the justice of the parties. To that extent, fidelity to covenants may be said to be by nature right.”(pp. 178-179).

In contrast to the interpretations of Thucydides by “realist” international relations theorists (whether neocon or otherwise), Strauss’s reading is remarkable in bringing to light just how much Thucydides actually has to say about the law of treaties. The “realist” readings latch on to Thucydides’ own judgment that the growth of Athenian power was the truest cause of the war, but hidden, while the alleged breach of the treaty by Athens was the cause most spoken of (the most avowed cause). From a “realist” point of view, the meaning of this statement is that considerations of legality are a mere pretext for the real causes of state behavior, considerations of relative gains or relative power. But Strauss, with quite brilliant originality, suggests a quite different meaning may attach to Thucydides’ formulation: “. . . when one studies [Thucydides’] account of these avowed causes, one observes that they are as “true” as the truest cause and in fact a part, even the decisive part, of the latter.”

To understand this admittedly cryptic statement we need to plunge into the details of Strauss’s treatment of the alleged violations by each side, the Spartans and Athenians, of the “thirty-year” peace treaty. The treaty permitted each of the imperial powers, Sparta and Athens, to enter into alliances with previously unallied cities. This was the legal basis that Athens invoked for making an alliance with the city of Corcyra. However, Corinth, a Spartan ally, claimed Corcyra as a colony, a status that Corcyra

rejected. When a military conflict ensued between Corcyra and Corinth, Athens came to Corcyra's defense, pursuant to the Athens-Corcyra treaty. As Strauss pointedly notes, Thucydides suggests that the treaty with Corcyrea "compelled the Athenians and the Corinthians to come to blows." (p. 175) *If* Athens is right and the "thirty-year" peace treaty between Athens and Sparta permitted Athens to enter into its treaty of alliance with Corcyrea, then Athens was faced with a genuine conflict of obligations. As Strauss puts it: "If it is impossible to decide whether the later treaty conflicted with the stipulations of the earlier treaty, the earlier treaty might have been broken without either side having been guilty of a breach of the treaty." (p. 175) Thucydides' own failure to judge this matter one way or the other (and the apparent absence of any metarules on conflict of treaties accepted by both sides), tends to suggest that there was a genuine ambiguity. As well, Thucydides' narrative displays the Athenians' awareness of the tension between their obligations under the two treaties: they try as much as possible to provide defensive assistance to Corcyrea without having actually to engage the Corinthian forces.

While Strauss hints that, for Thucydides, it is unclear whether Athens breached the treaty in the Corcyrean affair, it *is* clear that Sparta breached the treaty in the Platean matter. Thebes, a Spartan ally, had invaded Plataeae, an ally of Athens. This was a violation of the treaty by Thebes, and the treaty was still in force, despite the disagreements surrounding the Corcyrean affair (and one other incident, Potidea, where Strauss seems to think Athens was in the clear and that the Spartan accusations were unfounded). However, "the rights and wrongs of the [Plataeae] case are not entirely clear." This is because a significant part of the population of Plataeae had called in the Thebans and (perhaps more importantly I believe for Strauss), there had already been

what he calls a “confusion” of the treaty. In other words, the previous incidents had displayed a significant level of controversy about the interpretation of the treaty; this interpretative controversy might to some extent have destabilized the treaty itself. Strauss goes on to comment: “With the actions in Plataeae the war had surely started, unless the Spartans were willing to abandon their badly needed Theban ally to Athenian revenge which they could not in reason be expected to do, and the Spartan invasion of Attica which followed almost immediately could appear to be in perfect accordance with right.”(p. 176) However, as Strauss goes on to note, even before the invasion Sparta may have already broken the treaty in not having disassociated itself from the actions of its ally, Thebes (p. 177).

When Strauss’s suggests that the “rights and wrongs” of the Plataean affair cannot be entirely resolved by the question of treaty compliance, he implies a distinction between legality and legitimacy. This returns us to the question of the relationship of the treaty to the “truest” cause of the war, Sparta being compelled by the growth of Athenian power. Does this compulsion somehow excuse Sparta (morally if not legally) from its behavior with respect to the treaty? Strauss notices that while Thucydides is clear about the Spartans having started the war, he “conceals” during much of the book that Sparta broke the treaty. At the same time, when, in the second half of the war, Athens clearly broke the treaty, this is made entirely explicit by Thucydides.

Having gone through Strauss’s analysis of the conduct of the parties with respect to the treaty at the beginning of the war, we are now ready to understand the meaning of Strauss’s statement that: “. . . when one studies [Thucydides’] account of these avowed causes, one observes that they are as “true” as the truest cause and in fact a part, even the

decisive part, of the latter.” The notion that Sparta was compelled to go to war because of the growth of Athenian power is vastly inadequate, in and of itself, as an explanation of the course of the war: Athenian power had been growing for a long time and yet during this period of time Sparta had not been “compelled” sufficiently that it bothered to act, even despite the alarm of some its allies and the concern of some quarters within Sparta itself. The alliance of Athens with Corcyrea, and the resulting incident with Corinth, displayed to Sparta not merely the growth of Athenian power, but that the growth of this power now threatened the coherence and stability of the treaty on which the peace was based. This was *not* because the Athenians were necessarily guilty of a technical violation of the treaty but rather because the Athenians were actually exploiting an ambiguity—or more pejoratively, a loophole—in the treaty to continue to expand their power. In other words Sparta was only “compelled” to go to war as a response to the growth in Athenian power because of an evident limitation in the capacity of the treaty regime to maintain a stable balance of power between the allies. Sparta’s illegal action in starting the war could be seen as morally legitimate not *merely* because it was “compelled,” but it was “compelled” by a reasonable perception that legal legitimacy was facing a breakdown. Thus, according to Strauss’s reading of Thucydides, far from “compulsion” excluding considerations of “right,” “compulsion” cannot be understood except in relationship to “right.” The really difficult issue that is raised, however, by thinking through the relationship between “compulsion” and right” is the possible gap between legality and legitimacy. The Spartans felt guilty throughout the first part of the war for having violated the treaty; through his silence during his own account of the first part of the war concerning the fact of Sparta’s violation of the treaty, Thucydides

indicates that their guilt was not entirely deserved. Traditional and pious Sparta could not grasp, or at least admit, the notion of a distinction between legality and legitimacy—for Sparta, piety and justice were identical with obedience to the law. This is not to say that the Spartans always *behaved* justly, but that they would be incapable of a public speech justifying an admittedly illegal act as nevertheless legitimate.

*Judging the Project of Democratic Imperialism*

As we have noted, in his remarks on the Melian dialogue, Strauss made the extraordinary observation that imperial ambition, even if not intrinsically limited or bounded, may still be compatible with respect for treaties. Acceptance of the compulsion to empire or domination by the powerful as a universal rule of state behavior does not lead to the conclusion that such behavior cannot or should not be held in check by law. The question is in the name of what, and through what counterweights, it should be held in check.

We must begin from Strauss's own suggestion that there is at least one kind of legal justice that is possible between weak and strong states, and that is the respect for treaty norms. This means that treaty norms do not necessarily respect or require the equal right of all states to self-determination. And in fact the "thirty-year" treaty did limit this right in the name of stability, by constraining the capacity of allies of one or other of the imperial powers to switch their allegiances. But, in the long run, according to Strauss no system of international can itself be stable, if it does not fulfill the principle of legal equality among states: this is because the longing for freedom from external domination, the anticolonial impulse, is as permanent and inexorable a principle of state behavior as the impulse to empire and domination.(p. 239) A system of law that stabilizes the

balance of power between the strong, hegemonic states through consecrating the *status quo ante*, the existing division of the world between hegemonic states, will never appear legitimate to the colonized.<sup>76</sup> This is Strauss's critique, in the Introduction to the *City and Man*, of the possibility, during the Cold War, of a peaceful global federation based on world law: "It is imaginable that in the face of the danger of thermonuclear destruction, a federation, however incomplete, of nations outlaws wars, i.e. wars of aggression; but this means that it acts on the assumption that all present boundaries are just, i.e. in accordance with the self-determination of nations; but this assumption is a pious fraud of which the fraudulence is more evident than the piety." (p. 6) The gap between the legal equality and the factual inequality of the weak states make the (post) colonial nature of this settlement obvious, despite the attempt to obscure the problem by calling them "developing countries."

#### *The Pathos of Democratic Empire*

If the natural or inexorable longing for self-determination creates a tension between imperialism and international law (a tension that can be managed, however, for long periods of time even, but not permanently resolved), it equally creates a tension between imperialism and democracy. According to Strauss, "the Athenian democracy was a special kind of democracy, an imperial democracy exercising quasi-tyrannical rule over others." (169) Can the *internal* principles of democracy, freedom and equality, be made compatible with imperial (i.e. undemocratic) rule over others-rule which denies equality and freedom as principles of *interstate* relations? Is it possible that democracy

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<sup>76</sup> This notion of international law as entrenching the division of the world between *Grossraum* was advocated by none other than Carl Schmitt in his post-World-War II work, *Nomos der Erde*. See Robert Howse, "Europe and the New World Order: Lessons from Alexandre Kojève's Engagement with Schmitt's "Nomos der Erde," forthcoming, *Leiden J. of International Law*, 2006.

has to be sacrificed to empire or vice versa? As Strauss explicitly notes, the incompatibility of democracy with empire is raised in Thucydides by Cleon, a notoriously violent Athenian demagogue (p. 169) who aims at preserving empire and who has contempt for democracy. To the eyes of Strauss's accusers, Strauss may well be signaling that he himself is sympathetic to empire but hostile to democracy.

But Strauss's own view is in fact quite different. Freedom and equality as internal principles of Athenian democracy concern the freedom and equality of individual citizens. Not only does the democratic regime of Athens legitimate individual ambition and striving, but the atmosphere of freedom in Athens loosens the conventional means of reconciling the ambition of the individual for wealth, glory and power with the common good and the practice of collective governance required by democratic equality—the means that are visible in Spartan moderation, namely fear of god and reverence for law. The Athenian experiment, at least as exemplified in the Periclean moment, represents a unique approach to the problem of ambition and the common good: almost through a kind of metaphysics, the striving of the heroic individual for wealth, glory and power is sublimated into the striving of the city itself.<sup>77</sup> There is a complete unity between individual greatness and the public good. According to Pericles' funeral oration, the empire is the greatest expression of this unity. But the striving of the individual is unbounded, and so to preserve the unity between the individual and city, the striving of the city must also constantly push the bounds (p. 226). The radicalness of the Athenian imperial ideology is not so much the principle of imperial expansion as a natural compulsion of the strong (which as Strauss notes applies to Sparta as much as Athens),

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<sup>77</sup> Strauss remarks: "In a language that is not that of Thucydides, there is something reminding of religion in Athenian imperialism."(p. 229)

but rather the connection of the Athenian ideology to insatiable, *limitless* expansionism. As Strauss suggests, there are imperial powers that are satiated or saturated. (p. 191)

“The longing for sempiternal and universal fame points towards universal rule; the concern with sempiternal and universal fame calls for boundless striving for ever more; . . .”

It is true that Strauss sees something noble in an imperialism that is a projection of the universalist aspiration of individual striving towards greatness or excellence; this is especially so in contrast to Spartan imperialism, which is a product of ordinary national interest. But this is by no means Strauss’s final or comprehensive verdict on Athenian imperialism. The unity of the individual and the city supposed and required by Athenian imperialism—the unity that is the basis of Pericles’ funeral oration—turns out to be a dangerous delusion; and the political universalism of Athenian imperialism turns out to be a sham universalism, unable to solve the problem of insatiable desire for more; only the universalism of the life of the mind is fully satisfying.

The complexity involved in judging the Athenian imperial project is captured by the following observations of Strauss: “In Athens, the two heterogeneous universalisms become in a way fused: the fantastic political universalism becomes tinged, colored, suffused, transfigured by the true universalism, by the love of beauty and of wisdom as Thucydides understands beauty and wisdom, and it thus acquires a tragic character; it thus becomes able to foster a manly gentleness. The “synthesis” of the two universalisms is indeed impossible. It is of the utmost importance that this impossibility be understood. Only by understanding it can one understand the grandeur of the attempt to overcome it and sensibly admire it.”(p. 230)

In Thucydides, according to Strauss, it is Alcibiades (the pupil of Socrates) and the Athenian demos (the scourge of Socrates) that, together, provide the foil for the noble Periclean delusion of the unity of the city and the individual. But in fact the delusion *can* only seem real coming from Pericles himself, a unique figure whose combination of individual superiority and unquestioned devotion to the interests of the city allowed him to rule Athens, non-democratically but without destroying democracy, i.e. to rule with the consent or acquiescence of the citizens in the name of the common good of the city. (pp. 218-219)

Athens was able to *generate* leaders capable of pursuing successfully its extraordinary imperial ambition, for their own glory and that of the city. If Alcibiades had been able to run the Sicilian expedition, it would have been a success not a failure. It was not the *hubris* of Athens towards other cities that lost it the war. But perhaps it was another kind of *hubris*. Only in the case of Pericles was the effective management of Athens' imperial strategy not undermined by a lack of trust between the leaders and the demos. That breach of trust led to the fateful decision to recall Alcibiades from the Sicilian Expedition.

In order to understand the underlying problem, which is the real Achilles Heel of Athenian imperialism, we have to obey Strauss's suggestion that we need to read the words of Pericles' funeral oration as if we were ordinary Athenians, rank and file members of the *demos*. Pericles' artifice solves the problem of self-interest on the basis that the characteristic form of self-interest is striving for glory, even eternal glory. Only on this basis does Pericles' idea of the unity of the individual and the city work. But is this the characteristic form of self-interest of most ordinary Athenians or is it rather the

concern with their personal physical and economic security and that of their families? Pericles has nothing to offer the grieving mothers. He doesn't understand the sacrifice, because he cannot empathize with the ordinary self-interest of ordinary people; for Pericles, such petty interests seem irrelevant even in relation to a vicarious and indirect participation in eternal glory and above all the eternal glory of the city. In other circumstances, Pericles is able to appeal to fear, to security, when it is necessary, but that appeal lacks the power and obvious sincerity of the appeal to glory in the funeral oration.

But the people did trust in Pericles. In the case of Alcibiades and others, they were not able to trust in the harmony or unity of their own interests and those of the leaders. An imperial strategy like that of Athens could not be pursued through day to day decisionmaking in the assembly. And yet why should the demos believe that any given leader would pursue the common interest and not that leader's own individual self-interest. Indeed, Pericles' funeral oration, in its very articulation of the aristocratic understanding of the unity of the individual and city, helps us to see from the demotic point of view the problem of even defining a common interest of the city, an interest shared by both the elite leaders and the people. Not even the security of the city, the survival of the city proves to be such a common interest, as is shown by Alcibiades' defection to the other side, when the demos spurns his ambition. In a traditional or conservative society, according to Strauss, this very problem of self-interest and the common good is solved by the supremacy of God or the gods and the supremacy of the law. But Athens' most competent leaders considered these expedients below them, and perhaps below the aspiration of the city, incompatible with its frankness and openness

about the nature of political rule. Pericles, Strauss suggests, “Lacks the moderation that prevents a man from regarding himself as above the law; . . .”(p. 152)

To Strauss’s enemies or accusers, the solution Strauss himself proposes to this problem is the deception of the people by the elite, the philosophically-educated, enlightened leaders: “. . . [N]ot only bad men but good men as well are compelled to deceive the assembly and to lie to it. Perhaps one cannot benefit any city without deceiving it, for no city is likely to consist chiefly of perfectly wise and virtuous people.”(p. 233) Or: “it is impossible for a wise man to benefit his city except by deceiving it . . . (p. 235).

When put in context, however, these statements, however true they may be as observations on the limits of reason in political life, do not afford a solution, and certainly not Strauss’s solution to the problem of distrust. The context in Thucydides is the debate in the Athenian assembly over the fate of the Mytileneans,<sup>78</sup> a colony that has revolted against Athens. Once the revolt is put down, the Athenian assembly votes to punish Mytilene by putting to death all the adult men and enslaving the women and children. However, there are second thoughts as to humanity of this harsh sentence, and the matter is put again to the assembly. The alternative is to punish only the leaders of the revolt, not the people, who quickly surrendered to Athens.

Thucydides presents the chief speakers before the assembly as the “violent” (hawkish) Cleon and the gentle and philosophical Diodotus. Cleon tells the assembly that it should distrust eloquent speakers and hold true to its first instincts of vengefulness. Diodotus counters that the effect of this kind of distrust (sowed by demagogues such as

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<sup>78</sup> This is found in Thucydides at 3.36-49.

Cleon), is that even good, i.e. publicly interested leaders will be required to deceive the assembly. But Strauss indicates why Diodotus's suggestion cannot *solve* the problem of distrust: "[Diodotus] simultaneously indicates the fact that citizens who are not wise cannot distinguish between good and bad advice but must identify good advice with advice convincing them or appealing to them, and leaves in the ark the fact that a speaker whose proposals are frequently approved by the assembly cannot fail to be regarded as wise and hence to gain prestige, . . ." (p. 232) In other words, there is no reason to believe that the lies of the good and wise would be any more likely to persuade the assembly than the lies of the wicked and stupid—of successful demagogues like Cleon. To lie more effectively than the unwise, or to overcome the distrust of the people, the wise would have to appeal more effectively than the unwise to the emotions of the people; there is no reason to think this is likely to be the case, and many reasons to believe the opposite.

It is true that Diodotus, who Strauss suggests is "wise," is credited with Strauss with a subterfuge in his own argument in favor of saving the Mytileneans. The subterfuge is this. Diodotus claims that the assembly should view the issue of punishing the Mytileneans only from the perspective of Athens' self-interest not that of justice. Diodotus pretends to be more hawkish than even Cleon, or more hardheaded at least. Diodotus argues that killing the entire Mytilenean population will not deter rebellion in the future, because it is in the nature of human beings to rebel against domination. At the same time, it will give people who rebel every incentive to hold out until the bitter end, since they know that failure means certain death. Diodotus suggests that by punishing only the leaders and sparing the people Athens will make it easier to quell rebellions in the future, by giving the people an incentive to break with the leadership when things are

not going to well (i.e. the people will assume that if they surrender they will be spared). The subterfuge is this: in fact, the considerations that Diodotus adduces, namely that rebellion is a natural and inexorable compulsion and the distinction between those who rebel and fight to the end and those who rebel but then repent and surrender, mitigate the guilt of all the Mytileneans and certainly remove the guilt of the majority of the Mytileneans. Therefore, according to Strauss, while purporting to appeal only to Athenian self-interest, Diodotus also appeals to justice. But if Diodotus were to appeal explicitly to considerations of justice, or pity or compassion for the involuntary element in revolt, rather than to hardheaded national interest, he would not be trusted by the assembly.

On the one hand, the Athenians decide to save the Mytileneans. On the other hand, Strauss does not tell us that Diodotus's subterfuge was the key factor in the assembly's gentler verdict.. And even if the wise Diodotus's strategy of subterfuge was successful in this case, Strauss's pointing to this subterfuge does not diminish his suggestion that in general the preparedness of the wise to lie to the assembly will not solve the problem of democratic distrust. Cleon was an influential figure in Athenian foreign policy; Diodotus's sole appearance in Thucydides is on behalf of the Mytileneans.

Besides, as Strauss notes, there is a very unusual frankness in Diodotus, since he warns the assembly that it may be deceived, immediately before deploying his subterfuge! Indeed, Strauss, in drawing attention to Diodotus's frankness, draws attention to his own frankness. Would a thinker who is really intent on instructing an elite of his students and disciples to run American foreign policy through deception

engage in this kind of open discussion of the possible expedient of deception employed in wise hands? Since Strauss knew all about the means of secret instruction of an elite and could have used them had he preferred to, it seems incredible that he would have resorted to an openness that would defeat the very purpose. So it is possible and in fact likely that Strauss discussed the problem of distrust and deception in democratic politics, and especially foreign policy, frankly because he believed in frankness not because he believed in deception.

We have argued that Strauss found acceptable the use of caution and even some element of deception in the protection of the freedom of the mind against persecution. But this is, for Strauss, the *only* noble deception. Most deception in politics is far from noble. Consider for example Strauss's judgment on the Spartans' use of the liberation of colonies from tyrants as a pretext for their (self-interested) empire in comparison to the Athenians' frankness about their motivations for empire: "The Spartans, one is tempted to say, are petty calculators even when they act justly whereas the Athenians are of generous frankness in their very crimes since they do not even attempt to disguise their crimes as acts of justice. The Athenians, who ally themselves with the Messenians, do not claim, as they might have done, to wage the war in order to liberate the Messenians from Spartan tyranny; the Athenians' enemies, who claim to wage a war of liberation against the tyrant city of Athens in the same spirit in which they do not tolerate tyrants within cities, restore as a matter of course a tyrant whom the Athenians had deposed."(p. 216.)

*The Foreign Policy Implications of Strauss's reading of Thucydides*

What kind of foreign policy outlook is implied (normatively) in Strauss's reading of Thucydides? Strauss claims that Thucydides puts more of himself into Diodotus than into any other speaker. It is Diodotus who states clearly that freedom from foreign domination *and* empire are the "greatest things." (p. 239) The normative implications of the power-political dimension in Thucydides must be drawn from this duality, or dichotomy: the impulse to dominate by the strong is no more natural or less than impulse of the weak to resist domination. Therefore, the recognition of the impulse to dominate by the strong to dominate does not imply the natural *right* of the strong to empire or domination. The resistance to the domination of the strong by the weak cannot be dismissed or despised in Nietzsche fashion as *ressentiment* or "slave morality," if freedom from domination is among the greatest things, and as great as empire itself. If there is something unreasonable in the Melians' position in the dialogue with the Athenians, it is not the resistance to Athenian power, but the confidence that the gods will support their resistance. But Thucydides and Strauss do not suggest the Athenians are right that the gods favor the powerful, either; these "gods" do not exist, but the universal principles of impulse to domination on the one hand, and resistance to it, on the other, *together* structure the permanent nature of the problem.

One Straussian, Thomas West, has suggested that Strauss's reading of Thucydides points to a "conservative" foreign policy, focused on national self-interest, which might well be inconsistent with adventures such as Iraq. For West, Strauss's reading of Thucydides confirms the classic perspective in which foreign policy is a secondary consideration to the internal well-being of the political community. Foreign

policy should aim at security and independence from other states.<sup>79</sup> From this perspective, people beyond our borders have no moral significance and can be dealt with in accordance with whatever is our self-interest.

When one turns, however, to the final pages of Strauss's essay on Thucydides, one finds just the opposite of what West suggests: the study of Thucydides does not confirm, but rather *puts into question*, the depreciation of foreign policy in classical political philosophy. The lesson of Thucydides excludes the very presupposition of classical political philosophy that the city can achieve or even orient itself in light of the expectation of self-sufficiency. No political community can safely exempt itself from the unstable world where the striving for empire and hegemony bumps up against the equally natural impulse to resist foreign domination. In order to win against Athens, Sparta had to adopt Athenian methods of warfare, as Strauss emphasizes. Imitating Spartan caution, and narrow self-interest in foreign policy, is not a course of safety; a policy of isolationist self-interest is no more a guarantee of security than an activist policy of generosity and boldness.

At the end of the Cold War, some conservatives imagined the possibility that America's military supremacy could afford it a utopian isolation from the troubles of the world: a foreign policy of independence, not interdependence, certainly not the kind of interdependence that involves international law and multilateral institutions. The lesson that Strauss draws from Thucydides suggests that such a hope was always a delusion. America's might would necessarily provoke resistance, for supreme power leads to (not unreasonable) fear that power will be used for domination and since rebellion against or

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<sup>79</sup> Thomas G. West, "Leo Strauss and American Foreign Policy," *Claremont Review of Books*, Summer 2004, available at [www.claremont.org/writings/crb/summer2004/west.html](http://www.claremont.org/writings/crb/summer2004/west.html).

resistance to domination is natural. No power, however apparently supreme, obviates the need for interdependence, the need to be fully engaged in the world. A foreign policy bent on maximizing autarchy is fruitless. On the other hand, an international order characterized by treaties of peace and norms of cooperation can, for periods of time, can succeed in stabilizing or moderating hegemonic ambition, even the frankly limitless ambition of a power like imperial Athens, at least when it is backed by some kind of rough power balance or deterrent sanctions, or a sense of mutual interest in preserving for a period of time a state of “rest.” Moreover, even when in the service of a global common good, or the right cause, the exercise of power by the powerful is likely to be resisted by the less powerful: one should not have expected the Iraqis to have cheered when they were liberated from Saddam Hussein’s brutal tyranny, because the liberation came from outside, it was an exercise of *foreign* power. Perhaps what America did was morally justifiable—I still myself think it was—but the intrinsic resistance of human beings even to beneficent domination by foreign power suggests there is a large cost to attaining foreign policy objectives, even and perhaps especially admirable ones by throwing around America’s weight, rather than winning hearts and minds by the arts of peace.

Seen in this light, the contempt of many neocons for international law and multilateral institutions, and their premise of American “exceptionalism,” seems as unreasonable and imprudent as the excessive expectations for international law and international institutions of some liberal internationalists.

Moreover, Strauss’s Thucydidean teaching supports a moral basis (not just a basis in reciprocal self-interest) for humanitarian law. The condition of war itself is not an

excuse or justification for all manner of brutality and for atrocities. Strauss presents the view that justice is irrelevant in dealings with foreigners as a position of Sparta (p. 190); it is not a reflection of Spartan moderation, but of Spartan lack of generosity, humanity and compassion (p. 217) If the Athenian speaker Diodotus says that the fate of the Mytileneans is a decision that should be taken on the basis of Athens' self-interest alone without regard to justice, this is as Strauss shows a subterfuge to cool the vengeful passions of the mob, and win the Mytileneans the justice of clemency. Strauss describes the decision on the fate of the Mytileneans as "judicial" (p. 215): he thereby indicates that how foreigners are treated, even if they are our enemies, must be determined according to standards of legal justice, by a fair assessment of guilt and innocence. Here we are far from the Schmittean view that there can be no relations of justice with the "enemy." We are also far from the view that some on the Right hold, apparently, concerning those imprisoned at Guantanamo Bay.

## **CONCLUSION**

**[TO BE INCLUDED IN NEXT DRAFT]**

