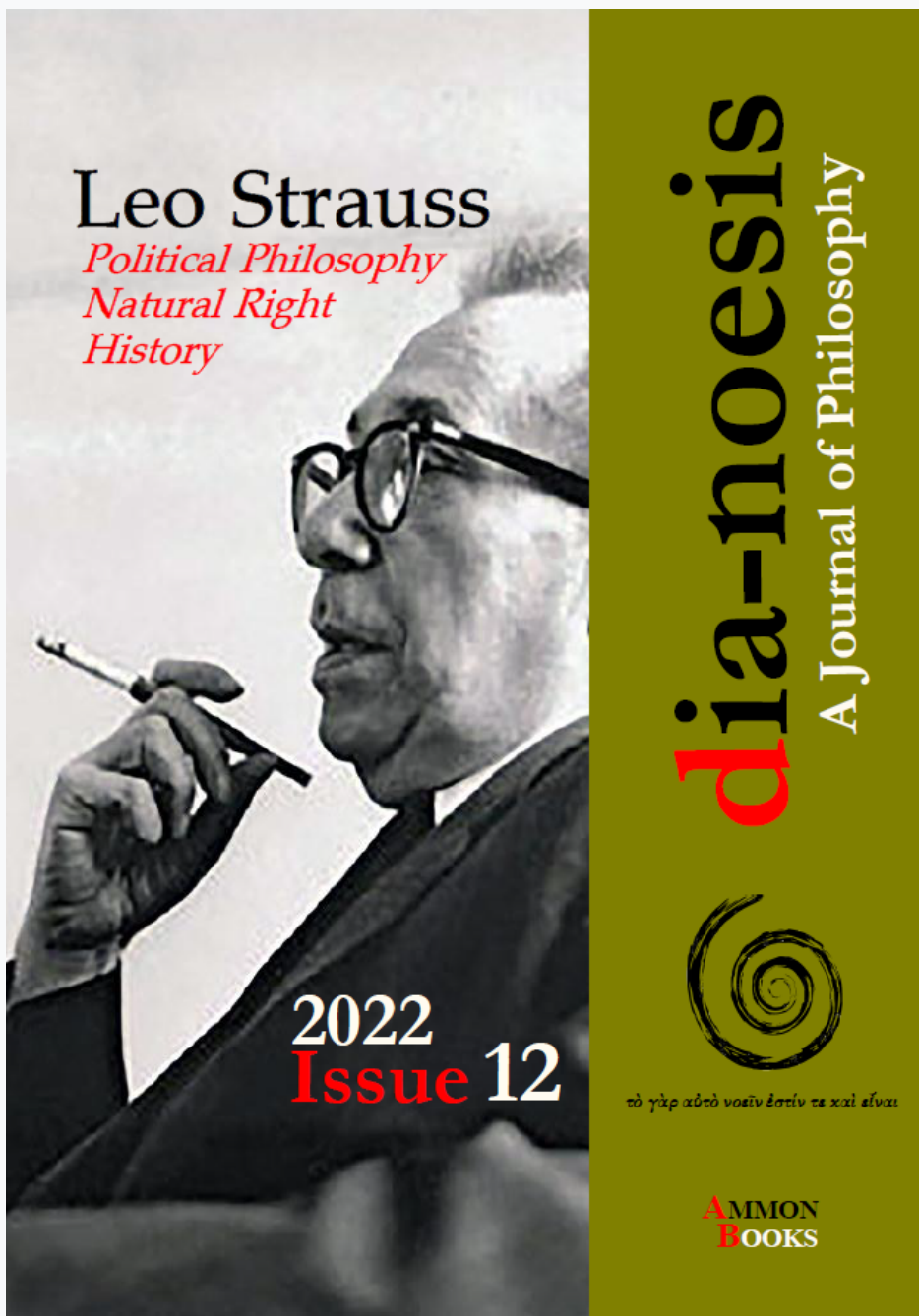


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Vol 12 (2022)

Issue 12 - Leo Strauss: Political Philosophy, Natural Right, History





Leo Strauss

*Political Philosophy*  
*Natural Right*  
*History*

2022  
**Issue** 12

**dia-noesis**  
A Journal of Philosophy



τὸ γὰρ αὐτὸ νοεῖν ἐστίν τε καὶ εἶναι

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# dia-noesis

A Journal of Philosophy

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**Leo Strauss**

*Political Philosophy, Natural Right, History*

**Issue 12**  
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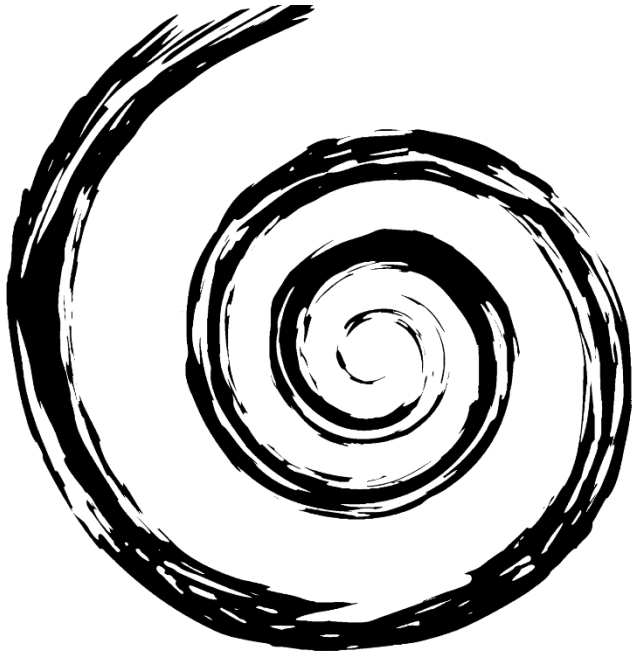
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# *Articles*





# LEO STRAUSS

**Τι είναι πολιτική φιλοσοφία;  
Τα τρία κύματα της νεωτερικότητας**

ΣΠΥΡΟΣ ΜΑΚΡΗΣ:  
LEO STRAUSS, ΘΕΟΛΟΓΙΚΟ-ΠΟΛΙΤΙΚΟ ΠΡΟΒΛΗΜΑ,  
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ΣΤΟΝ LEO STRAUSS

ΜΕΤΑΦΡΑΣΗ:  
ΗΛΙΑΣ ΒΑΒΟΥΡΑΣ - ΒΑΣΙΛΕΙΟΣ ΜΑΚΡΥΠΟΥΛΙΑΣ - ΝΙΚΟΣ ΤΑΓΚΟΥΛΗΣ



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## Ernst Tugendhat and Leo Strauss: The Use and Abuse of Socratic Ignorance

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**Abstract:** A comparison of the way Leo Strauss and Ernst Tugendhat treat Socratic Ignorance reveals a political gulf dividing these two important thinkers. This comparison is based on Tugendhat's *Selbstbewußtsein und Selbstbestimmung* (1979) and two essays of Strauss, the pre-War "Religiöse Lage der Gegenwart" (1930) and the post-War "How to Study Spinoza's *Theologico-Political Treatise*" (1948). While Tugendhat points to Socratic Ignorance as a remedy against political extremism, Strauss illustrates how it can be made to subserve it. And while Tugendhat assumes that the threat posed by National Socialism has been checked, Strauss demonstrates that it still remains an ongoing danger.

**Keywords:** Leo Strauss, Ernst Tugendhat, Socrates, Socratic Ignorance, Second Cave

In 1930, the same year Ernst Tugendhat was born in Brünn, Leo Strauss first recorded his revealing conception of a 'Second Cave.' The reference is found in a

draft speech—it is unclear that he ever actually delivered it<sup>1</sup>—to a Jewish Youth Conference on the topic ‘*Religiöse Lage der Gegenwart.*’ Strauss claims that we must recover the natural ignorance of Plato’s cave-dwellers by recognizing that our Tradition has made us prisoners of an even deeper Second Cave from which we must escape before we can answer or even raise our own questions.

Wir können aber nicht von uns sofort antworten; denn wir wissen, dass wir tief in eine Tradition verstrickt sind: wir sind noch viel tiefer unten als die Höhlenbewohner Platons. Wir müssen uns zum *Ursprung* der Tradition, auf die Stufe *natürlicher Unwissenheit*, erheben. Wollten wir uns mit der gegenwärtigen Lage beschäftigen, so täten wir nicht anderes, als die Höhlenbewohner, die die Inneneinrichtung ihrer Höhle beschrieben.<sup>2</sup>

What appears to be a very similar idea finds an eloquent expression in the final paragraph of Ernst Tugendhat’s 1979 *Selbstbewußtsein und Selbstbestimmung*.<sup>3</sup>

Die meisten vergangenen Zeitalter glaubten zu wissen, was gut ist, und die philosophischen Systeme, die in ihnen entstanden sind, glaubten geradezu sagen zu können, welches die Idee des wahrhaft guten Lebens ist. So auch noch Hegel. Wir haben heute diese Sicherheit verloren. Aber der Verlust kann auch ein Gewinn sein. Indem wir nicht mehr glauben im Besitz der Wahrheit zu sein, können wir die Erfahrung des Sokrates erneuern, daß uns der Ausblick auf das Gute im Wissen des Nichtwissens gegeben ist, und in diesem Zurückgeworfensein auf uns selbst lernen wir es schätzen, daß wir nach dem wahrhaft Guten *fragen* können.<sup>4</sup>

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<sup>1</sup> See Leo Strauss, *The Early Writings (1921-1932)*, translated and edited by Michael Zank, State University of New York Press, Albany, 2002 (hereafter ‘LSEW’), p. 47, n. 93. It was to be delivered “at the federal camp of Kadimah in Brieselang, near Berlin.” I have profited from Michael Zank’s unpublished version of this speech.

<sup>2</sup> Leo Strauss, *Gesammelte Schriften*, edited by Heinrich Meier, with the editorial assistance of Wiebke Meier, Volume 2: *Philosophie und Gesetz: Frühe Schriften*. J. B. Metzlar, Stuttgart and Weimar, 1997 (hereafter ‘LSGS II’), p. 389.

<sup>3</sup> Ernst Tugendhat, *Selbstbewußtsein und Selbstbestimmung; Sprachanalytische Interpretationen*, Suhrkamp, Frankfurt am Main, 1979 (hereafter ‘Tugendhat’).

<sup>4</sup> Tugendhat, pp. 356-57.

The purpose of this paper is to show that the apparent similarity between the conceptions of Strauss and Tugendhat is just that: merely *apparent*.

The mention of Hegel in this final paragraph is hardly accidental: Tugendhat ends his *Selbstbewußtsein und Selbstbestimmung* with a powerful indictment of Hegel's *Machtidolatrie*<sup>5</sup> that he has derived from the great philosopher's *Wahrheitsbegriff*.<sup>6</sup> Although Tugendhat is less explicit about the historical connection in Hegel's case than in Heidegger's—whose *Wahrheitsbegriff* is explicitly connected by Tugendhat to the philosopher's Nazism<sup>7</sup>—it is National Socialism that has definitively revealed the dangers of endorsing what either Hegel or Heidegger regarded as certainly True. It is thus an extremely good thing, maintains Tugendhat, that 'we have lost this certainty today.' Tugendhat's Socratic ignorance is therefore being revived—and could only be so revived—in a post-Hitler environment: we know today that their Truths are false. Thus we can raise our own questions once again.

It is therefore not without significance that Leo Strauss was promulgating a return to Socratic ignorance *before* Hitler's 1933 *Machtergreifung*. In retrospect, we can easily see that the religious and *geistliche* 'situation of the present' (Strauss drafted another speech in 1932 with the word 'spiritual' substituted for 'religious')<sup>8</sup> was very perilous indeed in 1930. It would have been a very good thing if Germans had been in possession of a few more certainties than Strauss claims are presently available. This becomes

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<sup>5</sup> Tugendhat, p. 355.

<sup>6</sup> Tugendhat, p. 350.

<sup>7</sup> Tugendhat, p. 243. The passage in question appears *verbatim* below.

<sup>8</sup> See 'Die geistliche Lage der Gegenwart' in LSGS II, pp. 441-64. Strauss (hereafter 'LS') repeats the Second Cave image here (see p. 456). LS singles out "*die Tradition der Offenbarungsreligionen*" as being responsible for the Second Cave. "Die Tatsache dass eine auf Offenbarung beruhende Tradition in die Welt der Philosophie getreten ist, hat die *natürlichen* Schwierigkeiten des Philosophierens um die *geschichtliche* Schwierigkeit vermehrt. ¶ Anders gesagt (p. 456). LS then introduces the image.

especially palpable when one begins to consider what Strauss actually meant by the Second Cave.

To begin with, it is important to point out that Strauss does not refer to ‘Socratic’ but rather to *natürliche Unwissenheit* in this first version of the Second Cave (there are a total of *five* versions in his published and unpublished writings).<sup>9</sup> In fact, he has just mentioned Socrates as one of those pillars of Tradition whose truth-claims have become, in his phrase, “*völlig fragwürdig.*”

Die Pfeiler, auf denen unsere Tradition ruhte: Propheten und Sokrates-Platon, sind seit Nietzsche eingerissen. Nietzsches Parteinahme für Könige gegen Propheten, für Sophisten gegen Sokrates—Jesus nicht nur kein Gott, auch kein Betrüger, auch kein Genie, sondern ein Trottel. Verworfen das *□□□□□□□□ und »Gut-Böse«—Nietzsche der letzte Aufklärer.*<sup>10</sup>

Belief in a clear cut distinction between Good and Evil, the undisputed value of the theoretical life,<sup>11</sup> Jesus Christ as

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<sup>9</sup> In addition to the two unpublished versions to which I have already referred, the published versions are (1) ‘Besprechung von Julius Ebbinghaus, *Über die Fortschritte der Metaphysik* (1931) in LSGS II, p. 439. (English translation, with valuable notes in LSEW, p. 215). (2) *Philosophie und Gesetz: Beiträge zum Verständnis Maimunis und seiner Verläufer* (1935) in LSGS II, pp. 3-123. (English translation by Eve Adler in Leo Strauss, *Philosophy and Law: Contributions to the Understanding of Maimonides and his Predecessors*, State University of New York Press, Albany, 1995 [hereafter ‘PAL’], p. 136). (3) ‘How to Study Spinoza’s *Theologico-Political Treatise*’ (1948) in Leo Strauss, *Persecution and the Art of Writing*, University of Chicago Press, Chicago, 1952 (hereafter ‘PAW’), p. 155.

<sup>10</sup> LSGS II, p. 389.

<sup>11</sup> What LS means by ‘philosophy’ is an interesting topic in its own right. See Leo Strauss, ‘On a New Interpretation of Plato’s Political Philosophy,’ in *Social Research* 13, no. 3 (September 1946) p. 332 (hereafter ‘NIP’). “What at first sight is merely the result of the demands of historical exactness [i.e. returning to the Ancients and understanding them as they understood themselves; see context] is actually the result of the demand for a philosophic reexamination of our basic assumptions. This being the case, insistence on the fundamental difference between philosophy and history—a difference by which philosophy stands or falls—may very well, in the present situation, be misleading, not to say dangerous to philosophy itself.” This self-contradictory text helps to show how historicist the doctrine of the Second Cave is. For a more widely



Savior, the evident superiority of Socrates to the sophist Thrasymachus,<sup>12</sup> and the prophetic insistence on the primacy of the Lord God as the only legitimate King of Israel;<sup>13</sup> these constitute the Tradition in which we—although Strauss clearly exempts both Nietzsche and himself from this predicament—are *verstrickt*. It is a fascinating catalogue: I would argue that a firm adherence to *any one of these five Pillars of Tradition* would have precluded the adherent from giving to the Nazis the whole-hearted *Vertrauen*<sup>14</sup> that

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known definition of philosophy by LS, see Leo Strauss, *Natural Right and History*, University of Chicago Press, Chicago, 1953 (hereafter ‘NRH’) p. 32. “No more is needed to legitimize philosophy in its original Socratic sense: philosophy is knowledge that one does not know; that is to say, it is knowledge of what one does not know, or awareness of the fundamental problems and, therewith, of the fundamental alternatives regarding their solution that are coeval with human thought.”

<sup>12</sup> Thrasymachus is the pivot on which LS’s interpretation of Plato turns. See Leo Strauss, *The Rebirth of Classical Political Rationalism; An Introduction to the Thought of Leo Strauss*, University of Chicago Press, Chicago, 1989 (hereafter ‘RCPR’), pp. 40-41. “For while Plato had seen the features in question [‘the emergence of a new aristocracy’ constituted by ‘the philosophers of the future’] as clearly as Nietzsche, and perhaps more clearly than Nietzsche, he had intimated rather than stated his deepest insights.” LS’s claim that Plato uses Thrasymachus (and Callicles) to intimate his acceptance of “the evil doctrine,” see Leo Strauss, *Thoughts on Machiavelli*, University of Chicago Press, Chicago, p. 1958 (hereafter ‘TOM’), p. 10. See Laurence Lampert, *Leo Strauss and Nietzsche*, University of Chicago Press, Chicago, 1996, p. 146, for the impetus of Alfarabi in bringing LS to this view (cf. RCPR, p. 159).

<sup>13</sup> LS emphasizes this point in *Religiöse Lage der Gegenwart*’ but it is not to be found in Nietzsche. “Through Nietzsche, tradition has been shaken at its *roots*. It has completely lost its self-evident truth. We are left in this world without any authority, without any direction...The same with the Bible: we no longer self-evidently agree with the prophets; we ask ourselves seriously whether perhaps the kings were right. We really need to begin from the *very* beginning.” The next sentence shows how *The Concept of the Political* of Carl Schmitt could add a political dimension to LS’s Second Cave. “We *can* begin from the very beginning; we are lacking all polemic affect toward tradition (having nothing wherefrom to be polemical against it); and at the same time, tradition is utterly alien to us, utterly questionable” (LSEW, pp. 32-33). Schmitt will this ‘wherefrom:’ the primordial necessity of the ‘friend-enemy’ distinction itself.

<sup>14</sup> Tugendhat, p. 349.

Tugendhat has shown to be the insidious political offspring of Hegel's *Wahrheitsbegriff*. Standing against them are Nietzsche and Strauss. Moreover, Strauss is doing so (as he wrote—prematurely even then—in the 1932 '*Die Geistige Lage der Gegenwart*') explicitly "*im Zeitalter der Nationalsozialismus*."<sup>15</sup>

But it is not only Nietzsche's influence on Leo Strauss that is decisive here. Although Strauss had been deeply impressed the first time he heard Martin Heidegger lecture in 1922,<sup>16</sup> the '*Religiöse Lage der Gegenwart*' contains the first explicit reference to Martin Heidegger in Strauss's writings.<sup>17</sup> An awareness of Heidegger's influence on Strauss is particularly important for understanding the 'Second Cave.' While

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<sup>15</sup> LSGS II, p. 444.

<sup>16</sup> "Heidegger alone brought about such a radical change in philosophic thought as is revolutionizing all thought in Germany and continental Europe and is beginning to affect even Anglo-Saxony. I am not surprised by this effect. I remember the impression he made on me when I first heard him as a young Ph.D., in 1922" (RCPR, p. 27).

<sup>17</sup> "Understanding conspectively, one in truth understands nothing, no matter how bright one is. I would like to adduce an example. Somewhere, in our time, there lives a philosopher, in the full sense of the term. Completely unknown *for five years* [emphasis mine: MH had published *Being and Time* in 1927 but LS had first encountered the then comparatively unknown philosopher in 1922; see previous note], today his name is the talk of the town. In his main work, the philosopher wrote, among many other things, a few pages about idle talk [*das Gerede*], what it means and what it does [see *Sein und Zeit*, §35]. He intended this as a mere statement of fact, and not as a plea of the author to spare him being made into the object of idle talk. What happens? A woman—the noble word lady is out of the question—reads this philosopher and, before she can have an inkling of what the man actually means to say, she gets up in London and chatters away. She certainly found the paragraph on idle talk "very fine," she understood it in this sense; but she did not understand it so, that it was time for her to finally, finally shut her unbearably shameful tongue. ¶ Hence: if one takes the great men seriously that rule the present, one will not consider a synthesis, a muddying, and a watering down of that which mattered to them" (Michel Zank's unpublished translation of LSGS II, p. 383). But the influence of Heidegger on LS is probably already visible in an unpublished 1929 book review called '*Konspectivismus*' (see LSGS II, pp. 365-75) where relativistic 'conspectivism' is contrasted (p. 367) with the motto of Heidegger's phenomenology ('*zu den Sachen selbst*').

Strauss points to Nietzsche as the one who has delivered us from its illusions, he is doing so in terms of Heidegger's 1927 call for a *Destruktion* of the Tradition in *Sein und Zeit*.<sup>18</sup> As will become clear, this is a project Strauss continued—in far more dangerous *political* terms—long after leaving Germany.

Strauss's 1930 '*Religiöse Lage der Gegenwart*' is therefore one of the earliest indications of an important reorientation in his approach: the 1929 Davos Conference had been the turning point.<sup>19</sup> As a fellow Jew and more importantly as his own *Doktorvater* from Marburg,<sup>20</sup> it was Ernst Cassirer whom one might think that Strauss would favor over Martin Heidegger in that remarkable confrontation.<sup>21</sup> But the opposite was the case. As he wrote many years later: "There was a famous discussion between Heidegger and Ernst Cassirer in Davos which revealed the lostness and the emptiness of this remarkable representative of established academic philosophy to everyone who had eyes."<sup>22</sup> He uses a very similar form of speech when he spoke, also many years

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<sup>18</sup> Martin Heidegger, *Sein und Zeit*, Tübingen, § 6.

<sup>19</sup> There are two accounts by LS of the Davos colloquium: the posthumously published 'An Introduction to Heideggerian Existentialism' (RCPR, pp. 27-46) and another published in Leo Strauss, *What is Political Philosophy*, University of Chicago Press, Chicago, 1959 (hereafter 'WIPP'). In a 1955 memorial for Kurt Riezler, LS describes the impact that MH had on the distinguished Riezler—sixteen years older than LS, already a published author, and one who had just given a talk at Davos himself. "Riezler took the side of Heidegger without any hesitation. There was no alternative. Mere sensitivity to greatness would have dictated Riezler's choice" (WIPP, p. 246). The use of the word 'dictated' as well as the ethically neutral 'greatness' to which LS refers casts a revealing light on LS's description of the events of 1933 in this same Riezler memorial. "Led politically by Hitler and intellectually by Heidegger, Germany entered the Third Reich" (WIPP, p. 241).

<sup>20</sup> See the 'Introduction' by Michael Zank in LSEW, pp. 6-7.

<sup>21</sup> A vivid and illuminating account of Davos can be found in Rüdiger Safranski, *Martin Heidegger: Between Good and Evil* (translated by Ewald Osers), Harvard University Press, Cambridge, 1998 (hereafter 'Safranski'), pp. 185-88). See also Guido Schneeberger, *Nachlese zu Heidegger: Dokumente zu seinem Leben und Denken. Mit zwei Bildtafeln* (q.v.), Bern, 1962, pp. 1-9 (hereafter 'Schneeberger') for two contemporary accounts of the Debate.

<sup>22</sup> RCPR, p. 28.

later, about his first impression of Heidegger's *Sein und Zeit*: "Everyone who had read his first great book and did not overlook the wood for the trees could see the kinship in temper and direction between Heidegger's thought and the Nazis."<sup>23</sup> This did not prevent Strauss from claiming in the 1950's that "the only great thinker in our time is Heidegger."<sup>24</sup> Although Strauss's followers prefer to present him today as a Liberal who deplored Heidegger's historicism and Nietzsche's nihilism, the Second Cave reveals the truth: it is the primordial *Ereignis* that allows us to find "an horizon beyond" the Straussian Tradition.

Ernst Tugendhat never mentions Nietzsche in his *Selbstbewußtsein und Selbstbestimmung*: perhaps this is because, unlike Heidegger, Nietzsche did not offer an alternative *Wahrheitsbegriff* (in place of the Tradition's) but directly attacked Truth in general. This difference between Nietzsche's frontal assault and Heidegger's flank attack through the Greeks—a tactical rather than a strategic difference, as it seems to me<sup>25</sup>—is reflected in the Leo Strauss of 1930. Although he had come under Heidegger's influence, the influence of Nietzsche remained. In a 1935 letter to Karl Löwith, Strauss identified 1929 as the end of a ten year period during which, he wrote, "I can only say that Nietzsche so dominated and bewitched me between my 22<sup>nd</sup> and 30<sup>th</sup> years, that I literally believed everything that I understood of him."<sup>26</sup> But as the Second Cave indicates, Strauss had scarcely left Nietzsche far behind in 1930. It was rather a question of finding in Martin Heidegger a New Master. Above all, it meant Strauss's continuation of Nietzsche's project by Heideggerian means. Nor was this anything like an

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<sup>23</sup> RCPR, p. 30

<sup>24</sup> RCPR, p. 29.

<sup>25</sup> Especially because Nietzsche had invented the tactic as well! (*Die Geburt der Tragödie*).

<sup>26</sup> The letter (of June 23, 1935) can be found at 'Straussian.net' by following a link to 'Strauss-Löwith Correspondence' (<http://www2.bc.edu/~wilsonop/lowith.html>). This particular letter (hereafter '1935 Letter to Löwith') is found on pp. 7-8. He ends the P.S. with the remark: '—By the way; I am *not* an orthodox Jew.'

unbridgeable gap. He would later compare the two in a most revealing manner:

The case of Heidegger reminds one to a certain extent of the case of Nietzsche. Nietzsche, naturally, would not have sided with Hitler. Yet there is an undeniable kinship between Nietzsche's thought and fascism.<sup>27</sup>

The deep impression Heidegger made on Strauss in 1929 therefore indicates not so much a change of belief as a new course of action. This new course would ultimately, by a long and winding road, bring Leo Strauss to the United States where, through his students and their students, he has now become the acknowledged Master of the Neo-Conservatives and thus a decisive influence on the Bush Administration.<sup>28</sup>

It will be seen, then, that Strauss's identification of Nietzsche as '*der letzte Aufklärer*' in combination with his application of Plato's Cave Allegory to Heidegger's ongoing project for the '*Destruktion*' of the Tradition—a Tradition that had upheld, among other things, the superiority of Socrates to Thrasymachus—shows that the recovery of *natürliche Unwissenheit* meant something entirely different to Leo Strauss in 1930 from what it would eventually come to mean for Ernst Tugendhat.

Strauss's major interest during the 1920's had been Political Zionism;<sup>29</sup> after 1929, his publications in this area abruptly cease. In 1931, he published a review of a book by Julius Ebbinghaus in the *Deutsche Literaturzeitung*,<sup>30</sup> it

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<sup>27</sup> RCPR, p. 31. The passage continues. 'If one rejects, as passionately as Nietzsche did, conservative constitutional monarchy, as well as democracy, with a view to a new aristocracy, the passion of the denials will be much more effective than the necessarily more subtle intimations of the character of the new nobility, to say nothing of the blond beast' (ibid.).

<sup>28</sup> Although now out of date, see Shadia B. Drury, *Leo Strauss and the American Right*, St. Martin's Press, New York, 1997. Also the new Introduction to the same author's *The Political Ideas of Leo Strauss*, Palgrave-Macmillan, New York, 2005

<sup>29</sup> See LSEW, pp. xii-xiv for a complete list of these. Zank's Introduction (pp. 3-49) is excellent.

<sup>30</sup> LSEW, p. 215, 'Notes.'

contained a much more Socratic (and consequently much less Nietzschean) version of the Second Cave.<sup>31</sup> One would never have realized from it precisely which aspects of the Tradition Strauss is really trying to outflank between the lines of his humanistic defense of “*lesenden Lernens*.” This would set the pattern: extreme caution was required in this area, especially after Strauss left Germany in 1932. And Julius Ebbinghaus played an important role in that process: Strauss would mention many years later that Ebbinghaus had made a great impression on him as a young man with his lectures on Thomas Hobbes;<sup>32</sup> it was Hobbes who became the *indirect* means by which Strauss left Germany the year before the Nazis took power. The prominent Nazi intellectual Carl Schmitt was the *direct* means. How this happened makes an interesting story.

In 1932, Strauss wrote a review of Carl Schmitt’s bellicose *The Concept of the Political* (1927).<sup>33</sup> Strauss criticized Schmitt—who made the primordial distinction between friend and enemy the basis for a veiled attack on the Weimar Republic<sup>34</sup> and its adherence to the Versailles *Diktat*<sup>35</sup>—for

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<sup>31</sup> “In Anknüpfung an die klassische Darstellung der natürlichen Schwierigkeiten des Philosophierens, an das Platonische Höhlengleichnis, darf man sagen: wir befinden uns heute in einer zweiten, viel tieferen Höhle als die glücklichen Unwissenden [cf. Tugendhat’s post-Nazi audience!], mit denen es Sokrates zu tun hatte; wir bedürfen die Historie zuallererst deshalb, um in die Höhle hinauf zu gelangen, aus der uns Sokrates ans Licht führen kann [this is the only time he even hints that this is possible or desirable], wir bedürfen einer Propädeutik, deren die Griechen nicht bedurften, eben des lesenden Lernens” (LSGS II, p. 439).

<sup>32</sup> ‘A Giving of Accounts’ in Leo Strauss (Kenneth Hart Green, ed.), *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought*, State University of New York Press, Albany, 1997 (hereafter ‘JPCM’), p. 461.

<sup>33</sup> ‘Anmerkung zu Carl Schmitt, *Der Begriff des Politischen*’ appeared in *Archiv für Sozialwissenschaft und Sozialpolitik* 67, no. 6 (August September), pp. 732-49. It is included (translated by J. Harvey Lomax) in Carl Schmitt, *The Concept of the Political* (translated by George Schwab), University of Chicago Press, Chicago, 1996 (hereafter ‘Schmitt’).

<sup>34</sup> “For as long as a people exists in the political sphere, this people must, even if only in the most extreme case—and whether this point has been reached has to be decided by it—determine by itself the distinction of friend and enemy. Therein resides the essence of its political existence.

his failure to realize that Hobbes, despite his apparent authoritarianism and his heard-headed political realism, was in fact *the father of Liberalism*.<sup>36</sup> Hobbes' Liberalism rested on the fact that 'the fear of violent death' that had driven men into Civil Society meant *that the Hobbesian State could not compel its members to die for it*.<sup>37</sup> Strauss called for thinking our way *through* Hobbes to gain what he called "an horizon beyond liberalism."<sup>38</sup> It will be noticed that Leo Strauss had found a way to apply Heidegger's *Destruktion* of the ontological Tradition to politics: Liberalism was now the enemy, not the *vulgär Zeitbegriff*. Schmitt was duly impressed to find himself criticized *from the Right* by a brilliant young Jewish scholar: not only had Strauss "x-rayed" his own anti-Liberal intentions<sup>39</sup> but had taken his

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When it no longer possesses the capacity or the will to make this distinction, it ceases [by which he really means of the Weimar Republic that it 'has ceased'] to exist politically. If it permits this decision to be made by another, then it is no longer a politically free people and is absorbed into another political system" (Schmitt, p. 49).

<sup>35</sup> Schmitt, p. 73.

<sup>36</sup> "Hobbes, to a much higher degree than Bacon, for example, is the author of the ideal of civilization. By this very fact he is the founder of liberalism" (LS in Schmitt p. 91).

<sup>37</sup> "The right to the securing of life pure and simple—and this sums up Hobbes's natural right—has fully the character of an unalienable human right, that is, of an individual's claim that takes precedence over the state and determines its purpose and limits; Hobbes's foundation for the natural-right claim to the securing of life pure and simple sets the path to the whole system of human rights in the sense of liberalism, if his foundation does not actually make such a course necessary" (LS in Schmitt, pp. 91-92).

<sup>38</sup> "The critique introduced by Schmitt against liberalism can therefore be completed only if one succeeds in gaining an horizon beyond liberalism. In such a horizon Hobbes completed the foundation of liberalism. A radical critique of liberalism is thus possible only on the basis of an adequate understanding of Hobbes. To show what can be learned from Schmitt in order to achieve that urgent task was therefore the principal intention of our notes" (LS in Schmitt, p. 107; these are the last words of LS's Review).

<sup>39</sup> "Whereas Hobbes in an unliberal world accomplishes the founding of liberalism, Schmitt in a liberal world undertakes the critique of liberalism" (LS in Schmitt, pp. 92-3). Schmitt spoke about Strauss's 'Remarks' to his assistant many years later: "You've got to read that. He

argument one step further. But there remained a further step that Strauss, as a Jew, could not take: on May 1<sup>st</sup>, 1933, the same day as Martin Heidegger—and in pre-concert with him—Carl Schmitt joined the National Socialist Party.<sup>40</sup> But thanks to a letter of recommendation from Schmitt, Leo Strauss was already living in Paris, researching Thomas Hobbes under a grant from the Rockefeller Foundation.<sup>41</sup> A letter Strauss wrote on May 19, 1933 to Karl Löwith,<sup>42</sup> who was also of Jewish ancestry, is even more damning:

“And, as to the substance of the matter, i.e. that Germany having turned to the right does not tolerate us, that proves absolutely nothing against right-wing principles. On the contrary: only on the basis of right-wing principles—on the basis of fascistic, authoritarian, *imperial* principles—is it possible with integrity, without the ridiculous and pitiful appeal to the *droits imprescriptibles de l’homme*, to protest against the repulsive monster [*das meskine Unwesen*].<sup>43</sup> I am reading Caesar’s *Commentaries* with deeper understanding, and I think about Virgil: *Tu regere imperio...parcere subjectis*

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saw through me and X-rayed me as nobody else has.” Heinrich Meier, *Carl Schmitt & Leo Strauss: The Hidden Dialogue*, University of Chicago Press, Chicago, 1995 (hereafter ‘Meier’), p. xvii.

<sup>40</sup> See Safranski, p. 241. Victor Farías, *Heidegger and Nazism*, Temple University Press, Philadelphia, 1989 notes that “it was Heidegger who invited Carl Schmitt to join the National Socialist movement, in a letter dated April 22, 1933, located in Schmitt’s personal archives” (p. 138). He cites Joseph W. Bendersky, *Carl Schmitt: Theorist for the Reich*, Princeton University Press, Princeton, 1983, p. 203 for this information. Bendersky in turn informs us that he found this letter among Schmitt’s Personal Papers (see n. 26).

<sup>41</sup> See Meier, which includes the letter of thanks LS wrote to Schmitt.

<sup>42</sup> The letter is found in Leo Strauss, *Gesammelte Schriften*, edited by Heinrich Meier, with the editorial assistance of Wiebke Meier, Volume 3: *Hobbes’ Politische Wissenschaft und zugehörige Schriften; Briefe*, J. B. Metzlar, Stuttgart and Weimar, 2001, pp. 624-25. Translation mine.

<sup>43</sup> ‘*Meskin*’ is a French word, here Germanized, that qualifies the *Unwesen* that one can only rebel against on the basis of the principles of the right. In other words, it refers to what LS opposes, namely liberalism. Which kind? The ‘*meskin*’ kind, meaning the ‘miserly’ kind. My thanks to Michael Zank for this note, and for his help throughout.



*et debellare superbos.*<sup>44</sup> There exists no reason to crawl to the cross [zu Kreuze zu Kriechen],<sup>45</sup> to liberalism's cross of as well, as long as somewhere in the world there yet glimmers a spark of the *Roman* idea." *Also Sprach Leo Strauss*. Nor did his political orientation change thereafter.

Having published a book on Hobbes in England in 1936,<sup>46</sup> Leo Strauss arrived in New York City in 1938. His first publication in the United States was an article about Xenophon. It undertook to prove that although Xenophon appears to be praising Sparta—his home in exile—he is in fact undermining its foundations.<sup>47</sup> In the Ancients, Strauss found a safe way to carry on his anti-Liberal project and help lead others out of that Second Cave. In 1948, his first American book—it was also about Xenophon and called *On Tyranny*—was published and furnished the occasion for Strauss to cooperate with his old friend from Paris, Alexandre Kojève, who wrote a pre-orchestrated response to which

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<sup>44</sup> Truncated quotation from *Aeneid* VI.851-52. When the missing words ('*populos, Romane, memento. hae tibi erunt artes, pacique imponere morem*') the quotation reads: 'May you remember, Roman, to rule the peoples with an empire. These will be your arts: to impose the custom of peace, to spare the subjected and war down the proud' (translation mine).

<sup>45</sup> '*Zu Kreuze kriechen*' means to humiliate oneself before someone or something. In his forthcoming *Leo Strauss and the Politics of Exile* (Brandeis, 2006), Eugene Sheppard describes the historical background of this phrase. It was used by Bismarck during the *Kulturkampf* to mean 'we will never go to Canossa;' i.e. the Empire will never subordinate itself to the Christian Church as had happened in A.D. 1077 during the Investiture Controversy. I would like to take this opportunity to express my gratitude to Professor Sheppard who brought this letter to my attention.

<sup>46</sup> Leo Strauss, *The Political Philosophy of Hobbes; Its Basis and Genesis*, University of Chicago Press, Chicago, 1952 (first published Great Britain in 1936), hereafter 'PPH.'

<sup>47</sup> Leo Strauss, "The Spirit of Sparta or the Taste of Xenophon," *Social Research* VI: 4, pp. 502-36. "Xenophon's treatise *Constitution of the Lacedaemonians* appears to be devoted to praise of the Spartan constitution, or, which amounts to the same thing, the Spartan mode of life. A superficial reading gives the impression that his admiration of Sparta is unreserved" (p. 502).

Strauss, also by prior arrangement, then responded.<sup>48</sup> The first time Strauss mentions Kojève in print is in his 1936 *The Political Philosophy of Hobbes; Its Basis and Genesis*: “M. Alexandre Kojevnikoff and the writer intend to undertake a detailed investigation of the connexion between Hegel and Hobbes.”<sup>49</sup>

For a liberal like myself who studies Hegel, Ernst Tugendhat’s *Selbstbewußtsein und Selbstbestimmung* is like a breath of fresh air. He pierces the heavy armor of Hegel’s deceptive vocabulary, reveals what he calls Hegel’s *Umkehrung der Freiheit*,<sup>50</sup> and leaves us with a chilling description of conscienceless authoritarianism. Especially at a time when Anglo-North American scholars like Alan Patten are celebrating Hegel for his “civic humanist conception of Freedom,”<sup>51</sup> it is refreshing to hear Tugendhat tell it (as we used to say in the 1960’s) “like it is.”

Damit ist der nicht einmal mehr von Hegel zu überbietende Gipfel der Perversion erreicht, einer gewiß nicht mehr nur begrifflichen, sondern moralischen Perversion, so daß man Mühe hat, sie nur nach ihrer begrifflichen Seite zu betrachten.<sup>52</sup>

Although Tugendhat does not stress the fact, there are clearly no grounds—as there are in Hobbes<sup>53</sup>—for a Subject in Hegel’s State not to fight and unhesitatingly die for it. Even though they never followed through on their 1936 project, it was probably somewhere between the Master/Slave

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<sup>48</sup> Leo Strauss (Victor Gourevitch and Michael s. Roth eds.), *On Tyranny* (Revised and Expanded Edition; Including the Strauss-Kojève Correspondence), University of Chicago Press, Chicago, 2000 (hereafter ‘OT’).

<sup>49</sup> PPH, p. 58, n. 1.

<sup>50</sup> “Der Sinn dieser *Umkehrung der Freiheit* in das, was normalerweise für ihr Gegenteil gehalten wird, ist, wie aus dem Zusammenhang sowohl des § 484 wie vor allem des vorhin zitierten § 514 hervorgeht, der, daß das Individuum sich gerade darin frei fühlen soll, daß es die von der Macht des Bestehenden ausgehenden Pflichten erfüllt” (Tugendhat, p. 349; emphasis mine).

<sup>51</sup> Alan Patten, *Hegel’s Idea of Freedom*, Oxford University Press, Oxford, 1999, for ‘civic humanist’ freedom, see pp. 38-40.

<sup>52</sup> Tugendhat, pp. 349-50.

<sup>53</sup> Hobbes, *Leviathan*, Part II, ch. 21.

dialectic in the *Phenomenology*<sup>54</sup> and Hegel's Kant-bashing hymn to War in the *Philosophy of Right*<sup>55</sup> that Strauss and 'Kojevnikoff' intended to resurrect the authoritarian Hegel in order to attack the liberal Hobbes. This more direct approach was no longer safe after the War. Instead, they found it advisable 'to take seriously' (a famous Straussianism) Xenophon's defense long-forgotten dialogue about tyranny instead. Strauss wrote his brilliant 'Persecution and the Art of Writing' in 1941.<sup>56</sup> Assumed by Liberals to be an account of how Liberals conceal their Liberalism from the Spanish Inquisition, it is also a blueprint for Fascists to conceal their authoritarianism from the Tyranny of Liberalism.<sup>57</sup> Leo Strauss can only be understood by those who realize that he writes as he reads.<sup>58</sup>

It was in 1948 that Leo Strauss published his fifth and final version, although only the third to be published, of 'the Second Cave.' He added a new twist to the story of what he calls "the classic description of the natural obstacles to philosophy" in his 'How to Study Spinoza's *Theologico-Political Treatise*.'

People may become so frightened of the ascent to the light of the sun, and so desirous of making the ascent utterly impossible to any of their descendents, that they did a deep pit beneath the cave in which they were born, and withdraw into that pit.<sup>59</sup>

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<sup>54</sup> See Alexander Kojève, *Introduction to the Reading of Hegel, Lectures on the Phenomenology of Spirit* (translated by James H. Nichols Jr. and Allen Bloom), Basic Books, New York, 1969.

<sup>55</sup> G.W.F. Hegel, *The Philosophy of Right*, translated by S.W. Dyde, Batoche Books, Kitchener, 2001. "The courage of the animal, or the robber, the bravery due to a sense of honour, the bravery of chivalry, are not yet the true forms of it. *True bravery in civilized peoples consists in a readiness to offer up oneself in the service of the state, so that the individual counts only as one amongst many.* Not personal fearlessness, but the taking of one's place in a universal cause, is the valuable feature of it" (*Zusatz* to §327; emphasis mine).

<sup>56</sup> PAW, pp. 22-37.

<sup>57</sup> Note the example at PAW, pp. 24-5. For Liberalism as tyranny, see LS's use of Macauley at OT, p. 22.

<sup>58</sup> WIPP, p. 230.

<sup>59</sup> PAW, p. 155.

In no previous version had Strauss presented the Second Cave as the conscious result of any group's insidious agency. Who are these evil conspirators who would cheat us out of our birthright of natural ignorance? As it happens, it makes a good deal of sense that Strauss was thinking about conspirators at the time.

What Ernst Tugendhat did do Hegel and Heidegger in *Selbstbewußtsein und Selbstbestimmung*, one of his students must now do to Leo Strauss, especially because the neo-conservatives Strauss trained are presently guiding the destiny of the world's most powerful nation-state. Having rediscovered exotericism—the art of reading (and therefore writing) between the lines—a scholar must be up to the task of *Sprachanalytische Interpretationen* if she is to find out and then reveal what Strauss is actually doing. Strauss himself realized how difficult it would be to expose him. It was also in 'How to Study Spinoza's *Theologico-Political Treatise*' that he threw down his challenge to posterity:

One must also consider “the customary mildness of the common people,” a good naturedness which fairly soon shrinks from, or is shocked by, the inquisitorial brutality and recklessness that is required for extorting his serious views from an able writer who tries to conceal them from all but a few.<sup>60</sup>

Before surrendering to my own inclinations towards 'inquisitorial brutality and recklessness,' let me offer a few preliminary observations. *Strauss never discusses exiting from the natural cave<sup>61</sup> or returning to it.* In other words, he makes no effort to read Plato's *Republic* as a defense of unchanging Being, the Idea of the Good, or the Philosopher's duty to say and live '□□□□□□'—'I went down'—as Socrates did and died doing.<sup>62</sup> Although he never tires of attacking

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<sup>60</sup> PAW, p. 185. I have taken this quotation as the frontispiece for my unpublished manuscript *Leo Strauss and National Socialism*.

<sup>61</sup> See n. 31 above.

<sup>62</sup> In NIP, LS reveals the crucial importance of 'going back down into the Cave' (LS denies that the true philosopher will do this) for his 'political philosophy' as a whole. "If all men are potential philosophers [a view suggested by LS's reading of John Wild, whose book is reviewed in NIP] there can be no doubt as to the natural harmony between

‘historicism’—presumably because historicists don’t take the Ancients seriously—the ‘Second Cave,’ as the second published version of 1935 made clear, belies this view:

Darum und nur darum ist die »Historisierung« der Philosophie berechtigt und notwendig: nur die Geschichte der Philosophie ermöglicht den Aufsteig aus der zweiten, »unnatürlichen« Höhle, in die wir weniger durch die Tradition selbst als durch die Tradition der Polemik gegen die Tradition geraten sind, in jene erste, »natürlichen« Höhle, die Platons Gleichnis schildert, und aus der ans Licht zu gelangen der ursprüngliche Sinn des Philosophierens ist.<sup>63</sup>

Leo Strauss invented the Second Cave in order to describe the depth of post-Revelation (and post-Platonic) ignorance: philosophers need to break themselves free of religious ‘prejudice’<sup>64</sup>—liberate themselves from Jerusalem *and* Athens—before they can find their way ‘back’ into the Socratic cave of ‘natural ignorance.’ This doctrine reveals Strauss’s thoroughgoing *historicism* precisely in the context of Plato, i.e., the archetypal anti-historicist thinker. *Plato’s point is that all human beings—at all times and places—are imprisoned in the Cave of Becoming and the bodily form.* Plato’s teaching is that emancipation from the Cave *is* Philosophy and that a return to it is Justice: this is the acme of *Athens*. With no realm of Ideas to which the Philosopher can ascend,<sup>65</sup> emancipation from this Cave becomes is

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philosophy and politics which is presupposed by the idea of popular enlightenment [LS rejects this harmony; see HPP, p. 926]. Regardless of his attitude towards popular enlightenment, *Plato would have believed in such a harmony if he had held, as Wild thinks he did, that it is of the essence of the philosopher, who as such has left the “cave” of political life, again to descend to it* (NIP, pp. 360-61; emphasis mine).

<sup>63</sup> LSGS II, p. 14.

<sup>64</sup> See Michael Zank, ‘Arousing Suspicion Against a Prejudice: Leo Strauss and the Study of Maimonides’ Guide of the Perplexed,’ in *Moses Maimonides (1138-1204): His*

*Religious, Scientific, and Philosophical Wirkungsgeschichte in Different Cultural Contexts*, ed. by Goerge K. Hasselhoff and Otfried Fraisse (*Ex Oriente Lux: Rezeptionen und Exegesen als Traditionskritik*, vol. 4) Ergon Verlag, Würzburg, 2004.

<sup>65</sup> For the Forms as mere ‘classes or kinds,’ see RCPR, p. 169.

replaced by Strauss with escape from the deeper, darker, second cave of religious *prejudice* and Platonic Idealism.

Of course, Strauss was not the first to appropriate Plato's Cave for an anti-Platonic purpose:<sup>66</sup> it was Nietzsche who did that with his sun-challenging avatar in the opening moment of *Also Sprach Zarathustra*. Liberated from the shadows of God, Revelation, and the Immortal Soul, the Straussians follow Zarathustra out of some ghastly inversion of Plato's Cave and then taunts the Sun (between the lines, of course) having now, as a 'philosopher,' achieved a horizon 'beyond Good and Evil.' But Nietzsche, at least, had fought with Plato as an *open* enemy; Strauss had learned to Nietzscheanize Plato through Callicles and Thrasymachus and therefore to present himself more safely as reviving the Ancients against the Moderns. He can also, following Heidegger, appropriate Plato's language for an anti-Platonic use.<sup>67</sup> Thus Strauss devoted his productive scholarly life in the United States to an historicist '*Geschichte der Philosophie*' in which those alone who undermined Liberalism were allowed their secretive but compelling voice. The fact that he was never identified as a Nazi-sympathizer bears eloquent witness to his own considerable skill as what he called 'a political philosopher.'

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<sup>66</sup> I have not sufficiently explored the possibility that Heidegger directly influenced LS in this appropriation of Plato's Cave (or was it *vice versa*?). Heidegger was certainly lecturing on Plato during the winter semester (1931-32) and emphasizing the Cave (see Safranski, pp. 214-224); whether LS heard these lectures or heard of them is unknown. For their content, see Martin Heidegger, *Vom Wesen der Wahrheit. Zu Platons Höhlengleichnis und Theätet* in Gesamtausgabe, Bd. 34, Vittorio Klostermann, Frankfurt am Main, 1988. "Nochmals sei eingeschärft: wir müssen uns von vornherein von jeder sentimentalischen Vorstellung dieser Idee des Guten freihalten, aber ebenso auch von allen Perspektiven, Auffassungen und Bestimmungen, wie sie die christliche Moral und deren säkularisierte Abarten (oder sonst irgendeine Ethik) darbieten, wo das Gute als Gegensatz zum Bösen und das Böse als das Sündige gefaßt wird" (p. 100). It would appear that Heidegger had escaped the Second Cave and that his exit from the 'natural' one was consistent with becoming a Nazi.

<sup>67</sup> "One can express Heidegger's notion of ontology most simply by using Platonic expressions in an un-Platonic sense" (WIPP, p. 247).

...the adjective “political” in the expression “political philosophy” designates not so much a subject matter as a manner of treatment; from this point of view, I say, “political philosophy” means primarily not the philosophic treatment of politics, but the political, or popular, treatment of philosophy, or the political introduction to philosophy—the attempt to lead qualified citizens, or rather their qualified sons, from the political life to the philosophic life.<sup>68</sup>

In the Second Cave allegory, Leo Strauss offered the first clue as to how he would carry on Heidegger’s project of finding a horizon beyond the Tradition *politically*. Heidegger, according to Strauss, was not *political* enough about his political commitments. Nor did Strauss ever repudiate even this feature of Heidegger’s thought. Two years before his death, Strauss wrote in ‘Philosophy as Rigorous Science and Political Philosophy’ (1971):

One is inclined to say that Heidegger has learned the lesson of 1933 more thoroughly than any other man. Surely he leaves no place whatever for political philosophy.<sup>69</sup>

Surely, we are entitled to ask what kind of man would be *inclined to say* this about a former Nazi who never repudiated the Holocaust?

It took many years, and the patient courage of Guido Schneeberger, to force philosophers to take Heidegger’s Nazism seriously as a philosophical issue and *his* Party membership, like Carl Schmitt’s, was never in doubt. How long will it take for Leo Strauss—a Jewish émigré commonly

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<sup>68</sup> WIPP, pp. 93-4 (emphasis mine). As for leading their ‘qualified sons,’ apply what LS says about Machiavelli in *Thoughts on Machiavelli* (cf. *Discourses on Livy*) to himself: “Even if a man who begins to corrupt a republic could live long enough to finish his work, he would necessarily lack the required patience and thus be ruined. Machiavelli’s argument silently shifts from more or less dangerous conspiracies against the fatherland or the common good which, if successful, benefit the conspirators, to patient long-range corruption, which is neither dangerous to the corrupter nor productive of crude benefits to him. We prefer to say that, being a teacher of conspirators, he is not himself a conspirator” (TOM, p. 168).

<sup>69</sup> Leo Strauss, *Studies in Platonic Political Philosophy*, University of Chicago Press, Chicago, 1983, p. 34.

presented as having fled from Hitler<sup>70</sup>—to be revealed as the secret adherent to National Socialism that he actually was? Ernst Tugendhat was breaking new ground when he wrote the following in 1979:

Diese Zitate [from a 1933 announcement by Heidegger published by Schneeberger] zeigen, daß Heideggers Nazismus keine zufällige Angelegenheit war, sondern daß ein direkter Weg von seiner Philosophie—von seinem entrationalisierten Wahrheitsbegriff der Selbstbestimmung—zum Nazismus führte.<sup>71</sup>

Ernst Tugendhat richly deserves our gratitude and respect—even our love—for having written about Hegel and Heidegger as he did in *Selbstbewußtsein und Selbstbestimmung*. This required courage as well as insight. But given the fact that even Nazis can use ‘Socratic Ignorance’ for their own purposes, it is not clear that this book’s stirring conclusion is altogether sufficient. Tugendhat is writing as if the Nazis had been completely defeated: in 1979, he needed only to show the Fascist consequences of Hegel’s and Heidegger’s *Wahrheitsbegriffe* in order to refute them. But what if there are other Fascists more difficult to detect and therefore all the more dangerous? And what if these same Fascists have already appropriated a caricature of ‘Socratic Ignorance’ for their own uses? We need to find in our old Tradition a few Absolute Truths that prove the militant Nihilism at the core of National Socialism to be absolutely false. Without doing that, there may come a time—and sooner than we think—when there will be no more questions at all.

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<sup>70</sup> “Strauss, Leo, 1899–1973, American philosopher, b. Hesse, Germany. Strauss fled the Nazis and came to the United States, where he taught at the Univ. of Chicago (1949–68).” <http://www.infoplease.com/ce6/people/A0846926.html>

<sup>71</sup> Tugendhat, p. 243.



## Leo Strauss and the Challenges of Sex

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**Abstract:** Although Leo Strauss (1899-1973) considered the binary distribution of sexuality a cornerstone of his political philosophy, a close reading of his essays reveals his awareness that traces of an androgynous conception of sexuality had survived in the foundational texts of the Hebrew and Greek tradition. The challenge posed by this contrarian view of sexual difference to Strauss' anthropological premises remained without systematic consequences for his overall philosophical project. Against this backdrop, it is hardly surprising that Strauss conspicuously overlooked the groundbreaking challenge that defrocked monk and philosophical martyr Giordano Bruno (1548-1600) posed to binary sexuality. For the first time in European intellectual history, Bruno dissolved the man/woman hiatus for the sake of positing gradual, individual differentials within the male/female polarity. As regards his contemporaries, it is noteworthy that Strauss passed away the year before a young Jewish woman named Andrea Dworkin (1946-2005) published her initial book titled *Woman Hating*, a radical advocacy of feminism culminating in a theory of universal androgyny. It is safe to assume that Strauss, if given a chance, would have discarded the challenge posed by Dworkin's Heraclitean design to lay out a sexual ontology that does away with the arbitrary fixities of patriarchy and welcomes the disruptive presence of androgynes.

**Keywords:** androgyny, bisexuality, Creation, Enlightenment, feminism/antifeminism, hermaphroditism, heterosexuality/homosexuality, historicism, individuality, Judaism, man/woman binary, memory, Nature, ontology, patriarchy, political philosophy, sex/gender, sexual difference, sexual continuum, sexuality, writing and the writer.

Μες στην μικρή την κάμαρη, που λάμπει αναμένη  
από του πολυελαίου την δυνατή φωτιά,  
διόλου συνειθισμένο φως δεν είν' αυτό που βγαίνει.  
Γι' άτολμα σώματα δεν είναι καμωμένη  
αυτής της ζέστης η ηδονή.

C. P. Cavafy: *Πολυέλαιος* [*Chandelier*]<sup>1</sup>

"[...] wir denken, verschweigen aber: wer denkt, löst auf, hebt auf, katastrophiert, demoliert, zersetzt, denn Denken ist folgerichtig die konsequente Auflösung aller Begriffe [...]."

Thomas Bernhard, on receiving the Georg Büchner Prize.<sup>2</sup>

1 Scholarly research has neglected examining Leo Strauss' (1899-1973) conception of sex, although the issue surfaces throughout his oeuvre and is closely related to his understanding of the theo-political predicament of the Western mind. Strauss' views on sex are especially worthy of scrutiny, as they did not ensue in the wake of the critical interest in "Geschlecht" (i.e., sex, gender, and sexuality) that emerged in fin-de-siècle and Weimar Germany. Rather, Strauss drew on his close readings of the Torah and Plato, when examining the mytho-theological notion of man's original androgyny as opposed to the intra-historical grasp of sexuality

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<sup>1</sup> C. F. Cavafy's poem *Πολυέλαιος* was written in 1895 and published in 1914. The cited portion has been retrieved from: *The Official Website of the Cavafy Archives*. For an English translation of the poem with the parallel Greek text, see: Cavafy, 2007, pp. 74-75. In the translation of the poem by Daniel Mendelsohn, the cited passage reads:

In the small room, which has been set  
aglow by the chandelier's powerful flames,  
the light that appears is no ordinary light.  
The pleasure of this heat has not been fashioned  
for bodies that too easily take fright

(Cavafy, 2013, p. 51).

<sup>2</sup> Bernhard, 1972, p. 216. Translation: "we think, but we conceal: whoever thinks, dissolves, annuls, brings about catastrophes, demolishes, disintegrates, for thinking is, logically, the consequent liquidation of all concepts."

based on the man/woman disjunction. Well aware that the culture of the Occident was, from its inception, haunted by the issue of sexual difference, the mature Strauss acknowledged archaic Hebrew and Greek indications of an androgynous or hermaphroditic blueprint of human sexuality. In the last resort, however, Strauss remained a paladin of the asymmetric configuration of binary sexuality, on which his political philosophy relied, when it came to validating and advancing the ideology of patriarchy. Since Strauss succumbed to the theoretical and practical convenience of reducing sexual difference to the man/woman binomial, he failed to recognize the irreducible diversity of sexuality that contradicts the subsumption of sexed individuals under finite sexual categories. Strauss' strong propensity to circumvent principled issues regarding sexual variability calls to mind the Freudian concept of *Verdrängung*, which evinces affinities to the mechanisms of *Verdecken* and *Vergessen* that Strauss himself decried in his classic study on *Hobbes' politische Wissenschaft* (Strauss, 1965, pp. 23, 25).

2. The present considerations examine the challenges posed by some salient articulations of sexuality's non-binary complexities to Strauss' prevalent assumptions concerning the disjunctive organization of sexual difference. Paradoxically, the first challenge in this regard was posed by Strauss himself, as he propounded an exegesis of *Genesis 1:27*, which, implicitly following Midrashic and Jewish-medieval teachings, contended that the First Man was an androgynous being created in the image of a two-sexed or "bi-sexual" God. The most prominent challenge to the kind of binary sexuality Strauss upheld throughout his writings, however, was articulated in the nineteenth century by Charles Darwin (1809-1882), an author Strauss occasionally referred to but without mentioning his ground-breaking universalization of human hermaphroditism or its reception and reinforcement within the German critical sexology of the early 1900s (see Bauer, 2012). While it can be argued that the new critical epistemes deriving from evolution theory did not belong to Strauss' primary area of research, hardly any reason can be adduced as to why he—a prominent

Spinoza scholar—entirely ignored the dismantlement of the sexual *bimembrum* that philosopher Giordano Bruno (1548-1600) had advanced for the first time in European intellectual history between 1582 and 1585. By a strange whim of the history of ideas, Strauss died the year before a young Jewish woman named Andrea Dworkin (1946-2005) published *Woman Hating*, a feminist treatise concluding with a theory of universal androgyny. Without ever mentioning Strauss, Dworkin effectively posited a powerful challenge to his defense of sexual binarity as a centerpiece of his political philosophy. Against this backdrop, it is worth noting that *Woman Hating* invoked in support of its conceptualization of androgyny the same Midrashic authority Strauss had in mind when analyzing *Genesis 1:27*.

3. Strauss was not primarily a biblical scholar, but a historian of the Western tradition of political thought, running from its Greek origins to Friedrich Nietzsche and beyond. Given his expertise, it is especially significant that Strauss remarked in the introduction to his study on "Plato"—included in a volume he coedited under the title *History of Political Philosophy*—that "[a]ll Platonic dialogues refer more or less directly to the political question" (Strauss, 1987a, p. 33). Despite the thematic broadness suggested in its title, Strauss' tripartite essay takes the form of a commentary on only three Platonic Dialogues: *The Republic*, *The Statesman*, and *The Laws*. In his analysis of the dialectical ductus of these major texts, Strauss highlights issues such as the specific differences structuring sexual binarity, sexuality and procreation, the equality or inequality of the sexes, and the natural distinction between man and woman (Strauss, 1987a, pp. 39, 51, 55, 63, 71). Notwithstanding their scholarly depth, however, Strauss' elaborations make the questionable assumption that the political relevancy of the Platonic conception of sexuality resides, first and foremost, in sanctioning the binary regime of sexual distribution as the nature-grounded cornerstone that subtends all prevalent forms of civilizational organization. Not by chance, Strauss' "Plato" omits to assess the critical perspective on the prevalent sexual doxa, which the Platonic

discussions on the *third sex* and its relation to erotic love suggest. Although Strauss deals with these issues in his posthumously edited commentary titled *On Plato's Symposium* (2001), this contribution remains, to all intent and purposes, within the ambit of his patriarchal understanding of Plato's core sexual premises.

4. In *On Plato's Symposium*, Strauss admits that "the difference between the sexes is a great theme throughout Plato and particularly in the *Symposium*" (Strauss, 2001, p. 72). This overarching ascertainment, however, is only modestly underpinned by the way Strauss' deals with the issue. In "Plato," for instance, Strauss elucidates the philosopher's binomial sexual premises, but does not discuss their actual scope in light of the contrarian views on sexual difference advanced, in the main, by Aristophanes in the *Symposium*. To use a characteristic term of Strauss's own hermeneutical vocabulary, his core "tendency" (Colen & Minkov, 2018, pp. 108, 226, 237, 241) was to avoid philosophical discussions on the sexual complexities, which his philological and historical writings had disclosed. His disinclination to problematize, philosophically, the notion of sexuality is reflected in his programmatic lectures and essays published under the title *Toward Natural Right and History*, which anticipate the outline of Strauss' Walgreen Lectures and the ensuing volume *Natural Right and History* of 1953. Signally, the precursory lectures mention once (and only once) the word *sex* (Colen & Minkov, 2018, p. 234; see Strauss, 1953, pp. 216, 217), without offering any semantic or contextual clarifications of the intricate, many-layered concept. Strauss deploys the word when discussing Hobbes's *Leviathan* as an institution designed to secure the natural right of men. In this framework, Strauss adduces a sequence of anthropological determinants that have no incidence on the maintenance of "man's natural, unalienable right." The order of decreasing relevancy in which Strauss enumerates these factors is revealing: "sex, color, creed, age, merit or sin" (Colen & Minkov, 2018, p. 234). Notwithstanding the prominence accorded to *sex* in the series, Strauss did not deem necessary to elaborate on the premised sex-less or

gender-free abstraction that constitutes the actual subject of natural right. Strauss' decision to obviate further precisions may well have been encouraged by the (for him surely agreeable) conflation in English of the generic concept of *man* with the gender-marked notion of *man* as the distinctly masculine, non-female human being.

5. Although the English term "human being" comes close to the gender-unmarked German word *Mensch* or the Yiddish *mentsch*, Strauss showed little interest in its deployment to avoid the polysemic valence of *man* and its larval axiological depotentialization of *woman*, a concept suggesting a deviation from the presumed universality of the male man. Strauss' disregard for this kind of onto-semantic subtleties is reflected in his injudicious embracement of sexual binarity, the ideological blueprint that underlies the theoretical endeavors of his German contemporaries Arnold Gehlen (1904-1976) and Helmuth Plessner (1892-1985), the founders of modern philosophical anthropology. For Strauss, it was perhaps of more import that the disjunctive sexual scheme remained unquestioned in the work of the two German-Jewish thinkers that inaugurated the neo-Kantian lineage from which Strauss was to emerge: Hermann Cohen (1842-1918) and Ernst Cassirer (1874-1945). Occasionally, however, Strauss took his distance from the immemorial dichotomization of the sexes in some scattered remarks on the first account of Adam's creation in the *Book of Genesis*. Indeed, in his 1957 essay "On the Interpretation of Genesis," Strauss quotes a passage, which he considers "a very difficult sentence" and effectively corresponds to *Genesis* 1:27. Although Strauss mistakenly refers in this context to *Genesis* 1:26, there is no question about which verse he actually had in mind, since he quotes it in full: "And God created man in His image, in His image, in the image of God, did God create him, male and female did He create them" (Strauss, 1997a, p. 366). Aside from the fact that this citation erroneously repeats the phrase "in His image," Strauss proceeded with extreme care in conveying his understanding of one of the most controversial and consequential passages in the Hebrew Bible.

6. Strauss leaves no doubt about his take on *Genesis* 1:27:

The dualism of the male and female could well be used for the fundamental articulation of the world, as it was used in this way in many cosmogonies—the male and female gender of nouns seems to correspond to the male and female gender of all things, and this could lead to the assumption of two principles, a male and a female, a highest god and a highest goddess. The Bible disposes of this possibility by ascribing the dualism of male and female, as it were, to God Himself by locating, as it were, the root of their dualism within God. God created man in His image and, therefore, He created him male and female (Strauss, 1997a, p. 366).

The anchorage of the human male/female dualism in the image of God and thus within God himself is by no means a slip of the tongue (or of the pen), since Strauss expressly remarks that the distinction of male and female is mentioned in the Bible "only in the case of man, hence saying, as it were, that male and female are not universal characters" (Strauss, 1997a, p. 367). The human individual's prerogative of being, at the same time, male and female in correspondence to the image of his Creator links Jewish monotheism with a creational anthropology that dissolves on principle the heathen hiatus between the human sexes. In what seems to be an attempt to make this fundamental Jewish tenet more accessible to a broader readership, Strauss resumes it in a single argumentative move when he ascribes *bisexuality*—a mostly suspicious notion among cultural philistines—to human beings and to the Holy One Himself in a passage of his 1967 essay "Jerusalem and Athens. Some Preliminary Reflections."

7. In his argumentation, Strauss first cites the *locus classicus* of biblical anthropology: "Let us make man in our image, after our likeness..... So God created man in His image, in the image of God He created him; male and female He created them." Based on this passage from the *Book of Genesis*, Strauss seeks to refute the pervasive understanding of the dichotomic nature of human sexuality. Thus, assuming a correspondence between

the Creator's image and the specifically human, non-disjunctive sexuality, Strauss concludes: "Bisexuality is not a preserve of man" (Strauss, 1997b, p. 383). Although Strauss' elaborations make no explicit reference to Jewish sources underpinning his theo-anthropological contention, any reader familiar with the Oral Torah will immediately recognize the canonical presence of Rabbi Yirmiyah ben Elazar behind Strauss' deployment of the post/Freudian sounding term *bisexuality* in this context. Indeed, in the collection of ancient homiletical-rabbinical interpretations of the *Book of Genesis* called *Genesis Rabbah* (ca. 300-500 C.E.), it is reported:

אָמַר רַבִּי יִרְמְיָהּ בֶּן אֶלְעָזָר בְּשַׁעַת שִׁבְרָא הַקְּדוֹשׁ בְּרוּךְ  
 הוּא אֶת אָדָם הָרִאשׁוֹן, אַנְדְּרוֹגִינּוֹס בְּרֵאוֹ, הֵדָא הוּא דְכְתִיב:  
 זָכָר וּנְקֵבָה בְּרָאֵם. (*Genesis Rabbah*, 8, 1)

Rabbi Yirmiyah ben Elazar declared: In the hour when the Holy One, blessed be He, created the first human, He created him as an androgynous, as it is said, 'male and female He created them.'

Signally, the Midrashic passage mentions the Hebrew transliteration (אַנְדְּרוֹגִינּוֹס) of the Greek word for androgynous: ἀνδρόγυνος. In accordance with this non-mainstream, but authoritative Jewish understanding of creational Adam as an androgyne, Kabbalistic interpretations of *Genesis* 1:27 have underscored the double-sex nature of the divine "image" (צֶלֶם), which served as model for the Creation of the First Human Being (see Ginsburg, 1920, pp. 91-92; 114-118; Idel, 2005, pp. 59-63; Sameth, 2020a).

8. Strauss' attribution of "bisexuality" to the Adamic human and his/her Creator may sound as an untenable provocation only to those unfamiliar with the Jewish intellectual heritage. Without explicitly acknowledging it, Strauss combined the unsettling Midrashic conception of the first human being as androgynous and the Kabbalistic notion of the "androgynous protoplast" (Ginsburg, 1920, p. 168), the "bi-sexual" image of



the Holy One. Although Strauss was certainly aware that his elaborations would meet spontaneous rejection in many quarters, he dispensed with naming the Jewish sources supporting his take. It is worth noting, however, that, decades earlier, a similar approach of creational androgyny had been deployed by German-Jewish sex researcher and scholar Magnus Hirschfeld (1868-1935) (see Bauer, 2015a; Bauer, 2018).<sup>3</sup> Indeed, in 1926, Hirschfeld published the initial

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<sup>3</sup> The assumption concerning the double-sexed nature of the two original Edenic personae has seldom been properly articulated within recent biblical scholarship. As regards the human participant in the encounter, renowned Hebrew biblical scholar Phyllis Trible underscored in her 1973 essay "Eve and Adam: Genesis 2-3 Reread," that "[u]ntil the differentiation of female and male (2:21-23), *'adham* is basically androgynous: one creature incorporating two sexes" (Trible, 1979, p. 74). In an endnote appended to her assertion that "the first act in Genesis 2 is the creation of androgyny (2:7), and the last is the creation of sexuality (2:23)" (Trible, 1979, p. 76), Trible details:

In proposing as primary an androgynous interpretation of *'adham*, I find virtually no support from (male) biblical scholars. But my view stands as documented from the text, and I take refuge among a remnant of ancient (male) rabbis (see George Foot Moore, *Judaism* [Cambridge, Mass.: Harvard University Press, 1927], I, 453; also Joseph Campbell, *The Hero with a Thousand Faces* (Meridian Books, The World Publishing Company, 1970), pp. 152ff., 279f. (Trible, 1979, 82).

The "ancient (male) rabbis" to which Trible refers, are explicitly named in Moore's *Judaism*: Rabbi Samuel bar Nahman and Rabbi Jeremiah ben Eleazer (Moore, 1958, I, p. 453). As regards the divine persona, Joseph Campbell, after elaborating on the Midrashic notion of Adam's androgyny, pointed to the very "image of God" as being androgynous. In a passage that begins with the locus classicus of Man's creation, Campbell details:

'So God created man in his own image, in the image of God created he him; male and female created he them.' The question may arise in the mind as to the nature of the image of God; but the answer is already given in the text, and it is clear enough. 'When the Holy One, Blessed be He, created the first man, He created him androgynous' (Campbell, 2008, p. 131).

Campbell further adduces in support of Man's creational androgyny a text from the thirteenth century *Book of Zohar*, the foundational text of Kabbalah, which in some Jewish quarters is considered the concealed part of the Oral Torah and therewith of divine or revealed origin (see Campbell, 2008, pp. 240, 359; Ginsburg, 1920, p. 116). Phyllis Trible's unequivocal position regarding Adam's androgyny and her reference to an authoritative

volume of his magnum opus *Geschlechtskunde auf Grund dreißigjähriger Forschung und Erfahrung bearbeitet* (literally: Sexology on the base of thirty years of research and experience), which includes a passage that anticipates Strauss's exegesis of *Genesis* 1:27. Not unlike Strauss, Hirschfeld omits any reference to the Mishnaic and Kabbalistic interpretations of the passage that underpin his assertion that Adam as well as the Holy One Himself are to be conceived of as ambisexual:

Es ist ja auch klar, daß wenn Gott den Menschen, also Mann und Weib, nach seinem Ebenbild schuf, er selbst auch zugleich männlich und weiblich aufgefaßt werden muß (Hirschfeld, 1926, p. 485).

It is clear that, if God created the human being, that is man and woman, according to His image, He Himself has to be conceived of as being at the same time male and female.<sup>4</sup>

9. Despite relying on the same passage in the *Book of Genesis* and notwithstanding their shared awareness of its Jewish *Wirkungsgeschichte*, Hirschfeld and Strauss accorded a very different systemic scope to the idea of androgyny within their respective overall pursuits. For Hirschfeld, *Genesis* 1:27 constituted a foremost para-epistemic forecast of his own Darwinian-based universalization of human sexual intermediariness as the core of his sexology (see Bauer, 2004, April; Bauer, 2005; Bauer, 2009; Bauer, 2012).<sup>5</sup> Strauss, like Hirschfeld, clearly acknowledged the cesura marked by the non-dichotomic conceptualization of sexuality in the first

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rabbinical tradition covering the period between the Mishna and Kabbalah is of especial significance in view of the nascent Jewish transgender movement, which has been characterized as marking the "new frontier" (Zaveloff, 2014, p. vi) of Judaism.

<sup>4</sup> On the history of the Holy One's dual-gendered name, see: Sameth, 2020a.

<sup>5</sup> Hirschfeld's take on *Genesis* 1:27 is especially relevant in view of the fact that the Talmud makes reference to forms of sexes/genders that suggest the inherent inadequacy of categorizing all sexed individuals according to the male/female disjunction. See in this connection: אנדרוגינוס ('Androgynos) / Hermaphrodite, (5734 / 1974); Dzmura 2010a; Dzmura, 2010b; Fonrobert, 2007; Ladin, 2019; Sameth 2020b.

chapter of *Genesis*. But this recognition remained without consequences when it came to determining the anthropological premises on which his political philosophy was grounded. This is not altogether surprising, if one considers that there are no indications that Strauss considered the Adamic אָדָם הָרִאשׁוֹן to be a "prepolitical savage" (Strauss, 1953, p. 254) or a representative of "man's *original* condition" as understood by Enlightenment philosophers (Strauss, 1953, p. 95; emphasis added). Strauss' obliteration of the androgyne from his own philosophical pursuits, made all the more patent his long-standing commitment to the idea of an ethical commonality shared by Greek wisdom and the Hebrew Bible. Thus, despite acknowledging the "fundamental tension" between the "two codes" (Strauss, 1997c, p. 116) of the Western world embodied in Plato's *Laws* and the Mosaic Torah (see Strauss, 1997c, p. 105), Strauss underscored their essential agreement concerning what he termed "morality." Stunningly oblivious to the creational Androgyne, Strauss persisted in propounding a sexual anthropology derived from the pervasive asymmetric version of dichotomous sexuality and its societal concretizations:

Greek philosophy and the Bible agree as to this, that the proper framework of morality is the patriarchal family, which is or tends to be, monogamous, and which forms the cell of a society in which the free adult males, and especially the old ones predominate. Whatever the Bible and philosophy may tell us about the nobility of certain women, in principle both insist upon the superiority of the male sex (Strauss, 1997c, p. 105).

10. Accordant with his nostalgia of recomforting origins, Strauss stressed that the "proper frame of morality" demands not only the binomial distribution of the sexes but also their hierarchical, non-egalitarian, patriarchal organization. Since Strauss assumes that the notion of "divine law" constitutes "the common ground between the Bible and Greek philosophy" (Strauss, 1997c, p. 107) and that this common ground sanctions sexual binarity and the subordination of women to men, it does not come as a surprise that he opted for overlooking or

discarding core elements within both "codes" that question or contest their foundational premises. Since postulating the ineradicable androgyny of Adam and his/her Creator effectively undermines the maintenance of the patriarchal moral order as civilizations have understood it for millennia, Strauss desisted from upholding an unsettling view whose principled validity he had once admitted, although it factually disrupted the basic axioms of his own constructive design. In the last resort, Strauss did not need to be reminded that a political regime sanctioned by either of the civilizational codes could not survive the critical dissolution of the sexual hiatus resulting from the thoroughgoing implementation of a non-disjunctive scheme of sexuality. Consequently, Strauss not only refuted modern and contemporary attempts to critique in depth the "codes" of Western Law and their sexual assumptions but advocated a "return" to Hebraic and Greco-Roman Antiquity as a philosophical strategy that would redeem present-day culture from the relativistic trends of modernist historicism. Given the restorative tendency animating his most significant intervention as a philosopher of history, Strauss has been considered in some academic quarters as being "[a]mong the great philosophers of the twentieth century" (Meier, 2014, p. 13). This kind of praise, however, loses sight of Strauss' unwarranted preparedness to dispense with core anthropological insights which, despite their acknowledged truth, were only marginally integrated into the twin codes of the Occident's Law.

11. Strauss' programmatic reorientation toward Antiquity was deployed between 1929 and 1937. In this period, he scrutinized the tensional "poles" structuring the law-centeredness of Western intellectual and societal life since its Platonic and Mosaic beginnings. Against this backdrop, Strauss not only diagnosed the crisis of Modernity as a failed connectedness to objective truth but sought to recover the natural anchorage of society's ancient morals, which, in his view, revolved around the patriarchal family as a regime implying the subordination of women to men and the exclusion of same-sex or non-binary sexual configurations.

Since Strauss pleaded for the reactivation of the Hebraic and Greek ethical "codes" in the present, he effectively contributed to the further de-potentialization of theo-anthropological contents, which had been thematized and transmitted as merely vestigial elements that contradicted and subverted the normative heritages in which they were embedded. Paradigmatic is the case of the proto-Hebraic conception of creational androgyny, which resisted the universal validity assigned to the disjunctive scheme of man/woman distribution in the Hebrew Bible. Strauss' refusal to discuss the present-day relevancy of the deranging assumptions he uncovers regarding the androgyny of the Creator and His human creation in *Genesis* 1:27, resonates with his reluctance to reflect on the contemporary import of the views on androgyny, homoeroticism and same-sex sexuality advanced in the Platonic *Symposium*. Disappointingly, Strauss offers no answer to the question as to why he dispenses with assessing the philosophical and anthropological significance not only of *Genesis* 1:27, but also of the unsettling views articulated by Aristophanes, "the greatest individual in [the *Symposium*], apart from Socrates himself" (Strauss, 2001, p. 151). Besides echoing age-old teachings concerning humanity's original sex tripartition, Aristophanes postulated "the superiority of pederasty" (Strauss, 2001, p. 143) and upheld the (for most contemporary ears) surely outrageous view that "the best males, the homosexual males, turn to politics when they become old" (Strauss, 2001, p. 136).

12. In the foreword to Strauss' edited commentary on the *Symposium*, Seth Benardete remarked that it "is [...] the furthest that Professor Strauss ever strayed in his courses on Plato from the strictly political dialogues" (Benardete, 2001, p. vii). As Strauss underscored, however, his *Symposium* commentary did not stray from the thematic focus of his previous publications on the *Dialogues*: "This course will be on Plato's political philosophy" (Strauss, 2001, p. 1). While the edited text offers "an explanation and an interpretation of the *Symposium*" (Strauss, 2001, p. 1), it occasionally includes some of Strauss' idiosyncratic views on sexual difference that can

also be found scattered throughout his books and essays. Thus, Strauss' contention regarding the intellectual superiority of the male sex expressed, for instance, in his 1948 essay on Spinoza (Strauss, 1997c, p. 105) is echoed in the *Symposium* commentary, when he asserts that

"when one disregards all the bewildering facts and looks at the history of philosophy on the one hand and at political history on the other, we see that the top men in the history of philosophy were all males. Among the top people in history were quite a few women. Somehow they are more earthy. This is not simply a Greek prejudice" (Strauss, 2001, p. 72).

Although Strauss sought to find formulaic accommodations and factual counterexamples meant to make more palatable his ontic denigration of womanhood, it is apparent that his views on sexual difference were premised on the full disjunction between male plenitude and female lack, a stance that echoes the Pythagorean Table of Opposites transmitted by Aristotle (see Aristotle, (1968), pp. 34-35 [*Metaphysics* 986a23-26]). Accordantly, in Strauss' personal weltanschauung there is no this-worldly alternative to the scheme of male/female distribution. His elaborations on God's and Adam's "bisexuality" and his analysis of androgyny and sexual difference in the *Symposium* were basically exegetical, philological and historical exercises that left unchallenged his own premise that, as regards the sexual difference of human individuals in the real world, *tertium non datur*. Consequently, any close examination of Strauss' stance on sexual difference makes abundantly clear that he missed Charles Darwin's bodily-anchored conception of universalized human hermaphroditism: "Every man & woman is hermaphrodite [...]" (Darwin, 1987, p. 384 [*Notebook D* (1838), No. 162]).<sup>6</sup> Openly betraying his nescience of Darwinian evolution, Strauss flippantly denied the existence of human androgyny.<sup>7</sup>

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<sup>6</sup> Shortly prior to this remark, Darwin noted: "Every animal surely is hermaphrodite" (Darwin, 1987, p. 380 [*Notebook D* (1838), no. 154]).

<sup>7</sup> Darwin refers to his conception of universal hermaphroditism not only in the *Notebooks*. In a letter written to Scottish geologist Charles Lyell (1797-1845) on January 10, 1860, Darwin noted: "Our ancestor was an

13. Against the backdrop of his discussion of *Symposium* 190c6-d6, Strauss answered a non-recorded question from his audience in the following terms:

*Androgynous* we use as a term for a womanish man or a mannish woman. But to say there were such people literally is a fantastic thing. We must not forget that the dramatic poet is concerned with stage effects and that is much more striking. Later on, after they are split, there are only males and females (Strauss, 2001, p. 127).

As a poor reader of Darwin, Strauss begins by trivializing the phenomenon of androgyny as a matter of gender variance, as evinced by people who display behaviors contradicting the sex of their birth. To go any further, i.e., to assume the existence of people whose biological sex cannot be subsumed under the disjunctive categories of male and female, would be, in Strauss' view, tantamount with positing "a fantastic thing."<sup>8</sup> Since the stage effect of presenting an androgyne is "much more

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animal which [...] undoubtedly was an hermaphrodite! Here is a pleasant genealogy for mankind.—" (Darwin, 1993, p. 28 / Letter 2647; emphasis in original). An editorial footnote appended to the letter indicates that Lyell made annotations related to the letter on the cover. Among other things, Lyell remarked: "Man originally an hermaphrodite" (Darwin, 1993, p. 29 / Letter 2647). Drawing on these insights, Darwin eventually concluded in *The Descent of Man* (1871) that, in their being, human individuals replicate their lineage from "some extremely remote progenitor of the whole vertebrate kingdom [that] appears to have been hermaphrodite or androgynous" (Darwin, 1981, Part I, p. 207).

<sup>8</sup> While Strauss spurns discussions on androgyny as a "fantastic thing" contradicting the nature-anchored sexual disjunction, he focuses at length on homosexuality as an issue of gender variance when commenting on Xenophon's *Hiero or Tyrannicus* and the role played by bodily pleasures in the dialogue (*Hiero*, 1, 10-38; see Strauss, 1963, pp. 2-6). According to Strauss, the tyrant "Hiero is concerned most of all with the tyrant's lack of the sweetest pleasure of homosexual love" (Strauss, 1963, p. 51; see pp. 46, 61). The reference here is not to homosexuality in general, but to "the pleasures of Aphrodite with boys" (Strauss, 1963, p. 5), that is, a specific male/male configuration deployed within the accepted pattern of disjunctive sexuality. Since, as already suggested, androgyny calls to question the man/woman distribution and its same-sex combinatories, it does not constitute an issue Strauss would be prepared to address in a this-worldly setting. His own elaborations concerning androgyny or hermaphroditism in a proto-creational or ur-historical context are not relevant to his treatment of the realistic sexual premises on which *On Tyranny* relies.

striking" than any fantasies concerning non-existent androgynes, Strauss suffices himself with suggesting that once the theatrical performance is over, everything comes back to sexual normalcy, and the male/female hiatus can once again reign supreme. Although the theoretical strategy of banning androgyny from reality has proved to be a conspicuous failure in post-Darwinian times, Strauss considered his move a viable path toward the reinstatement of the increasingly embattled conception of sexual binarity. Accordingly, Strauss opted for passing over in silence his own exegesis of *Genesis* 1:27 and the ensuing theological sanction of androgyny. One can only wonder how he would seek to justify the obvious contradiction between his disparaging comments on the merely imagined androgynes and his Torah-based contentions regarding the androgyny that the First Human Being shared with his Creator.

14. It seems safe to assume that Strauss had some degree of awareness of his inconsistent stance on androgyny. The ancient textual evidence he dealt with pressed him into tacitly admitting that both the Aristophanian "extinct sex of man [...], now, the most in disrepute" (Strauss, 2001, p. 123)<sup>9</sup> as well as

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<sup>9</sup> As regards Aristophanes, Strauss points out that his exposition in *Symposium* 189d5-e5 begins with the *triton genos* as the "extinct sex of man" because "it is the most striking [and] also, now, the most in disrepute" (Strauss, 2001, p. 123). Strauss mentions that while the third sex was, according to Aristophanes, "originally [...] the thing itself and a respectable name," it has become "today [...] merely a shadow, a name" (Strauss, 2001, p. 123). The contrast between *then* and *now* hinges on the fact that the third sex is no more a viable alternative within the present-day scheme of sexual distribution. As Strauss still following Aristophanes suggests, the exclusion of the androgyne from the ambit of human sexual configurations marks the emergence of the homosexual as a deviant usurper of the ontic validity attributable only to *man* and *woman* in non-mythological, historical times. While analyzing the consequences of the disappearance of androgyny, Strauss shows no interest in de-mythologizing the actual meaning and cause of androgyny's absence from history. That Strauss avoids this kind of questioning is understandable since he seems to be in perfect agreement with Aristophanes' "realistic" resolution of the issue of sexual difference, which ratifies sexual binarity as an indispensable condition for attaining the historical telos of human realization and keeps derivative homosexuality at bay as a disreputable "shadow" (Strauss, 2001,



the androgyny of Adam *in illo tempore* were tenets he could not possibly integrate into the sexual theo-politics he advocated throughout his writerly career. Instead of examining closely the anthropological reality underlying Aristophanes' postulation in the *Symposium* of originally "three genera of human beings" (see *Symposium* 189d6-e5) and the first account of Man's creation in *Genesis*, Strauss sufficed himself with denying outright the existence of androgynes in Greek ur-history and banning the Adamic Androgyne from the purview of his philosophical concerns. On Strauss' assumptions, androgyny/hermaphroditism becomes either a risible gender option or a supernal sexual configuration without any assignable political function in historical times. Despite willfully ignoring the relevancy of the traces of androgyny in the Greek and Hebraic traditions to present-day cultural life, the issue of a non-disjunctive sexual scheme appears to have haunted him in distorted form as the guilty conscience of his heteronormative theo-politics. It is significant in this regard

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p. 123) of no more existent androgyny. Strauss' acceptance of the antique disposal of the third sex alternative, however, seems to have prejudiced him against acknowledging its modern resurgence. Accordingly, Strauss ignores the nineteenth-century conception of the third sex advanced by German jurist and sexological pioneer Karl Heinrich Ulrichs (1825-1895). Aiming at redefining sexuality within a triadic scheme of sexual modes, Ulrichs defined the male Uranian as "[a]nima muliebris virili corpore inclusa" (Ulrichs, 1994a, p. i), i.e., a female psyche confined in a male body. Moreover, Ulrichs advanced the idea that Uranians as well as their female counterparts appertain to a separate, hermaphroditic-like class clearly distinguishable from normal men and women: "Wir Urninge bilden eine zwitterähnliche besondere geschlechtliche Menschenklasse, ein eigenes Geschlecht, dem der Männer und dem der Weiber als drittes Geschlecht koordiniert" (Ulrichs, 1994b, p. 5). Having ignored Ulrichs' conception of *drittes Geschlecht* as a specific alternative to the binary sexes that closures what is representable as sexuality, Strauss was not able to grasp the scope and relevancy of the critique of Ulrichs' contentions laid out by his younger contemporary Magnus Hirschfeld. Indeed, rejecting the modern triadic scheme of sexual distribution, Hirschfeld's Darwinian inspired *sexuelle Zwischenstufenlehre* premised a potentially infinite number of sexualities co-extensive with the number of existing sexed individuals. Since he failed to examine the reason for the absence (or non-visibility) of the Androgyne from Aristophanes' present, Strauss appears to have been at a loss when confronting the revendications of modern sexuality regarding sexual difference. For an outline of the history of the *third sex*, see: Bauer, 2015b.

that, as his collection of essays published under the general title *Persecution and the Art of Writing* (1952) suggests, Strauss was intimately cognizant of the dialectics of silencing and repressing as a determinant factor in the shaping of world history and autobiography. It is certainly not by chance that the initial paragraph of his essay "What is Political Philosophy?" includes a sentence that has the aura of the confessional: "But while being compelled or compelling myself, to wander far away from our sacred heritage, or *to be silent about it*, I shall not for a moment forget what Jerusalem stands for" (Strauss, 1988, p. 10; emphasis added). While Strauss appears to refer in this passage to the normative "code" of Judaism, his words are also applicable to the unassimilable "anti-code" transmitted as part of the Torah, whose historical erasure has proven to be more consequential than the silencing Strauss publicly avows.

15. As a Jew, Strauss was a man of memory, troubled by the perils of losing sight of the already known or deliberately repressing it. Accordantly, the issue of forgetting one's Jewish heritage is deepened and universalized in the very last lines of "What Is Political Philosophy?" when Strauss touches on the modern predicament of letting the quintessentially human disappear from human memory. Consonant with his advocacy for a return to the ethical sources of Greco-Roman and Hebrew Antiquity, Strauss closes his study with the following sentence:

For oblivion of eternity, or, in other words, estrangement from man's deepest desire and therewith from primary issues, is the price which modern man had to pay, from the very beginning, for attempting to be absolutely sovereign, to become the master and owner of nature, to conquer chance (Strauss, 1988, p. 55).

While deploying the Feuerbachian notion of "estrangement" (*Entfremdung*) to depict the Machiavellian and Hobbesian repression of "man's deepest desire," Strauss appears to overlook that the mechanism at stake is not exclusively "modern," since it played a decisive role at the time when the Platonic and Mosaic *Law* became the foundation of the

Occident's political philosophy. The oblitative forgetfulness concerning the human being's "eternal" essence and desire marked the emergence of Western patriarchal history, but it also informs Strauss' démarche when he ignores the significance of the gap between the theo-mythological view of human androgyny and the Western *Law's* sanction of the disjunctive sexes. In principle, Strauss reminisces and acknowledges the status ante of the sexual hiatus in his episodic references to the Adamic Androgyne. But this unfledged remembrance was soon abandoned to the forces of oblivion for being incompatible with the organizational constraints of what Strauss considered civilized life. In the last resort, what contradicts sexual binarity as the gist of societal togetherness is eventually banned by Strauss to the ambit of a supra-historical or decadent ideality. Once this purge is completed, only the patriarchal model of political culture remains, whose constrictive blessings Strauss never tires to acclaim.

16. Unlike post-1960s authors who turned to Western myths of origin for orientation when discussing the principles of their revolutionary sexual politics, Strauss assumed that neither the biblical conception of the androgynous Adam nor its Greek mythological counterpart had a role to play in determining the finality of modern projects of radical sexual change (see Bauer, 2020a). Considering the theo-mythological models of sexual androgyny as incompatible with factual reality, Strauss overlooked that their detachment from the purportedly given was the sine qua non for debunking alienatory sexual patterns closed on themselves for the sake of ensuring their self-replicative stability. Given that androgyny's critical disruptiveness undoes the identitarian conception of disjunctive sexualities on which the civilizational order of patriarchy relies, Strauss was especially keen on denying the need for a principled review of the sexual status quo which the two "codes" of Western morality had sanctioned since the beginning of historical time. Since Strauss' intellectual project did not rise beyond the immanent analysis of pre-ordained revelational or philosophical systems, he discarded the

challenges posed by Jewish-Messianic patterns of thought designed to open up the alienatory closures of reality to its own—until then—unconceivable futurity. For Strauss, the Mosaic liberation constitutes in essence a divine deed of the past that remains alien to contemporary concerns about human self-emancipation. In the prevalently un-Messianic understanding of history that Strauss advances, the androgynous Holy One could not be conceived of as commanding men and women to liberate themselves from the idolatrous constraints of the male/female disjunction. Unable to relate creational androgyny to the core task of human self-liberation, Strauss unsurprisingly neglected—as already indicated—the sexual critique advanced by Giordano Bruno, a metaphysical thinker with unmistakable affinities to Modernity's greatest Jewish philosopher.

17. It is generally acknowledged that Strauss stands out as one of the leading experts in the theo-political philosophy of Baruch de Spinoza (1632-1677). Among Strauss' most significant writings are his early book-length publication titled *Die Religionskritik Spinozas als Grundlage seiner Bibelwissenschaft. Untersuchungen zu Spinoza's Theologisch-politischen Traktat* (1930) and the essay "How to Study Spinoza's Theologico-Political Treatise" (1948). In later years, Strauss also penned in English an important "Preface to Spinoza's Critique of Religion" (1965). As these titles convey, Strauss was not primarily concerned with Spinoza's *Ethica* as the foremost expression of his ontological thought, but with his critique of the textual sources of Judaism and Christianity as revealed religions. Strauss' reaction against the premises of Spinozian Enlightenment he had initially embraced, eventually prompted a new direction in his own political thought (see Almaleh, Baraquin, & Depadt-Ejchenbaum, 1991, pp. 9-12). As Heinrich Meier has pointed out, after the completion of *Religionskritik* in 1928, Strauss "reached a caesura that was of the greatest importance for his further path of thought" (Meier, 2014, p. 16). As a consequence of his "change of orientation," which was first expressed in his "Anmerkungen zu Carl Schmitt, 'Der Begriff des Politischen'" (1932), Strauss

disclaimed his earlier contention "that a return to premodern philosophy is impossible" (Strauss, 1997d, p. 173). While distancing himself from Spinoza's rejection of biblical revelation, Strauss drew on his close readings of the philosopher when laying out the principles of his historical hermeneutics, which are summed up in *Persecution and the Art of Writing*, Strauss' 1952 pathbreaking collection of five previously published essays. Arguably the most notable among them is the already mentioned 1948 study on Spinoza's *Theologico-Political Treatise*.

18. As regards Spinoza's own "art of writing," Strauss points out in his "Preface to *Spinoza's Critique of Religion*" of 1965: In the [*Theologico-Political*] *Treatise* Spinoza addresses potential philosophers of a certain kind while the vulgar are listening. He speaks therefore in such a way that the vulgar will not understand what he means. It is for this reason that he expresses himself contradictorily: those shocked by his heterodox statements will be appeased by more or less orthodox formulae (Strauss, 1997d, p. 212).

Strauss' 1939 "Lecture Notes for 'Persecution and the Art of Writing,'" which preceded by two years the actual essay that lent its title to the 1952 book, drew on the hermeneutical issues discussed in *Die Religionskritik Spinozas* (1930). Despite their sketchiness and brevity, the "Lecture Notes" focus on the interpretive principles Strauss deploys when examining the texts that had once destabilized the "frame of reference" (Strauss, 1953, p. 26) of European Modernity. Assuming in general that "[i]f people hide their opinions, they will not say that they hide them, or at least they will not say it too loud—or else they would defeat their own purpose" (Strauss, 2014, p. 297; emphasis in original), Strauss adduces textual evidence from the writings of Lessing, Montesquieu, Spinoza, Descartes and Bacon that justifies implementing the traditional distinction between *exoteric* and *esoteric* teachings as an analytical tool of interpretation. In this connection, Strauss is careful to underscore that "[a]n esoteric teaching is *not*, as some present-day scholars seem to think, a *mystical* teaching: it is

the *scientific* teaching. Exoteric = popular. Esoteric = scientific and *therefore* secret" (Strauss, 2014, p. 300; emphasis in original). In closing the "Lecture Notes," Strauss makes a signal avowal concerning the need to protect philosophical truth by its opposite: "Hiding one's thoughts about the crucial things, when speaking or writing about those things, means making *misstatements* about those things—or: to *lie* about those things" (Strauss, 2014, p. 304; emphasis in original).

19. Although the texts supporting Strauss' hermeneutical premises belong to the ambit of science and philosophy, it is worth noting that his "Notes" begin by referring to Miguel de Cervantes Saavedra (1547-1616), the author of the two-part novel *Don Quixote de la Mancha* published in 1605 and 1615. Strauss highlights not only that Cervantes's interrupted the novel at one point because, "as he says, he does not know the continuation," but also that the resumption of the narrative was enabled by the alleged discovery of an ancient Arabic manuscript that the author got translated into Castilian. Against this backdrop, Strauss remarks that "the larger part of that immortal work [...] claims to be written, not by Cervantes, but by Sid Hamed, a Muslim" (Strauss, 2014, p. 293). While considering this claim as obviously false, Strauss takes it as an occasion for remitting to a comparable authorial dialectics ascertainable in Spinoza's writings. Signally, recent close readings of Cervantes' work tend to confirm the old suspicion that he was—not unlike Spinoza himself—of Marrano descent (Yovel, 1992, p. 129). In the "Lecture Notes" of 1939, Strauss does not mention Cervantes' genealogy. But he may well have had an inkling of Cervantes' mostly silenced commonality with Spinoza, the "Marrano of reason," who hailed from a Jewish-Portuguese family of converts to Christianity. Since such converts were often despised by Jews and mistrusted by their new correligionists (Yovel, 1992, pp. 15-39), it is not surprising that they developed in time strategies of intellectual disguise, which became the source of what Strauss depicts as the Spinozean "art of writing" seeking to hide the truth from inept or inattentive readers. Nothing of the like can be said of Giordano Bruno, Cervantes' younger contemporary, whose

critical dissolution of the sexual *bimembrum* was based on a non-Christian ontology that announced Spinoza's pan(en)theism. Despite this groundbreaking critical achievement, the defrocked Dominican monk and philosophical martyr did not attract Strauss' philosophical attention. The absence of Bruno from Strauss' oeuvre is disconcerting, especially if one considers that the Nolanus' defiance of the man/woman distributive scheme evinces obvious functional affinities to the challenge posed by *Genesis* 1:27 and its radical Mishnaic-Kabbalistic exegesis to binomial sexuality.

20. When assessing Strauss's disinterest in Bruno's ontological thought in general, and in his critique of the dichotomous regime of sexual distribution in particular, it should be taken into account that, after Bruno's death, his work fell into oblivion for a period of almost 190 years. This neglect of historical proportions came to an end as German Protestant philosopher Friedrich Heinrich Jacobi (1743-1819) drew attention to the Italian philosopher in his 1789 treatise *Über die Lehre des Spinoza in Briefen an den Herrn Moses Mendelssohn* (Jacobi, 2000). In this regard, it is of interest to note that Strauss wrote his 1921 dissertation titled *Das Erkenntnisproblem in der philosophischen Lehre Fr. H. Jacobis* under the supervision of neo-Kantian philosopher and theorist of the "symbolic forms" Ernst Cassirer (1874-1945). Despite the thematic focus of his dissertation, Strauss did not elaborate on the role played by the *Glaubensphilosoph* in the rediscovery of the disgraced Neapolitan thinker, whose writings had been banned years before his judicial murder at the stake by the Roman Catholic Church on February 17, 1600 at the Campo de' fiori in Rome. As G. W. F. Hegel (1770-1831) remarked, Bruno's works were "burnt, eradicated and kept secret" (Hegel, 1971, p. 23),<sup>10</sup> before his name disappeared from cultural memory. The ecclesiastical and civil censorship of his writings did not come as a surprise, since instead of following

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<sup>10</sup> "verbrannt, vertilgt und geheimgehalten." On the issue concerning the ecclesiastical ban on Bruno's books before and after his execution, see: Firpo, 1998, pp. 76-86.

the strategic path of *esoteric* writing, which Spinoza adopted decades later, Bruno conveyed his contrarian thought without recurring to cryptic messaging. This is especially true as regards Bruno's sexual views, which he displayed, so to speak, in plain light, albeit camouflaged under the mask of irony and sarcasm. A master of critical deconstruction, Bruno expressed his unsettling ideas on sexuality in a comedy and six dialogues, which were penned not in Latin, but exclusively *in volgare*. Critiquing the ubiquitous sexual binary in a language accessible to non-erudite audiences, Bruno posited gradual differentials within the male/female polarity in accordance with the fundamental premises of his ontology.

21. In an act of criminal concertation, the Roman Catholic Church and the *corte secolare* of Rome not only burnt Bruno alive but organized the public burning of his books as a way of marking the definitive victory over his heretic ideas. Beyond truncating the further development of Bruno's sexual thought initiated in *Candelaio*, his 1582 comedy written *in volgare*, the Church's annihilation strategy of the man and his oeuvre discouraged the reception of its discomfiting insights in the two centuries following his execution. As a late consequence of the ecclesiastical plot, sex scholars and theoreticians in the twentieth century have generally overlooked Bruno's philosophical and rhetorical moves designed to dismantle the ubiquitous conception of the male/female hiatus (see, for instance, Dall'Orto, 1988, Parte Quarta; Dall'Orto, 1989). Indeed, not even German-Jewish physician and sexologist Magnus Hirschfeld assessed Bruno's principled contentions in this regard, although his own critical sexology was grounded on monistic premises going back to Bruno's and Baruch de Spinoza's ontology. While it is safe to assume that Hirschfeld—a member of the *Deutscher Monistenbund* (see Herzer, 2001, p. 257)—was sufficiently aware of Bruno's disruptive stance on sexuality, his scattered remarks on the Late Renaissance philosopher are concerned in the main with the role that the sex-related accusations raised against him during the judicial process had played in his condemnation. Thus, Hirschfeld surmises that Bruno was given the death penalty not just



because of his heretical views on theological matters, but also on account of "his same-sex inclinations" (Hirschfeld, 1986, p. 138).<sup>11</sup> Conjectures of this kind, however, did not hinder Hirschfeld from characterizing Bruno as a "paladin of the spirit"<sup>12</sup> (Hirschfeld, 1928, p. 365) comparable to Socrates and Jesus of Nazareth (see Hirschfeld, 1930, p. 36). Against this backdrop, it is apposite to note that even if Bruno's life would not have ended at the stake, his path-breaking sexual thought provides ample reason for considering him a "queer hero" (Staebler, 2007).

22. Bruno's Italian oeuvre consisted of a comedy published in Paris in 1582 and six philosophical dialogues issued between 1583 and 1585 in England. While Bruno in his "roundly Neapolitan comedy" (Spampanato, 1921, p. 256)<sup>13</sup> published as *Candelaio* self-ironically portrays himself as an "Academician of No Academy; also known as The Annoyed" (Bruno, 2000, pp. 55-56),<sup>14</sup> his underlying design was to offer a philosophical overture that anticipated the key ideas and leitmotifs, which the six dialogues developed according to a consistent plan (see Ordine, 2002, pp. 39-42). In correspondence with the brightness its title evokes, *Candelaio* announces in its initial chapter an anti-obscurantist démarche seeking to dispel the somberness of the pedantry, which ecclesiastical dogmatism and Aristotelian scholasticism foster. Although the light shed by a candle "produced" or "held" by a *candelaio* is admittedly modest, its figurative meaning remits to the *Aurora* that enables the "true contemplation of nature" and thereby terminates the servitude of Reason (Bruno, 2002c, pp. 606-607).<sup>15</sup> In Bruno's diction, however, the term *candelaio* is meant not only as a trope for light and illumination, but also as a slang designation for sodomite, which leans on the popular view of candles as phallic symbols. In view of the intended association between philosophical

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<sup>11</sup> "seiner gleichgeschlechtlichen Neigungen"

<sup>12</sup> "Geisteshelden"

<sup>13</sup> "una commedia schiettamente napoletana"

<sup>14</sup> "Achademico di nulla Achademia; detto il fastidito"

<sup>15</sup> "vera contemplazion de la natura"

enlightenment and the sexual minority often referred to as a *τρίτον γένος* (Platon, 1990, pp. 266-269 [*Symposion* 189 d-e]), the comedy's title emerges as a catchy topos that blends sapiential lucidity and a form of sexuality generally considered to be derisive, monstrous, or satanic. It is not by chance that while the authorial Bruno initially declares rather pompously: "Candelaio, *that is*, Master Bonifacio" (Bruno, 2002b, p. 276; emphasis in original),<sup>16</sup> he soon goes on to depict the personage in unequivocally mocking terms: "A heteroclite baboon, a natural bollock, a moral dumbass, a tropologic beast, an anagogic ass" (Bruno, 2002b, p. 282).<sup>17</sup>

23. The sexual associations conjured by Master Bonifacio's extravagance and bizarrerie become apparent, when the derogatory and lewd meaning of the term *candelaio* is alluded to in several passages of the comedy's dedicatory text (see Bruno, 2002b, pp. 260-264). Thus, referring to the real person who presumably served as model for the figure of Bonifacio, Bruno remarks: "Give my regards to that other Candelaio of flesh and blood, of whom it is said that '*they will not inherit the Kingdom of God*'; and tell him not to enjoy himself so much" (Bruno, 2002b, p. 263).<sup>18</sup> Since the Paulinian passage, which Bruno cites in part, includes the *μαλακοί* (effeminate) as well as the *ἀρσενοκοῖται* (sodomites) among those who will not attain salvation (I *Corinthians* 6: 9), the quote subtly reinforces the sexual valence of the comedy's title and therefore the deviant nature of Bonifacio's sexual orientation and lifestyle. The relevancy and scope of these introductory precisions to the configuration and dénouement of the piece become manifest, at the latest, when Bonifacio's sexual preferences are discussed in connection with his marriage plans. As Carubina—the young prospective bride—seeks advice from her old confidante Angela Spigna about "Bonifacio

<sup>16</sup> "Candelaio, *id est* messer Bonifacio"

<sup>17</sup> "Un eteroclito babuino, un natural coglione, un moral menchione, una bestia tropologica, un asino anagogico"

<sup>18</sup> "Salutate da mia parte quell'altro Candelaio di carne et ossa, delle quali è detto che *Regnum Dei non possidebunt*; e ditegli che non goda tanto"

Trucco"—a family name portending his *tricky* nature—, Angela readily points out with regret: "Alas, I have heard that he is a *candelaio*" (Bruno, 2002b, p. 419; emphasis added).<sup>19</sup> Although Bonifacio's alleged sodomitic anormativity will play no role in Carubina's decision to marry him, the renewed reference to his same-sex dissidence precludes the announcement that Bonifacio is prepared to overstep the bounds of his transgressive sexual tastes through an equally transgressive manner of performing his marital duties. Taking exception to Bonifacio's nuptial intentions, Gioan Bernardo—Bruno's alter ego in the play—concisely conveys his outraged surprise, exclaiming: "You want to turn from *candelaio* to *aurifex*" (Bruno, 2002b, p. 296; emphasis added).<sup>20</sup>

24. Using alchemical diction, Gioan Bernardo suggests that Bonifacio's "transmutation" into a sexual *aurifex*—i.e. a "gold maker"—effectively implies his preparedness to potentiate his initial same-sex transgressiveness by practicing sodomitical intercourse with his future wife. Under the sign of derision, Bruno undermines the binary blueprint of sexuality that undergirds the Christian conception of the sexual order by pointing to Candelaio's same-sex perversion and to the transgression of this perversion by an apparent return to other-sex sexuality in the form of marital sodomy. While Bruno's design to subvert the male/female divide is suggested in several passages of *Candelaio*, its actual scope and implications can only be properly assessed if one considers the ontological and cosmological premises that frame the sexual anthropology of the writings *in volgare*. Against this backdrop, the sexual complexity and diversity of the individuals that populate the comedy are meant to dent the man/woman disjunction sanctioned by Christian theology, and bolster Bruno's non-creationist conception of "naturing Nature" (Bruno, 2002c, p.

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<sup>19</sup> "Ma ehimè' [...], 'ho udito dir ch'è candelaio"

<sup>20</sup> "Da candelaio volete doventar orefice." See also Bruno, 2002b, p. 266: "per che o più o meno intende il termino 'candelaio', ma non molto può capir che voglia dir 'orefice'"

702),<sup>21</sup> the all-pervasive, inexhaustible, and animating power, which enables the emergence of utterly diverse beings throughout the infinite cosmos. *Natura naturans*—to use Baruch de Spinoza's later Latin equivalence of the Brunian concept (Spinoza, 1980, p. 132 [Pars Prima, Propositio XXIX, Scholium])—thus stands for the metaphysical framework in which the dynamic correspondences between the human "microcosm" and the all-encompassing "macrocosm" (Bruno, 2002c, p. 672-673)<sup>22</sup> take place and in which the human being emerges as the entity most capable of reflecting and resuming the diversity that pervades all levels of the *scala naturae*. Denying any essential separateness between human nature and the nature of all other beings, Bruno suffices himself with asserting the greater aptitude of the human species to function as a recapitulative mirror of life's pervasive continuities.

25. Despite being a comedy, *Candelaio* touches on all major theoretical issues that Bruno's characters discuss in the six Italian dialogues, including the way to mend the dysfunctional societal cosmos the comedy mimics and derides. It is thus no surprise that the closing lines of the "Proprologo" of *Candelaio* mentions a long list of abuses and perversions the reader — perhaps "still with perplexity" (Bruno, 2002b, p. 281)—<sup>23</sup> comes across in the text. In anticipation of the sexual confusion provoked by the queer traits of Bonifacio/Candelaio, the list includes, among society's inherently puzzling phenomena, the existence of "virile females [and] effeminate males" (Bruno, 2002b, p. 281).<sup>24</sup> In this context, the authorial Bruno warns the reader that "you will see that there is nowhere anything certain: but rather much business, a lot of shortcomings, little beauty, and nothing good" (Bruno, 2002b, p. 281).<sup>25</sup> Following a similar line of argument, the comedy as a whole gradually

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<sup>21</sup> "natura naturante." For Baruch de Spinoza's use of the corresponding Latin expression *natura naturans*, see: Spinoza, 1980, p. 132 [Pars Prima, Propositio XXIX, Scholium].

<sup>22</sup> "megacosmo [...] microcosmo"

<sup>23</sup> "ancor in confuso"

<sup>24</sup> "femine virile, effeminati maschii"

<sup>25</sup> "vedrete in tutto non esser cosa di sicuro: ma assai di negocio, difetto a bastanza, poco di bello, e nulla di buono"

reveals a propaedeutic inventory of deceits, pretenses, and half-truths that prompts—as *De l'infinito* programmatically suggests—the Brunian decision to "turn upside down the reversed world" (Bruno, 2002e, p. 112).<sup>26</sup> Bruno's philosophical *sanatio ex radice* of the putrid societal cosmos calls not only for a revitalization of the existing sciences, but a meticulous epistemic revision of the categorial tools deployed in the different fields of knowledge. As his repeated references to non-normative sexualities convey, Bruno set out to scrutinize not only the general validity assigned to the male/female chasm, but also the incipient attempts to bridge it by a finite number of categorial supplements. This examination is all the more urgent, as the subsumption of individuals under compartmentalized sexual categories constitutes for Bruno one of the most conspicuous hindrances to the adequate grasp of the rich complexities that inhere in human nature.

26. Bruno's philosophy evinces an overarching counter-reductionist move that Nolanus scholar Roberto Oddo has termed *sconfinamento* (enlargement, "de-finitization") (Oddo, 2001, p. 2). Accordingly, "the new sun" of the philosopher's "clear concepts" (Bruno, 2002c, p. 614)<sup>27</sup> sheds light on the most problematic of all theoretical instrumentalities regarding sexuality: the sexual binary or, to use a more precise Brunian term, the "bimembrum" of man and woman as the organizing principle of sexual difference. It is for a reason that none other than sexually glittering *Candelaio* contributes to the task of bringing limpidity into the gloominess of the dichotomous sexual regime. Following the example of "Democritus, Epicurus, and many others who have contemplated nature with eyes wide open and have not proven deaf to her pressing voices" (Bruno, 2002e, p. 161),<sup>28</sup> Bruno's observation-based reflections on sexuality undergird the counterintuitive notion that "the most common sense is not the truest one" (Bruno,

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<sup>26</sup> "mettere sotto sopra il mondo rinversato"

<sup>27</sup> "il nuovo sole de tuoi chiari concetti"

<sup>28</sup> "Democrito, Epicuro et altri molti, che con gli occhi più aperti han contemplata la natura, e non si sono presentati sordi alle importune voci di quella"

2002c, p. 658).<sup>29</sup> Thus, while binary patterns of thought possess, for simple minds, the attractiveness of the self-evident, they are, in truth, the source of epistemic shortcomings that distort the complexities and nuances of living Nature. On this assumption, *La cena de le Ceneri* outlines a critique of "the scale of the binary number" (Bruno, 2002f, p. 434),<sup>30</sup> Bruno's terminological phrase for the disjunctive blueprint that subtends the prevalent, albeit thoughtless categorizing of human sexuality. At the beginning of the passage under consideration, pedant Prudenzio asks Teofilo—the "God-loving" impersonation of Bruno in the dialogue—to explain his reasons for advancing the notion that "the binary number is mysterious" (Bruno, 2002f, p. 442).<sup>31</sup>

27. In his reply, Teofilo avoids addressing the actual question asked by Prudenzio, sufficing himself with the enumeration of a whole range of instances that purportedly presuppose the binary, including "the species of numbers: odd and even, of which one is male, the other female" (Bruno, 2002f, p. 442).<sup>32</sup> Ostensibly coming in support of Teofilo, Frulla—whose very name hints at the triviality of his views—offers "another scale of the binary" (Bruno, 2002f, p. 443),<sup>33</sup> which combines Old and New Testament instances of binarity with their pagan pendants, but ultimately amounts to making more obvious his untenable attempt to answer Prudenzio's query by adducing examples. Heightening the parodic turn of the discussion, Prudenzio commends in Latin, but not without candor, the ingeniousness of Frulla's instantiations.<sup>34</sup> Contrary to Prudenzio's expectations, however, Frulla seizes the occasion to thank him for the compliment with a wittingly ambiguous reply: "I am proudly rejoiced, Master Prudenzio,

<sup>29</sup> "Il senso più comune non è il più vero"

<sup>30</sup> "la scala del numero binario"

<sup>31</sup> "il numero binario è misterioso"

<sup>32</sup> "le spezie di numeri: pare et impare, de quali l'una è maschio, l'altra è femina"

<sup>33</sup> "un'altra scala del binario"

<sup>34</sup> Prudenzio's Latin praise reads: "*Optimae indolis ingenium, enumeratio minime contemnenda.*" (Bruno, 2002f, p. 444; emphasis in original.) [*A talent of excellent quality, an incontestable enumeration!*]

that you approve of my speech, for you, being more prudent than prudence, are prudence *masculini generis*" (Bruno, 2002f, pp. 444-445; emphasis in original).<sup>35</sup> Frulla's praise of Prudenziio's "male" prudence reflects his biased assumption concerning the superiority of men over women, while suggesting that Prudenziio's supposed advantage is actually the result of his usurping an essentially feminine trait. By hinting at Prudenziio's own "male" re-gendering of "female" prudence, Frulla subtly evokes and reinforces the popular Renaissance association of pedants with the practices of pederastic inverts. Thus, from the perspective of Frulla's subliminal denunciation, Prudenziio emerges as a living objection against the deployment of the binary sexual scheme, regardless of his own initial approval of Frulla's theo-mythological exemplifications of the *bimembrum*.

28. Unwittingly advancing the Brunian critical program of world-historical reversal, Prudenziio—as a male travesty of *Prudentia*—contributes to questioning—and thus demystifying—the numinous aura of "the scale of the binary number." Notwithstanding his effete theatricality, Prudenziio epitomizes the earnest challenge posed by the sexual dissident to being subsumed under one of the two mutually exclusive man/woman alternatives, which, despite being generally considered self-evident, remain counterproductively reductive. Although Frulla's insinuations about the pedant's (real or imagined) sexuality aim, in the last resort, at questioning and disrupting the universal validity attributed to the sexual disjunction, Prudenziio's counter-exemplarity is not meant to suggest the transformation of sexual binarity into a closed triadic scheme. Positing a unified *third* sexual alternative as a supplement to the man/woman dichotomy would fail to do justice to the differentiation between "virile females" and "effeminate males" (Bruno, 2002b, p. 281)<sup>36</sup> that Bruno mentions in the "Proprologo" of *Candelaio*. Furthermore, a

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<sup>35</sup> "Io mi glorio, messer Prudenziio mio, per che voi approvate il mio discorso, che sète più prudente che l'istessa prudenzia, perciò che sète la prudenzia *masculini generis*."

<sup>36</sup> "femine virile, effeminati maschii"

one-size-fits-all supplement to the man/woman disjunction would be at odds with the nuanced discussion, toward the end of the fourth act of the comedy, which focuses on the categorization of Mamfurio's sexuality in view of the diversity of sexes/genders advanced by a contemporary and widely consulted systematization of the Latin grammar. The noteworthy passage in *Candelaio* begins with a question asked by Sanguino, a poorly educated discussant, in a derisively distorted Latin. The literal wording of his question is thus: "*Cennera nomino quotta sunt?*" (Bruno, 2002b, p. 372; emphasis in original). In standard Latin, Sanguino's query would read: *Genera nominum quot sunt?* — that is: *How many genders of substantives are there?*

29. In his reply, archetypically pedant Mamfurio argues that, besides the masculine and feminine genders, there are "the *neuter*, which is neither the one nor the other, the *common*, which is one and the other," and finally, "the *epicenum*, which does not distinguish one sex from the other" (Bruno, 2002b, p. 372; emphasis in original).<sup>37</sup> Consequent to Mamfurio's enumeration of the gender alternatives beyond the masculine/feminine dichotomy, Sanguino picks on his slight shift from "genero" to "sexo" when explaining the *epicenum*, and gives the discussion a personal and inquisitorial twist by asking: "Which of all these are you? Are you perhaps epicene?" (Bruno, 2002b, p. 372).<sup>38</sup> Trying to dodge Sanguino's pressing questions, Mamfurio repeats in Latin what he has already said in *volgare* about the "epicene," but to no avail. His conceptual shift from (grammatical) "geno"/ "gender" to (natural) "sexo"/ "sex" makes it easier for Sanguino to distort whatever assertion Mamfurio comes up with and to present it as further evidence of his expertise in "l'arte da spellechiar capretti" (Bruno, 2002b, p. 373) (literally: "the art of flaying young goats") – an obscene metaphor for pederasty. Regardless of Mamfurio's presumed or owned sexuality, the discussion reveals Bruno's preparedness to consider sexual modes beyond the

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<sup>37</sup> "'*neutrum*' quel che non è l'uno né l'altro, '*comune*' quel che è l'uno et altro [...] '*epicenum*', quel che non distingue l'un sexo da l'altro"

<sup>38</sup> "Quale di tutti questi sète voi? sète forse epiceno?"



man/woman disjunction. Historically, positing a suppletive alternative to the male and female sexes within a closed triadic construct was intended to mend the insufficiencies inherent to the sexual disjunction by creating a conceptual space for a non-binary category deemed to complete and closure what is representable as sex. Since it would appear at first that Sanguino fails to entice Mamfurio into accepting being subsumed under the supplementary *epicene* category, the ill-educated attempts henceforth to distort what the pedant says about grammatical gender as though it were an advocacy for male same-sex sexuality.

30. True to his bookishness, Mamfurio answers the query about the first thing he teaches children at school, by citing in Latin a phrase from *Commentarii grammatici* by Jean Despautères (1460-1520) that reads: "Omne viro soli quod convenit, esto virile" (Bruno, 2002b, p. 372).<sup>39</sup> Mamfurio then translates the quote: "That which is convenient only for a man is virile" (Bruno, 2002b, p. 372).<sup>40</sup> Since, as could be expected, the actual meaning of the sentence escapes Sanguino, he accuses Mamfurio of instructing his pupils about "the virile member" (Bruno, 2002b, p. 372).<sup>41</sup> Furthermore, Sanguino surreptitiously substitutes Mamfurio's notion of a gender "convenient" to males by the idea of the sexual organ "apposite" to them, and ends up suggesting that the pompous humanist propounds the outrageously sodomitical view that the penis—not the vagina—is the organ naturally suitable for males. Pitying Sanguino for belonging to the class of "non-erudites" (Bruno, 2002b, p. 373),<sup>42</sup> Mamfurio makes a last attempt at clarification, pointing out that what Sanguino is referring to—i.e., the penis—"belongs to males *proprie et ut pars*, and to females *ut portio, et attributive vel applicative*"

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<sup>39</sup> The sentence Mamfurio quotes is at the beginning of *Liber primus de nominum generibus* der "dispauteriana grammatica": Despauterius, 1563, p. 27. In this edition the sentence reads: "Omne viro soli, quod conuenit, esto virile."

<sup>40</sup> "quel che convien a l'uomo solamente, è virile"

<sup>41</sup> "il membro virile"

<sup>42</sup> "ineruditi"

(Bruno, 2002b, p. 373; emphasis in original).<sup>43</sup> Since for Sanguino these precisions appear to be even less comprehensible than the original Despauterian quote, he interprets them as a corroboration of his suspicions about humanist Mamfurio's pederastic leanings. As the result of this part of the discussion shows, the comedy does not seek to elucidate the pertinence of Sanguino's insidious allegations or the truth about Mamfurio's sexual orientation, but, rather, to expose the derisive incompetence of two equally unworthy disputants to deal with the complexities of sexual difference.

31. While Sanguino stands for the ignorant advocate of other-sex sexuality as the purportedly sole sexual combinatory in accordance with nature, Mamfurio embodies the disreputable pedant whose vapid remarks betray his incapacity to think for himself and scrutinize thoroughly the feeble foundations of the regnant sexual order. Unlike Teofilo in *La cena* or Filoteo in *De l'infinito*, the interlocutors in *Candelaio* are far from echoing Bruno's own views on the issues under consideration. Their discussions, however, are a welcomed occasion for articulating problems and views that, at the time, could hardly have been theorized in the context of academic discourse. Although Bruno cautiously points out that nothing in the Italian pieces needs to be taken as though "said by me in an assertive manner" (Bruno, 2002g, p. 177),<sup>44</sup> they offered him a fictional framework where he felt free to present sexual insights and opinions that countered the ecclesiastically sanctioned teachings with which civil society and its forms of intimate cohesiveness had to comply. Against this backdrop, it becomes apparent that the lifestyle and assertions of disruptive Bonifacio/Candelaio serve, first and foremost, as narrative support for articulating a trailblazing outlook that examines, questions, and lastly rejects the validity claims raised by the advocates of the man/woman disjunction and the exclusive legitimacy of other-sex sexuality. Given that the observable diversity of the physiological sexes and their innumerable

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<sup>43</sup> "è di maschii *proprie et ut pars*, et è di femine *ut portio, et attributive vel applicative*"

<sup>44</sup> "detto da me come assertivamente"

behavioral patterns counter the deployment of close subsumptive schemes of sexuality, the potential *in-finitization* of sexual forms becomes the sine qua non for the adequate grasp of what it means to be "truly human beings" (Bruno, 2002f, p. 523).<sup>45</sup>

32. It is certainly not by chance that Bruno epitomizes Tiresias—the prototypically trans-sexual and trans-gender seer of Classical mythology—not only as a "blind, albeit divine interpreter" (Bruno, 2002f, p. 448),<sup>46</sup> but also, and more importantly, as a "furioso," a godly inspired "enthusiast," who attained the highest possible realization of the human type. Since an essential aspect of the antique mytheme explaining the seer's celebrity highlights his purported transformation into a woman for a period of seven years, Tiresias's transsexual persona betokens the ambit of sexual mutability in which Bonifacio's much less dramatic morphing from same-sex "candelaiolo" to other-sex (albeit sodomitical) "orifice" takes place. In general, Tiresias's significance in Bruno's sexual thought is thoroughly consistent with the philosopher's interpretive approach of mythology as a revelatory source of humanity's self-knowledge. Hence, the Tiresian myth corroborates Bruno's proto-Feuerbachian contention in *Spaccio de la bestia trionfante* that bisexual and pederastic Jupiter—the father of the gods—"represents each one of us" (Bruno, 2002g, p. 185).<sup>47</sup> On this assumption, the dialogue readily expands on the same-sex escapades of "the great Patriarch of the gods" (Bruno, 2002g, p. 230)<sup>48</sup> and on how he deals with the consequences of his own carnal peccadillos.<sup>49</sup> As the dialogue further details, Jupiter contributed, in younger years, to the moral decline of the Olympian pantheon, but then, fearing to lose his supernal preeminence, decided to carry out a general reform that aimed at improving the ethical standards

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<sup>45</sup> "veramente uomini"

<sup>46</sup> "cieco, ma divino interprete"

<sup>47</sup> "rapresenta ciascun di noi"

<sup>48</sup> "'il gran Patriarca de gli Dei"

<sup>49</sup> For representations of the Olympian gods and their love affairs in Italian and Dutch visual art from the sixteenth and seventeenth century, see: *Olympische Goden / Olympic Gods*, 1998, especially pp. 9, 19, 36-55.

of his celestial co-inhabitants. Remindful of these events, divine, albeit mouthy Sofia—a foremost Olympian dweller—observes that Jupiter, "as if subdued by time, is beginning to break away from lasciviousness, vices, and those conditions which are implied by virility and youth" (Bruno, 2002g, p. 199).<sup>50</sup>

33. To substantiate her priggish objections to Jupiter's sexual vita, Sofia mentions—among other piquant details—his love affair with Ganymede, whose

charm had the power to seduce Jupiter from heaven and caused him to be snatched by Jupiter into heaven, wherefore the son of a human being was deified, and the father of the gods became a bird (Bruno, 2002g, p. 205).<sup>51</sup>

This reference to Jupiter's protean and trans-generic love affair is of import not only because it reveals the sexual polymorphousness inscribed in humanity's divine prototype, but because it allows to better understand Jupiter's decision to enjoin "all the gods not to have pages or gentlemen of the bedchamber of a lesser age than twenty-five" (Bruno, 2002g, p. 205).<sup>52</sup> Since prohibiting *all* the gods from keeping "under-aged" attendants is meaningful only if they *all* partake in Jupiter's same-sex and pederastic proclivities, the Olympian divinities—individually and collectively—evinces themselves as accurate mirrors of the repressed disruptiveness that marks human sexuality. Indicatively, a concurrent injunction of Momo, a hypercritical co-inhabitant of the Olympus, rests on similar premises. As ever gossipy and sanctimonious Sofia expounds, Momo

prohibited Cupid from wandering in the presence of men, heroes, and gods so unclad as is his custom; and enjoined him to cease offending the sight of the denizens

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<sup>50</sup> "come domo dal tempo, comincia a declinare da le lascivie e vizii, e quelle condizioni che la virilitade e gioventude apportan seco"

<sup>51</sup> "grazia [...] fu potente a rapir Giove dal cielo, e farlo essere rapito da Giove in cielo: et onde il figlio d'un uomo venne deificato, et ucellato il padre de gli dèi"

<sup>52</sup> "a tutti gli dèi di non aver paggi o cubicularii di minore etade che di vinticinque anni"

of heaven by demonstrating his buttocks in the Milky Way and Olympian Senate, and to go around, from then on, dressed at least from the waist down (Bruno, 2002g, p. 204).<sup>53</sup>

34. The depictions, hyperbolizations and caricatures of individuals beyond the pale of sexual binarity in Bruno's Italian works are suggestive of an incremental attempt to undermine the validation pervasively accorded to the axiom pedant Prudenzius adduces in *La cena*: "*Omnis divisio debet esse bimembris, vel reducibilis ad bimembrem*" (Bruno, 2002f, p. 480; emphasis in original).<sup>54</sup> Although the sexual characters

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<sup>53</sup> "Ha vietato a Cupido d'andar più vagando in presenza de gli uomini, eroi e dèi cossì sbracato come ha di costume, et ingiontoli che non offenda oltre la vista de celicoli mostrando le natiche per la via lattea, et Olimpico senato: ma che vada per l'avenire vestito almeno da la cintura a basso"

<sup>54</sup> "Every division must be a dichotomy or be reducible to a dichotomy." As regards this sentence, Giovanni Aquilecchia explains in a footnote: "Allusione al principio delle divisioni dicotomiche della logica di Pierre de la Ramée, logica che, all'epoca, si stava diffondendo in tutte le università inglesi" (Bruno, 2002f, p. 480, note 61). Aquilecchia refers in this connection to scholarly literature, but without directly quoting the relevant treatises on the issue written by Petrus Ramus (1515-1572), such as *Dialectica institutiones* (1543), *La Dialectique* (1555) and *Dialecticae libri duo* (1572 edition). Irrespective of the issue concerning the reception of Petrus Ramus in Bruno's work, it should be kept in mind that the sentence quoted by Prudenzius regarding the ultimate dichotomous character of all divisions actually corresponds to the elucidations, which influential philosopher and Aristotle commentator Johannes Buridanus (ca. 1300 – ca. 1378) set forth, more than two centuries earlier, in his best-known work titled *Summulae de dialectica*. In the eighth treatise titled *De demonstrationibus*, Buridanus explains: "Ex his etiam apparet quomodo debemus intelligere istas proprietates quae solent attribui bonis divisionibus, scilicet quod *omnis bona divisio debet dari per opposita et debet esse bimembris vel reducibilis ad bimembrem*" (Buridanus, 2001, p. 24 [8.1.8. De divisionibus minus proprie dictis]). // "And from this it is clear how we should understand the properties usually assigned to good divisions, namely, that *every good division should be given in terms of opposites, and it should be twofold or reducible to a twofold division*" (Buridanus, 2001, p. 629; emphasis added). Against this backdrop, it seems safe to assume that Bruno in his discussion of the logical *bimembrum* resorts to a formulation of the principle, whose historical influence was arguably independent from the diffusion of Petrus Ramus' *Logic* in English universities.

that escape the categorial contrivances of the sexual disjunction may appear as exceptions to the ubiquitous distributional pattern, a closer consideration of Bruno's ontological premises makes it patent that he could not have sufficed himself with just complementing the male/female dichotomy with a finite categorial expansion. Rather, he challenged the alleged self-evidence of two mutually exclusive sexes in the name of the counter-intuitive notion of sexualities as numerous as the number of sexed individuals. Bruno's *in-finitizing* reconceptualization of sexual difference follows from his ontology of matter concerning the emergence of uniquely configured bodies throughout the universe. On this assumption, the non-normative sexualities of specific individuals depicted in the writings *in volgare* are tokens of the inexhaustible variability of material Nature, which lastly entails that any closed categorial scheme of sexual distribution constitutes *realiter* a void set. As constantly varying emergences from *natura naturante*, all human individuals are marked—without exception—by a sexual complexity that disrupts the conveniently simplistic templates, which have been deployed by sexual taxologies throughout history. The allegedly contrarian sexualities displayed in Bruno's Italian writings are thus not exceptions, but just salient instantiations of the general premise advanced in *Furori* to the effect "that there is no precise equality in natural things" (Bruno, 2002d, p. 708).<sup>55</sup>

35. According to Bruno, the difference that sets apart one individual thing from all others is the result of "the diversity of dispositions of matter" (Bruno, 2002c, p. 663),<sup>56</sup> an axiom he develops in detail, for instance, in the 1591 Latin treatise *De triplici minimo et mensura*.<sup>57</sup> Since the endless

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<sup>55</sup> "che non si dà equalità puntuale nelle cose naturali"

<sup>56</sup> "la diversità delle disposizioni della materia"

<sup>57</sup> This idea is confirmed in *De triplici minimo et mensura* (1591): "Naturae sylva quia nusquam progenitricis / Consimilem omnino partem parti opperiemus, / Ut similes atomis atomos [...]." [In the forest of birthing nature we will find neither a part that would be similar to another part, nor atoms similar to other atoms.] (Bruno, 1889, p. 196); "Non sunt duo pondera, longa, / Voces, harmoniae, numeri exaequata per omne; / Motus

combinatorics of material dispositions determine the singularity of even the most elementary of natural things, their sway becomes all the more perceptible in beings evincing the constitutional and behavioral complexity of human individuals. Furthermore, since humans are—as Bruno often reminds his readers—the most competent creatures to mirror "the variety of all the others" (Bruno, 2002c, p. 615)<sup>58</sup> as they emerge from the "bosom and viscera of the earth" (Bruno, 2002f, p. 556),<sup>59</sup> reductive categorizations amount to undoing the human preeminence when it comes to recapitulating the perplexing complexities of Being. It goes without saying that Bruno's writings *in volgare* occasionally feature personages with a strong tendency toward categorial generalizations. This is the case, for instance, when Polihimnio, reflecting the antifeminist prejudices of his time, contends that women "are a *chaos* of irrationality, a *hyle* of crime, a forest of infamy, a mass of filth, an aptitude for all perdition" (Bruno, 2002c, p. 701; emphasis in original).<sup>60</sup> Bruno's own stance on the issue, however, is at the antipodes of such denigrations, given that he conceptualizes the ontological role of matter by recurring to the blueprint of feminine reproductive physiology. Thus, instead of following the Aristotelian view on matter as a "daughter of privation, and similar to the irreparable greediness of the vigorous female" (Bruno, 2002c, p. 605),<sup>61</sup> Bruno explicitly rejects in *De la causa* the attribution of appetite to matter. Against the premise of the primacy of forms over the material substrate they impregnate, Bruno posits that matter is not dependent on the reception of such forms to attain plenitude and perfection.

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nec duo sunt, motus partesve per omne / Aequales." [There are no two weights, lengths / voices, harmonies, numbers that would be equal to each other in every respect, / nor two movements or parts of a movement that would be in every respect equal to one another.] (Bruno, 1889, p. 203).

<sup>58</sup> "de tutte l'altre la varietade"

<sup>59</sup> "grembo e viscere della terra"

<sup>60</sup> "sono un *chaos* de irrazionalità, *hyle* di sceleraggini, selva di ribalderie, massa di immundizie, aptitudine ad ogni perdizione"

<sup>61</sup> "figlia de la privazione, e simile a l'ingordiggia irreparabile de la vagliente femina"

36. Seeking to reverse the Aristotelian ontological hierarchy, Teofilo asks the quasi-rhetorical question that, since matter is self-contained and "receives nothing from form, why should it desire it? " (Bruno, 2002c, p. 722).<sup>62</sup> On the assumption that matter "sends forth the forms from her bosom, and therefore has them within herself" (Bruno, 2002c, p. 722)<sup>63</sup>, Teofilo reiterates his inquiry: "So why should she long for them?" (Bruno, 2002c, p. 722).<sup>64</sup> The aim of this portion of the argument is to underpin the Brunian view that "form, rather, must desire matter in order to maintain itself, since when the former separates itself from the latter, it loses its existence" (Bruno, 2002c, p. 723).<sup>65</sup> To bring the point home, Bruno uses in his writings pregnant expressions such as "womb of matter" (Bruno, 2002d, p. 569 ),<sup>66</sup> "the maternal womb of Nature" (Bruno, 2002g, pp. 374-375),<sup>67</sup> and "womb and viscera of the Earth" (Bruno, 2002f, p. 556).<sup>68</sup> The theoretical design behind these figures of speech is to highlight the exuberant potencies of *mater/materia* as a "principle" of origin that counters the restrictive (and thus defining) contours of forms on which teleological causality depends (see Bruno, 2002c, pp. 600-601; 650-651). Against this backdrop, it becomes apparent that the argumentative move, which goes from the derisive antifeminism in the depictions propounded by the champions of the sexual chasm toward the thorough philosophical dismantlement of gynophobic prejudices, is meant to bolster the emergence of the post-patriarchal sexual regime, which the Brunian *uomo eteroclito* envisions as part of the rebirth of life's "old things" (Bruno, 2002e, p. 135). Primarily targeting the ontological and epistemic primacy, which Aristotle accords to forms as determinants of concrete things, Bruno maintains that these are mere accidents of the one, eternal, material substrate that subtends the ambit of the "vicissitude of

<sup>62</sup> "non riceve cosa alcuna de la forma, perché volete che la appetisca?"

<sup>63</sup> "ella manda dal suo seno le forme e per conseguenza le ha in sé"

<sup>64</sup> "come volete che le appetisca?"

<sup>65</sup> "forma più tosto deve desiderar la materia per perpetuarsi perché separandosi da quella perde l'essere lei"

<sup>66</sup> "grembo de la materia"

<sup>67</sup> "materno grembo de la natura"

<sup>68</sup> "grembo e viscere della terra"



transmutation" (Bruno, 2002c, p. 742),<sup>69</sup> in which contraries play out their endless combinatories.

37. In the final scene of *Cabala del cavallo pegaseo*, the penultimate dialogue *in volgare*, the symbol of the ass attains "a role of absolute preeminence" (Ordine, 1996, p. 15),<sup>70</sup> as is suggested by the rejoicement of the protagonist Asino—i.e., "ass"—at the arrival of "il mio Cillenio," a flying ass whose very name betrays his Mercurial provenance. Given his intention to become not merely a human being, but a "humanist," Asino draws attention in his salutation to the morphing abilities of the divine visitor, eulogizing him as:

delightful, winged messenger of Jupiter, faithful interpreter of the will of all the gods, generous donator of the sciences, man among men, among women woman, wretched among the wretched, blissful among the blissful, among all everything (Bruno, 2002a, p. 483).<sup>71</sup>

As this asinine, quasi-liturgical doxology conveys, Cillenio is the celestial impersonation of universal mutability, which, needless to say, includes the ability to undergo sexual transmutations. Being "tra tutti tutto," Cillenio embodies divine Sophia's teaching in *Spaccio*: "in everything there is everything; and especially, there is one contrary, where the other [also occurs]; and the latter is derived from the former" (Bruno, 2002g, p. 279).<sup>72</sup> As repeatedly hinted at by Bruno, universal mutability does not affect the core of eternal matter itself, but only the "surface of matter" (Bruno, 2002c, p. 721),<sup>73</sup> that is, the ontological dimension where the generation and corruption of concrete individuals take place. Moreover, all the movements, changes, and transmutations that inchoate, sustain

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<sup>69</sup> "vicissitudine di trasmutazione." See also the expressions: "la vicissitudine de la rinovazione" (Bruno, 2002f, p. 517); and "le vicissitudini della generazione e corruzione delle cose" (Bruno, 2002a, p. 457).

<sup>70</sup> "un ruolo di assoluta preminenza"

<sup>71</sup> "il vago aligero, nuncio di Giove, fido interprete della volontà de tutti gli dèi, largo donator de le scienze, [...] uomo tra gli uomini, tra le donne donna, desgraziato tra desgraziati, tra beati beato, tra tutti tutto"

<sup>72</sup> "in ogni cosa è ogni cosa, e massime è l'uno dove è l'altro contrario, e questo massime si cava da quello"

<sup>73</sup> "superficie della materia"

and end the existence of things are, as Sofia minutely formulates,

from contraries, through contraries, into contraries, to contraries: and where there is contrariety, there is action and reaction, there is motion, there is diversity, there is multiplicity, there is order, there are degrees, there is succession, there is vicissitude (Bruno, 2002g, p. 198).<sup>74</sup>

38. On the core issue of mutability, *De la causa* specifies that "it is impossible that things, in any regard, [...] be subjected to death *concerning their substance*" (Bruno, 2002c, p. 599; emphasis added).<sup>75</sup> Thus, it is only as "accidents" of the sole eternal substance, that individual things "change their visage, and transform themselves" (Bruno, 2002c, p. 599).<sup>76</sup> Given that in the plenitude of the material universe, there is no need to premise Aristotelian *στέρησις* (privation), Bruno denies the idea that a contrary *takes the place* of—or is *substituted* by—another, positing, instead, that they *originate*—as Sofia would have it—in each other. From this perspective, Cillenio's mercurial transformations prove to be non-discrete gradations between the contraries, which "accidental" beings evince in their becoming. Since notwithstanding its fundamental "oneness," the living material substance never gives signs of repetitiveness in the worlds it brings about, achieving philosophical knowledge depends on realizing that no finite taxonomic blueprint can do justice to the diversity of singular forms that emerge and eventually disappear never to return. True to the canon that "the eyes are made for distinguishing and recognizing differences" (Bruno, 2002g, p. 291),<sup>77</sup> Bruno's ontology necessitates open-ended frames of intelligibility to cope with the diversity of beings as determined by the specific configuration of their contraries. In view of the interminable

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<sup>74</sup> "da contrarii, per contrarii, ne' contrarii, a contrarii: e dove è la contrarietà, è la azione e reazione, è il moto, è la diversità, è la moltitudine, è l'ordine, son gli gradi, è la successione, è la vicissitudine"

<sup>75</sup> "è impossibile che in punto alcuno cosa veruna vegga la corruzione, o vegna a morte secondo la sustanza"

<sup>76</sup> "si cangie di volto, e si trasmute or sotto una or sotto un'altra composizione, per una o per un'altra disposizione"

<sup>77</sup> "Gli occhi son fatti per distinguere e conoscere le differenze"

sexual nuances that the "omniforme sustanza" (Bruno, 2002c, p. 604) manifests to those "who not in vain have opened their eyes" (Bruno, 2002c, p. 599),<sup>78</sup> the male/female complementarity that organizes from within each individual sexuality cannot be mistaken for a fixed sexual pattern that posits an arbitrary separation between the supposedly disjunctive sexes. In the last resort, the hypostatized man/woman *bimembrum* loses its *raison d'être* in a world, where endless gradations between the male/female contraries configure the sexual uniqueness of individuals.

39. Considering Bruno's principled *in-finitization* of the cosmos, his commentators have usually empathized with the words he exclaims in the dedication of *Candelaio*: "With this philosophy my spirit enlarges, and my intellect expands" (Bruno, 2002c, p. 263).<sup>79</sup> The same commentators, however, have ignored the anthropological scope and import of Bruno's *in-finitization* of the sexes as a corollary of the exuberance of *natura naturante*. In view of this unconscionable neglect, it is apposite to draw attention to Teofilo's reference in *La cena* to Copernicus' remapping of the solar system. His appraisal of the astronomer's achievements gives a hint on what Bruno could have said as regards his own new charting of sexual difference. Signally, Bruno's spokesperson in the dialogue not only praises Copernicus' impressive accomplishments, but also brings to mind that they trump whatever shortcomings his undertakings may have displayed:

Who would be so rude and vulgar regarding the endeavors of this man and forget all he has achieved [...]? Who would judge him for what he *has not been able to achieve*, and count him among the gregarious populace that speaks, orients itself, and rushes in correspondence to the pronouncements of a brutal and mean belief? (Bruno, 2002f, p. 450; emphasis added).<sup>80</sup>

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<sup>78</sup> "che non in vano hanno aperti gli occhi"

<sup>79</sup> "Con questa filosofia l'animo mi s'aggrandisse, e me si magnifica l'intelletto"

<sup>80</sup> "Chi dunque sarà sì villano e discortese verso il studio di quest'uomo, ch'avendo posto in oblio quel tanto che ha fatto per esser ordinato da gli

That Bruno possibly assessed his own achievements along similar lines, is suggested when he refers to the difficulties in overcoming "the great force" inherent in the "habit of believing" that hinders "the understanding of the most evident things" (Bruno, 2002f, p. 464).<sup>81</sup> While Bruno lucidly anticipated the initial disregard for his trailblazing insights into the mercurial nature of sexuality, his foresight did not lessen his confidence in the final triumph of the sexual-anthropological shift his ontology made inevitable.

40. As already pointed out, Bruno's critique of the sexual *bimembrum* for the sake of *in-finitizing* the number of sexual forms was nothing Strauss could have been willing to cope with. His disregard for Bruno's philosophy and sexual thought evokes his reluctance to assume philosophically the consequences of his exegetical scrutiny of Adam's creational androgyny according to *Genesis* 1:27. Needless to say, assuming the anthropological truth of the Torah's teaching would have profoundly unsettled Strauss' own understanding of patriarchal "Man" living under political regimes that rely on the Mosaic and Platonic "codes" of the Law. While not acknowledging it directly, Straus was certainly aware that the Midrashic and Kabbalistic grasp of the *Adam Kadmon*—the hermaphroditic/androgynous creature formed in correspondence to the "bi-sexual"  $\text{אֱלֹהִים}$  of the Holy One—contradicted the theo-anthropological foundations of the political philosophy he developed in the course of his life. Although Bruno's onto-theological thought was meant as a break with the premises of the Judeo-Christian revelation, his conception of the individual's non-disjunctive sexuality emblemized by the *uomo eteroclito* is akin to the notion of

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dèi come una aurora, che dovea precedere l'uscita di questo sole de l'antiqua vera filosofia, per tanti secoli sepolta nelle tenebrose caverne de la cieca, maligna, proterva et invida ignoranza, vogli, notandolo per *quel che non ha possuto fare*, metterlo nel medesimo numero della gregaria moltitudine che discorre, si guida e si precipita più per il senso de l'orechio d'una brutale et ignobil fede [...]."

<sup>81</sup> "quanta forza abbia la consuetudine di credere, et esser nodrito da fanciullezza in certe persuasioni, ad impedirne da l'intelligenza de cose manifestissime"

the Adamic human being as quintessentially androgynous, which the Torah and an integral part of the Jewish exegetical tradition sanction. Against this backdrop, it is all the more regrettable that Strauss as a Jewish thinker decided not to confront the far-reaching implications of the first narrative of Adam's creation for philosophical anthropology. Given that Strauss as a historian of philosophy had focused in his dissertation on the work of Bruno-researcher Friedrich Heinrich Jacobi, and eventually became a prominent Spinozian scholar and expert in the "art" of close reading, there seems to be no sound reasons as to why Strauss ignored the challenge posed by Bruno's sexual thought to his own rather trivial assertions concerning the man/woman hiatus.

41. By banning androgyny to the realm of "fantastic thing[s]" (Strauss, 2001, p. 127), Strauss sought to preempt any possible objections raised by counter-reductionist critiques of the man/woman binary for the sake of positing gradual differences between de-hypostatized sexual contraries. Accordantly, Strauss felt free to discard Charles Darwin's explicit universalization of human androgyny as an epistemic corollary of evolution history and theory. Therewith, Strauss lost sight of the empirical challenge posed by the history of life to ideological sanctions of the phantasmatic male/female disjunction. His antimodernist stance prevented him from even taking notice of the counterintuitive conception of sexes as numerous as the number of sexed individuals, which his older German contemporary Magnus Hirschfeld had advanced as the cornerstone of his Darwinian-based sexology. Strauss' guiding premise that a "return" to pre-modern philosophy was possible certainly proved serviceable to the kind of political theory he proposed, but implied recoiling from assessing the anthropological relevancy of emerging re-conceptualizations of sexual difference.<sup>82</sup> At the antipodes of Strauss' démarche,

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<sup>82</sup> Having disregarded the views of Darwin and Hirschfeld on sexual difference, it is hardly surprising that Strauss also ignored the stance taken by American sexologist Alfred Kinsey (1894-1956) on the matter. The critique of the man/woman disjunction Kinsey advanced in *Sexual Behavior in the Human Male* (Kinsey, 1948) and in *Sexual Behavior in the Human*

Andrea Dworkin overtly embraced Darwin's grasp of universal androgyny, envisioning an ontology of sexuality that does not exclude those androgynes willing and having the capacity to procreate. In *Woman Hating*, Dworkin's first book publication issued in 1974, she conspicuously propounded a sexual-emancipatory outline that relied on the kind of contrarian insights, which Strauss had once considered in connection with his exegesis of *Genesis* 1: 27, but later abandoned for the sake of complying with the *Law* embodied in the twin Western "codes" of morality.

42. The difference between Strauss and Dworkin as regards their approach of sexuality is not so much a generational issue,

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*Female* (Kinsey, 1953), was forecast by an address he delivered as president of the Indiana University chapter of *Phi Beta Kappa* in 1939. The text was posthumously published by Cornelia Christenson under the title "Individuals" at the opening of her Kinsey biography (Kinsey, 1971), and is generally regarded as the initial exposition of his "sexual philosophy" (Gathorne-Hardy, 1999, p. 152). As Christenson underlines,

this brief statement, written when he had spent twenty years studying gall wasps and was just embarking on the study of sex, epitomizes the philosophy that underlay all of Kinsey's work. As a taxonomist he was impressed by the limitless variety of living creatures, whether gall wasps or human beings, and by the scientific and social import of recognizing their differences (Christenson, 1971, p. 3).

In the speech, Kinsey highlights the universal variability of life, remarking that the endless re-combinations of biologic characters in different individuals "swell the possibilities to something which is, for all essential purposes, *infinity*" (Kinsey, 1971, p. 5; emphasis added). On this premise, Kinsey goes on to assert: "The failure to recognize this *unlimited nonidentity* has, even in biology, vitiated much of our scientific work" (Kinsey, 1971, p. 5; emphasis added). Although the text does not mention explicitly the sexual variability of human beings, it is apparent that Kinsey's axioms concerning the "multiplicity of types which range continuously" (Kinsey, 1971, p. 8) are directly applicable in the domain of sexual taxonomy, thus disrupting the dichotomous classifications pervasive in sexological discourse. Toward the end of his address, Kinsey signally points out: "Scholarly thinking as well as the laymen's evaluation still needs to be tempered with the realization that individual variations shape into a continuous curve on which there are no sharp divisions between normal and abnormal, between right and wrong" (Kinsey, 1971, p. 9). For an analysis of Kinsey's views on sexual difference, see: Bauer, 2007; Bauer, 2008.

but rather a matter of philosophical orientation and intellectual consistency. Contrasting with Strauss' attempt to recover the pre-modern certainties encapsulated, for instance, in Arabo-Jewish scholasticism and its inherently patriarchal traits, Dworkin signals her strong sense of futurity already with the names of the two women she mentions in the dedication of *Woman Hating*: American fiction writer, feminist, Jewish non-Zionist and anti-war activist Grace Paley (1922-2007) and Emma Goldman (1869-1940), the great anarchist-political writer and women's rights theoretician born in Kaunas, a city belonging at the time to the Russian Empire's Kovno Governorate. Unwittingly belying Strauss' premise that *realiter* "there are only males and females" (Strauss, 2001, p. 127), Dworkin's "sexual-revolution philosophy" (Dworkin, 1983, p. 89) envisages not only the dismemberment of the "sex-class system" (Dworkin, 1983, p. 216) but also the consequent dissolution of the sexual dichotomy as its neuralgic center (see Dworkin, 1983, p. 219). In support of her deconstructive design, Dworkin underscores in *Our Blood*—her 1976 collection of essays—the "crucial distinction [...] between truth and reality" (Dworkin, 1976, p. 109). Since, according to Dworkin, "reality" is "whatever premises social and cultural institutions are built on," it soon morphs into a privileged instrumentality deployed by the powerful to sanction "their right to domination over the powerless" (Dworkin, 1976, p. 109). On this assumption, "reality" becomes "a function of politics in general and sexual politics in particular," which parades for most as the unquestionably self-evident. By distracting from possible alternatives to its self-perpetuation, "reality" contributes to leaving power unchallenged. In direct contrast to the phantasmal mask of the factual, Dworkin posits that "truth is absolute in that it does exist and can be found" (Dworkin, 1976, p. 109).

43. The young Andrea Dworkin sought "to discern another ontology" (Dworkin, 1974, p. 175) that would prompt a "radical new formulation of the nature of human sexuality" (Dworkin, 1974, p. 183) and counter "sexism, that is, polar sex definitions of male and female, man and woman" (Dworkin,

1974, p. 153). Her core commitment was thus "to ending the system of oppression called patriarchy; to ending the male sexual model itself" (Dworkin, 1976, p. 12). With an eye to unmasking "man" and "woman" as "fictions, caricatures, cultural constructs" (Dworkin, 1974, p. 174),<sup>83</sup> Dworkin turned to biology as a provider of epistemic evidence against the presumed givenness of sexual binarity (Dworkin, 1974, p. 175). The radical change of sexual perspective Dworkin advocated was obviously not intended to cancel sexual difference as such, but, on the contrary, to sharpen the perception of the endless diversity of sexual forms it encompasses (see Dworkin, 1974, p. 175). To prove her point, Dworkin adduces in fourteen numbered paragraphs science-based evidence taken from different fields of research. Arguably one of the most thought-provoking portions of *Woman Hating*, these paragraphs offer biological support for the historical, psychological, sociological, and mythological theses Dworkin advances in the preceding chapters of the book. In concluding the discussion of her anatomical and physiological premises, Dworkin sums up the kernel of her claims in a sentence set in italics: "*We are, clearly, a multi-sexed species.*" Since the multi-sexuality Dworkin conceptualizes spreads "*along a vast fluid continuum*" of "*not discrete*" male and female elements (Dworkin, 1974, p. 183; emphasis in original), the proper overcoming of patriarchy's man/woman hiatus takes the form of a potentially infinite template of sexual differentiation.

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<sup>83</sup> Although Dworkin does not seem to have been familiar with the work of Magnus Hirschfeld, her core premise concerning the fictionality of "man" and "woman" evinces an astounding convergence with one of the epistemic pillars of the sexologist's *sexuelle Zwischenstufenlehre*:

Es ist immer mißlich, Qualitätsgegensätze zwischen Mann und Frau anzunehmen; man darf dabei nicht vergessen, daß es im wirklichen Sinn weder Mann noch Frau gibt, jeder Mensch vielmehr eine Mischung von Mann und Weib ist. (Hirschfeld, 1913, p. 4; see Bauer, 2003b November). [It is always unfortunate to presuppose qualitative oppositions between man and woman. In this regard, one should not forget that, in a real sense, neither man nor woman exists. Rather, every human being is a mixture of man and woman.]



44. Since instead of positing a combinatory of discontinuous sexual elements, Dworkin postulates an Heraclitean fluidity of sexualities, the sexed individual preserves his/her/its uniqueness by renouncing the comforts of shared categorial identities. Dworkin's deconstructive line of argument thus begins by focusing on the increasing complexification of the biological sexual strata with the aim of showing how each of them contributes to undoing the regnant dichotomous scheme of sexuality. Assuming in general that vestiges of the opposite sex are present in each of the presumed binary sexes (1), Dworkin points out that both sexes have the same external genitalia until the seventh week of development (2), and that the gonads contain a varying amount of opposite-sex tissue throughout the individual's life (3). Moreover, Dworkin posits that the alleged male/female disjunction contradicts the ascertainable fact that "[g]onadal sex and chromosomal sex can be in direct contradiction" (4) (Dworkin, 1974, p. 177; emphasis in original) and that the existing chromosomal sex alternatives surpass by far the prevalent XX/XY formations (5). As further evidence against clear-cut distinctions between "man" and "woman," Dworkin highlights the divergence in some individuals between the gonadal and the secondary sexual characteristics (6); the perplexing fact that "man and woman both produce male and female hormones" (7) (Dworkin, 1974, p. 177); and the occurrence of individual cases in which the body transforms male hormones into female hormones, or vice versa (8). In a more conjectural tone, Dworkin goes on to detail that "it is now thought that the male hormone determines the sex drive in both men and women" (9) (Dworkin, 1974, p. 177) and that the "female hormone (progesterone) can have a masculinizing effect" (10) (Dworkin, 1974, p. 178).

45. Dworkin's three-page summary of well-known research results from almost half a century ago regarding the individual's male/female fluidity is certainly in need of revision and actualization. Nevertheless, it offers sufficient support for her overarching contention that the complexity of the individual's sexuality escapes, on principle, finite schemes of categorial subsumption. Even if correctives and amplifications

may be deemed necessary in the details of Dworkin's elaborations, her overall reconceptualization of sexual difference provides a solid basis for her ambitious sexual emancipatory agenda. In this regard, it is apposite to note that, unintendedly, Dworkin outlined a comprehensive undertaking that accorded well with Magnus Hirschfeld's life motto: *per scientiam ad justitiam* (see Bauer, 1998; Bauer, 2002b, December). Like Hirschfeld, Dworkin recurred to a biological (and not merely psychological or linguistic) anchorage of her endeavors that thwarts the conflation of sex and gender (or their interchangeability). Ignoring her explicit elaborations in this regard, however, authors like American historian and gay rights activist Martin Duberman appear to blend or confound *sex* and *gender* in their exposition of Dworkin's sexual thought. Thus, in his 2020 volume *Andrea Dworkin. The Feminist as Revolutionary*, Duberman contends at first that "Andrea drew on an impressive variety of historical and scientific studies to justify her conclusion that there are not merely *two* genders." In support of his claim, Duberman adduces Dworkin's already cited phrase: "We are a multi-sexed species" (Duberman, 2020, p. 71). In this connection, it should be kept in mind, however, that contrasting with Duberman's line of argument, Dworkin never advocated a diversification of genders, but rather "an end to a gender system that I think is specious" (quoted in Duberman, 2020, p. 148). In a letter to a friend cited but by Duberman, Dworkin expressed more explicitly her outright rejection of the *gender* concept: "I don't believe in gender [...]. I don't believe that gender exists outside a social system of oppression" (quoted in Duberman, 2020, p. 160).<sup>84</sup>

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<sup>84</sup> Against parochial voices seeking to decry Dworkin's deconstructive pursuits as a case of post-modern eccentricity, it should be recalled that Dworkin dismantled gender and the sexual disjunction (along with its finite supplementations) in order to create an ambit for uniquely sexed individuals within the "vast fluid continuum" of sexualities. Therewith, Dworkin was unintendedly revitalizing the postulation of sexual individuality at the core of Magnus Hirschfeld's *Geschlechtskunde*: "Hinsichtlich der Sexualkonstitution [hat] jeder Mensch **seine Natur** und **sein Gesetz**" (Hirschfeld, 1923, p. 23; bold in original; see Bauer, 2002a,

46. Interestingly enough, Duberman acknowledged at one point that "Andrea [...] saw gender as socially constructed" (Duberman, 2020, p. 153). Her view on the issue, however, did not imply legitimating gender as a *reality* construct parallel to and independent of sexual *truth*, but rather rejecting it as a fiction operative only within "a social system of oppression." As already suggested, Dworkin distinguished early on between (alienatory) reality and (liberatory) truth. Accordingly, the overarching consistency of her sexual thought hinged on the unequivocal dismissal of the oppressive fictionality of the gender construct for the sake of asserting the attainable truth of sex. From this perspective, the untruth of the gender distinction between man and woman contrasts with the passage from *Woman Hating* concerning the sexual truth of humanity as "*a multi-sexed species which has its sexuality spread along a vast fluid continuum where the elements called male and female are not discrete*" (Dworkin, 1974, p. 183; emphasis in original). Resonating with her consequent reconceptualization of "the nature of human sexuality" (Dworkin, 1974, p. 183), Dworkin makes no reference in this or comparable passus to a *multi-gendered species*, to *gender binarity* or its possible supplementations. On principle, Dworkin distanced herself from the parlance of a socially constructed *gender*, for it could only aspire to be "real" in the sense of mirroring society's alienatory power constellations, but certainly not "true" in the sense of a critical path toward their termination. Against the backdrop of her clear design to end the "gender system," Duberman appears to miss the point, when he remarks that for Dworkin "there are not merely *two* genders" (Duberman, 2020, p. 71; emphasis in original). Lacking truth, the number of genders is lastly an irrelevancy. By contrast, Dworkin's actual stance implies that the *individual sexes* are potentially infinite in number, as they result from unique combinatories of non-discrete, male/female elements that counter the subsumption of sexed individuals under shared categorial identities.

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December) [As regards the sexual constitution, every human being has **his** [own] **nature** and **his** [own] **law**.]

47. In light of the preceding remarks, it is apparent that Dworkin not only left behind the notion of gender as a societal "reality" construction, but also debunked the conception of binary sexuality and its possible finite accretions. What Dworkinian "androgyny" supplants is not only the "traditional gender binary" (Duberman, 2020, p. 245), but the presumptuous pretension of sexual binarity to be a given of nature. On this assumption, androgyny does not emerge as an ideal, prospective complement of current sexual taxologies, but as the site of the concrete recovery, *hic et nunc*, of sexuality's de-hypostatized nature. Accordingly, Dworkin set her premise regarding multi-sexuality in the service of a sexual-emancipatory program based on the idea that "all forms of human interaction [...] must be part of the fabric of human life, accepted into the lexicon of human possibility, integrated into the forms of human community" (Dworkin, 1974, p. 183). From Dworkin's perspective, sexual liberation takes place in the tensional ambit between the historically determined, alienatory present and the incremental actualization of the emancipatory potentialities that inhere in human sexuality from the outset of its evolutionary history. Correspondingly, Dworkin articulates the *terminus a quo* and the *terminus ad quem* of her conception of sex in a paratactic passage informed by her Jewish-prophetic vision of history as the site of self-implemented deliverance: "Sex as the power dynamic between men and women, its primary form masochism, is what we know now. Sex as community between humans, our shared humanity, is the world we must build" (Dworkin, 1974, p. 183). It is as part of the world-historical transition from endured destiny to ethical self-realization that Dworkin's sexual deconstructions reveal themselves as liberatory. As an essential aspect of her overall emancipatory pursuits, Dworkin worked together with Law professor and feminist activist Catharine A. MacKinnon with the aim of dismantling the underworld of pornography and prostitution.<sup>85</sup>

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<sup>85</sup> Between 1974 and 2002, Dworkin published twelve fiction and non-fiction books, including the 1981 volume *Pornography. Men Possessing Women*, which was dedicated to her life companion and male feminist John Stoltenberg (Dworkin, 1989, p. vi). In 1985, the first results of Dworkin's

48. Toward the end of *Woman Hating*, Dworkin sums up her liberational concerns in form of a question: "What kind of sexual identity and relation will be the substance of that [ethically inspired] community [to come]?" (Dworkin, 1974, pp. 183-184). The short answer to the query reads: "Androgyny," which, not by chance, is the heading of the concluding part of Dworkin's volume. Furthermore, Dworkin advances in its last chapter a forthright feminist critique of "heterosexuality as the ritualized behavior built on polar role definitions" (Dworkin, 1974, p. 184). In this context, Dworkin underscores that in the present-day, male dominated environment intercourse with men means for women "remaining the victim, [...] acting out the female role, incorporating the masochism, self hatred, and passivity which are central to it" (Dworkin, 1974, p. 184). With a view on the "common humanity" shared by men and women, Dworkin maintains that "[u]nambiguous conventional heterosexual behavior" constitutes "the worst betrayal" of the commonality at stake. Since this kind of contention along with her critical stance on pornography and prostitution soon prompted infuriated reactions in both masculinist and feminist circles,<sup>86</sup> Dworkin underscored that she was not suggesting

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collaborative work with Catharine A. MacKinnon (born 1946) was published under the title *The Reasons Why: Essays on the New Civil Rights Law Recognizing Pornography as Sex Discrimination* (Dworkin & MacKinnon, 1985). In 1988, both writers co-authored a second volume: *Pornography and Civil Rights: A New Day for Women's Equality* (Dworkin & MacKinnon, 1988). Radical feminist, legal scholar, and activist MacKinnon, who eventually became a Harvard Visiting Professor of Law, coedited with Dworkin in 1997 *In Harm's Way: The Pornography Civil Rights Hearings* (MacKinnon & Dworkin, 1997). As will be seen in connection with Camille Paglia's and Naomi Wolf's assessment of Dworkin's work, the perception of her public persona and the reception of her writings was closely associated with the principled critique of pornography and prostitution she and MacKinnon had developed. Their research on legal and societal policies concerning sexually exploited women drew on Dworkin's feminist groundwork toward an anti-patriarchal reconceptualization of sexual difference. In this context, it suffices to underscore that, for Dworkin, prostitution and pornography were the most conspicuous and perverse manifestations of the masculinist *proton pseudos* that hides behind the hierarchization of the finitized sexes.

<sup>86</sup> Among the numerous vilifiers of Andrea Dworkin, the most media effective was arguably Camille Paglia (born 1947), the author of the 1990

"that 'men' and 'women' should not fuck" (Dworkin, 1974, p. 184), but that "fucking" must be cleansed from its inherited

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bestseller *Sexual Personae: Art and Decadence from Nefertiti to Emily Dickinson* (Paglia, 1990; see Bauer, 1994). Two years later, *Playboy* published Paglia's piece "The Return of Carry Nation: Catharine MacKinnon and Andrea Dworkin," suggesting a parallel between Caroline Amelia Nation (1846-1911), a radical member of the Temperance Movement, and the purportedly anti-sex and anti-free speech crusaders reacting against the 1968 revolutionaries (see Paglia, 2018, p. 157). The *Playboy* article was eventually reissued in Paglia's essay collections *Vamps & Tramps* (1994) and *Free Women. Free Men* (2017). Aside from publishing her text on Dworkin and MacKinnon thrice over a period of two and a half decades, Paglia reiterated her views on them in an interview of 2015:

The anti-porn crusader Andrea Dworkin (who died a decade ago) was a rabid fanatic, a self-destructive woman so consumed by her hatred of men that she tottered on the edge of psychosis. Dworkin and her puritanical henchman Catherine MacKinnon (born into wealth and privilege) were extremely powerful in the United States for a long time, culminating in the major media canonization of MacKinnon in the 1991 *New York Times Magazine* cover story (Paglia, 2017, p. 272).

As a self-declared "pornographer" (Paglia, 1994, p. 107) and champion of a "pagan vision" (Paglia, 1994, p. 107), Paglia waged war against Dworkin and MacKinnon with all rhetorical means at her disposal. Her verbose vituperations included calling them "victim-mongers, ambulance chasers, atrocity addicts" (Paglia, 1994, p. 110). Specifically targeting Dworkin, Paglia decries her "glib Auschwitz metaphors" (Paglia, 1994, p. 111) and "self-analytic, self-lacerating Jewishness" (Paglia, 1994, p. 109). Her insults and denigrations, however, hardly distract from her lack of rigor in dealing with the philosophical reasoning behind Dworkin's political activities and interventions. Paglia is meticulous in avoiding any discussion of Dworkin's theoretical positions and emancipatory design, alleging that they belong to a brand of feminism that has already been defeated. While admitting that in the past "Dworkin was treated as a deity by many women journalists and writers," Paglia reminisced about these historical details in order to frame her self-congratulatory contention that the wing of feminism she belonged to had finally achieved the "momentum" (Paglia, 2017, p. 127). It was certainly within Paglia's rights to display her anti-Jewish resentments as blatantly as she deemed apposite. Her exuberant rhetoric, however, was ill-suited to divert from the groundlessness of her undialectical conception of "biological sex differences" (Paglia, 2017, p. 145) and proto-machist plea to "let men be men" (Paglia, 2017, p. 90). In this regard, Paglia's stance is at the antipodes of Dworkin's liberatory dissolution of sexual-taxological hypostases out of the spirit of "ethical Judaism."

patriarchalism.<sup>87</sup> To this end, she proposed an agenda of sexual de-hierarchization targeting the immemorial roles which subordinating men and subordinated women gladly uphold as the price to be paid for maintaining the apparent stability of their individual lives and inherited lifestyles.<sup>88</sup> Against this backdrop, Dworkin's new "*androgynous fucking*" (Dworkin, 1974, p. 184) enabled androgyny to become not an irenic complement to the male/female disjunction, but a critical

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<sup>87</sup> The term *fucking*, which is generally considered vulgar and obscene, acquires in Dworkin's terminological usage nuances of its own. In this context, the concept is not meant as a synonym for *copulating* and is rarely grammaticalized or used as an intensifier (see Goldenson & Anderson, 1994, p. 94). As the phrase "androgynous fucking" suggests, Dworkin does not lay the semantic weight of *fucking* on coital penetration, but rather on a form of sexual intercourse enhancing the sexualization/erotization of the whole body in correspondence with John Stoltenberg's depiction of the sexual practice of *frottage* (see §§ 50-51 in the present study).

<sup>88</sup> In 1990, the year Paglia issued *Sexual Personae*, feminist writer Naomi Wolf (born 1962) published her own bestseller under the title *The Beauty Myth*. While Paglia first focused on Dworkin in a critical piece of 1992, Wolf mentions Dworkin in the chapter on "Violence" of her 1990 volume. When dealing in this context with Chinese and Christian-medieval misogyny, Wolf remits to Dworkin's *Woman Hating* (Wolf, 1991, pp. 243; 254-255), a volume that had been published sixteen years earlier. In her 1993 volume *Fire with Fire*, Wolf multiplied her direct and indirect citations of Dworkin, whom she considered as one of contemporary feminism's "profound theorists" (Wolf, 1993, p. 143). Furthermore, while praising Dworkin's *Intercourse* as "troubling and groundbreaking" (Wolf, 1993, p. 122), Wolf characterized Dworkin's and MacKinnon's rebuttal of the male claim to societal superiority as "fundamental" (Wolf, 1993, p. 180). Wolf's outspoken commendation of Dworkin work, however, was paired with a critique of her role in the revival of the so-called "victim feminism," whose roots go back to early nineteenth century Quakerism and its concern for abolition and women rights. Wolf rejects Dworkin's and MacKinnon's "vision of overweening male oppression and female lack of choice" (Wolf, 1993, p. 143), but passes over in silence Dworkin's paean of androgynous love as the path toward surpassing feminism's historical shortcomings. In her 1999 introduction to "The New Jerusalem for Women," Jennifer Wallace followed in Wolf's steps, ignoring Dworkin's proleptic vision of androgyny's victory over patriarchy and its attendant feminist defeatisms (Wallace, 1999, pp. 90-91). For anyone who has parsed *Woman Hating* to the end and is familiar with *Ice and Fire* and the short story "the wild cherries"—both preceding for years the publication of *Fire with Fire*—, Wolf's neglect of androgyny as the clef de vôûte of Dworkinian thought is nothing less than disconcerting.

instrumentality meant to dismantle the axiology behind the claims of patriarchal taxologies.

49. There being neither *men* nor *women*, androgyny renegotiates the relation between sexed individuals that have freed themselves from the obsessional topos of penile plenitude and vaginal void. Consequently, Dworkin's re-conceptualization of human genital interaction de-potentiates the compulsive drive toward phallic penetration or being phallically penetrated for the sake of the total bodily involvement in the sexual practice of frottage, which includes, as one of its aspects, the panoply of penile/clitoral varieties of tactile interplay. Despite the seeming innocuousness of Dworkin's approach of *fucking*, it effectively implies *destroying* (Dworkin's word) the present-day culture of male domination that has been building up since the beginnings of historical time (see Dworkin, 1997, p. 149). The dismantling of phallocentricity that Dworkin envisages, however, is not brought about by merely spurning the *co-ire* of male (penile) and female (clitoral) phalluses. While this rejection would possibly contribute to undermining the miseries of patriarchal penetration, it stops short of acknowledging that *penis* and *clitoris* as concepts are just inadequate heuristic approaches to what are the ever-varying modulations of the coital organs within the fluid continuum of sexuality. Drawing attention to this anatomical and physiological fluidity was essential to Dworkin's line of argument, for it necessitates re-conceptualizing *fucking*/intercourse as an intimate coming together of sexed individuals who are, in the truest sense of the word, neither men nor woman, and for this reason, incapable of configuring male/female, male/male, or female/female couples. Despite the heading "Heterosexuality and Homosexuality" included in the final chapter of *Woman Hating*, Dworkin lastly debunks both concepts in the name of the biological continuum of sexuality "where the elements called male and female are not discrete" (Dworkin, 1974, p. 183).



50. Given that the issue of androgyny constitutes the argumentative culmination point of *Woman Hating*, it proved to be especially significant that Dworkin gave a copy of the book to John Stoltenberg, a recent young acquaintance, shortly after its publication. At the time an emerging writer, Stoltenberg played no role in developing the ideas of the book, which Dworkin had originally planned as a collaborative project with fellow American expatriate Ricki Abrams as they were living in Amsterdam in the early 1970s. However, Stoltenberg's eventual commitment to spend the rest of his life with Dworkin was closely related to his wholeheartedly adoption of the radical ideas expressed in the volume. Accordingly, their erotic/sexual encounters were informed from the start by the conception of androgyny that Dworkin had set forth and Stoltenberg embraced. The analysis of Dworkin's creative processing of their intimacy and the way Stoltenberg's dissident sexual orientation contributed to its configuration has been thankfully facilitated by the archival materials presented by Martin Duberman in his recent Dworkin biography. In this context, he mentions that Stoltenberg once used the term "compassionate companions" to describe his love life with Dworkin. Furthermore, Duberman reports that "their relationship *was* intermittently sexual—that is, they 'made love' but always without intercourse" (Duberman, 2020, p. 75; emphasis in original). To underpin his account, Duberman quotes from Stoltenberg's recollections:

I remember lying on top of her [...] rubbing the base of my semi-erect penis against her pubic mound, rubbing my penis against her clitoris, rubbing our whole bodies together, kissing everywhere, sweating, breathing heavily, writhing, moaning, the cumming and cumming and holding each other tight ... I didn't yet know that there was a word for this: *frottage* (quoted in Duberman, 2020, p. 75; emphasis in original).<sup>89</sup>

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<sup>89</sup> According to Duberman, this passage relates to "the early days" (Duberman, 2020, p. 75) of the relationship between Stoltenberg and Dworkin, which was the period following the publication of *Woman Hating* in 1974. Contrasting with the way Stoltenberg contextualizes and assesses the term, the 1994 edition of *The Wordsworth Dictionary of Sex* still

51. *Frottage* was the sexual practice that reconciled Dworkin's personal rejection of penile penetration and Stoltenberg's distaste for performing the active role in coitus. A self-declared homosexual with a clear preference for being anally penetrated (see Duberman, 2020, p. 75), Stoltenberg declared in his 1994 piece "Living with Andrea Dworkin" that "they have fallen in love and that life apart is simply unthinkable." He then went on to "state only the simplest facts publicly: yes, Andrea and I live together and love each other and we are each other's life partner, and yes we are both out" (Stoltenberg, 1994). By openly owning their lesbian and gay dissidence, while remaining a love couple, Dworkin and Stoltenberg were harmonizing their lasting commitment to each other with their conception of an "androgynous community" (Dworkin, 1974, p. 191), the emancipatory alternative to the monogamy of the patriarchal family. A radical male feminist, Stoltenberg was the real-life man behind the thalassic lover of Dworkin's 1986 novel *Ice and Fire*, whose relation to the protagonist was placed under the sign of dismantling the sexual asymmetry that structures the man/woman combinatory in patriarchal settings. As regards her relation to Stoltenberg, Dworkin wrote in *Life and Death*: "We share the politics of radical feminism and a commitment to destroying male dominance and gender itself" (Dworkin, 1997, p. 33-34). Considering this backdrop, Dworkin's literary evocations of their sexual *frottage* betoken a praxis of non-penetrative intercourse that explores sources of shared sexual pleasure that exceed the limits of the sexual organs and their sub-abdominal prolongations. Envisaging a comprehensive eroticization of the androgynous body, Dworkin acknowledged that homosexuality can be a conduit toward androgyny because of its capacity to undermine the exclusiveness of the male/female combinatory. However, since this capacity does not necessarily imply overcoming homosexual phallocentrism, Dworkin carefully cautions: "Too often homosexual relation

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considered *frottage* a "sexual disorder or paraphilia" (Goldenson & Anderson, 1994, p. 94).

transgresses gender imperatives without transforming them" (Dworkin, 1974, p. 185).

52. Seen against the backdrop of Dworkin's *Woman Hating*, the sexual rubbing between her and Stoltenberg emerges as a form of intercourse involving not a man and a woman, but androgynes. The bodily intimacy at stake is echoed in a passage of *Ice and Fire* in which the protagonist "invited [...] in" the young lover (Dworkin, 1986, p. 122) and he entered her "privacy, never offending it" (Dworkin, 1986, p. 123). This *entering* without *penetrating*, was for Dworkin the only way to achieve sexual fulfilment without belying the core feminist premise of radical reciprocity between so-called *men* and so-called *women*. Given that the real-life *fuck* Dworkin evokes was not focused on ejaculation and the ensuing (albeit mostly implicit) teleology of reproduction, the coitants were able to prolong orgasmic pleasure at will. Since, on these assumptions, the male lover approaches the female capacity of repeatedly climaxing, while the female lover recovers the culturally truncated, penile sensitivity of her clitoris, Dworkin's narrative of androgynous intercourse (along with Stoltenberg's corroborative biographical depictions) was meant as a first step toward the dismantlement of the patriarchal *fictum* concerning the existence of two, and only two, sexes. Moreover, the contrarian *fuck* between the two lovers of *Ice and Fire* exemplifies "the free-flow of natural androgynous eroticism" (Dworkin, 1974, p. 189), which prolongs their awareness of the thalassic continuum:

We were like women together on that narrow piece of foam rubber, and he, astonished by the sensuality of it, ongoing, the thick sweetness of it, came so many times, like a woman: and me too: over and over: like one massive, perpetually knotted and moving creature, the same intense orgasms; no drifting separateness of the mind or fragmented fetishizing of the body: instead a magnificent cresting, the way a wave rises to a height pushing forward and pulls back underneath itself toward drowning at the same time: one wave lasting forever, rising, pulling, drowning, dying. All in the same movement; or a wave in

an ocean of waves covering nearly all the earth, immense (Dworkin, 1986, pp. 122-123).

53. Although *Ice and Fire* does not reveal the name or identity of the *invited* lover, he clearly emerges as the healing antithesis of the man the narrator/protagonist had married and divorced before beginning to work on *Woman Hating*. Contrasting with the marital rape and violence that Dworkin's impersonation in the novel experienced in the past, her present is dominated by her intimacy with the "beautiful boy": "My privacy included him" (Dworkin, 1986, p. 122). Thus, she not only declares that "My lost brother and I became lovers forever," but points to the puzzling uniqueness of their being together: "I need never touch him again " (Dworkin, 1986, p. 123). Notwithstanding the closeness of their encounter, the narrative voice insists that it should not be mistaken for a form of fusional love. Beyond pointing to the couple's principled rejection of coital penetration, the novel underscores the protagonist's sense of privacy when depicting her highest existential priority: "I put solitude first, before him" (Dworkin, 1986, p. 124). Assuming that this hierarchization is the indispensable condition for realizing her writerly vocation, the narrator leaves no doubt about its exacting consequences:

He [the lover of her life] is for human times. But writing is cold and alone. It makes you monstrous, hard, icy, colder and more barren, more ruthless, than the Arctic Sea. [...] The glacier moves slowly over the fertile plain, killing. Everything around you begins to die (Dworkin, 1986, p. 125).

At this point, it should be reminded that the describable but non-categorizable erotic closeness of protagonist and lover is one between androgynes, united in preserving the solitude the protagonist needs to become the writer she aspired to be since early childhood.

54. The sense of existential plenitude attained by Dworkin and Stoltenberg during sexual frottage as well as by their alter egos in *Ice and Fire* was reason enough to "*épater* the fuckers," as Dworkin's 1991 novel *Mercy* puts it (Dworkin, 1991, pp.

235-236). The intensity of the encounter "in that sea so awesome in its density and splendor" (Dworkin, 1986, p. 123) that *Ice and Fire* evokes, left way behind the "namby-pamby silliness of thighs that had to open: narrow pleasure with no mystery, no subtlety, no subtext" (Dworkin, 1991, p. 122). Having exposed a comparable shallowness in the ideological promises of the 1968 revolutionaries, Dworkin decided to pursue her own path toward the reversal of the societal system. To this end, she relied on the prosaic realities of evolutionary biology and their (for most surely unexpected) convergence with the Biblical/Mishnaic/Kabbalistic views on the androgyny of the First Man.<sup>90</sup> Contravening the apocalyptic or eschatological exaltations of *man* in Western religious traditions and their revolutionary offshoots, Dworkin's creation-oriented gaze dwells on the Adamic "man/woman" as the paradigmatic anthropological anchorage of the post-patriarchal commonality that enhances human sexual diversity. Signally, this commonality is not something revealed at the end of time, for it has been accessible since the beginning of Creation and can be actualized "here and now, inch by inch" (Dworkin, 1974, p. 193). While relentlessly critiquing the fictional hypostases of *men* and *women*, Dworkin acknowledged their societal "reality" as a mask of their ontic

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<sup>90</sup> Like many young intellectuals of her generation, Dworkin was surely aware that Carl Gustav Jung (1875-1961) and other scholars close to the psychoanalytical movement had sought to make accessible the history of the Kabbalistic and alchemical conception of androgyny/hermaphroditism to a broader readership before the beginning of World War II. Thus, in his *Terry Lectures* of 1935 at Yale University, which were published under the title *Psychoanalysis and Religion*, Jung provided indispensable historical and methodical tools for approaching the matter (Jung, 1995b, pp. 46-47, 72, 81, 110, 121; see Jung, 1995a, pp. 145-227 [Chapter: "Adam und Eva"]). In this context, it should be reminded that the ambisexuality of the Adam Kadmon in the Kabbalistic sapiential tradition is a token of his pristine creatural condition, not an index of a deficient or nosological status. On the iconography of the Adam Kadmon and the Hermaphrodite in the alchemical tradition, see Aurnhammer, 1986; Jung, Franz, Henderson, Jacobi, and Jaffé, 1988, pp. 30-31, 71, 82, 200, 203; Roob, 1996, pp. 165-166, 168, 315, 457, 460, 462, 550, 672-673.

"untruth."<sup>91</sup> Consequently, Dworkin posited a provisional sexual tripartition consisting of "women, men, and that emerging majority, the rest of us" (Dworkin, 1975, p. 154), whereby this "rest" is constituted by the growing number of self-conscious not-men and not-women who resist the phantasmagoric sexual hiatus in the name of the sexually non-categorizable, uniquely modulated androgynous individual. Needless to say, the sexual freedom of this thriving "rest" does not exclude the desire for reproductive options: Dworkin's "androgynous community" embraces children (Dworkin, 1974, pp. 191-192).

55. Since womanhood in Dworkin's diction is associated with its subordination to the overarching patriarchal design of culture, the emancipated "female" recovers her historically erased individuality by reclaiming and affirming the specific nuance of her androgyny. This is the personal path pursued by Bertha Schneider, the heroine of Dworkin's "the wild cherries of lust (for Osiris)," the sixth short story included in *The New Womans Broken Heart* (1980). Indebted to Kafka's narrative style, the piece begins with an unheard-of metamorphosis: "bertha schneider had once been a woman and was now an androgyne" (Dworkin, 1980, p. 25). Waiving any etiological considerations, the narrative voice in the story suffices itself with ascertaining the transformation Bertha had undergone by contrasting her past female condition with the sexual/gender traits that define her present. As a woman, Bertha "had lain for 8 years on her back with her legs open as the multitudes passed by leaving gifts of sperm and spit" (Dworkin, 1980, p. 25). Consequent to her time as a prostitute, which echoes Dworkin's own life before her calamitous marriage in Amsterdam (Dworkin, 1997, p. 22; Dworkin,

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<sup>91</sup> It is not amiss to remind in this connection that Dworkin had no illusions about the time it will take to bring about the termination of patriarchy. Her brief text of 1996 titled "A New Jerusalem for Women" closes with a sobering perspective: "Patriarchy is dying a slow, slow death; but patriarchal power still tyrannizes women in households and in brothels. I expect to see deeper and more massive resistance from women in the next century, especially in the Third World" (Dworkin, 1999, p. 94).

2002, pp. 162, 177, 196),<sup>92</sup> Bertha "passed two years of celibacy," when she fucked "in much the way vegetarians eat hamburgers—sometimes and not proudly" (Dworkin, 1980, p. 25). The vaguely autobiographical story briefly mentions Bertha's mental morphing, while dwelling on details concerning the transformation of her breasts, belly, nose, hair, hands and mouth. Having renounced prostitution without consistently embracing chastity, Bertha will eventually emerge as a full-fledged pansexual androgyne, whose corporeal ambiguity is the reverse of a transient sexual stage vowed to be rendered conform to the hegemonical paradigm of male/female dimorphism. By repudiating any attempt to fake sexual univocity, Bertha regains the body's ambisexual marks that patriarchal history has generally curbed and repressed for the sake of consolidating the teleology of Oedipal heterosexuality.

56. Bertha's post-prostitutional and post-mostly-chaste phase of her life is defined by a sexual praxis that surpasses the vulgar imaginings of mere "fuckers." Her androgynous sexuality is framed by the same erotic gratuity that pervades the encounter between the narrator and the "beautiful boy" in *Ice and Fire* (Dworkin, 1986, p. 122). Like the thalassic passages in the novel, "the wild cherries" spells out a visionary sexual stance incompatible with the mercantilism of prostitution and pornography that permeates present-day culture.<sup>93</sup> The scope of Dworkin's erotic grasp of the

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<sup>92</sup> Dworkin's critical stance on prostitution was informed by her lived experience of what she termed "the brothel model" and its ramifications (Dworkin, 1983, 177-178). Never forgetful that she had once been part of the dehumanizing world of prostitution, it eventually became a leitmotif of her oeuvre. In *Heartbreak*, which was the last book she published in her lifetime, Dworkin admits without reservations: "as a woman, I had prostituted" (Dworkin, 2002, p. 177). She then goes on to refer to "a few formerly prostituted women, including myself" (Dworkin, 2002, p. 196).

<sup>93</sup> Dworkin at times quotes or offers variations of a dictum by American *homme de théâtre* Julian Beck (1925-1985) to the effect that "The journey to love is not romantic" (Dworkin, 1974, p. 192). On this assumption, the lyricism that *Ice and Fire* and "the wild cherries" displays is not indicative of an "ersatz romanticism" but of "analytical insight scalpel-like in exposing the viscera of social oppression," as Dworkin formulates in her study on

androgynous body becomes patent when the authorial voice asserts as regards Bertha: "a finger on her belly was the instrument of ecstasy and a tongue brought on multiple orgasms that were as vast and as deep as the universe" (Dworkin, 1980, p. 26). The story's hint to the androgynous "nose" is even more significant, for it is a coded reference to the *clitoris*, as the following passage makes abundantly clear:

it [that is, the *nose* of not-woman Bertha] had grown and grown and grown. sometimes it hung, weak, limp, sweet, beautiful. [...] when it happened in the presence of other androgynes, she herself would touch and fondle it. limp or stiff, her nose would roll over arms and into armpits, explore ears [another code word!] that opened up like flowers, juicy and moist and yielding, [...] immerse itself into puddles of saliva under the tongue and the rich resonances of slick assholes, vibrate and heave, and finally come to rest on a nipple, touching it just barely. then, as bertha lay exhausted, her lover would touch her belly and so they would begin again and continue and replenish and deplete and invent, and then begin again (Dworkin, 1980, p. 26).

57. Given her erectile "nose" with a quasi-phallic function, Bertha appears masculinized, although she never becomes or aspires to become a *man* as the opposite of *woman* in the disjunctive sexual regime. The depiction of her perplexing sexual complexion resonates with a passage in *Mercy*, where Andrea's authorial voice makes clear that her given name means "manhood or courage" (Dworkin, 1991, p. 57), but then

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Emily Brontë's *Wuthering Heights* (Dworkin, 1988, p. 82). Once a victim of pimps and then a battered wife, Dworkin knew "that her life depends on never being taken in by romantic illusion or sexual hallucination" (Dworkin, 1988, p. 105). The androgynous love she praises is thus the critical counter-paradigm of the "metaphysics of women's subjugation" (Dworkin, 1988, p. 267) that subtends the social realities of prostitution and pornography. Both forms of dehumanization are "very closely related" (Dworkin, 1988, p. 148), for, as Dworkin argues, "[p]olitically, culturally, socially, sexually, and economically, rape and prostitution generated pornography; and pornography depends for its continued existence on the rape and prostitution of women" (Dworkin, 1988, p. 230).



details: "I say I am Andrea but I am not manhood for which [...] I am glad, because they have gone to filth, they are maggots on this earth" (Dworkin, 1991, p. 307). Basically, once female, but now androgynous Bertha reclaims the masculinity of being a "not-cunt" not to become a "man," but someone who assumes the human condition of a radically individualized androgyne cognizant of the ontic vacuity behind the categories of *man* and *woman* (see Dworkin, 1986, p. 144). Against the backdrop that, in the "real" world, sex changes are the result of surgical correctives and medicinal treatments, Bertha dispenses with such procedures, since, in her view, there is in truth no change from one sex—male or female—to another, but only the *trans-figuration* of an allegedly "real" sex into its "true" *androgynous* negation. By renouncing to offer any causal explanation of her unusual metamorphosis, Bertha heightens the unreality of her previous societal femininity with the aim of conveying the ontic truth of her unique androgyny. On these assumptions, not-cunt Bertha echoes the creational אֶנְדְּרוֹגִינּוֹס of the Midrash (see Dworkin, 1974, p. 172), for her emergence is enabled by an act of critical subtraction that removes the male/female contraption dominating "real" societies and cultures in order to lay bare the original, sexually non-categorizable, "true" human being (see Bauer, 2021).

58. While Bertha transgresses womanhood to become an androgyne, the narrative voice in *Ice and Fire* closes the novel with the words: "I am a writer, not a woman" (see Dworkin, 1986, p. 144). For Dworkin, who had once claimed: "I'm an expert on me" (Dworkin, 1997, p. xiv), the individual who becomes an androgyne/writer deploys knowledge to dissolve without appeal the immemorial man/woman hiatus. From this perspective, Dworkin's signal contribution to the history of human self-emancipation is her grasp of androgyny as the "one road to freedom" (Dworkin, 1975, p. 154). It is not by chance that the writerly Jewess Dworkin dubbed the Prague Jew Franz Kafka as "my love" (Dworkin, 1986 p. 96), and on one occasion even dreamt of becoming a "she-Kafka" (Dworkin, 2002, p. xiv). Given that the deranging figure of the androgyne revealing humanity's "true" sexual nature

constitutes the thematic crux of Dworkin's work, it is only consistent that the author of *Die Verwandlung* (*The Metamorphosis*) advanced to be the most recognizable literary presence in her oeuvre. As the *clef de voûte* of Dworkin's theoretical pursuits, transmogrifying androgyny marks a historical cesura that terminates the validity accorded to binary sexuality as the foremost product of patriarchal alienation. Inveighing against the eschatological or metaphysical procrastination of the end of the sexual dichotomy, Dworkin declares the emancipatory urgency of its dismantlement in the immediate present. Resonating with this line of thought, Dworkin set as epigraph of the first part of *Intercourse*—a non-fiction book subsequent to the novel *Ice and Fire*—an apophthegmatic passus from the work of Franz Kafka: "Beyond a certain point there is no return. This point has to be reached" / "Von einem gewissen Punkt an gibt es keine Rückkehr mehr. Dieser Punkt ist zu erreichen" (Dworkin, 1987, p. 1; Kafka, 1976b, p. 30).

59. In her lifetime, Dworkin was often denigrated by an American chorus of supporters of pornography and prostitution, who depicted her as "a 'melodramatic, hysterical crank,' an unkempt, fat, hairy, ugly 'male-hater,' a 'feminist Nazi'" (Duberman, 2020, p. 287). Her foes had neither the interest nor the capacity to assess her groundbreaking reconceptualization of sexual difference as the epistemic basis of her liberational critique.<sup>94</sup> In this connection, it is also worth

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<sup>94</sup> Contrasting with the vociferous vituperations targeting Dworkin throughout her public life as a feminist writer and activist, a careful examination of her arguments suggests a very different kind of assessment. Thus, in a 1999 volume titled *Predictions*, which claims to "bring[] together the thoughts of thirty of the world's most distinguished minds" on the future (Griffiths, 1999, p. xiii), Andrea Dworkin is placed alongside theoreticians and thinkers such as Noam Chomsky, Francis Fukuyama and Steven Jay Gould. In the introduction to Dworkin's contribution titled "A New Jerusalem for Women," Jennifer Wallace characterizes *Women Hating* as "a passionate exposé of violence against women" (Wallace, 1999, p. 87), but without mentioning or suggesting that the final chapters of Dworkin's initial volume focus on the issue on androgyny. Not unlike Dworkin's twenty-first century biographers, Wallace fails to acknowledge that

noting that, although the number of scholars who have written with admiration on her life and work (Jenefsky & Russo, 1998; Robinson, 2008; Duberman, 2020) is not negligible, they all failed to acknowledge that her conception of sexual emancipation is grounded in what she once termed "ethical Judaism" (see, for instance, Dworkin, 2000, p. 297). Biographer Martin Duberman, for instance, who considered Dworkin's book *Scapegoat* (2000) to be "arguably her finest—or certainly among them" (Duberman, 2020, p. 249), left unmentioned that her treatment of the Jewish "logic of chosenness" as a "moral logic" (Dworkin, 2000, p. 118) was indebted to the work of Conservative Rabbi Arthur Hertzberg (1921-2006). Accordingly, a passage in *Scapegoat* consists in a collage composition of quotes from a volume co-authored by Hertzberg titled *Jews: The Essence and Character of a People*:

'Chosenness is the ever-present, and inescapable, discomfort caused by conscience'; 'It does not really matter who chose the Jews. What does matter is that they have this angel or demon, conscience or neurosis, always riding on their back'; 'We Jews know why we suffer. Society resents anyone who challenges its fundamental beliefs, behavior, and prejudices. The ruling class does not like to be told that morality overrules power. [...] The Jew, therefore, must stand up for a society that is bound by human morality and speak truth to power' (Dworkin, 2000, p. 117; see Herzberg & Hirt-Manheimer, 1998, pp. 19, 284-285, 31).

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androgyny signals for Dworkin the overcoming of patriarchy and the sexual hiatus it creates and sanctions. While Wallace, in view of Dworkin's radically critical feminism, suggests that she "might be developing a more positive outlook" (Wallace, 1999, p. 91), her introductory piece passes over in silence that Dworkin had already offered a "positive" resolution of the world-historical impasse of binary sexuality not only in the last two chapters of *Woman Hating* on androgyny, but also in *Ice and Fire* and in the short story "the wild cherries of lust," which are basically literary renditions of her core theoretical insights on androgyny. While regarding Dworkin as one of the world's most distinguished minds in consideration of her radical feminism, the editor of *Predictions* would have given her assessment more philosophical depth by taking into account that Dworkin's new sexual ontology effectively *transfigured* seeming "men" and "women" into uniquely modulated androgynes.

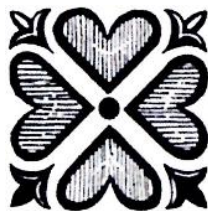
60. Dworkin's struggle against prostitution and pornography was part of her attempt to eradicate the cumulative misery of patriarchal history in order to create an ontic ambit for the humanity of androgynous lovers. Contrasting with the post-Christian, eschatological figuration of the hermaphrodite in the work of her older contemporary Norman O. Brown (1913-1902) (see Bauer, 2020b), Dworkin conceptualized androgyny within the historical temporality of Jewish-creational this-worldliness. Thus, having embraced the critique of sexual binarity implied in Rabbi Yirmiyah ben Elazar's teaching on the Adamic Androgyne, Dworkin readily included in her intellectual purview a signal result of contemporary genetic research, which she encapsulated in the sentence: "Each man is half woman: the X chromosome" (Dworkin, 2000, p. 197).<sup>95</sup> As to her design to dismantle finite schemes of sexual distribution, it hardly needs underscoring that it is rooted in the sapiential ethos of a dictum by Franz Kafka: "Das Negative zu tun, ist uns auferlegt; das Positive ist uns schon gegeben" (Kafka, 1976b, p. 32; see Bauer, 2003a; Bauer, 2003c, pp. 181-183).<sup>96</sup> Mindful of the servile obedience that Mosaic freedom seeks to undo, Dworkin cites toward the end of *Woman Hating* a longer passage from Kafka's *Der Prozeß (The Trial)*, in which a priest tells "K." with reference to the pronouncements of the doorkeeper of the Law : "It is not necessary to accept everything as true, one must only accept it as necessary" / "man muß nicht alles für wahr halten, man muß es nur für notwendig halten" (Dworkin, 1974, p.

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<sup>95</sup> For the sake of a broader historical contextualization, it should be noted that the year before the publication of Dworkin's *Scapegoat*, renowned British gynecologist Robert Winston (born 1940), who happens to be an Orthodox Jew and Member of the House of Lords, issued a book titled *The IVF Revolution*. An advocate of in-vitro fertilization, Winston not only argued that male pregnancies constitute a realistic possibility in the foreseeable future, but detailed the technical means needed to achieve that end. After pointing out that "effectively, our man could suffer all the risks of an advanced and most dangerous form of ectopic pregnancy" (Winston, 1999, p. 207), Winston went on to assert in all desirable clarity: "There is no doubt that men could get pregnant" (Winston, 1999, p. 207).

<sup>96</sup> "To perform the negative is what is required of us; the positive has already been given to us."

199; Kafka, 1976a, p. 188) As Dworkin intimates by quoting "K.", the priest's melancholy injunction implies the greatest imaginable perversion: "It turns lying into a universal principle" / "Die Lüge wird zur Weltordnung gemacht" (Dworkin, 1974, p. 199; Kafka, 1976a, p. 188). From this perspective, to accept without protest the alleged societal "reality" of dichotomic sexuality and its finite supplementations amounts to sanctioning a lie as the ordering rationale of the human world. It is not by chance that Leo Strauss, a champion for maintaining the stability of the sexual powers that be, not only neglected the critical import of *Genesis* 1:27 for contemporary conceptualizations of sexual difference, but also ignored outright Giordano Bruno's design to dismantle the sexual *bimembrum*. If given a chance, Strauss would have also scorned Andrea Dworkin's Heraclitean ambition "to discern another ontology" hospitable to androgyne disruptiveness. Accordant with Strauss' thoughtless vindication of the disjunctive sexual construct, the groundwork of his oeuvre gainsaid a truly insightful sentence included in the closing paragraph of *Natural Right and History*: "Naturalness and the flowering of individuality are the same" (Strauss, 1953, p. 323).



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## Jerusalem and Athens against Rome Leo Strauss' critique of Edmund Burke's political logic

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**Abstract:** Leo Strauss never stopped questioning the three great Western traditions. The first was Judaism and the paradox of understanding it in the orthodox way in the modern era. His writings on Moses Maimonides are an attempt to present a coherent version of what he called “moderate Enlightenment”, an intellectual world where Moses and the prophets could be heard and understood for their reason. The second was an immoderate attachment to Plato and Platonism. In *Philosophie und Gesetz* (1935) he asserts that all great medieval philosophers of Judaism and Islam were platonicians. Strauss establishes a kind of alliance between the Ancients and the Medieval, forged around the profound harmony between Plato and Moses. The third tradition concerns his critique on “radical Enlightenment” and historicism, whose existential translation would be the assimilation of the Jewish people to the West (*Die Religionskritik Spinozas*, 1930). In his *Natural Law and History* (1950), he considers Edmund Burke to be the true father of the “historical school”, that lead to Hegelian radical historicism. He sides then with Plato and the Ancients forming an alliance against Cicero, Burke, and Modern political philosophy that defended the historical provenance of the Law. Athens and Jerusalem against Rome is the battle around the fundamental understanding of the Law, its origin and structure.

**Keywords:** Historical school, Platonism, Edmund Burke, historicism, Leo Strauss, Law, tradition, French Revolution

Leo Strauss never stopped questioning the essence of the three Western traditions, Jerusalem, Athens and Rome, although without ascribing to the latter the importance it merited. His questions were expressed in three axes of thought. The first was Judaism and the paradox of understanding it in the orthodox way in the modern era. His writings on Moses Maimonides were an attempt to present a coherent version of what he called “moderate Enlightenment”, an intellectual world where Moses and the prophets could be heard and understood for their reason. The second was a certain attachment to Plato and Platonism. In his early book *Philosophie und Gesetz* (Berlin, 1935) he even asserts that all great medieval philosophers of Judaism and Islam were platonicians. Thus, Strauss establishes a kind of alliance between the Ancients and the Medieval, an alliance forged around the profound harmony between Plato and Moses. The third pole of Strauss’ reflection is his critique on the “radical Enlightenment” and historicism, whose existential translation would be the assimilation of the Jewish people to the West (*Die Religionskritik Spinozas*, Berlin, 1930).

In his *Natural Law and History* (Chicago, 1950), he considers Edmund Burke to be the true father of the “historical school”, that lead to Hegelian radical historicism. He sides then with Plato and the Ancients forming an alliance around the rational origin of the Law against Cicero, Burke, and the Modern political philosophy that defended the historical provenance of the law. Athens and Jerusalem against Rome is the battle around the fundamental understanding of the Law, its origin and structure. It is only through this alliance that both Athens and Jerusalem could survive the farouche attack of Rome and modern historicism. Concerning Burke’s political science, Leo Strauss asserts that Burke is the real founding father of the German *historical school* because Edmund Burke’s political philosophy is based on the desire to infer political theory out of political practice.

### i. The dilemma of the historical school

During the nineteenth and early twentieth centuries, the methodological problems evolved around the question to know how institutions were created, and more importantly, how the state was created. The politician and philosopher who raised this fundamental concern was Edmund Burke, an Irish member of the House of Commons. In 1792, he answered a question about the value and significance of the French Revolution. This answer, *Reflections on the Revolution in France*, was to become a work of immense importance to political and ideological developments in the European continent. Burke was known for his progressive views. As a Whig, he belonged to what we would call today the liberal parliamentary tradition<sup>1</sup>. Until the writing of his major work on the French Revolution, Burke was known not only to the English but also to the general European and American public for two major struggles. His first battle was his firm opposition to English policy in the American colonies. Burke's second major battle was against the Crown's appointment of Lord Warren Hastings as governor of Calcutta, which had effectively turned the population of that part of India into slaves of the East India Company. He initiated the impeachment of Hastings. In both cases, Burke was a progressive politician and political thinker. But in 1792, with his *Reflections on the French Revolution*, he changed sides, at least in appearance. Not only did he caution the positions of the revolutionaries, but he was firmly opposed to the new constitutional framework implemented by the Revolution. He opposed both

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<sup>1</sup> Carl Schmitt considers him among the founding liberals of the parliamentary system in the 1926 preface to his critique against liberal parliamentarism: "Like every great institution, parliament presupposes certain characteristic ideas. Whoever wants to find out what these are will be forced to return to Burke, Bentham, Guizot, and John Stuart Mill". Also: "Gentz – in this matter still instructed by the liberal Burke – puts it well: The characteristic of all representative constitutions (he meant modern parliament in contrast to corporative representation or the estates) is that laws arise out of a conflict of opinions (not out of a struggle of interests)". Cf. Carl Schmitt, *The crisis of parliamentary democracy* (1923, 1926), Cambridge, Massachusetts, London, England, The MIT Press, 1985.

the constitutional outcome of the Revolution and the underlying logic and principle of social and political institutions. He abhors the rationalist principle that the state is a product of theoretical reason.

Worse still was the revolutionaries' demand for a new beginning, the result of the application of a radical new principle: to start the state and society anew from scratch, to erase the operating principles the French society had known up to the Revolution to apply other principles and implement other beliefs, mentalities, and behaviors. Burke said to his French interlocutors: *you want to create a state out of nothing, you want to create a legal culture out of nothing, you want to create a society out of nothing, you want to act as if your people had no history, no tradition, no religion, no rules, no customs, no habits.* According to Burke, this enterprise is doomed to fail. Even the absence of a written constitution is compensated by the historical experience of the French people, who recognize in customary law their constitutional order. We are at the heart of the problem that the Historical School will pose.

Edmund Burke is thus, as Leo Strauss asserts, the true father of the German historical school. In his book *Natural Right and History*<sup>2</sup> Strauss writes: "Thus Burke paves the way for 'the historical school'" (Strauss, 1953, 316). Specifically, Strauss analyzes:

That moment was the emergence of the historical school. The thoughts that guided the historical school were very far from being of a purely theoretical character. The historical school emerged in reaction to the French Revolution and to the natural right doctrines that had prepared that cataclysm. In opposing the violent break with the past, the historical school insisted on the wisdom and on the need of preserving or continuing the traditional order (Strauss, 1953, 13).

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<sup>2</sup> Leo Strauss, *Natural Right and History*, Chicago, The University of Chicago Press, 1953. Trad. franç., *Droit naturel et histoire*, Paris, Flammarion, 1986.

Edmund Burke is one of the thinkers whose work Strauss comments on in the second part of the last chapter of his book on “The Crisis of Modern Natural Right” – the first part on Rousseau, the second on Edmund Burke. Strauss notes that for Edmund Burke, political order is produced in the same way as economical order:

Accordingly, the sound political order for him, in the last analysis, is the unintended outcome of accidental causation. He applied to the production of the sound political order what modern political economy had taught about the production of public prosperity: the common good is the product of activities which are not by themselves ordered toward the common good (Strauss, 1953, 314-315).

The common good, and in this case the political order, if not the constitutional order of the state, is produced by activities that do not in themselves have as their purpose what they achieve. This is what Panajotis Kondylis, in his analysis of the philosophy of history, calls the “heterogony of purposes” (*Heterogonie der Zwecke*<sup>3</sup>). If this term seems obscure, there is a very popular manifestation of it that can be found in the metaphysics of the liberal economic order in the political economy of the 18th century. I am referring to the “invisible hand”. That is, just as one invisible hand creates the higher economic order out of the selfish instincts and accidents of everyday life, another invisible hand creates the political order in a similar way. Just as no economist has created the economic order, no legislator has created the political order. I will return after examining a second sentence of Strauss’s that concerns

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<sup>3</sup> Cf. Panajotis Kondylis, *Die Aufklärung im Rahmen des neuzeitlichen Rationalismus*, Klett-Cotta-Verlag, Stuttgart, 1981, p. 435-444 (sur Vico), 459-463 (sur Turgot) *et passim*. For example, I quote : “Turgot now counters them with the concept of heterogony of purposes, according to which even the ‘sottise’ unintentionally serves progress, and with a remarkable rehabilitation of positive Christianity, which cannot be omitted from the ‘Middle Ages’” (p. 459, my translation).

the tradition of political thought and philosophy to which Burke belongs and with which he enters in dialogue:

Burke sided with Cicero and with Suarez against Hobbes and against Rousseau. “We continue, as in the last two ages, to read, more generally than I believe is now done on the Continent, the authors of sound antiquity. These occupy our minds.” Burke sided with “the authors of sound antiquity” against “the Parisian philosophers” and especially against Rousseau, the originators of a “new morality” or “the bold experimenters in morality.” He repudiated with scorn “that philosophy which pretends to have made discoveries in the *terra australis* of morality”. His political activity was indeed guided by devotion to the British constitution, but he conceived of the British constitution in a spirit akin to that in which Cicero had conceived of the Roman polity (Strauss, 1953, 295).

To understand this difference between the two schools of thought, I will compare Cicero’s vision with Plato’s, which is not unlike that of Moses<sup>4</sup>, Moses being the one Strauss really had in mind, but without mentioning him, and to whom

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<sup>4</sup> What do these two have in common? A contemporary Israeli thinker, Nir Kedar, has written an excellent article on the study of Plato by David Ben-Gurion (1886-1973), the founder of the Israeli state in 1948. See Nir Kedar (2007), “Jewish Republicanism”, *Journal of Israeli History*, 26:2, 179-199. See also David Ben-Gourion, *Mi-ma’amad le-am (From class to nation)*, Tel Aviv, Davar, 1933. According to the author, Ben-Gurion followed Plato and Moses in his political practice, summarizing what he claimed to be, in his writings, their common political principles: “the existence of just and efficient laws and political institutions and procedures”, “basic economic equality” et “the demand for the development of civic virtues and of civic-republican consciousness and responsibility” (Kedar, 2007, 182-183). I could summarize these principles in three words: justice, unity, “voice” (following A. Hirschman, *voice* summarizes the critical attitude and the public opposition to bad social practices). These three points are common to the thought, discourse and political position of Plato, Moses and the prophets.

special attention must be paid. What is the act of Moses that established the moral and political order of Israel? He took the commandments from God, then presented them to his people and applied them to their human society. That is, the Law and institutions were created once and for all by the hand of God through Moses, who had the authority and power to implement them and incorporate them into a pre-political group or community. Plato follows a similar approach. It is not, of course, revelation, but reason that is the true founder of the city, that is, its political and institutional order. Nevertheless, the institutional order is created once and for all by the philosopher legislator who consults reason to produce not just any order, but the only order that is inherent to theoretical reason and therefore optimal for human beings. This punctual creation of the State by a gesture of the divine or philosophic legislator is opposed by Cicero, Burke and the historical school. Rome was not built in a day nor by a single man, says the first. National societies have followed a long historical path until they discover and implement the institutional order that best suits them, which they by no means consider perfect or definitive, says the latter. Which of the two orders, the practical-historical or the theoretical-philosophical, produces the better institutional result? This is the source of the conflict of methods that has pitted the German historical school against its critics.

The first problem that will be analyzed is the theory of institutions, their mode of production and functioning. Specifically, I will examine whether institutions are produced and function in an intelligent and conscious way or whether their production and functioning are unconscious and favored by some superior spirit as the hidden God (Pascal), the invisible hand (Smith), divine providence (Vico), nature (Kant), or reason (Hegel), according to the principle of the heterogony of purposes. The second problem that will be dealt with is the relationship between scientific theory and the corresponding practices of professional fields, which is also the subject of the *Methodenstreit*. Max Weber's theory of ideal types will provide a solution to this controversy by proposing a reasonable mixture of the theoretical school and of the

historical school. The two problems are not unrelated. In order to be able to propose institutions of law, politics or economics, one must rely on a very good theoretical knowledge of these fields. Otherwise, all knowledge will be empirical-historical, which obviously does not exclude a historical process of production of knowledge and theories. If, on the other hand, collective action is based on non-conscious mechanisms, any theory is impossible and professional activities in the various fields of law, politics and economics will simply be based on empirically tested practices.

The question is about something very common to the relationship between the production of theory (political, legal, economic, sociological) and the practice of government and power, of law and economics. To refer to law and its practices: how did judges rule before the creation of civil codes? How much freedom did they have in assigning justice? What law did they apply? Was it by virtue of a common law, in a culturally determined sense of law, consecrated by custom, common sense? This thread of questioning could also concern other practices: political government, economy, social policy. Do we need similar codes for these practices? How is government exercised? Is there a political code equivalent to the civil code? How does one govern? Invoking the political genius, equivalent or identical to the military genius, is not a solution. War is not the normal condition of a civil society, just as not all decisions are taken in exceptional situations. The legal-political order is ultimately a matter of peace. People want to live in a just and peaceful state. We cannot assume that war manuals and the lives of great men are the norms and rules for the exercise of power. In politics, we are still in the age of practice, we have political theory, but it has by no means the role that jurisprudence has in the courts or that economic theory has in our advanced monetary economy.



ii. *Nani gigantum humeris insidentes*: mosaic against roman law

The jurisprudential and conscious production of the institutional order is expressed by the founder of the historical school after Gustav von Hugo (1764-1844), the jurist Carl von Savigny (1779-1861), a defender of Roman law. In his fundamental work *System des heutigen römischen Recht* (1840-1849), in eight volumes, Savigny expresses his basic methodological principle, which is none other than that of Cicero and Burke: institutional political and social completeness is not created overnight from nothing. Institutions are a living organism, with a specific origin and a historical trajectory, developing, changing, mutating as institutional solutions to new problems are added. It is important to note here that Cicero does not speak of history. The concept of history as understood by the Enlightenment, that is, as a heterogeneous principle of production of civilization (Kondylis), is modern. Cicero speaks of time, habit, usage and antiquity (*usu ac vestutate*). This is exactly what Savigny suggests, that law, and in particular Roman law, is produced by history. It is a living organism which, like the English system according to Burke, grows, develops, evolves. What we call Roman law, what is taught as Roman law, is in fact the *Corpus Juris Civilis* of Justinian (529-534), which had at least a millennium of development behind it before the Byzantine emperor completed its codification and imposed its teaching at the law schools of the Empire. I will further examine this connection between law and the political system, between Savigny and Burke.

In his chapter on Edmund Burke, Leo Strauss states that there is neither political philosophy nor political theory in Burke. What is Burke's political philosophy? It may be true that Burke has no philosophy of his own, but that is because he follows neither Plato nor Moses, but Cicero. In *De republica*, Cicero does not speak of his own political philosophy, nor of Plato's ideal state. He even refuses to enter into the Platonic political logic. The protagonist of the dialogue is Aemilius Scipio, the "first citizen" of Rome (*princeps republicæ*) and not

the philosopher. Scipio announces that he will not present the ideal state, but the best real state known to him, that is Rome: how it was born, how it grew and matured, where it is the moment he speaks. The political philosophy of Cicero and Emilio Scipio is the same, it is the political philosophy of Rome. Scipio and Cicero do not say what should be done, but what has been done. The same is true of Burke, of whom Leo Strauss rightly writes: “Burke’s political theory is, or tends to become, identical with a theory of the British constitution, that is to say, an attempt to “discover the latent wisdom that prevails” in the real” (Strauss, 1953, 319). Burke responds to the French revolutionaries that the social order that will result from the new political order they proclaim will be worse than before. Their logic is the opposite of the fundamental lessons of the political history of the English nation. The English system, the one that Montesquieu praised in the *Spirit of Laws* as the best, was born out of the history of the English people for the English people. Burke’s political philosophy is thus his reflection on the fundamental political principles on which the British constitutional order was founded. The Irish thinker’s scathing critique of the rationalist natural law principles of the new order heralded by the French Revolution follows in the wake of English political philosophy.

Similarly, Savigny opposed the natural law school, which considers reason as the foundation of law and believes that universal principles of law can be logically derived without taking into account other historical, political or social factors. He thus founded the historical school of law, which considers all law to be positive and, without opposing the need for logical consistency, defends the fundamental importance of the historicity of institutions. As a professor of Roman law in Marburg, Landshut (1808) and Berlin (1810), Savigny was one of the most important jurists of his time and was highly regarded in German legal circles. In response to the proposal of Anton Friedrich Justus Thibaut (1772-1840) to create a uniform legal code for Germany, he wrote the polemical article *Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft* (*On the Vocation of our Time for Legislation and Legal Science*, 1814). The danger for Savigny

was that the enormous contribution of older jurists and legal scholars would be ignored, which would be an irreparable harm. In a similar situation, in arguing against the creation of a new, novel constitutional<sup>5</sup> law that ignored the common law, Burke warned of the greatest danger of all, that of losing the body of jurisprudence established by usage:

And first of all, the science of jurisprudence, the pride of the human intellect, which, with all its defects, redundancies, and errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns, as a heap of old exploded errors, would be no longer studied (Burke, 119).

Like Burke, Savigny saw a real danger that the new code would be imbued with the “superficial”, “haughty”, and “abstract” spirit of the *jusnaturalists*, exemplified by the *Institutiones juris naturæ et gentium* (1750) of the eminent German philosopher and pioneer of the Enlightenment, Christian Wolff (1679-1754). But there was also a more serious danger for Savigny: that the Germans would adopt the French civil code. For Savigny, however, it is absolutely clear that it is not a question of creating a code, but of continuing the tradition of Roman law, that is to say, of letting the law progress, and not of fixing it in a particular phase of its development that is considered definitive. His argument parallels that of Burke. To adopt a new political system or a logically organized legal code would signal the loss of jurisprudence, which is the discourse and the collective historical consciousness and wisdom of a nation. This is precisely the work of the *Volksgeist*. Returning to Roman law, Savigny admits that it needs to be updated. It contains unnecessary repetitions, it is not uniform, there are contradictions. However, the task of the specialists of Roman

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<sup>5</sup> Cf. Joachim Rückert, *Friedrich Carl von Savigny, the Legal Method, and the Modernity of the Law*, *Juridica International* XI/2006, Tallinn, University of Tartu, “The Constitutional dimension of Savigny’s legal method”, p. 61-62.

law, of *romanists*, is precisely to modernize it so that the continuity of the historical tradition fits in with the modern spirit. The necessary reforms will preserve the coherence, continuity and cohesion of the whole. But who is the author of this whole? Who produces law and political institutions over time in a cumulative manner? The prophet or the mythical legislator, an oligarchy of wise or powerful men or the multitude? By “multitude”, I mean above all what we commonly call “the people” (*Volk*).

Concerning the origin of law, Savigny writes <sup>6</sup> :

If we now look for the subject within which positive law has its reality, we find that this subject is the people. It is in the common consciousness of the people that positive law lives; hence it can be called the law of the people. Nevertheless, it should not be imagined that the various individuals of whom the people is composed have created law arbitrarily; for these individual wills could undoubtedly have given birth to the same law, but it is much more likely that they would have produced a host of different rights. Positive law emerges from this general spirit that animates all the members of a nation; thus, the unity of law necessarily reveals itself to their consciences and is no longer the effect of chance. To attribute to positive law an invisible origin is therefore to renounce the testimony of documents (Savigny, 1855, 14, my translation).

Law is thus “people’s law” (*Volksrecht*) and derives from the “general spirit” that gives life to individual consciences. This is the fundamental proposition of the historical school, as opposed to the theoretical school. I personally consider that, as mentioned, the ancestor of the historical school is none other than Cicero, whose example Burke also follows. In his work *De re publica* (II, 1, 2, 4-10), Cicero notes that if Cretans’

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<sup>6</sup> Friedrich Carl von Savigny, *Traité de Droit Romain*, trad. Guénoux, vol. 1, Paris, Librairie de Firmin - Didot frères, 1855, Livre I, I, VII.

legislator was Minos, Lacedemonians' Lycurgus, and Athenians' Theseus, Draco, Solo, Clisthenes and many more until Demetrius of Phaleron,

[...] in our country, the state has been constituted not by the genius of a single person, but by a kind of genius common to many citizens; and it is not in the course of a man's life, but by a work that generations have pursued for several centuries. There has never been a genius so vast that nothing escaped him, and all the geniuses together cannot in one moment provide for everything, embrace all eventualities without the help of experience and time (*my translation*).

Moreover, Cicero continues, "I shall more easily attain the goal I have in view by showing you our republic in its birth (*nascentem*), in its growth (*crescentem*), in its adulthood (*adultam*), and finally in its full vigor (*firmitate atque robustam*), than if, like Socrates in Plato, I were to forge an ideal state" (*ibid.*). Cicero does not, of course, mention the *Volksgeist*, but he does refer to another collective subject, which is self-created through its historical journey, Rome. The concept of *Volksgeist* has already been accused of being metaphysical, indeterminate, empty. What Savigny argues is that the existence of law points to its producer, who is not a Moses or a Plato, but a never-ending collectivity, which, faithful to a particular spirit or character, continues its work historically, constantly improving and updating its result.

Cicero spoke of the way Rome was constructed by the Romans themselves, thus positing Rome as both subject (or producer of law) and object (or constitutional-legal system). Burke spoke similarly of the English, who, over time, create the English system that shapes them as moral and political beings. In both cases, then, there is a production of the subject through the process of narrating the genesis of the constitutional order. For Cicero and Burke to narrate the political philosophy of Rome and England, they have to assume a philosopher-legislator, just as when we read Homer

or Moses, we assume their existence for the exclusive purpose of understanding. They thus first confer on the notion of collective subject the status of narrative subjectivity, which is nothing other than the requirement of logical coherence and continuity in the signifying whole of a text.

As Ludwig Lachmann<sup>7</sup> comments on Weber's adoption of the comprehensive method (*Verstehen*):

Firstly, Weber was strongly opposed to all forms of 'emanationism' as methods of social science. Secondly, the method of interpretation (*Verstehen*) is one the origins of which have nothing whatever to do with any philosophy. It is nothing less than the traditional method of scholarship which scholars have used throughout the ages whenever they were concerned with the interpretation of texts. Whenever one is in doubt about the meaning of a passage one tries to establish what the author meant by it, i.e. to what ideas he attempted to give expression when he wrote it. This, and not an axiom of the philosophy of idealism, is the true origin of the method of interpretation. It is evidently possible to extend this classical method of scholarship to human acts other than writings. This is what all historians, whether philosophically minded or not, have always done. It is this "positive" method of the German Historical School that Weber took over and adapted to his purpose (Lachmann, 1971, 9-10).

But both Cicero's "Rome" and Burke's "English", as well as the Savigny's *Volksgeist*, the "spirit of the people" of the

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<sup>7</sup> Ludwig Lachmann, *The Legacy of Max Weber. Three Essays*, Berkeley, California, The Glendessary Press, 1971. Also, Panagiotis Christias, *Méthode et vérité : aspects de l'analyse historique chez Foucault* in Francis Farrugia et Antigone Mouchtouris (dir.), *La pensée des sociologues. Catégorisation, classification, identification, différenciation et reconnaissance*, Paris, L'Harmattan, 2018, p. 67-82.

Historical School are more than a narrative subjectivity, since they are invested with the authority to legislate and determine the political fate of their respective nations. The most appropriate term to understand this historical collectivity is “legal fiction” (*fictio legis*), based on Hans Vaihinger’s<sup>8</sup> “philosophy of as if (als ob)” (1919). If the *Volksgeist* can only be understood as a “creature of law” (*legal fiction*), if we want to avoid entering a new era of metaphysical or legal theology, then the highest form of the legal entity, the “legislator”, must be understood as a fiction invested with the validity and the authority of its own construction, the state. By reading Savigny’s introduction to his treatise on Roman law, we can better understand what he means by “historicity” or “historical community”. The Historical School, he says, is called “historical” not so much because it ignores theory or is not interested in the theoretical approach, but because it wants to reintegrate the historical element into legal research. Thus, its goal is not to eliminate theory in favor of the historical element, but to restore the latter to its rightful place within theoretical constructs:

Taking law as its object, human activity is susceptible of two different directions. It can deal with the whole scientific system, which embraces science, treatises, intelligence, or it can make the particular application of the rules to the events of real life; the distinction of these two elements, the one theoretical, the other practical, is thus founded on the very nature of law. The development of modern civilization has separated these two directions, and assigned one or the other to certain classes of society: thus, all those who deal with law, with a few exceptions, make theory or practice their special vocation, if not their exclusive one. This fact, considered in itself, is neither to be praised nor blamed, for it results from the natural course of things, not from an

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<sup>8</sup> Cf., *Les fictions du droit. Kelsen, lecteur de Vaihinger*, Textes traduits et présentés par Christophe Bouriau, Paris, ENS Éditions, 2013.

arbitrary will. But this division, good and legitimate in principle, could degenerate into a disastrous isolation, and this is what must be clearly distinguished. The division is good, if each one does not lose sight of the primitive unity, if the theorist preserves and cultivates the intelligence of the practice, the practitioner the intelligence of the theory. Where this harmony is destroyed, where the separation of theory and practice is an absolute separation, theory runs a great risk of becoming a futile exercise for the mind, practice a purely mechanical craft (Savigny, 1855, XX-XXI, *my translation*).

The “historicity” of the Historical School thus lies not in the promotion of a purely empirical practice in law and, later, in political economy and sociology, but in the production of a theory based on historical experience. Moreover, the ancient Roman jurists, in contact with Greek philosophy, also proceeded to an important theoretical upgrading of the Roman law<sup>9</sup>.

In the same way, Christian theory will instill its values in the Theodosian and then Justinian form of the *Corpus Juris Civilis*, which is the final form of what Europe knows and studies as Roman law. Savigny calls upon the German jurists of his time to revive Roman law by instilling in it the principles of the Enlightenment. In other words, we observe that in the three important moments of reform of Roman law, the Greek philosophical moment, the Christian moment and the Enlightenment moment, the “general spirit” evolves following the progress of the consciousness of the Nations, as Hegel would say. Although Savigny does not refer to these three moments, this construction is in fact mine, I believe he would agree that Greek philosophy, Christian teaching, and the Enlightenment enriched, renewed, and evolved the ancient ritual-practical rules that constituted the ancient Roman law. The essentially empirical orientation that expressed the

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<sup>9</sup> Cf. Michel Villey, *Le droit romain*, Paris, PUF, 1946 (PUF Quadrige, 2012).



predominant spirit of the ancient Romans, while remaining constant in its political-legal mission, was refined by the incorporation of theoretical trends over time<sup>40</sup>. Moreover, the attempt to systematize Roman law on the logical basis of theoretical principles of consistency and legal certainty is not new. Gaius (ca. 120-180 AD), with the rationalist approach of his *Institutes*, and Ulpian (ca. 170-223 AD), with his systematic memoirs, had already shown the way in antiquity. The influence of Greek philosophy led Roman law to a systematic and philosophical form<sup>41</sup>. Like them, Savigny called for the application of a theoretical framework to the practical principles of law. In other words, the Romans began to base their law on principles rather than on simple optimal solutions. Similarly, the practical science of sociology was theorized by thinkers such as Weber and Pareto, who were called upon to invent and apply a conceptual framework of general sociology to the practical interventions of the various councils of sages of their time on the economy and society.

Savigny therefore does not deny the need for theory, but considers that for disciplines such as law, the historical roots and tradition of a people constitute an inescapable institutional heritage and guarantee. This is also the case for Germany. And it is however true that the general spirit of German law also and especially exists in Roman law. After the fall of the Western Roman Empire, Savigny explains, all the peoples of Europe were essentially mixed, and the result was that the German populations were half Romanic and half Germanic. The Romans continued to use Roman law while the Germanic peoples continued to use Paleo-Germanic law. There were also bodies of law, which were used by some Germanic peoples, which were in fact mixtures between the two laws. It is, for example, now widely accepted that the Salic law was written by Roman generals and was based on Roman law. Thus, Savigny concludes, Roman law is also the law of the German people. All the Germanic states that constitute the German nation are steeped in and apply mixtures of Roman and

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<sup>40</sup> Cf., Aldo Schiavone, *Ius. L'invention du droit en Occident*, Paris, Belin, 2008, second part: « Comment naît une technique », p. 55-141.

<sup>41</sup> *Idem*, Third part: « La science, les formes, le pouvoir », p. 145-320.

German law. When Germans study Roman law, Savigny explains, they do not study it as a foreign law or out of archaeological interest. They study it as something living, something that still lives in them and that has contributed to the structuring of the German people as it is today. Therefore, Savigny suggests that Germans are no strangers to Roman law and that Roman law is not foreign to Germany. Roman law is part of the German national identity, it belongs to the historical Germanic community and has shaped the German moral character and national consciousness. *When I read Roman law, I read the history of the German nation*, he said, and “I pity those who will not have the chance to study Roman law”.

If Roman law expresses the general German spirit, the “theorist” of Roman law must embrace the whole “life” of the German nation. The theorist must be the link between the life of the nation and its general spirit:

The perfect theorist would be the one who would have a complete experience of real life to enliven his theory, and who would embrace at a glance all the combinations of relationships between morals, religion, politics and political economy. Need I say that I do not require the combination of so many qualities? He who, in order to judge others, would take this type of perfection, should first recognize how little it applies to him. Nevertheless, this type must remain present to our eyes as the final goal of humanity, as a guide for our efforts and as a safeguard against those illusions from which our self-esteem has so much difficulty in defending itself (Savigny, 1855, XXII, *my translation*).

Savigny explains here the kind of virtues the perfect legislator should have, while recognizing that the concentration of all these virtues in one person is simply impossible. This embodiment of the *Volksgeist* may be impossible in a single individual, but a collectivity could synthesize all these virtues to a much higher degree than a single individual. For Savigny,

this collectivity is the community of sages, romanists and other jurists, even when their views are in conflict:

The individual nature of minds and the variety of their directions will always create enough difference; the simultaneous action of so many diverse forces constitutes the life of science, and those to whom they have fallen should consider themselves as workers, all working on the same building (Savigny, 1855, XVIII, *my translation*).

The common edifice is that of the law. Savigny expresses here a vision familiar to Burke, that of the synergy of individuals between generations in a project that structures them as a community. For Burke, the representatives of the spirit of the English political system were the natural aristocracy, the wise statesmen; for Savigny, they are the wise jurists of Roman law. Roman law was not unknown to Burke, just as the empiricist spirit of the British common law was not unknown to Savigny. In both cases, a timeless collectivity of sages is created, which we can only equate with Bernard of Chartres' (ca. 1070/1080-1124/1130) medieval image of the dwarf standing on the shoulders of a giant (*nani gigantum humeris incidentes*<sup>12</sup>), in a way that the dwarf who can see further than the giant. A typical use of this epistemological model is made by Pascal<sup>13</sup> :

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<sup>12</sup> Cf., Rémi Brague, *Europe, la voie romaine*, Paris, Critérium / folio essais, 1992, « Nanisme et nostalgie », p. 129-132.

<sup>13</sup> Blaise Pascal, *Œuvres Complètes*, II, *Œuvres diverses (1623-1654)*, Paris, Desclée de Brouwer, 1970, *Fragment de préface pour un traité du vide* (1651). However, Kant associates this logic with heterogony in the third proposition of his *Idea for a Universal History from a cosmopolitical point of view* (1784): "It always remains strange here: that the older generations only seem to do their laborious business for the sake of the later ones, namely to prepare a step for them, from which they could bring the building, which nature has intended, higher; and that nevertheless only the latest ones should have the luck to live in the building, on which a long series of their ancestors had worked (admittedly without their intention), without being able to take part in the luck, which they prepared" (*my translation*). Immanuel Kant, *Politische Schriften*, Wiesbaden, Springer

It is in this way that we can today take on other sentiments and new opinions without contempt and [...] without ingratitude, since the first knowledge they gave us served as degrees to ours, and in these advantages, we are indebted to them for the ascendancy we have over them; because, having risen to a certain degree to which they have brought us, the least effort makes us rise higher, and with less trouble and less glory we find ourselves above them. It is from there that we can discover things that were impossible for them to see. Our sight is more extensive, and, although they knew as well as we do all that they could observe of nature, they did not know as much about it, and we see more than they did (Pascal, 1970, 781, *my translation*).

In his introduction to the treatise on vacuum, Pascal distinguishes the sciences based on authority from those based on experimental research. In the former, ancient knowledge such as theology and morality are the most complete, because they are related to the word of the prophets and Moses. In the latter, as in the case of the study of the nature of the vacuum, individual intelligence is sufficient to invalidate all the ancient voices of authority that contradict the results of experimentation. Pascal applies the epistemological model of the continuity of generations of sages to the second category of sciences, those in which the younger ones know more than the older ones thanks to the work of the latter. It is obvious that for the Historical School, positive law is among the natural sciences. Thus, if the *Volksgeist* is a mysterious “creature of law”, its work is that of a community of wise men who consciously build up the political and legal edifice of a nation over several generations, serving as links to the same chain. Beyond the differences in approach to law, all those who

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Fachmedien, 1965, “*Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*”, p. 12-13.

participate in this dialogue in the service of their own positions are in fact the subject that produces positive law.

Savigny mentions neither Cicero nor Burke as the ancestor and founder of the Historical School. But both Cicero and Burke, emblematic thinkers of antiquity and modernity respectively, clearly expressed the idea that political order was the product of the historical collectivity of scholars and prudent men, not of one. Also quoting Cicero, Leo Strauss accuses Burke of this conception of political order. Cicero's accusation against Plato, which Burke takes up in his argument against the "philosophers of Paris", is already well known. Socrates, the great Athenian philosopher, walking in Piraeus, suddenly found himself in a house of friends who were discussing justice, and on the basis of the *logos*, he presented them with the ideal political regime. This is not the way states are constituted, argues Cicero. The best possible constitutions are made only by the cooperation of many wise and prudent men who draw from the historical experience of their people and their city the practical rules of organization and the principles of law best suited to their political society.

In another book, Plato presents yet another model for the creation of laws: in the first sentence of his eponymous work, he argues that the gods gave the laws to human cities (*Laws*, 624a1-5), and that laws are therefore of divine origin. Strauss commented on the relationship between the prophet and the philosopher-king of Plato in a 1935 work of his relating Law to philosophy<sup>14</sup>. For him, the relationship between the prophet and the philosopher, and even the affinities between the greatest prophet of all, Moses, and the greatest philosopher of all, Plato, is obvious<sup>15</sup>: "*Der Prophet als Philosoph-Staatsmann-Seher(-Wundertäter) in einem ist der Stifter des idealen Staates*" (Strauss, 1935, 117). Thus, when Strauss attacks Burke and Cicero, he in fact turns Mosaic law against

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<sup>14</sup> Leo Strauss, *Philosophie und Gesetz*, Berlin, Schocken, 1935, p. 117-122.

<sup>15</sup> On the differences between the Mosaic and Platonic approaches to the spirit of legislation, see, Panagiotis Christias, *Platon et Paul au bord de l'abîme. Pour une politique katéchontique*, Paris, Librairie Philosophique J. Vrin, 2014, « Orthodoxie, orthodoxie, procédure », p. 297-341.

Roman law, revealed law against historically founded law. In Strauss's words, Jerusalem and Athens rise up against Rome. Reason and revelation form an alliance against the voice of history, the historically founded prudence. According to Strauss' line of defense, law is born independently of historical experience, either from divine revelation or from philosophical reason. It is in both cases eternal and unhistorical, based on universal principles. Peoples and nations are only passive receivers and are shaped according to the law they have accepted and adopted.

A similar theory of the legislator is developed by Jean-Jacques Rousseau in the *Social Contract*<sup>16</sup> (II, 7). In the paragraph entitled "Of the legislator", Rousseau consciously and clearly differentiates the wisdom of the legislator from the prejudices and ignorance of his people:

In order to discover the best and most convenient social rules for nations, it would be necessary to have a superior intelligence that would see all the passions of men, and that would not experience any of them; that would have no connection with our nature, and that would know it thoroughly; whose happiness would be independent of us, and yet would be willing to take care of ours; finally, that, in the progress of time, would be able to work in one century and enjoy in another. It would take gods to give laws to men (Rousseau, 1964, *ibid.*, *my translation*).

Rousseau realizes that a single person is unable to carry out the legislative task because he would need to have the experience of hundreds of individuals and several generations. That is to say, his experience would have to extend to the consciences of other individuals as well as of other historic periods. As such an individual does not exist, the conclusion that gods are necessary to give laws to humans cannot be excluded as long as Rousseau does not pose any timeless

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<sup>16</sup> Jean-Jacques Rousseau, *Œuvres complètes*, Tome III, *Du Contrat social – Écrits politiques*, Paris, Gallimard – Bibliothèque de la Pléiade, 1964.

collective subject. But Rousseau supposes that this kind of legislator actually existed in the person of Lycurgus, Solon and Numa. He thus joins the theory of Machiavelli's *Prince*, of the extraordinary statesman and founder of empires, which will be taken up by Max Weber in his theory of "charismatic power":

The legislator is in every respect an extraordinary man in the State. If he must be so by his genius, he is no less so by his job. It is not magistracy; it is not sovereignty. This office, which constitutes the republic, is not part of its constitution; it is a particular and superior function which has nothing in common with human empire; for if he who commands men must not command laws, he who commands laws must not command men either: otherwise, these laws, ministers of his passions, would often only perpetuate his injustices; he could never prevent particular views from altering the sanctity of his work (Rousseau, 1964, *ibid.*, *my translation*).

The legislator must therefore be either outside the law or outside the people. This is essentially the meaning of the separation between the legislator, who is "the mechanic, the inventor of the machine", and the ruler, who is "the craftsman who assembles it and puts it into operation". I should note that neither Cicero nor Burke and Savigny would agree with this distinction. The "machine of government" is built by political practice, which adapts it to concrete circumstances, makes it evolve, and perfects it. To escape the dilemma of the godlike legislator, Rousseau argues that the value of great legislators, like Moses and Mohammed, is demonstrated by the success of their mission:

This sublime reason, which rises above the reach of vulgar men, is the one whose decisions the legislator puts in the mouths of the immortals, to lead by divine authority those whom human prudence could not shake. But it does not belong

to every man to make the gods speak, nor to be believed when he announces himself to be their interpreter. The great soul of the legislator is the true miracle that must prove his mission. Any man can engrave stone tablets, or buy an oracle, or pretend to have a secret deal with some deity, or train a bird to speak in his ear, or find other crude ways to impose on the people. He who knows only this may even assemble by chance a company of fools: but he will never found an empire, and his extravagant work will soon perish with him. Vain prestiges form a temporary bond; only wisdom can make it durable. The Judaic law, which is still in existence, and that of Ishmael's child, which for ten centuries has governed half the world, still announce the great men who dictated them; and while the proud philosophy or the blind spirit of party sees in them only happy impostors, the true politician admires in their institutions that great and powerful genius which presides over lasting establishments (Rousseau, 1964, *ibid.*, *my translation*).

It is thus evident that Rousseau, although he understands the superhuman difficulty of the legislative act, and although he accepts no other legislative body than the people, denying specifically representation, he understands the constituent act as the act of an individual. A people can give itself neither laws nor political machinery, but an intelligent and skillful legislator can transmit his legislation to the people. According to Rousseau, Moses invented the laws for the Jewish people, but for the Jews to believe in them, he would have told them that these laws had been given to them by God. Moses is thus for Rousseau a successful Plato. However, Rousseau, unlike Plato, recognizes that not all laws are accepted by all people. He accepts, in other words, the need for historical differentiation of legislative systems, even if his own constitutional designs for different peoples such as Corsica or Poland do not conform to Corsican or Polish mores, but to the



inviolable transcendental principles that govern the social contract. We do not need to have the historical experience of generations behind us, we only need to consider and legislate according to natural reason.

We can see to what extent this position of Rousseau, which expresses here the hard rationalist line of the Enlightenment, is opposed to the logic of Savigny, and that of “dwarfs on the shoulders of giants”. The logic underlying the epistemological paradigm of jurisprudence (*juris prudentia*), which Edmund Burke elevates to the epistemological model of political philosophy, is illustrated by Savigny in the last paragraph of his work on the Roman legal system:

A reflection must reassure us against the feeling of our weakness. It is not imposed on man to know and to show the truth in all its purity: it is still serving his cause to prepare the ways for it, to enlighten the essential points, to point out the absolute conditions of its triumph, and to make accessible to our successors the goal that we have not been able to reach. I also assure myself in conscience that I have deposited in my book fertile seeds of truth that others will one day bring to fruition, and it does not matter that the richness of this development hides the principle and makes it forgotten. The individual work of man is perishable like man himself under his visible appearance; but the thought will not perish: it is it which, transmitted from generation to generation, unites the servants of science in a vast community, where the smallest part of the individual finds an immortal duration. September 1839 (Savigny, 1855, XLVI-XLVII, *my translation*).

I call this model of social synergy for the production of the institutional whole “jurisprudential” and contrast it with the “heterogenic” model of “heterogony of purposes”.

### iii. Heterogony of purposes: History, politics, Law, economy

However, as I mentioned before, Leo Strauss does not simply criticize Burke for preferring a historical, timeless and collective subject as legislator. He criticizes him mainly because he would argue that the legislative function is not the result of a conscious act or a combination of conscious acts, but the product of contingency. Indeed, when Strauss speaks of a “Historical” School, he is thinking of Hegel, to whom he refers, rather than Savigny. The mechanism of collective action that he invokes, wrongly in my opinion, is not that of the collective caution of dwarfs on the shoulders of giants (*nani gigantum humeris insidentes*), but that of the heterogony of purposes (*Heterogonie der Zwecke*):

Accordingly, the sound political order for him, in the last analysis, is the unintended outcome of accidental causation. He applied to the production of the sound political order what modern political economy had taught about the production of public prosperity: the common good is the product of activities which are not by themselves ordered toward the common good (Strauss, 1953, 314-315).

Strauss refers here to the most famous principle of Adam Smith’s liberal political economy, the *invisible hand*, which is cited in two different works by the Scottish philosopher. Here are the relevant excerpts:

The produce of the soil maintains at all times nearly that number of inhabitants which it is capable of maintaining. The rich only select from the heap what is most precious and agreeable. They consume little more than the poor, and in spite of their natural selfishness and rapacity, though they mean only their own conveniency, though the sole end which they propose from the

labours of all the thousands whom they employ, be the gratification of their own vain and insatiable desires, they divide with the poor the produce of all their improvements. They are *led by an invisible hand* to make nearly the same distribution of the necessaries of life, which would have been made, had the earth been divided into equal portions among all its inhabitants, and *thus without intending it, without knowing it, advance the interest of the society*, and afford means to the multiplication of the species<sup>17</sup> (*my emphasis*).

But the annual revenue of every society is always precisely equal to the exchangeable value of the whole annual produce of its industry, or rather is precisely the same thing with that exchangeable value. As every individual, therefore, endeavours as much as he can both to employ his capital in the support of domestic industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it. By preferring the support of domestic to that of foreign industry, he intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, *led by an invisible hand* to promote an end which was no part of his intention. Nor is it always the worse for the society that it was no part of it. *By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it.* I have never known much good done by those who affected to trade

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<sup>17</sup> Adam Smith, *Theory of Moral Sentiments* (1759), IV, I.

for the public good. It is an affectation, indeed, not very common among merchants, and very few words need be employed in dissuading them from it<sup>18</sup> (*my emphasis*).

In the two passages where he refers to the “invisible hand”, Smith emphasizes two essential features: (a) the “interest of society” is most effectively promoted when the economic and social partners are concerned with their own individual interest rather than the collective one, and (b) the promotion of the common good, the social interest, is done not only without their intention, but also without their knowledge. Strauss writes about another formulation of this principle, in the “cunning of reason” (*List der Vernunft*) in Hegel’s *Philosophy of History*.

The good order or the rational is the result of forces which do not themselves tend toward the good order or the rational. This principle was first applied to the planetary system and thereafter to “the system of wants”, i.e., to economics (Strauss, 1953, 315).

Strauss thus refers to the Hegelian “historical school” rather than that of Savigny’s: “What is needed is not ‘metaphysical jurisprudence’ but ‘historical jurisprudence’. Thus, Burke paves the way for “the historical school” (Strauss, 1953, 316). Indeed, he does not refer to Savigny’s *romanist* School of law, as the reference to “historical jurisprudence” suggests, but explicitly to paragraph 189 of Hegel’s *Philosophy of Law* (Strauss, 1953, 315, n. 100). Hegel incorporates the two features underlying Smith’s moral-economic principle of the “invisible hand” into his system of world history and thus into that of the evolutionary progression of law towards the complete implementation of the principle of individual freedom, which is none other than the French

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<sup>18</sup> Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (1776), Book IV, Ch. II.

Revolution's *Declaration of the Human Rights*. Thus, paradoxically, Strauss implicitly but clearly accuses Burke of a logical contradiction: the "historical" (heterogonic) method he favors is incompatible with the results he wishes to obtain, namely the condemnation of the spirit of the revolution of 1789. The reason is simple. Hegel, following the same "historical" (heterogonic) method, correctly demonstrates that the law of liberty promoted in 1789 is the natural conclusion of all reasoning based on the "historical" method. Of course, this accusation of theoretical inconsistency and logical inconsequence in Burke's method rests on Strauss's rejection of the true epistemological paradigm that Burke follows, namely the jurisprudential paradigm of the "dwarf on the shoulders of giants", which happens to be the theoretical basis of the historical method of the Romanists. In contrast, Strauss interprets Burke in accordance with the heterogony of purposes paradigm. If the first paradigm is based on the Aristotelian logic of prudence as a practical philosophy, the second is based on the secularized notion of Divine Providence and its origin reflects Pascal's fragment on the misery and greatness of Man.

As Albert Hirschman<sup>19</sup> has shown, the principle of heterogony has its origins in the theological thought of Pascal and in the circles of the Jansenists of Port Royal, notably Pierre

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<sup>19</sup> Albert O. Hirschman, *The Passions and the Interests. Political Arguments for Capitalism before its Triumph*, Princeton, Princeton University Press, 1977, "Repressing and Harnessing the Passions", p. 14-20. Hirschman also mentions Giambattista Vico and Bernard of Mandeville as precursors of destructive passions turning into beneficial contributions to civil happiness. See Hirschman's quote from Vico's *Scienza nuova* (par. 132-133): "Out of ferocity, avarice, and ambition, the three vices which lead all mankind astray, [society] makes national defense, commerce, and politics, and thereby causes the strength, the wealth, and the wisdom of the republics; out of these three great vices which would certainly destroy man on earth, society thus causes the civil happiness to emerge. This principle proves the existence of divine providence: through its intelligent laws the passions of men who are entirely occupied by the pursuit of their private utility are transformed into a civil order which permits men to live in human society".

Nicole. Pascal's «hidden God» is also linked to the principle of liberal economic thought by another researcher, Jean-Claude Perrot<sup>20</sup>, who refers to all the formulations of this principle from the 17<sup>th</sup> to the 18<sup>th</sup> century. Thus, Adam Smith's "invisible hand" can be traced back to Bernard de Mandeville's innkeeper, Pierre Nicole's lodger and Pierre de Boisguilbert's barkeeper. Pascal's original idea of the greatness and misery of Man, the «incomprehensible monster», is not just about individual human beings. This expression does not mean that some individuals of the human race are good and others are bad. It does not even mean that the same individual can behave like a saint today and like a beast tomorrow. The human being is structurally an incomprehensible in a monstrous way because, through his actions in the service of his monstrous passions, he manages to form a socio-economic order in which he can find at least earthly happiness. This quotation from Pierre Nicole's lodger is characteristic<sup>21</sup> :

There is no one, therefore, who does not have very great obligations to the political order, and to understand this better, it is necessary to consider that men, being empty of charity through the derangement of sin, are nevertheless full of needs, and are dependent on one another in an infinite number of things. *Greed has therefore taken the place of charity* to fill these needs, and it does so in a way that is not sufficiently admired, and where common charity cannot reach. For example, almost everywhere you go in the country, you find people who are

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<sup>20</sup> Jean-Claude Perrot, *La Main invisible et le Dieu caché* in J. C. Galey, *Différences, valeurs, hiérarchie. Textes offerts à Louis Dumont*, Paris, Éditions de l'EHESS, 1984, p. 157-181 ; Reedited in Jean-Claude Perrot, *Une histoire intellectuelle de l'économie politique. XVII<sup>e</sup>-XVIII<sup>e</sup> siècle*, Paris, Éditions de l'EHESS, 1992, « La Main invisible et le Dieu caché », p. 333-349.

<sup>21</sup> Pierre Nicole, *Essais de morale*, Paris, PUF, 1999, « De la grandeur », ch. VI, p. 213. See also, E. D. James, *Pierre Nicole, Jansenist and Humanist. A Study of his thought*, The Hague, Netherlands, Martinus Nijhoff, 1972, Part five: "Social and political theory", p. 137-162.

ready to serve those who pass by, and who have lodgings all prepared to receive them. They are disposed of as they please. One orders them, and they obey. They believe that they are pleased to accept their service. They never apologize for rendering the assistance they are asked for. What would be more admirable than these people, if they were animated by the spirit of charity? It is greed that makes them act, and they do it with such good grace that they want us to attribute to them the favor of having used them to render us these services (Nicole, 1999, 213, *my translation, my emphasis*).

This is the very definition of the heterogony of purposes: each one following his own desires, needs and inclinations and his own objectives ends up producing the common order. If one did not know the institution of money, if one did not know the institution of the economy, the system of needs”, the unspoken law of give and take, if one did not know self-interest, the interest of money and profit, he would think that people in the countryside offering their services to passers-by do all this out of christian charity. Pierre Nicole’s conclusion is the definition of heterogony: by doing what people do out of self-interest, they end up doing what they should do out of charity. When each individual serves his own need, his actions create a higher order in which he ultimately promotes the common interest and the good of all. The two opposing tendencies of classical political thought, self-interest and common interest, are now reconciled in the order of modernity, and not only are they not mutually exclusive, but they help each other: the common good cannot be produced without the help of private and selfish interest. This is what the following quote from Pierre Nicole says<sup>22</sup>:

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<sup>22</sup> *Idem*, “De la charité et de l’amour propre”, p. 381-415, ch. 2, « Comment l’amour-propre a pu unir les hommes dans une même société », p. 383-386.

Some try to make themselves useful to the interests of the one they need, others use flattery to win him over. One gives to obtain. This is the source and the foundation of all the trade that is practiced between men, and which diversifies in a thousand ways. For one does not only trade in goods which one gives for other goods or for money, but one also trades in work, services, assiduity, and civility; and all this is exchanged, either for things of the same nature, or for more real goods, as when by vain indulgences one obtains effective conveniences.

Thus, by means of this trade, all the needs of life are in some way met, without charity interfering. So that in states where it has no entrance, because true religion is banished, one does not fail to live with as much peace, safety and comfort, as if one were in a republic of saints (Nicole, 1999, 384-385, *my translation*).

The tone of the discourse of the above-mentioned thinkers could be described as theological or political-theological. This is quite clear in Vico and Pascal. Regarding the others, it is descriptive, they simply observe human affairs. On the contrary, according to Burke and Savigny, there is a definite class of people who consciously produce the law and the legal order. What is the subject that produces the political order in England? It is the class that Burke calls “the gentlemen of prudence”, a term that refers to the English nobility who, bound by the unwritten constitution and tradition, ensure the prudent and consistent continuity of the English legal-political order. The same applies to Savigny. The subject of the production of law is the community of wise “Romanists”, that is, jurists specializing in Roman law, and jurists in general. This is in sharp contrast to the principle that law is produced by the “general will” (Rousseau) or the people. How would general will produce law? Following what process? According to Strauss’s interpretation of Burke, as I have suggested, just as an invisible principle produces equilibrium in markets, so



the *general intellect* of a people produces positive law. Strauss' view is an application of heterogony to politics and law. And he bases his conviction on Hegel's philosophy of History, which is also found in Kant. The following passage from the opening of the *Idea for a Universal History from a Cosmopolitan Perspective*<sup>23</sup> (*Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*) clearly shows the German philosopher's attempt to make history a field for the unconscious unfolding of the institutions of freedom, expressing in his own way the principle of heterogony of ends:

Individual human beings and even entire peoples give little thought to the fact that they, by pursuing their own ends, each in his own way and often in opposition to others, unwittingly, as if guided along, work to promote the intent of nature, which is unknown to them, and which, even if it were known to them, they would hardly care about. [...] The only option for the philosopher here, since he cannot presuppose that human beings pursue any rational end of their own in their endeavors, is that he attempts to discover an end of nature behind this absurd course of human activity, an end on the basis of which a history could be given of beings that proceed without a plan of their own, but nevertheless according to a definite plan of nature (Kant, 2006, 3-4).

This passage contains the principle of Hegel's philosophy of history, which Strauss identifies with the German Historical School. But where Kant hypostasizes Nature, speaking of a "concrete plan of Nature" that men follow without their

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<sup>23</sup> Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, Edited and with an Introduction by Pauline Kleingeld. Translated by David L. Colclasure with essays by Jeremy Waldron Michael, W. Doyle, Allen W. Wood, New Haven and London, Yale University Press, 2006. For the German text, see, Immanuel Kant, *Politische Schriften, op. cit.*, p. 9-24.

knowledge, Hegel hypostasizes Reason<sup>24</sup>. According to Hegel's philosophy of History, the passions are the means that reason uses to create free human societies. In this lies the "cunning of Reason" (*List der Vernunft*), "which lets the passions act on its own behalf" (Hegel, 2006, 141). Reason, or "the universal idea", "does not engage in conflicts and battles, is not exposed to dangers, but remains unassailable and untouched at the back" (Hegel, 2006, 141). To do this, it uses the stormy human passions, especially those of "historical" individuals, the great Men who have marked the universal history of humanity, such as Alexander the Great, Julius Caesar or Napoleon (Hegel, 2006, 139), to promote freedom in History. History is understood as the field of the deployment of political freedom, individual and collective, conceived by Reason itself. This project consists in diverting the torrent of passions towards the river of freedom. In other words, while one might think that the passions express the senseless purposes of the acting subjects, in fact their work serves, without the knowledge or intention of the subjects of the passions, the purpose of Reason. Hegel's "cunning of Reason" is thus also an expression of the heterogony of purposes, applied to the production of the institutions of political freedom through the deployment of the unbridled passions of the protagonists of history. It concerns "the fact that these historical individuals and peoples, by their vitality, by demanding and satisfying something of their own, are at the same time the means and instruments of a higher and ultimate purpose, which they ignore and unconsciously realize" (Hegel, 2006, 133).

#### iv. Conclusion

Leo Strauss lends Burke this Hegelian expression of heterogony as an example of the historical-empirical collective production of political institutions. This correlation between

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<sup>24</sup> Hegel, *Ο Λόγος στην ιστορία [Reason in History]*, Introduction, Translation and Commentaries by Panagiotis Thanassas, Μεταίχμιο, Αθήνα, 2006, «Τα μέσα της πραγμάτωσης: τα πάθη» [*"The means of realisation: the passions"*], p. 128-146.

Hegel and Burke, as I have already shown, is not valid. On the contrary, Burke can rightly be considered the founder of Savigny's Historical. Savigny characteristically writes:

The individual work of Man is perishable like Man himself in his visible appearance; but thought will not perish: it is thought which, transmitted from generation to generation, unites the servants of thought in a large community, where the smallest part of the individual finds an immortal duration (Savigny, 1855, XLVII, *my translation*).

The work of individuals is lost, as well as individuals themselves, but not their thought, which is inherited from generation to generation and unites all scientists in a vast scientific community. This community is the *subject* that produces positive law, codifying reality. This is Burke's view, and it is an expression of the jurisprudential paradigm, not of the heterogony of purposes. In conclusion, if there is a collective production of law, there does not necessarily follow the principle of heterogony of purposes. Those who produce law, although they are unknown members of a great scientific community, of a community of sage and prudent men, do so consciously: they aim at the general good. They are, of course, in constant interaction with the society in which they live and whose law they shape, but this is not enough to believe in an accidental production of law. Both Burke and Savigny prefer the historical method because there is no end to the great minds and lawmakers of humanity, no end to the needs of humanity, no end to the new problems that are created by the technical and cultural progress of humanity. Therefore, law must not be a closed system, it must remain open so that it can grow, develop, mutate, and change.

One could also wonder if there is not yet another preoccupation in Strauss' mind: could Burke turn Aristotle against Plato? Aristotle wrote textbooks like the constitution of Athens and his school, the Lyceum, was known for its research on constitutions of cities and kingdoms of his time and he did speak the first of "prudence of the city" (*φρόνησις πόλεως*) in

his *Politics*. Given the importance of *the* philosopher for Maimonides and for the Medieval thinkers, one could wonder if Strauss' real problem is not the forging of an alliance between Burke, Aristotle and Cicero against Plato and Moses. This would have given a new perspective on another kind of historicism, based on the paradigm of the "dwarfs on giants' shoulder".



## The logical status of history and the paradoxes of historicism

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**Abstract:** Much of the philosophical project of Leo Strauss involved an attempt to restore pre-modern philosophy, yet the impetus for the reconsideration of the interpretative textual methodologies was undeniably of a modern complexion. Strauss not only took historicism as a threat to philosophy, as it replaced philosophic questions with historical questions, but also as a source for the intellectual crisis of the West. Over and above 20<sup>th</sup>-century political crisis there was an intellectual crisis, not unrelated to the belief in the mutability of values, in moral relativism resulting in a kind of nihilism. In a nutshell, historicism, in assuming that all human thought is historical, rejected the idea of philosophy as the attempt to grasp fundamental problems coeval with human thought – a rejection that ultimately amounts to a full critique of human thought as such. In his massive work, in both his historical and his strictly philosophical writings, Strauss pursued the restoration of political philosophy as a meaningful and urgent enterprise.

**Keywords:** Historicism, Contextualism, Decontextualism, Relativism, Critique of Historicism, moral universalism, political philosophy

### Modernity's flight from scientific reason

Strauss' argued that the Western world was facing an intellectual crisis essentially connected with moral relativist theories brought about through social science positivism in the universities and historicism or the historical approach in philosophy. The political crises of the twentieth century culminating in Nazism and the Holocaust, Soviet totalitarianism, the Cold War, the threat of nuclear annihilation, were paralleled by a perceived crisis in philosophy. Crisis in the political can be seen as a profound intellectual crisis, reflected in (a) the positivist claim that the only knowledge achievable is scientific knowledge and that there is a fundamental difference between facts and values – only factual judgments are within the sphere of rational inquiry. Positivists in effect announced the death of political philosophy “for political philosophy is the attempt truly to know both the nature of political things and the right, or the good, political order”; In rendering political philosophy incredible, Positivism represented a political threat, in that it undermined the confidence of the West in itself and ignited a fatal flight from rationalism; and (b) in historicist rejection of the possibility of political philosophy, “because of the essentially historical character of society and of human thought”.<sup>1</sup> So, to the extent everything originates from historical exigencies, constraints and accidentalities, historicism like positivism lead to a kind of relativism. There can be no knowledge of a truly good society, or of right and wrong in ethics and politics (the so-called value relativism). It was largely a mental and spiritual crisis as it was a crisis of the Western world. The supreme goal of scholarship is the pursuit of truth, but modern scholarship has been submerged in a project of unveiling social causes the goodness of which it confessedly cannot judge. This intellectual crisis mirrored by political nihilism undermined faith in humanity and endangered humanity's own survival in the long run. Today,

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<sup>1</sup> Strauss, *What is Political Philosophy? And Other Studies*, Glencoe, IL: The Free Press, 1959, pp. 6 and 23.

in the aftermath of Russia's brutal invasion of Ukraine, where the dark face of militarist totalitarianism unveils, spreading darkness and the fear of a totally disastrous nuclear war, Strauss' recovery of the potential of political philosophy, his political epistemology, along with his political studies and commentaries, are just as relevant as they were in his times.

Historicism, shifting from hermeneutic and deductive interpretative schemes, claims that any given political thought is historically constituted, i.e., intensely particularized and fragmented responses shaped by problems that have been posed for theoretical inspection during a certain era. The historian of ideas must be ready to acknowledge that historical-social-empirical contexts are isolated compartments, encapsulated in historical episodes, and by now evaporated into thin dust. Thus, the historian of ideas in the age of modernity is effectively an antiquarian, an archaeologist of unit ideas, confronted with an indefinite variety of relativist notions of right or justice rather than universal standards. There are no recurrent questions and issues presented to a theorist, no perennial, transtemporal, timeless philosophical or moral questions to be investigated, because the political assumptions, e.g., which unite Marsiglio and Bodin are totally different from Rousseau who was writing in the context of the rise of modern national states. Historical *development*, or the idea of progress, defined the limits of a historian's perspective in encountering the past. Historicism, in its more extreme version, of the kind Quentin Skinner originally deployed, even denies microscopic "continuities", in the form of the residue of the past in the present.<sup>2</sup> There is no self-illuminating text, i.e. detached from the social, economic, linguistic, and political conditions and conventions out of which it evolved. As a result, the history of political theory must be written essentially as a history of ideologies – "ideology" being the primary object of study for the historian of political thought. Under this ultra-reductionist light, it is the context of a text that determines its meaning, the

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<sup>2</sup> See Wood Neal, "The Social History of Political Theory", *Political Theory*, 6, 1978, pp. 345-67.; Cary J. Nederman, Quentin Skinner's State: Historical Method and Traditions of Discourse, *Canadian Journal of Political Science*, 18, 1985, pp. 339-52.

conditions that supposedly brought the text into being. What a historian of political ideas can attain, is, at best, primarily an understanding of the historicized-contextualised meaning of a given text, nothing more, nothing less. And that's the highest purpose a theorist can credibly accomplish: to grasp the allegedly embodied meaning in a given text, reducible to its immediate determinative or originative circumstances, never wavering as to the causal connection between ideas and contexts. Such a purpose can be achieved only by reconstructing contexts rather than assume any constancy or continuity between past and contemporary ideas and ways of thinking.

A theoretical rationale for the “rapprochement between philosophy and history” –reinforcing the historicist apparatus that immediately preceded Strauss, albeit oscillating between early idealism and the paradoxes raised by Michael Oakeshott (1901-1990) in his *Experience and Its Modes* (1933) –, is provided by Robin Collingwood (1889-1943), who in his *Autobiography* rigorously denied the “permanence of philosophical problems”. Collingwood encountered the hurdles of Oakeshott's sweeping analysis of history as a way or ‘mode’ of seizing experience. History, said Oakeshott, as a mode of understanding is defective; is neither the beginning nor the end of knowledge because any assumptions are epistemologically revealed to be arbitrary and conditional. Oakeshott denied the credibility of any method designed to facilitate the recovery of the *intentions* of past authors – temporal discontinuity imposes unsurpassed cognitive obstacles. The historian just infers events and circumstances derived from individual present awareness and from present evidence of a past which no longer exists, out of one's immediate experience. Oakeshott proclaimed that the historical past is dead, not “living in the present”, and that any attempt to revive it would be not history but “a piece of obscene necromancy”.<sup>3</sup> For Collingwood, however, history is “a living

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<sup>3</sup> Oakeshott Michael, *Rationalism in Politics and Other Essays*, London: Methuen, 1962, p. 166. *Experience and its Modes*, Cambridge: Cambridge University Press, 1933, 102. See also, *Lectures in the History of Political Thought*, ed. Nardin Terry, and O'Sullivan Luke, Exeter, 2006.



past, a past which, because it was thought and not mere natural event, can be re-enacted in the present and in that re-enactment known as past”.<sup>4</sup> In effect, what Collingwood asked is: how is it possible to understand the thoughts of any historical actor, thinker or agent, who lived in a distant past? Collingwood indeed never achieved a coherent synthesis as to the question of the logical status of history (as his thought alternates between the identity and the distinctiveness of historical and philosophical thinking), yet his account of re-enactment paved the way for the radical conversion of the historicist approach subsequently developed by the Cambridge School led by Quentin Skinner, John Dunn, Keith Thomas, and John Pocock amongst others, who took inspiration from a prior generation of Cambridge historians, such as Herbert Butterfield and Peter Laslett. History proper, is the history of mind as distinguished from ‘natural history’ and the subject-matter of history is understood as a science of the mind, i.e., its subject matter is actions understood as doings of human beings in so far as they are rational (embedded in rational thinking). Hence, all history is the history of thought. An action’s meaning is to be discovered in a re-enactable syllogism, and through it we may reach a point where the meaning of a text is not different for each generation of interpreters because we are able to see the world entirely from a past philosopher’s point of view. Intergenerational consensus about ‘the meaning’ requires that we temporarily suspend our own epistemic and motivational premises to fully understand the inferential processes that guide thinkers with radically different mindsets and beliefs. Historians require active critical thinking, and that means “re-thinking past thoughts” by means of a “re-enactment in the historian’s own mind” or “the re-enactment of past reflective thought”, and that in turn requires an active and autonomous historical imagination based on scrutiny of source-evidence.<sup>5</sup>

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<sup>4</sup> Collingwood, R. G., *The Idea of History*, Oxford University Press [1946], 1994, 158.

<sup>5</sup> Strauss, “On Collingwood’s Philosophy of History”, *The Review of Metaphysics*, 4, 1952, pp. 559-586.

## Encountering historicism

In the early 1950s Strauss tried to expose the logical weaknesses of historicism, which he understood as an existential threat to liberal democracy and a potentially massive disruption of human civilization. Over a span of several decades Strauss demonstrated in huge works the vigour of an interpretative approach that sought to revitalize, if not to regenerate, political philosophy. Space limitations granted, what follows is just a synopsis of his major arguments that exposed the logical, ontological, and broadly theoretical weaknesses of historicism.

First and foremost, Strauss argued that political philosophy is not a historical discipline. A sense of history is not an integral part of philosophy itself. Philosophical questions vis-à-vis historical ones are fundamentally different, because the latter always concern individuals, i.e., distinct groups, persons, achievements, or even single civilizations. Consequently, “political philosophy is fundamentally different from the history of political philosophy itself”. Past thought is somehow always present, and therefore the “questions raised by the political philosophers of the past are alive in our own society”.<sup>6</sup> What is the usefulness of studying history then? A history of philosophy is useful only in that it may make one familiar with the way in which certain philosophical views have come to be developed and formed. Yet there always remained the distinction between how those views evolved and whether they could prove *valid*. Historical knowledge is at best only auxiliary and preliminary to political philosophy and by no means an integral part of it. It is exactly value relativism, which Strauss identified as the intellectual crisis of the time, that led to the “crisis of political philosophy” – the loss of continuation of the tradition of classical political philosophy, the loss of the meaning of studying the ancients who represented the quest for universally valid standards. In this way, Strauss’ legacy

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<sup>6</sup> “Political Philosophy and History”, *Journal of the History of Ideas*, 10, 1949, pp. 30-50, at p. 213 and 215, reprinted in King Preston, ed., *The History of Ideas*, London: Croom Helm, 1983, pp. 213-232. All references are to this book.

consists of reopening the fundamental questions of political philosophy. In other words, Strauss believed that there are historical problems and philosophical truths which are transhistorical, enduring and fundamental. His exercise in the history of ideas involved understanding the past, but his ultimate goal was to attain a genuine philosophical understanding per se, independent of historical accident and not subject to change.

Thus Strauss sets out to confront the relativistic outlook in the history of philosophy, and in doing so he provides an assault upon the crucial logical weaknesses of historicism. His major counterarguments or critique against historicism are already present in both his early “Political Philosophy and History” (1949) and in the first chapter of *Natural Right and History* (1953).

(a) In the pyramid of the paradoxes of historicism (came to be known as contextualism) lies a fundamental incoherence for if historicism is projected as a method or an interpretational principle or a doctrine it should necessarily be self-tested. To wit, if historicism could be legitimately elevated to the status of the true or appropriate method of reading and interpreting past ideas (i.e., to a methodological universal), then, to be consistent with itself, it should apply the same principle to itself, to its major conceptual and epistemological components. In this way, it logically follows that radical historicism is fundamentally a product of its own context and if projected as a universal interpretative method must yield an intrinsic incoherence. Historicism is “true” in its own context and that implies that it cannot always be truly true.

“Historicism is not a cab which one can stop at his convenience: historicism must be applied to itself. It will thus reveal itself as relative to modern man; and this will imply that it will be replaced, in due time, by a position which is no longer historicist. Some historicists would consider such a development a manifest decline. But in so doing they would ascribe to the historical situation favourable to historicism an

absoluteness which, as a matter of principle, they refuse to ascribe to any historical situation.”<sup>7</sup>

(b) The “historicist thesis is self-contradictory or absurd”, since one cannot assert “the historical character of ‘all’ thought – that is, of all thought *with the exception* of the historicist insight and its implications – without transcending history, without grasping something trans-historical”. To put it simply, any historicist claim involves history and any attempt to understand past history is by implication trans-historical. Temporality does not exist in a historical vacuum; the concept itself presupposes transtemporality – they are almost causally related; individualized segmentation of the temporal is logically impossible. Further, if all human thought is radically historical, then historicism itself is a historical human thought and as such is destined to be of only temporary validity; it does not convey the weight of “a truth valid for all thought”. It would be a paradox if historicism “exempts itself from its own verdict about [the finality of] all human thought”: that is, as a historical product ‘thought’ is destined to perish along with the conditions that nourished it. Thus, the historicist thesis essentially “means to doubt it and thus to transcend it”.<sup>8</sup> But in this case the historicist claim is apparently self-defeating and cannot stand any logical critique.

(c) Historicists claim that non-historical political philosophy is merely a chimera since all political philosophers who have attempted to answer the question of the best political order ended up with a disarray of systems, a huge variety of “philosophies”. Therefore, non-historical or a-historical political philosophy cannot stand the test in as much as there are many irreconcilable political philosophies that refute each other. Strauss, however, dismissed the idea that political philosophies of the past refute each other; one can argue that they *contradict* each other, which raises the question as to which of given contradictory theses concerning political fundamentals is *true*. Far from disproving the validity of universal and transtemporal principles, historicists’ argument

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<sup>7</sup> “Political Philosophy and History”, p. 227.

<sup>8</sup> Strauss, *Natural Right and History*, The University of Chicago Press, 1953, p. 25, emphasis added.

concerning the plurality and “anarchy of systems” simply shows that non-historical political philosophy has hitherto failed, it proves our ignorance concerning the fundamentals of philosophy – of which ignorance we are aware without any historicist instruments – and accordingly demonstrates the necessity of philosophy. In his *Natural Right and History*, Strauss similarly points out that the existence of different notions of justice at different times was not a modern discovery. This knowledge was very well known and accepted among ancient philosophers. If the moderns have discovered an even greater number of notions of justice or natural right simply strengthens the contention that behind the realization of the variety of notions of justice or right lies *the eternal non-historical incentive* for the quest for natural right.

(d) Further, related to the above, is the epitome of the historicist argument, namely that the plurality of previous political philosophies incontestably shows that each political philosophy is inextricably bound to (and contingent upon) the historical situation in which it had emerged. The variety of political philosophies is above all a function of the variety of historical factors. For example, Plato’s political philosophy historicists claim, is essentially related to the Greek polis as John Locke’s is related to the Glorious Revolution, thus the two philosophies are not only irreconcilable but also invalid beyond their historical boundaries, worthless if disjointed by the historical situations in which they were developed. However, the ‘historically-conditioned’ political philosophies, Strauss asserted, is a mere illusion and has a much-limited bearing than assumed. Historicists, in their obsession with contextualizing texts and thus treating ideas solely as a meaningful embodiment of immediate circumstances, have overlooked according to Strauss the ability of the human mind to deliberately adapt itself to existing prejudices, aiming to institutionalize or materialise what was considered desirable or feasible under specific circumstances. Thinkers’ premeditated adaptations, intelligibly communicated to the many on the basis of generally received opinions, could be called “civil” and not purely “philosophical”. Past philosophers did not limit themselves to expounding what they considered *the* political

truth. At certain times, despite their unceasing effort to discover the truth (which is exactly what classical philosophers did), prompted by a sense of social responsibility, they understood that to replace opinion with knowledge could have endangered the existence of political communities, because such communities largely rest on opinion. If one wants to fully understand past philosophers one should try to uncover aspects of their esoteric writings – a practice followed by many because, first they wanted to assist their gifted readers with hints that would allow them to discover the truth for themselves and secondly, because philosophers in illiberal societies constantly feared persecution.<sup>9</sup> That means, Strauss suggested, they have developed techniques to convey their true ideas only to the few who could decipher them, while conveying other, more conventional thoughts that would be beneficial to the many. In challenging historicism Strauss unleashed esotericism as a proof that great minds can liberate themselves from the specific opinions which rule their particular society; as a metaphor, philosophy amounts to ascending from the Platonic cave or world of arbitrary conventions to the light of truth and knowledge (convention vs nature).

(e) Theoretically historicism results in a paradox, to the effect that if each doctrine is linked to a particular historical setting, then no doctrine can simply be true. In this way political philosophy becomes obsolete and lifeless, an intellectual experiment for academic recreation, because the historical conditions that fostered certain propositions or doctrines have ceased to exist. This argument amounts to the de-politicization of political philosophy, which claims that “every political situation contains elements which are essential to all political situations: how else could one intelligibly call all these different political situations ‘political situations?’”<sup>10</sup> If we consider classical political philosophy, which is firmly associated by historicists with the city, now superseded by the modern state, we cannot fail to observe that classical

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<sup>9</sup> In Strauss, *Persecution and the Art of Writing*, The University of Chicago Press, 1952.

<sup>10</sup> “Political Philosophy and History”, p. 220.

philosophers were aware of other forms of political association (the tribe and the Eastern monarchy); if we dig further into the depths of classical philosophy, we should realize that classical political thinkers consciously preferred the polis to other forms of political association in the light of the standards of freedom and civilization. And their preferences were not associated with the exigencies of historical experience. Up to the eighteenth century outstanding political philosophers, like Rousseau, preferred the city to the modern state on the grounds of its merits judged by the standards of freedom and civilization. And to the extent nineteenth-century philosophers favoured the modern nation-state, it was simply because they could plausibly claim that this form of political association provided effective protection of freedom and civilization. In other words, the genesis of an idea may defy the immediate context of time and space.

(f) What blurred the vision of historicists was the cynical idea of progress, the conviction of the moderns' superiority to all earlier ages, and the expectation that the future is moving directly into the paths of further progress. Apart from being a misconception, belief in linear progress raises an insurmountable intellectual barrier to genuinely being engaged in studying the past, that is, "if we know beforehand that the present is in the most important respect superior to the past".<sup>11</sup> Historicists, as antiquarians, feel no need to explore the past in itself, because they understood it only as a preparation for the present.

"In studying a doctrine of the past, they did not ask primarily, what was the conscious and deliberate intention of its originator? They preferred to ask, what is the contribution of the doctrine to our beliefs? What is the meaning, unknown to the originator, of the doctrine from the point of view of the present? What is its meaning in the light of later discoveries or inventions? They took it for granted then that is possible and even necessary to understand the thinkers of the past better than those thinkers understood themselves."<sup>12</sup>

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<sup>11</sup> "Political Philosophy and History", p. 222.

<sup>12</sup> *Ibid.*

But this is a fantasy and an invention, driven by an imaginary sense of objectivity. Read the exegetical models: you will be astounded by the large variety of interpretations of a doctrine of the past, some of them solidly grounded on firm theoretical premises and foundations. All these interpretations were largely motivated by the conscious or unconscious effort to understand an author better than he understood himself. They are united under a common enterprise, and yet there is a fact one cannot easily question: that the originator of a doctrine understood it *in one way only* and therefore *there is only one way* of understanding him as he understood himself.

(g) There is an intrinsic contradiction between the claims of historicism and the actuality of the whole of past thought which was radically ‘unhistorical’. Strauss means that by historicizing thought by means of contextual determinism, historicists contradict the non-historical nature of the philosophy of the past. This is the (ironic) paradox of historicist contextualism. On the one hand, historicists claim that intellectual historians should try to establish the authorial intent of a text by contextualizing it within the specific circumstances that generated it; on the other hand, we discover that in comparison past philosophers tried to transcend the immediate context of their eras (or never thought their ideas had validity only within the boundaries of the historical situation in which they found themselves writing). Past thinkers’ intentions would never coincide with the principles of contextualism – how then we could seriously believe that we can ascertain their true intentions and purposes by relating their thoughts to contexts? The outcome is disheartening because it is essentially contradictory. The philosophers of the past claimed to have found universal truths unrelated to historical exigencies. But the historicist clearly denies that possibility and thus his/her project revolving around the historicity of philosophy actually destroys the possibility of any adequate understanding of the philosophies of the past. Thus, by its very principles, historicism is constitutionally unable to grasp historical exactness, if for example an intellectual historian who could label himself a contextualist wants to seriously understand the thought of a political thinker



precisely as a certain thinker understood it. That's merely a logical impossibility.

(h) Historicism, in the interest of promoting the scientific character of empirical knowledge, insisted that the only solid knowledge of human beings qua human beings, of what is genuinely human, should be derived from history as a study of reality divorced from any abstract or metaphysical assumptions. Thus universal principles were dismissed and replaced by the belief that historical studies would reveal concrete norms and standards. But standards or norms revealed by historical studies cannot held unless authoritative; and here lies the futility of the historicist enterprise: particular or historical standards can become authoritative (and thus useful to a particular society) only on the basis of a universal principle which ordains that we are committed or somehow obliged to embrace the standards suggested by tradition.<sup>13</sup> But that obligation becomes meaningless once an individual realizes that all standards suggested by history (as historicism claims) are fundamentally ambiguous, subjective, and variable and thus unfit to be considered 'truly standards'. To a certain degree, historicism culminates in nihilism, as it defies the possibility of an objective distinction between good and bad choices and permanent and universal values against contingent and unique to unmitigated chance.

### **The Revival of political philosophy and its meaning today**

In insisting that "political philosophy is not a historical discipline" and deploring modern historicist epistemology on the grounds that it undermined our appreciation of the "nature of political issues", Leo Strauss revitalized the potential of political philosophy against the currents of both positivism and regnant historicism.<sup>14</sup> Once scorned and bitterly criticized (as

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<sup>13</sup> *Natural Right and History*, pp. 17-8.

<sup>14</sup> Strauss, "Political Philosophy and History", in *What is Political Philosophy? And Other Studies* (Chicago, 1959), 56-77, at p. 56-7. On his legacy, see Behnegar Nasser, "The Intellectual Legacy of Leo Strauss (1899-

an illiberal, neo-conservative, Zionist, occultist, even an elitist partisan),<sup>15</sup> Strauss appears to be the forerunner of twenty-first-century revival of “grand narratives” in the history of thought, either in the form of David Armitage’s “serial contextualism” project, or in even much deeper transhistorical theoretical challenges.<sup>16</sup> Any viable philosophical investigation should start from classical thought,<sup>17</sup> which was superior to modern political scientific thought (succumbed to empirical description, explanation, and prediction), not merely because the ancients could have provided better answers but because they were guided by better questions. “What is the best political order?” But any axiological question such as “what is good?” is one modern historicism cannot ask. Historicism, by subordinating all questions to immanent self-referential social and political actualities, subjectivizing and relativizing all ethical problems within ever-changing socio-political material

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1973”, *Annual Review of Political Science*, 1, 1998, pp. 95-116; Burns Tony, Connelly James, eds., *The Legacy of Leo Strauss*, Imprint Academic, 2010.

<sup>15</sup> Such unrelentless animus against Strauss is pervasive in accounts like Ryn Claes G., “Leo Strauss and History: The Philosopher as Conspirator”, *Humanitas*, 18, 2005, pp. 31-58. In certain academic circles in the US “Straussian” still conveys something of sinister character. See also Matthews Fred, “The Attach in ‘Historicism’: Allan Bloom’s Indictment of Contemporary American Historical Scholarship”, *The American Historical Review*, 95, 1990, pp. 429-447.

<sup>16</sup> Armitage David, “What’s the Big Idea? Intellectual History and Longue Durée”, *History of European Ideas*, 38, 2012, 493-507. Armitage proposes “a model of transtemporal history, proceeding via serial contextualism to create a history of ideas spanning centuries, even millennia”.

<sup>17</sup> Strauss’ attack on historicism was inextricably linked to his perception of the virtues of classical philosophy. Modern scholars have been unable to interpret classical philosophers since they are prevented by the constraints imposed by the modern historicist outlook that eroded any belief in the possibility of re-discovering of “The Good” or, that this ultimate good even exists. The superiority of the ancients is based on at least three interconnected factors: (a) they were guided by better questions and thus were able to render better answers, (b) their philosophical edifice was unmolestedly constructed and led by pure “natural consciousness”, (c), it was the unbiased pre-philosophic mind and pre-modern rationalism that raised questions unaffected by circumstances clearly tied (solely or predominantly) to epochal concerns.

conditions, ended up defying the achievability of philosophy, which is intrinsically an attempt to replace opinion with knowledge: philosophy is thus not only unable to reach its goal; it's simply absurd. Strauss's understanding of philosophy is associated with a desire for searching "Knowledge of the eternal order" as a quest for knowledge of the "whole", or the eternal cause or causes of the whole. Consequently, "The highest subject of political philosophy is the philosophic life: philosophy – not as teaching or body of knowledge, but as a way of life – offers, as it were, the solution to the problem that keeps political life in motion".<sup>18</sup>

Strauss' critique of the waves of modernist historicism was ironically a historic failure— indeed, a number of scholars at Chicago were fascinated by his interpretative assumptions and the grand design of his philosophical edifice, but he was rebutted with profound indignation and acid rebukes by the vast majority of intellectual historians. Historicism, under the auspices of Skinner and the Cambridge School dominated the history of political thought for decades.<sup>19</sup> But Strauss' legacy proved solid and enduring as all true legacies are.<sup>20</sup> Skinner was examined in his own terrain because his contextualist method had to be contextualized and thus subjected to the test of his own methodological premises.<sup>21</sup> Today historians of political thought are much less inclined to commit themselves to historical contextualism and its major claims, and attracted criticism from several quarters and on several grounds, the most profound of which is that this approach reduces the authors to their situational settings and ignores permanent or

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<sup>18</sup> Quoted, in Steven B. Smith Steven B., "Philosophy as a Way of Life: The Case of Leo Strauss, *The Review of Politics* 71, 2009, p. 37 (37-53).

<sup>19</sup> See Major Rafael, "The Cambridge School and Leo Strauss: Texts and Context of American Political Science", *Political Research Quarterly*, 58, 2005, 477-85.

<sup>20</sup> Recent literature on Leo Strauss is vast and interest in his philosophy has continued to grow. See the "Introduction: Straussian Voices", in Tony Burns, James Connelly, *The Legacy of Leo Strauss*, pp. 1-27, with the bibliographical sources attached.

<sup>21</sup> See Perreau-Saussine Emile, "Quentin Skinner in Context", *The Review of Politics*, 69, 2007, pp. 106-122.

long-lasting truths and insights.<sup>22</sup> In this way, contextualism(s) prevented the development of a more broad-based philosophical history of political experience, such as those presented in grand narratives, like those of George Sabine and Isaiah Berlin. But why do we need transhistorical narratives in intellectual history and in political philosophy? What is the significance of Strauss' effort toward the recovery of classical political philosophy?

The answer is provided in his works, whereby he stated that the recovery of political philosophy, or going back to the fountain of the ancestral roots, is dictated by "the crisis of our time, the crisis of the West" which is largely constituted by the collapse of modern political philosophy into historicism, and into the doctrine that there are no universal purposes or timeless truths. Historicism was a of process of the "self-destruction of reason".<sup>23</sup> Strauss believed that liberal democracy was in crisis because it has become uncertain of its purpose. Faced with the calamities of his era and the struggle against totalitarian regimes Strauss came to believe that 'the crisis of our times' was largely caused by value relativism which resulted in disintegrating the liberal idea. Intellectual and moral decay was equated with civil unhappiness. We could easily draw some analogies between Strauss' era and ours. Indeed, twenty-first-century public intellectuals repeat that liberal democracy is going through an existential crisis. Further, outside the West, in vast regions, totalitarianism and autocracy reign, either in China, the Middle East, or the Russian Federation and its protectorates. Violence, terrorism, religious intolerance, abuse of human rights and unrelentless wars, plus the global warming and major economic anxiety have the potential to lead to massive destructions. It might be possible to identify the links between the intellectual crisis of the mid-twentieth century and the crises of our own time, even

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<sup>22</sup> For a survey of the state of the field of political thought, see Danielle Charette, Skjönsberg Max, "State of the Field: The History of Political Thought", *History*, 105, 2020, pp. 470-83.

<sup>23</sup> Quoted in Bruell Christopher, "A Return to Classical Political Philosophy and the Understanding of the American Founding", *The Review of Politics* 53, 1991, 173-186, at p. 174.

to consider that the crisis of Strauss' 'own times' is almost identical to the 'crisis of our times'. The analogies are terrifying. But what does intergenerational-transhistorical similitude indicate other than the existence of recurring questions within the realm of the 'political' that require raising exactly the same questions to find fundamental answers? Further, Strauss predicted that the modernist-historicist "critique of knowledge" would also result in academic compartmentalization and specialization – in his own words "Specialization: knowing more and more about less and less", which fosters "universal philistinism and creeping conformism".<sup>24</sup> And that is a firm indicator of intellectual poverty in the age of artificial intelligence which threatens to delimit critical thinking within the confinements of technological automation. The idea of progress is, after all, an elusive concept and the cyclical theory of history is not as deceptive as once thought to be.



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<sup>24</sup> Pangle Thomas, *An Introduction to His Thought and Intellectual Legacy*, The Johns Hopkins University Press, 2006, pp. 79-80.



# LEO STRAUSS

## Man of Peace

Robert Howse

Leo Strauss is known to many people as a thinker of the right, who inspired hawkish views on national security and perhaps advocated war without limits. Moving beyond gossip and innuendo about Strauss's followers and the Bush administration, this book provides the first comprehensive analysis of Strauss's writings on political violence, considering also what he taught in the classroom on this subject. In stark contrast to popular perception, Strauss emerges as a man of peace, favorably disposed to international law and skeptical of imperialism - a critic of radical ideologies who warns of the dangers to free thought and civil society when intellectuals ally themselves with movements that advocate violence. Robert Howse provides new readings of Strauss's confrontation with fascist/Nazi jurist Carl Schmitt, his debate with Alexandre Kojève about philosophy and tyranny, and his works on Machiavelli and Thucydides and examines Strauss's lectures on Kant's Perpetual Peace and Grotius's Rights of War and Peace.

Robert Howse, *Leo Strauss: Man of Peace*, Cambridge University Press, 2014

## Law's diversity: A reading of the Platonic *Minos*

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**Abstract:** Should the question of what is law be the central preoccupation of legal theory? Is this question inherently normative or could it be adequately answered by a purely descriptive or positive account?<sup>2</sup> Does the question itself wrongly suppose that there is an ultimate unity in law or legality that permits the elaboration of a “concept of law”? In the short Platonic dialogue the *Minos*, Socrates asks an unnamed comrade, “what is law for us?” Throughout the work Plato puts in question whether an essentialist account of law is reasonable at all, with Socrates and the companion exploring various constructions of law as unitary, universal, and unchangeable. In the argument, all of these are forced to yield to the reality of law’s diversity. This diversity, though, does not prevent a rational account of law’s functions of social order and control, nor exclude that there could be expert knowledge of law oriented to such ends. Yet this knowledge is never absolute or fixed, and always

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<sup>1</sup> NYU Law School. This essay has been influenced by the interpretation of Plato by Leo Strauss, even though I differ from Strauss on many detailed readings of passages in the *Minos*. Cf. Leo Strauss, “On the *Minos*,” in *LIBERALISM ANCIENT AND MODERN* (1985). I am grateful to Peter Berkowitz and Christina Tarnopolsky for illuminating conversations about Platonic legal philosophy, and especially to my former student and research assistant, Professor Joanna Langille, whose own research on the *Minos*, not yet published, contains important insights. David Janssens, Tod Lindberg and Robert Goldberg read earlier versions and offered helpful comments.

subject to question and modification based on experience of law over time. Hence law can only “wish” to be the discovery of what is. Ultimately law’s diversity does not do justice to human diversity. Law, in responding to collective needs, inevitably clashes with differences among humans to some extent, and even where protecting physical collective existence is unable to minister to the individuality and difference among human souls.

**Keywords:** Plato, legal theory, Minos, positivism, legal pluralism, Straussian

## Introduction

Should the question of what is law be the central preoccupation of legal theory? Is this question inherently normative or could it be adequately answered by a purely descriptive or positive account?<sup>3</sup> Does the question itself wrongly suppose that there is an ultimate unity in law that permits the elaboration of a “concept of law”? Or does the diversity or heterogeneity of law make the effort at conceptual definition an inherently and questionably distortive exercise? While Plato’s dialogues contain numerous thematic discussions about laws and legality only in the *Minos*,<sup>4</sup> a very short dialogue between Socrates and a nameless comrade does Plato<sup>3</sup> have Socrates directly pose the question “what is law?”

In legal theory, much more attention has been paid to

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<sup>3</sup> See Huntington Cairns, *What Is Law?* 27 WASH. & LEE L. REV. 193 (1970).

<sup>4</sup> Plato, “*Minos*” (tr. Thomas. Pangle) in *THE ROOTS OF POLITICAL PHILOSOPHY* (ed. Thomas. Pangle). (1987). All references in this essay are to the pagination/paragraphing in the Greek text as originally ordered by Stephanus, which is reproduced in the Pangle translation. In my own citations of the text, I have sometimes altered the translation of Pangle for greater precision or nuance. There is a debate among scholars of classical philology as to whether the dialogue was written by Plato himself or emanated from the Platonic school. I take no position in this debate. As discussed in the text of the essay, it is primarily of interest as an account of law as intrinsically diverse and of the relation of law to difference more generally. On the debate about provenance, see Mark Lutz, *The Minos and the Socratic Examination of Law*, AM. J. POLITICAL SCI. 54: 4 (2010).



another short Socratic dialogue, the *Crito*<sup>5</sup>, where the theme is not what law is but rather the justification for obedience to law. A friend of Socrates, Crito, who urges Socrates to escape from Athens to avoid the death penalty after Socrates' conviction on the political offenses of atheism and corrupting the young. In the *Crito*, Socrates has the laws of Athens (speaking as one) respond to Crito with arguments for obedience. There are varying scholarly views on the strength of these different arguments.<sup>6</sup> By having the laws speak together in the *Crito*, Socrates dramatizes their hegemonic authority. But to understand the Socratic teaching on law, we must also consider the *Minos*, the deepest theme of which is law's diversity. That is the aim of this essay.

### “What is Law-For Us?”

The opening of the *Minos* foreshadows the entire action and argument of the dialogue. From the very outset Socrates introduces a note of doubt concerning the applicability of Socratic questioning to law, for he asks not simply what is law but “what is law for us? (*hemin*).<sup>7</sup> Law is not like the other things that Socrates could investigate by simply asking an interlocutor “what Is...?”

The qualification “for us” suggests the possibility that the meaning of law itself differs from community to community. But what kind of community does Socrates intend when he speaks of “us”? Intellectual affinity between Socrates and his interlocutor? The community of Greeks or of Athenians? The community of human beings (as opposed to gods or divine beings)?<sup>4</sup>

The comrade-either because he is sure of what community to which Socrates is alluding by referring to “us” or because

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<sup>5</sup> “Crito” (tr. R.E. Allen), in Plato, *THE DIALOGUES OF PLATO, VOLUME 1: EUTHYPHRO, APOLOGY, CRITO, MENO, GORGIAS, MENEXENUS* (R.E. Allen tr. and ed.) (1984).

<sup>6</sup> See Frederick Rosen, *Friendship and Obligation in Plato's Crito*, *POLITICAL THEORY* 1:3 (1973). See also, R.E. Allen, *SOCRATES AND LEGAL OBLIGATION* (1980).

he is *unsure* and too embarrassed to admit it—does not ask Socrates what he means by “us.” He does however ask what kind of laws Socrates is referring to. To the doubt already introduced by Socrates’ qualification of the “what is” question, the comrade thus adds a further doubt about the unity of law. Might the philosophically interesting questions about law really be questions about the specialized substance and particular purposes of the different kinds of laws? The comrade seems intuitively doubtful that the question of what law is in general is worthy or capable of Socratic inquiry. What is there to say about law in general, as opposed to what could be said concerning particular laws or legal systems?

### Stone or Gold?

Socrates compares the question “What is law?” to the question “what is gold?” The analogy between these *questions* implies some kind of likeness between law and gold. But what is this likeness? Socrates presents the answer in a highly indirect way. According to Socrates, one “gold” (a single gold thing or object) does not differ from another, in as much as it is gold. Socrates draws our attention to the incompleteness of that statement by now analogizing gold to stone: one stone does not differ from another in as much as it is stone. To understand the difficulty with (but also the truth disclosed by) Socrates’ *implied* analogy of law to gold we have to understand the difficulty with his *explicit* analogy of gold to stone. Whereas “stones” are naturally differentiated as individual objects, “gold” is usually hidden in that which is not gold—it must be discovered by human effort. Gold *objects*, whole things of gold, are the product of human art or *techne*. And these whole things or objects of gold differ one from another in their purity as gold—one could not misleadingly say that a 5-karat gold ring is less a “gold” than a 20-karat one.

This illuminates the precise meaning of Socrates’ formula that every gold object is like another “in regard to being

gold.” He means that each gold object is equally “gold” *to the extent* that it is gold. Thus, by analogy, each law is law *to the extent* that it is pure, natural “law.” Yet, like “gold”, law as something natural is not immediately present and manifest as a complete pure entity. No legal system is pure or natural law. Each individual law, and each system of positive law, deserves truly to be called law in as much as it contains elements of pure, natural law. One of the main transitions in the dialogue is the comrade’s acceptance that a bad law is not truly law; had he grasped the meaning of the analogy of law to gold, the comrade might have not conceded so much, or done so with an important qualification.

The analogy to gold also presages Socrates’ later insistence that law is a kind of discovery or art. The natural or pure law must be found or unearthed, it cannot be demonstrated from axioms, and thus its grasp is in some measure dependent on accident or chance. It always intermixed with other elements of “non-law”, with impurities—to be fully visible and to have its full or greatest value it must be purified or refined.

### **The Limits of Positivism**

Invited by Socrates to answer the question of what law is general, the comrade does not pursue the thrust of the analogy between law and gold; on the contrary he answers in a positivist rather than a natural law manner. Law is whatever is “lawfully accepted”, in other words recognized (or perhaps even, obeyed or followed) as law.<sup>8</sup> We should recall, however, Socrates’ initial formulation of his question as: “What is law *for us*?” Now Socrates had dropped “for us” in stating the analogous question concerning “gold”: he thus drew attention subtly to a possible limit in the analogy between law and gold. The comrade’s response is perfectly comprehensible as an answer to the question of “what is law for us?” if “us” is understood as “us fellow citizens.”

Socrates suggests it is somehow insufficient to answer the question “what is law?” in terms of the result of legal

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<sup>8</sup> *Id.* §313b.

acceptance: an adequate answer would imply the knowledge of the *active principle or force that produces or guarantees* lawful acceptance. Thus, Socrates says: “And so is speech in our opinion the things that are spoke, or sight the things that are seen, or hearing the things heard? Or does speech seem something different from the things that are spoken, and sight?”

something different from the things that are seen, and hearing something different from the things that are heard, and law, indeed, something different from the things that are lawfully accepted?”<sup>9</sup>

The immediate and unqualified concession by the comrade of the implication that law cannot be simply “the things lawfully accepted” suggests to Socrates that the comrade in need of some further clarification or explanation. In this explanation, Socrates drops the speech analogy, and reformulates those to hearing and seeing. Then, finally, he drops the analogy to hearing altogether and instead asks by what kind of showing or perception law is lawfully accepted. Socrates’ abandonment of the law as speaking and being heard indicates the distance between the *Crito* and the *Minos*. The radicalism of the *Minos* is suggested by the possible implication (albeit never presented *explicitly* without qualification) that a purported “law” does not deserve to be called “law” unless it can be *shown* to partake *to some extent* in true or pure “law.” As will be explained, this does not mean that a lawful and just man would disobey an unjust law, where lawlessness—a failure to obey—contributed to the destruction of the city.

The issue now becomes whether it is through demonstration or discovery that “law” is made manifest.<sup>10</sup> We have already been prepared for the suggestion that the answer is, in fact, discovery through the analogy between law and gold. Socrates suggests that as discovery, law is an art, like medicine or divining. Medicine and divining, like prospecting for gold, are “arts” that involve for success

<sup>9</sup> *Id.* §313c.

<sup>10</sup> *Id.* §314b.

elements of intuition and perhaps even chance or luck-unlike mathematical skill for instance, which arguably depends on the strength of the pure mind. Moreover, divining implies an openness to what is beyond the human world and perhaps beyond the visible world- a finding of that which is not immediately manifest. Like prospecting or sluicing for gold.

The comrade assents easily to Socrates' suggestion that law is a "discovery of things." However, when Socrates asks him of which things it is a "discovery," the comrade does not say (following his earlier definition) that "law" is the art of "discovery" of the things "lawfully accepted." Instead, he suggests: "In my opinion at least, [law is] these official opinions and decrees passed by votes; for what else would one declare law to be? Also, as a result it's likely that what you've asked about, this whole, law is the official opinion of the city."<sup>11</sup>

There is a broad compatibility between this new definition and the previous one that the comrade had offered: that which is lawfully accepted is lawfully accepted by virtue of emanating from an authoritative political institution "for us" Athenian citizens, the assembly ("passed by votes"). The difference is that this definition incorporates an implicit normative criterion for lawful acceptance, namely that the law is created by a (legitimate) democratic procedure. Thus, the comrade appears to have been, at least by implication, responsive to the concern that the principle by which something is lawfully accepted or obeyed as law be incorporated into a definition (which the initial positivist response of the comrade did not).

This said, the comrade's revised answer is a reasonable and defensible one (democratic positivism) even if it does not engage with Socrates' own logic, or really grasp its implications. Socrates response is to summarize the comrade's position as that law is political opinion and (for the first time in the dialogue) to award him some praise: "And perhaps what you say is nobly put." But then Socrates indicates that a rather different manner of proceeding is required to "know better" if what the comrade says is right.

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<sup>11</sup> *Id.* §314b.

### Law, justice, lawfulness and the preservation of cities

This new manner of proceeding begins by Socrates asking the comrade whether he would say that “some” men are wise.<sup>12</sup> He gladly assents, showing that (despite the democratic implication of the revised definition) he is not so much of an egalitarian as to think that all men are wise, even less that he is so conventionalist as to hold there is no such thing as wisdom but only opinion about law.

Then Socrates goes on to obtain the comrade’s assent to the following propositions: 1) The wise are wise through wisdom; 2) the just are just through justice; 3) the lawful are lawful through law; 4) the lawless are lawless through lawlessness; 5) the lawful are just; 6) the lawless are unjust. While Socrates thus connects justice with lawfulness and injustice with lawlessness, he is silent here as to the relationship of *wisdom* to law and justice. He is similarly silent as to the relation between wisdom, lawlessness and *injustice*.

Socrates shifts the focus from *lawfulness* and justice to *law* and justice. While he has asserted that the *lawful* are the just, he does *not* now assert that *law* and justice are the same. Socrates leaves it open that a law could be unjust but a man who is lawful and just would still obey it (In the *Crito*, Socrates does not defend the justice of *the specific law* under which he was convicted). As Strauss suggests, praise for law and for law-abidingness are not the same and the latter may be more general than the former). As we shall now, the ultimate criterion is utilitarian-what preserves rather than destroys cities and more. The lawlessness of disobedience even to an unjust law could be more destructive of the city than obedience to that law. In the *Crito*, the laws tell Socrates that by escaping punishment he would destroy the laws and with them everything else.

At this point, Socrates returns to the comrade’s early definition of law as “official opinion.” He now presents this definition as having been agreed between himself and the

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<sup>12</sup> *Id.* §314c.

comrade: “Didn’t we declare...” (Originally Socrates had, more cautiously, simply said that the definition was “perhaps...nobly put.”) But then the Socrates proceeds to get the comrade to agree that “it is not correct to answer ...without qualification that law is the official opinion of the city”: some official opinions of the city are wicked, and since law is not wicked, an official opinion of the city that is wicked cannot be considered as law.<sup>13</sup>

The comrade is brought easily to this conclusion because he has perhaps thought that the previous exchange had produced the conclusion that law and justice are the same. Yet, as noted above, this conclusion does not necessarily follow either from the assertion that “lawful (men) are just” or that both law and justice are “most noble”. Had he followed Socrates more closely, the comrade could have replied entirely consistently with the letter of each of Socrates’ assertions that a man is just in the sense of lawful even when he follows a law that itself is not just. The comrade does not know how to reconcile his belief that law and justice are “most noble” with his critical attitude toward some official opinions of the city.

### Legal Diversity and Cultural Relativism

This interpretation is supported by Socrates’ next move in the *Minos*, which is to reformulate the definition of law, to allow for the possibility that laws can be based on opinions that are not necessarily true. Law, Socrates suggests, “wishes to be the discovery of what is” (emphasis added). Thus, “the humans who, in our opinion, do not at all times use the same laws are not at all times capable of discovering what the law wishes-what is.”<sup>14</sup>

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<sup>13</sup> *Id.* §314e.

<sup>14</sup> *Id.* §315a. Strauss notes the significance of this turn in the argument: “if law only wishes, or tends, to be the finding of what is, if no law is necessarily the finding out of what is, there can be an infinite variety of laws which all receive their legitimation from their end: The Truth.” Leo Strauss, *supra* n. 2, p. 70.

Socrates now invites the comrade to consider the diversity of law based on the notion that law “wishes to be the discovery of what is.” “For come, let’s see if from this point onward it becomes manifest if we at all times use the same laws, or different ones at different times, and whether all use the same or different peoples use different ones.”<sup>15</sup>

Based on this invitation, the comrade proceeds to describe differences in religious law and practice, both between different peoples at different times and among Greeks even at the same time. The examples cited by the comrade display his (explicitly hinted) doubt whether changes in laws can be fully understood in terms of linear progress from barbarism to civilization. Even within high or advanced civilizations there are significant differences, perhaps even shocking differences, between what is considered sacred on the one hand and sacrilege, on the other hand (The comrade perhaps prudently passes no comment on religious laws in Athens other than to point out that none of the things he mentions as done elsewhere are current done in Athens).

Socrates’ reaction to the comrade’s cataloguing of differences in religious laws in different places and times is to chastise the comrade for talking in his own manner, making lengthy speeches. This is inconsistent with Socrates and the comrade undertaking an investigation in common, according to Socrates. An investigation in common with Socrates requires acquiescence in Socrates’ own method; the comrade will be required to suppress his own voice, i.e., not speak in his own manner.

The comrade seems prepared to obey Socrates: “I’m willing...to answer whatever you wish.” This leads to an exchange where Socrates reformulates the universality of law so that it is compatible with the greatest diversity of values and beliefs. Each society’s laws reflect what that society believes to be just. Socrates’ analogy is to weight: it is everywhere believed that what weighs more is heavier and what weighs less is lighter. In other words, the laws in Carthage and Lycaea faithfully reflect men’s beliefs in those societies about what should be given greater or less weight,

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<sup>15</sup> *Id.* §315b



and the same is true everywhere.

The discussion of weight returns us in a way to the analogy between law and gold and stone at the beginning of the dialogue. A stone will have the *same* weight in Carthage and Lycaea, it will be neither heavier or lighter for weighing more or less. As for gold, two gold objects of the same *weight* may differ greatly in *value*, i.e., dependent on the extent to which they are pure gold.

The unspoken thought that weight may not be the sole measure of value is perhaps the prelude to Socrates' invocation of the noble: "The noble things, as is likely, are everywhere lawfully accepted as noble and the shameful things as shameful but not the shameful things as noble or the noble things as shameful."<sup>16</sup> How should we relate this to Socrates' earlier assertion that justice and law themselves are "most noble" and injustice and lawlessness "most shameful"? That earlier assertion had been based on Socrates' definition of the "noble" as what preserves cities and the "shameful" as what destroys them. If we now bear in mind Socrates' hypothesis that law wishes to be the discovery of what is then the meaning of his statement that "The noble things, as is likely, are everywhere lawful accepted as noble" is that the law everywhere seeks what preserves the city. But what preserves the city may differ from time to time and city to city, thus resulting in different laws. And opinions in any given city at any given time may differ on what is required to preserve the city.

Why then does the comrade remain perplexed or concerned that the laws in Athens itself seem always to be changing? Perhaps, as Strauss suggests, the comrade has never really appreciated the significance of Socrates' emphasizing that law *wishes* to be the discovery of what is—a dynamic conception that seems to explain and perhaps even endorse experimentation and revision in law. It may also be the case that the comrade has not really assimilated, or forgotten, the utilitarian understanding of the noble, which Socrates had gotten him to assent to. The laws that the comrade seemed originally most concerned about in

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<sup>16</sup> *Id.* §§ 316a, 316b.

exploring legal diversity were laws concerning religious practices. How do these relate to the noble and shameful as understood by Socrates, i.e. the preservation or destruction of cities? In any case, when the comrade now shifts focus to the frequent change in laws in Athens, it is far from apparent that he is thinking any longer about religious laws. Has Socrates' renewed invocation of the noble (with no reminder of his earlier utilitarian spin on it) aroused an aristocratic prejudice in the comrade, which identifies the noble with what is venerable or unchanging, or that should not change (whereas the demos can never make up their minds)?

### **Petteia and Politeia**

To the comrade's concern or puzzlement that the laws in Athens are changing all the time, Socrates responds: "Perhaps...you do not reflect, that these things being moved as pieces in a game of Petteia, remain the same."<sup>17</sup> The pieces in a game of Petteia are stones or pebbles; we are therefore led to think again about the analogy between law and stone. A person observing the movement of pieces on the board would be perplexed, or see only disorder, unless she knew the rules of the game. Frequent change only seems anarchic or arbitrary to one who does not grasp the underlying rules or principles governing the dynamism.<sup>6</sup> But of course this begs the fundamental question of whether the nature of law is to be grasped through the unity or order of such "meta-rules" or the diversity and changeability of the lower order rules that they (partly)determine. Are the rules of the game here the constitution or *politea*? Such a thought is inevitable once we recall that the alternative name for Petteia was *polis* or *poleis*. Although in Petteia the motions of the pieces are ultimately fathomable in terms of the *possible* patterns allowed by the rules of the game, the *actual* patterns in any particular game will be the product of the skill of the individual players operating within the structure created by the rules of the game.

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<sup>17</sup> *Id.* §316c.

That Petteia is a game of skill is what we need to have in mind as we consider Socrates next move in the argument, which is to suggest laws are the writings of those knowledgeable in a particular art. The first analogy is to medicine: the comrade easily agrees that writings about the healing of the sick belong to medicine and that those who are knowledgeable about medicine are doctors. Socrates proposes to the comrade that (with respect to medicine) the same things accepted by Greeks among Greeks are also accepted by the barbarians among themselves and among the Greeks as well. The comrade replies: "Surely there is a great necessity that those who know-Greeks and barbarians as well-agree with themselves in accepting the same things." Socrates then praises the comrade, saying "You are answering nobly."<sup>18</sup> The differences between Greeks and "barbarians" do not translate into any inferiority of the latter with respect to law.

Having already alluded to religious interdictions in certain societies concerning the body and the treatment of the dead, the comrade cannot claim that differences between societies would have no effect on the general acceptance of medicine. Instead, he says that those who are knowledgeable accept as true medicine does not vary from society to society. We are thus led to consider that there *could* be an *art* of lawmaking that remains the same and valid in all times and places, yet because what is susceptible to being lawfully accepted may vary from time to time and place to place, the same art of lawmaking may result in different laws for different cities and for the same city at different times. The lawmaker must be concerned not simply with the ideal law, the "pure" or natural law, but what is capable of being lawfully accepted at a given place and time. This at once saves the elements of validity in the early definitions of law by the comrade while also following from the implicit analogy of law to gold; it also makes sense in terms of the *nobility* of law and justice being understood as their function of preserving cities while lawlessness (*disobedience* to law) is what destroys cities and thus is shameful.

But let us return to medicine. While it seems that Socrates

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<sup>18</sup> *Id.* §316d.

and the comrade are in agreement that such knowledge (“the laws” of medicine) is not culturally relative, the comrade goes a step further in suggesting that the same laws are accepted by those who know “at all times.” This again reflects an aristocratic bias in favor of the old and established; to the extent that, if taken at face value, the comrade’s statement would appear to deny the possibility of progress in medical knowledge. At the very least, we are once more reminded that the comrade has not grasped the implications of Socrates’ suggestion that law *wishes to be* discovery of what is.

### *Syggammata and Nomima*

The comrade is brought to accept that medical laws are the writings of doctors. But there is a significant ambiguity that Socrates here suppresses. Doctors give orders or prescriptions to individual patients that could be regarded as “law” in the sense of ordinance or command; but here Socrates presents the laws of medicine as those writings that contain the underlying principles of the medical art on the basis of which prescriptions or ordinances are made for individual patients. Law as command and law as the principle or rule of reason underlying an art of legislation are both at play in the *Minos*.

But Socrates now presents examples where the writings in question contain the principles of various arts that, instead of entailing the command or prescription to human beings, are limited to the rule or control over *non-human phenomena* for the sake of some *human interest or need*. Thus, writings about agriculture, gardening, and cooking are discussed. In each of these cases, the question arises whether the “laws” in question can be said to be purely instrumental or themselves contain at least implicit interpretations or normative judgments about the human interest or need being served. In the case of agriculture, the need is one of physical survival of the community, at a minimum. In the case of gardening, do the writings of gardeners deal only with what techniques are

required in order to grow effectively given plants and shrubs, or do they imply judgments about what is an aesthetically harmonious garden, for example? Or are those concerns the realm solely of the garden owner employing the gardener, a matter of his or her preferences? And what about the cookbooks? It is perhaps more certain that there can be “rules” about what is a pleasing or harmonious garden than that there can be rules about what food is delectable. The examples seem to descend towards the understanding of law as purely instrumental reason (i.e. of *technē* in the service of given or revealed preferences whatever they may be) until Socrates returns to the underlying theme of the dialogue—the law(s) of the city.

To reconcile or salvage the unity of law in the presence of the comrade’s insistent claims about the diversity and variability of law, Socrates has shifted to an identification of the real “laws” with the rules or principles of knowing lawmakers. This allows him now to ask: “Well, and whose indeed, are the writings *and* legal practices concerning the organizing of a city?

Don’t they then belong to those who have knowledge of how to order a city?”<sup>19</sup>

Apparently, unlike the cases of medicine, agriculture, gardening, and cookery as presented above (albeit simplistically), with regard to those who know how to order the city Socrates indicates explicitly that they produce not only writings containing the timeless principles of the art, *but also* legal practices followed by citizens or subjects (*nomima*)-which may be written or not. Is there any actual real-world example of a knower of the law who wrote both a treatise setting out the abstract or universal principles underlying the art of law-making as well as an actual legal code? As we shall see, understanding the relationship between *syggrammata* and *nomima* will provide the key to the entire dialogue and its relation to the *Nomoi*.

After the comrade agrees to Socrates’ proposition that *both* the *syggrammata* and *nomima* concerning the organizing of a city belong to the knowers of how to order a city, he asks the

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<sup>19</sup> *Id.* §317a.

further question: “are they who have the knowledge any others but the statesmen and the kings?” The comrade replies emphatically: “these are the ones.” Apparently, then, Socrates and the comrade are in agreement that Socrates himself does not have knowledge of how to order a city, for he is neither a statesman nor a king. This is a conclusion that follows from the stipulation that such knowers produce *syggrammata* and *nomima*.

Having referred to the writings of “the statesmen and kings” Socrates subtly but immediately changes the categories to “kings and good men”<sup>20</sup> (*andron agathon*, an expression sometimes used for brave men, fallen on the battlefield, who sacrificed their lives to the city).

This prepares the shift in perspective to the founding rather than preservation of the city. The legal authority of the statesman or legitimate politician (*politikos*)-the capacity to produce lawful acceptance- derives from the regime (*politeia*), as was implied in the first definitions of law offered by the comrade, including the reformulated definition “political opinion” to which Socrates gave qualified approval. But the authority of kings and, especially, good men need not be derived from the constitution of an existing regime and thus may be precisely the kind of authority required to bring into being a new regime.

There follows an exchange with the comrade that leads to Socrates stating that “we were correct in agreeing that law is the discovery of what is”<sup>21</sup>. The exchange illustrates even more clearly than earlier ones that the comrade only agreed with Socrates that “law is the discovery of what is” and not that “law *wishes to be* the discovery of what is.” Socrates begins by suggesting that just as those who have knowledge will have the same *syggrammata* concerning the same things, they will never, *concerning the same matters*, change the *nomima*. The comrade’s immediate assent to this proposition indicates that he has not grasped at all the significance of the distinction between *syggrammata* and *nomima* (nor has Socrates chosen to explain it). The rational principles

<sup>20</sup> *Id.* §317b.

<sup>21</sup> *Id.* §317d

underlying law or law making in general might be same everywhere and all times, and yet the reflection of those rational principles in specific legal norms that command acceptance might be at the same time highly variable.

This is entirely consistent with the idea of law “wishing to be the discovery of what is.” Socrates’ qualification that the *nomima* never be changed concerning “the same matters” also begs the question of what matters are the “same.” The radical implication is that where matters are not the same in all relevant respects it is *incorrect* to apply the same *nomima*. So far is the comrade from grasping the implicit radical challenge of Socrates’ qualification to the generality of law that Socrates easily gets him to say that there are correct, i.e. unchanging, *nomima* for medicine, cooking or gardening, not merely correct *syggrammata*. Does he really mean that doctors prescribe the same treatment regardless of the patient or that cooks make the same dishes regardless of the tastes of the diner or that gardeners do the same landscaping regardless of the aesthetics of the garden owner?

The disregard of the comrade for diversity among the subjects of law suggests a tyrannical instinct. Not surprisingly the exchange ends with the comrade accepting that what is not correct is not law-regardless of whether it seems to be law to non-knowers. The principle of consent, the agreement of the assembly, has been banished altogether. Hence, Socrates’ summation of the exchange, which indicates, by negative inference, the comrade’s non-agreement to law *wishing to be* the discovery of what is, even if it does not mean Socrates’ *retraction* of that qualification.

### **Law, the arts, distribution and kingship**

The next section of the dialogue returns to the analogy between law and other arts. The characteristic activity of knowers of an art is now described not in terms of *syggrammata* or *nomima* but distribution. Indeed, it is left unclear as to whether there can be “correct” *syggrammata* or *nomima* concerning distribution in all of the senses Socrates

describes. Socrates begins with an understanding of distribution that is broadly consonant with the previous discussion of the arts: the farmer is presented as distributing seeds to the earth and the musical instrumentalist as distributing notes; the expertise is that concerning seeds on the one hand, and musical instruments, on the other. In each case the human needs or tastes or desires that are the ultimate end of the activity seem to have no place in the knowledge of the knower of the art. But then Socrates changes the *enjeu*, asking: “And who is best at distributing food to the bodies of humans? Isn’t it he who distributes what is suitable?”

The comrade’s answer is: “the trainer.” We learn several things about the comrade from this response. First of all, he does not take distribution to be a matter of distributive *justice*, but a kind of expertise about the body alone. Secondly, it is notable that he answers “trainer” rather than “doctor” or “cook”, the examples already given by Socrates. The example of the trainer could suggest a harmony between the needs of the city and of the individual in that a strong healthy body benefits both, as it most evident in the case of citizen-soldiers.

Socrates obtains the comrade’s agreement that the shepherd is the one most capable of pasturing a herd of sheep and then asks whether it follows that the laws of the shepherd are best for the sheep. Perhaps the trainer prescribes the same food whether the training is with a view to the battlefield (and thus possible slaughter or sacrifice) or personal erotic and athletic success. But the sheep are likely being herded so they can be slaughtered and eaten by human beings. Now Socrates abruptly shifts direction asking “whose laws are best for the souls of humans? Aren’t they those of the king?” “Declare it!” Socrates exclaims, as if he himself were issuing a royal command for the sake of the comrade’s legal or political education.<sup>22</sup>

Does the comrade really mean to affirm that the king’s laws are best for the souls of humans *in the same manner* that the shepherds and the ranchers’ best for sheep and

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<sup>22</sup> *Id.* §318 (a).



cattle, i.e., in maximizing their instrumental value to others? We recall that the first positive law mentioned by the comrade was one that commanded human sacrifice. If the analogy to sheep and cows holds here, then the laws in question could be “best” either for serving the interests of the king or serving the interests of the whole community. Socrates’ praise of the comrade for speaking *nobly* evokes the later meaning: for Socrates had earlier identified the *nobility* of law and justice with their capacity to save cities in general. He had said nothing about their capacity to save diverse individual human souls.

Socrates now asks: who among the ancients was the best law giver with respect to the playing of the aulos?<sup>23</sup> Having just considered what is “best for human souls” we are now brought to full awareness of the incomplete and even misleading notion that what the knower of aulos playing is ordering or ruling with his laws is the aulos itself—the laws are “best” for the aulos only in the sense that they produce from the aulos music that has the “best” or most pleasing effects on individual human hearers; we cannot but think of Socrates’ suggestion early in the dialogue that law may be like hearing. The fact that there is here another art, different from the king’s, of making laws that are (ultimately) best for human souls in the sense of most pleasing to those individual souls, only reinforces the conclusion (following from the analogy of the king and the shepherd or rancher, and from the fact that when Socrates asks about laws for the *body* he refers to the human herd) that the king’s laws are best for human souls from the perspective not of each soul taken in its terms of its individual needs but from the perspective of the city and its preservation. What if the musical laws that are most pleasing for an individual soul are not the best laws for that soul from the king’s perspective, the perspective of the whole community?

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<sup>23</sup> *Id.* §318b.

### Laws and lullabies for those in need of the gods

Socrates now asserts: “Their aulos tunes are indeed most divine, and alone move and reveal those who are in need for the gods. And now they alone still remain, so as they are divine things.”<sup>24</sup> In the first sentence, Socrates understands “divine law” in a very specific way—it is not a law that originates with the gods or is for their sake (for example the law concerning human sacrifice); rather law it is law for those *human beings in need of* the gods. What appears to distinguish or identify these laws as divine is their continued existence over time.

The kind of human beings “in need of the gods” appear to need laws that last. This is a difficulty with the changeability of law, which is implied by the notion that law is the discovery of what is. How can the demand for stability of those in need of the gods be reconciled with the experimentation and revision that are entailed in law’s dynamic striving to be discovery of what is? As Socrates will suggest in noting that the Spartans took the “best” laws of the ancient Cretans, an order that selectively imitates the most ancient, or “divine” legal order, may be superior to the original model. This presages the way of the Athenian Stranger in the *Nomoi*.

But before he reveals the comrade that the Spartans chose the best of the Cretan laws, Socrates suggests to him that the best of the Spartan laws are Cretan. These are of course not contradictory propositions. But the latter proposition provides a basis *other than* veneration of antiquity for beginning with Crete rather than Sparta.

### Minos and Rhadamanthus

When Socrates refers to Minos and Rhadamanthus as “good kings”, does he mean that they are good because their laws are good, or that their laws are good because they are good? As the comrade suggests, Lycurgus, a single man, is

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<sup>24</sup> *Id.* §318b.

known as the founder of the Spartan laws. The Cretan laws, according to Socrates, are, by contrast, the product of two men. Are the best laws likely to be the product of one mind or authority or several minds or authorities?

As the comrade suggests, the two men in question, at least in Athens, had radically different reputations, Minos being known as "savage, harsh, and unjust" and Rhadamanthus as "just."

Socrates counters that this reputation of Minos is based on the authority of the Athenian tragedians. Socrates answer is to salvage Minos's reputation by an appeal to the authority of Homer and Hesiod against that of the tragedians.

Although begging the question of why the authority of one group of literary artists would be greater than that of another group, the appeal to Homer and Hesiod works with the comrade because, as we have seen already at several points in the dialogue, he is very apt to associate the authoritative with that which is oldest or longest lasting. The appeal to Homer and Hesiod appears even more tendentious when Socrates eventually admits that there was a factual basis for the attitude of the Athenian tragedians, which was that Minos had not only warred with Athens but exacted harsh retribution in victory.

Socrates never does deny that Minos was harsh, while he does reaffirm that he was good when he says that Rhadamanthus as well was good. We recall our early observation concerning Socrates' silence about the relationship of justice/injustice, and lawfulness/lawlessness to the founding, as opposed to the preservation and destruction of cities. Could there be elements of unjust or lawless conduct that are necessary for the founding or institution of even the best laws? Are these laws inherently tainted by such unjust acts that might have been required for the founding of the legal order?

Socrates' implicit answer to the latter question is negative: at least the nobility of the laws should be judged by their capacity to preserve the city into the future.

The Homeric authority on which Socrates relies is the slightest imaginable, as he more or less admits in saying that

the Homeric “eulogy” of Minos is entirely different from other Homeric eulogies for heroes. For what Socrates describes as a “eulogy” is a reference to the city of Knossos as “great” and to Minos himself as “the confident of the great Zeus.”<sup>25</sup>

According to Socrates, if we assume that by “confidant” Homer intends that Minos was educated by Zeus, then this is very high praise indeed. Socrates suggests that Homer understands Zeus to be “sophist”: the sophists taught for money (unlike Socrates) and one wonders whether the presumed mercenary motivation of Zeus for consorting with Minos would not be a significant qualification on the extent to which Homer’s comment suggests a high praise of Minos.<sup>12</sup> According to Homer, Socrates suggests, “the art [of sophistry] itself is entirely noble...” But there are good reasons to think that *Socrates* does not believe that sophistry is entirely noble or even that it can be considered in the strict sense an art. Yet Socrates says there is an alternative understanding of the nature of the relationship between Zeus and Minos: Zeus participated in drunken orgies with Minos. What refutes this interpretation, according to Socrates, is that the laws Minos enacted in Crete were extremely restrictive of such drinking and the activity that goes with it. This refutation is only persuasive if what were required for founding a city were the same as that which was required for preserving it. Perhaps what Minos learned from Zeus was a god-like lack of restraint, a kind of lawlessness needed for founding or instituting a political and legal order. But this would be apt, on the other hand to be destructive rather than preservative of an *established* political and legal order.

Socrates imposes Socratic morality as the standard in his interpretation of Zeus’s relationship to Minos: Minos would have been a low *human being* (*anthropos*) if he had legislated things that were different from what he practiced or against what he believed. But perhaps there is an incompatibility between Socratic morality and the political morality of the good founder or lawgiver. The latter may be have to be judged against the gods, who surely took liberties

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<sup>25</sup> *Id.* §318e.

that they did not always afford to mortals.

According to Socrates *both* Rhadamanthus and Minos are good kings, and it is to both that he attributes the “laws” of Crete. Yet Rhadamanthus learned only part of the kingly art from Minos, not the whole art that Minos apparently learned from Zeus. In other words, that there were things Zeus taught to Minos that Minos refrained from teaching to Rhadamanthus. How is it that Rhadamanthus could be a “good king” and a source of the law in Crete, while knowing only a part of the kingly art, not the whole art? Rhadamanthus’ knowledge is appropriate to judgment; he is a good adjudicator in the courts. Socrates thus suggests that a good judge is a good king and a maker of laws, even if he does not know the whole of the kingly art. Is it possible that Crete’s laws were the best because they were the product of good *political* legislation by Minos and good *judicial* legislation by Rhadamanthus? Is the judicial adaptation of fixed written laws to individual situations and changing circumstances over time the best possible solution to the apparently competing demands identified in the *Minos* that the law be stable or fixed and that it be adapted to the needs of each soul, as well as that the same laws govern the same matters and hence that law be variable as “matters” are variable?

That part of the kingly art that Rhadamanthus did not know is indicated by the functions that Minos assigned to Talos rather than to Rhadamanthus. While Rhadamanthus administered the laws judicially in the city, Talos was a guardian of the laws among the neighboring villages and peoples. Talos was known as “brazen”: Socrates asserts that this was because he had the laws put on brass tablets and protected the legal order by going through the villages three times a year with the brass tablets. The known accounts of Talos, however, state that he was “brazen” because he himself was made of brass, and his role was the defense of Crete against its enemies. It is more probable that Talos entered the villages with brass knuckles not brass tablets.

However, through his conceit about the tablets, Socrates discloses a detail that may turn out to be of some importance:

the Cretan laws were written.

Founding a city among hostile and dangerous neighboring peoples or powers is part of the kingly art, as the art of the founder. Is Rhadamanthus' competence as a judicial legislator connected to his ignorance—one might say, innocence—of this part of the kingly art? A man like Talos, who knows that part of the kingly art not known by Rhadamanthus but required by foreign relations would be best sent out of the city, as indeed was Talos himself. While Rhadamanthus, who knew only part of the kingly art and was a good judge, is described by Socrates as a good king, and the laws of Crete are attributed equally to him and to Minos, Talos is not described by Socrates as a good king or indeed a king at all. Socratic justice and morality are not punitive. Socrates defends Minos against the tragic poets, insisting that he is a good king and that he knew the whole of the kingly art but this defense is subject to an important and interesting qualification. Minos should have watched out for his reputation with the tragic poets, according to Socrates. For this reason, Socrates goes so far as to suggest that Minos' attack on Athens was misguided (he says no such thing about the harshness to the neighboring peoples that was ministered through the hand of Talos). It was an error for Minos to attack Athens because Athens was a city full of wisdom as well as poetry. The reputation that Minos earned with the tragic poets, we may surmise, created an obstacle to the fusion of Athenian wisdom and Cretan law: Minos would have been a more perfect king or lawgiver if he had not created a reputation that got in the way of his laws being perfected through Athenian wisdom. He would have achieved even more than what he already achieved including through the Spartans having chosen the "best" of the Cretan laws and having enjoyed the happiness of the Cretans themselves.

**Conclusion: *Nomima* as *syggrammata* and the limits of the Socratic way**

Socrates concludes the discussion of Minos and Rhadamanthus and “their laws” by articulating explicitly the concept of the rational unity of law that survives or subsists through the many turns in the argument. He suggests: “the greatest evidence of [Minos] being good and lawful—as we said earlier, a good pastor—is that his laws are unchanged, as being those of one who discovered well the truth of what is, in regard to establishing a city.”<sup>26</sup> The laws of Minos have permanence in the sense that they reflect the true principles concerning legislation, and not on account of their antiquity or divinity as such. The *nomoi* of Minos are both *nomima* and *syggrammata*—both a positive legal code for Crete, imitated in part by Sparta, and a product of the discovery of what is concerning the ordering of a city. As *writings*, they are in principle permanently accessible. On the other hand, Socrates cannot question Minos; he can invoke the soul of Minos only in the question-begging and obscure fashion that depends on loose readings of the poets. Thus, the rational principles that Minos discovered concerning the ordering of a city cannot be ascertained and challenged through the Socratic method of questioning the purported knower. As the very title of the dialogue implies, an adequate Socratic treatment of law would entail Socrates questioning Minos himself. But if one can regard the *nomoi* of Minos as the *syggrammata* of a knower, would it not be possible to get to the bottom of Minos’ discovery through the examination of Minos’ *nomoi*—moving from the surface, the *nomima* to the rational principles of law that they disclose, and then correcting the former in light of the discovery of the latter?

In the final exchange of the dialogue, the comrade and Socrates restate their agreement that the best distributor or shepherd of human bodies—the lawmaker for human bodies—is the one who makes the body grow and makes it firm, distributing food and exercises (this is consistent with the comrades identification of the trainer earlier in the dialogue,

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<sup>26</sup> *Id.* §§321b, 321c.

and thus an implicit affirmation that at least one of the comrade's unprompted answers is correct). The ambiguity of whether the mission is to make the individual stronger for the sake of the city (citizen-soldier) or for the individuals own benefit is simply carried over from the previous discussion of the trainer, although the reference to the shepherd at least suggests it is for the sake of the city, as the shepherd is making the sheep better for human consumption not intrinsically.

But this does not mean that Minos was, in essence, an athletic trainer. As Socrates reminds the comrade, he and the comrade never did figure out what things are distributed by the knowing law giver to make souls as opposed to bodies "better." Here the comrade admits he is at a loss. Socrates suggests that not knowing this is shameful for *their own souls, his and the comrade's*. Socrates' ultimate concern is for the state of the individual souls of himself and his comrades (in the broadest sense, including the nameless ones like his interlocutor in the *Minos*). What is intrinsically good for the individual souls may or may not be best for the salvation of cities and vice versa-and the gap might be larger than in the case of bodies. Law's diversity can never fully render justice to human diversity.





Philosophy as a way of life  
and the nature of the political:  
The ‘problem of Socrates’  
in Leo Strauss’ thought

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**Abstract:** The *theologico-political problem* has marked Leo Strauss’ engagement with the question of the Western political thought from Plato onwards. Strauss brings to the fore the relationship between *vita contemplativa* and *vita activa* or the relationship between the philosopher-citizen and the city and in this sense, the question concerning the life of Socrates in ancient Athens as well as the meaning of the Socratic phenomenon itself. It is no exaggeration to claim that Strauss’ *oeuvre* can be regarded as an intellectual endeavor on Socrates’ presence in the Athenian *agora* as the ideal exemplification of a philosophical way of life within a political community.

**Keywords:** Strauss, Socrates, politics, philosophy, theology.

Socrates was the most interesting man that ever lived,  
his life the most interesting that has been recorded  
Søren Kierkegaard,  
*Fear and Trembling...*, p. 154<sup>1</sup>

The tragedy of Socrates' death  
rests on a misunderstanding:  
what the polis did not understand was that  
Socrates did not claim to be a *sophos*, a wise man  
Hannah Arendt,  
*The Promise of Politics*, p. 11<sup>2</sup>

The so-called *theologico-political problem* and in turn so-called return to the medieval Enlightenment have marked Leo Strauss' systematic engagement with the question of the character and the content of the tradition of the Western political thought from Plato onwards. By so doing, Strauss brings to the fore the central problem of the relationship between *vita contemplativa* (philosophical life) and *vita activa* (political life) or, in other words, the crucial relationship between the philosopher-citizen and the city and in this sense, the critical question concerning the life of Socrates in ancient Athens as well as the meaning of the Socratic phenomenon itself.<sup>3</sup> Thus, it is no exaggeration to claim that Strauss' *oeuvre* can be regarded as a steady intellectual endeavor, through many reflective readings and investigations, on Socrates' presence in the Athenian *agora* as the ideal exemplification of a philosophical way of life within a political community.<sup>4</sup>

This arduous intellectual process is reflected in much of the *opus* of the German-Jewish thinker as an absolutely

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<sup>1</sup> Søren Kierkegaard, *Fear and Trembling and the Sickness to Death*, Princeton and Oxford: Princeton University Press, 2013 (Translated by Walter Lowrie).

<sup>2</sup> Hannah Arendt, *The Promise of Politics*, New York: Schocken Books, 2005.

<sup>3</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism. An Introduction to the Thought of Leo Strauss*, Chicago and London: The University of Chicago Press, 1989, pp. 103-183.

<sup>4</sup> Leo Strauss, *The City and Man*, Chicago and London: The University of Chicago Press, 1964, pp. 1-12.

immersion into this cognitive field which he defines as classical political philosophy and which concerns nothing but the exhaustive examination of the constitutive question *What Is Political Philosophy?* In fact, Strauss attempts to give a decent reply to so-called *theologico-political problem* by substituting it for the equivalent question of the nature of political philosophy *per se*. From another point of view, it could be said that his *problématique* is centered on the study of modern political philosophy from Machiavelli to Nietzsche, within a huge research project that he delimits as *The Three Waves of Modernity*. Actually, behind this interrogation, he raises the question of the crisis of West and the crisis of modernity as well, having as a constant point of reference the Socratic way of life: that is to say, the conflictual, dynamic and sometimes tragic relationship between polis and the thinking citizen.<sup>5</sup>

The American period of Strauss' life and work, which is a period of reflective maturation of his political thought, is bordered by a set of books, a kind of tetralogy,<sup>6</sup> from 1948 to 1972, or even from 1939,<sup>7</sup> at the very beginning of World War II, where, having as a stable theoretical basis Xenophon and Aristophanes' writings, he tries a systematic and detailed introspection of classical political philosophy, with reference to the figure and by extension to the tragic death of Socrates. Socrates not only embodies classical political philosophy, but also the classical ideal of civic virtue versus the modern

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<sup>5</sup> Leo Strauss, *What is Political Philosophy? And Other Studies*, Chicago and London: The University of Chicago Press, 1988, pp. 9-94 and Leo Strauss, *An Introduction to Political Philosophy. Ten Essays*, Detroit: Wayne State University Press, 1989, pp. 81-98.

<sup>6</sup> Leo Strauss, *On Tyranny. Revised and Expanded Edition Including the Strauss-Kojève Correspondence*, Chicago and London: The University of Chicago Press, 2000; Leo Strauss, *Xenophon's Socratic Discourse. An Interpretation of the Oeconomicus*, South Bend, Indiana: St. Augustine's Press, 1998; Leo Strauss, *Xenophon's Socrates*, Ithaca and London: Cornell University Press, 1972; Leo Strauss, *Socrates and Aristophanes*, Chicago and London: The University of Chicago Press, 1980.

<sup>7</sup> Leo Strauss, The spirit of Sparta or the taste of Xenophon, *Social Research*, Vol. 6, No 4, 1939, pp. 502-536.

virtues of glory, power, property, finance and the Nietzschean superman.<sup>8</sup>

In the Introduction he writes for the voluminous collective work *History of Political Thought*, in the early 1960s, Strauss strongly claims that Socrates is the founder of political philosophy and mainly the founder of so-called classical political philosophy. For Strauss, modern political philosophy is not a continuation of classical political philosophy, but a break, since it consciously deconstructs all the principles and values founded by Socrates. Socrates, using the *aporetic* method of philosophy, seeks the meaning of the nature of the whole in the sense of form or idea. At the epicenter of this revolutionary and innovative philosophical action and questioning, he placed the human soul or, in other terms, the human consciousness within the political context of city. As aforementioned, for Strauss, the relationship between the city and man is conceived as the hard core of classical political philosophy,<sup>9</sup> something he repeats constantly and at every opportunity throughout his rich work.<sup>10</sup>

Strauss' systematic involvement with Plato and Xenophon has a catalytic link with the presence and life of Socrates in the ancient city of Athens and consequently the Socratic teaching at the heart of classical political philosophy. The Platonic dialogues, he points out, are but a monument, a lasting memory of the life of Socrates, that is, the way he turned his life into a practical model of philosophical life in the city, urging and often guiding his fellow citizens to identify the nature of politics and the political itself with virtuous life.<sup>11</sup> It is interesting to note that from the very beginning, Strauss connects so-called 'problem of Socrates' with the *theologico-political problem*, through the relevant question of piety. For Strauss, piety is a philosophical issue *par excellence* and only by approaching it in this way, we

<sup>8</sup> Leo Strauss, *What is Political Philosophy? ...*, op. cit., pp. 40-55.

<sup>9</sup> Leo Strauss, *Introduction* in Leo Strauss and Joseph Cropsey (eds), *History of Political Philosophy*, Chicago and London: The University of Chicago Press, 1987, pp. 1-6.

<sup>10</sup> Leo Strauss, *The City and Man*, op. cit., p. 1.

<sup>11</sup> Leo Strauss, *Plato 427-347 BC* in Leo Strauss and Joseph Cropsey (eds), *History of Political Philosophy*, op. cit., p. 33.

have the opportunity to bring to light the critical stake of virtue.<sup>12</sup>

From this point of view, the relationship between theology, politics and philosophy within the city acquires a completely different meaning. Socrates, argues Strauss, as the personification of the ideal philosopher, does not introduce new demons into the city, on the contrary, through the use of the formalistic metaphor of Ideas, brings to the fore, in the very heart of the public sphere, a poetic conception of divinity and the divine as a whole, which contributes positively and constructively in the philosophical approach of the *theologico-political problem*, creating the field of a harmonious confrontation between politics and theology, so to speak, without the danger of censorship and persecution. Thus, the Platonic dialogue *Euthyphro* is for the German-Jewish thinker a first-class opportunity to highlight through Socrates a kind of philosophical sanctity, that is to say, piety as a high philosophical virtue, which concerns the way of life in the city (*vita activa*), as a life that seeks the knowledge and the truth of the nature of the things and of the whole as such, through an honest and moderate reflection (*vita contemplativa*).<sup>13</sup>

Examining the philosopher/city relationship is for the German-Jewish thinker the only possible conclusion to any genuine philosophical search. It can be argued that all the individual problems of Strauss' political thought are stemmed from this *problématique* and in a sense return here. His intensive spiritual contribution to this fundamental question, with Socrates as a stable point of reference, is traced in his lively dialogue with the famous Hegelian French philosopher Alexandre Kojève on Xenophon's *Hiero*. Thomas L. Pangle, one of Strauss' most authoritative interpreters, points out that the Strauss-Kojève dialogue on tyranny, that took place from 1948 to 1963, is one of the most brilliant philosophical

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<sup>12</sup> Leo Strauss, *What is Political Philosophy? ...*, op. cit., pp. 32-33.

<sup>13</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism...*, op. cit., pp. 187-206.

debates of the 20<sup>th</sup> century.<sup>14</sup> Alvin Johnson, referring to *On Tyranny*, writes the following very characteristic of Strauss' reading methodology: "His approach to a classical author is as direct as that of Erasmus and Montaigne". To conclude: his approach "may mark a new direction in classical scholarship, a systematic effort to excavate the classical authors from the successive strata of ashen scholarship and win back for us the original freshness and splendor of a great literature".<sup>15</sup>

If nothing else, *On Tyranny* (1948) is not just the beginning of this critical return of Strauss' political thought in the ancient Greek literature, which was interrupted by his death in 1973, with what this may mean for the fundamental tug-of-war Jerusalem/Athens,<sup>16</sup> but also the starting point of the revival of the debate and/or quarrel around the importance of the rebirth of classical political philosophy in relation to the ideological character of modern political philosophy.<sup>17</sup> As the authors of the entry 'Leo Strauss' in the Stanford Philosophical Encyclopedia underscore, in *On Tyranny*, the German-Jewish thinker "offers a close reading of the rhetoric of Xenophon's dialogue, which highlights [...] the tension between the philosophical quest for truth and the requirements of society".<sup>18</sup>

Steven B. Smith writes that *On Tyranny* brings to the fore four themes, which formed the backbone of the late Straussian *corpus*, which are detected as seminal ideas and in his equally important early work, with the difference that here they are presented as part of a single contemplative project. These issues are identified as follows: 1. In *On*

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<sup>14</sup> Thomas L. Pangle, *Editor's Introduction* in Leo Strauss, *The Rebirth of Classical Political Rationalism...*, op. cit., p. ix.

<sup>15</sup> Steven B. Smith, *Leo Strauss. The Outline of a Life* in Steven B. Smith (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge: Cambridge University Press, 2009, p. 28.

<sup>16</sup> Leo Strauss, *What is Political Philosophy? ...*, op. cit., pp. 9-10.

<sup>17</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism ...*, op. cit., pp. 49-62 and Leo Strauss, On a new interpretation of Plato's Political Philosophy, *Social Research*, Vol. 13, No. 3, 1946, pp. 326-367.

<sup>18</sup> Stanford Encyclopedia of Philosophy, *Leo Strauss*, <http://plato.stanford.edu/entries/strauss-leo>, 2012, p. 3.

*Tyranny*, Strauss demonstrates the art of careful reading, which is related to his position on esoteric writing. Focusing on the Xenophon's rhetoric on the dialogue between the poet Simonides and the tyrant Hiero, Strauss reveals the central theme of philosophical writing itself: the struggle between philosophical life and power. 2. Strauss uses *On Tyranny* as a vehicle to signify the quarrel between the Ancients and the Moderns, which he will deal with in detail in his seminal treatise *Natural Right and History* (1953),<sup>19</sup> henceforth shifting the focus of his *problématique* in the field of modernity and his essential argument about the crisis of Western civilization in the forms of relativism, historicism and nihilism,<sup>20</sup> but also of the crisis of political philosophy itself,<sup>21</sup> which was culminated in the phenomenon of Totalitarianism as a product of modern Natural Law. 3. The only way to overcome the distorting lens of modern reading is to focus on the ancient texts, as long as there is no higher circle of ideas than the spiritual horizon of the Ancients. 4. At the end, he returns to the question of the best way of life. As can be seen in Xenophon's rhetoric, the crucial question is the relationship between philosophical and political life. The question is clear and urgent: which way of life is the most excellent? Thus, the *theologico-political problem* merges into the question of the best way of life and becomes the dominant motif in late Straussian thought.<sup>22</sup>

Therefore, in order for someone to grasp Strauss' political thought, both the *theologico-political problem* and the problem of the crisis of modernity as 'crisis of our time',

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<sup>19</sup> Leo Strauss, *Natural Right and History*, Chicago & London: The University of Chicago Press, 1965.

<sup>20</sup> Leo Strauss, German Nihilism, *Interpretation. A Journal of Political Philosophy*, Vol 26, No 3, 1999, pp. 353-378; Leo Strauss, *The Rebirth of Classical Political Rationalism ...*, op. cit., pp. 13-26; Leo Strauss, *The Crisis of Our Time* in Harold J. Spaeth (ed.), *The Predicament of Modern Politics*, Detroit: University of Detroit Press, 1964, pp. 41-54.

<sup>21</sup> Leo Strauss, *The Crisis of Political Philosophy* in Harold J. Spaeth (ed.), *The Predicament of Modern Politics*, pp. 91-103.

<sup>22</sup> Steven B. Smith, *Leo Strauss. The Outline of a Life* in Steven B. Smith (ed.), *The Cambridge Companion to Leo Strauss*, op. cit., pp. 28-29.

‘crisis of the West’ and ‘crisis of liberal democracy’, we must systematically and thoroughly go through the fundamental ‘problem of Socrates’. In other words, we have to immerse ourselves in what he defines as classical political rationalism, in the hard core of which dominates the grand project of classical political philosophy as a rival to modern political philosophy in the sense of Machiavellian political science.<sup>23</sup> At the heart of this rationalism, points out Pangle, dominates the figure of Socrates and especially the investigation of the philosophical way through which Socrates deals with the constitutive question of the meaning and position of the divine in human life and the city.<sup>24</sup>

As we have said, in Strauss’ entire work, a specific *corpus* of articles and books stands out, in which the German-Jewish thinker raises and/or analyzes Socratic issues with his distinctive reading style, tracing the life as well as the tragic death of Socrates through the most important texts of the ancient Greek literature. Socratic life reveals the tension between philosophy, theology and politics and especially the fragile relationship between philosophical and political life, which, in the unique case of Socrates, is not a simple fact, but the statutory act of the genesis of the political philosophy herself. “*It was not Aristotle*”, he writes in *The City and Man*, “*but Socrates* who originated political philosophy”.<sup>25</sup> In the book of *Socrates and Aristophanes*, he underlines in the same logic: “Political philosophy was founded by Socrates”.<sup>26</sup>

*On Tyranny* and the *Restatement on Xenophon’s Hiero* (1959) delimit the ‘problem of Socrates’ to a large extent.<sup>27</sup> At the heart of Strauss’ political thought is Socrates not as an archetypal figure but as a critical question that reflects the very essence of classical political philosophy herself. Strauss opposes Socratic political philosophy to Machiavellian political science, arguing that while in Socratic rhetoric the

<sup>23</sup> Leo Strauss, *What is Political Philosophy? ...*, op. cit., pp. 9-27.

<sup>24</sup> Thomas L. Pangle, *Editor’s Introduction* in Leo Strauss, *The Rebirth of Classical Political Rationalism ...*, op. cit., p. xxix and p. xxx respectively.

<sup>25</sup> Leo Strauss, *The City and Man*, op. cit., p. 13.

<sup>26</sup> Leo Strauss, *Socrates and Aristophanes*, op. cit., p. 3.

<sup>27</sup> Leo Strauss, *On Tyranny ...*, op. cit., pp. 177-212.



question of human freedom acquires the characteristics of virtue in Machiavellian political science power tends to be identified with tyranny.<sup>28</sup> The trauma of the trial and death of Socrates dominates Strauss' thought as well as Plato's political philosophy. Strauss contrasts Socrates, which explicitly distinguishing him from the sophists, with tyranny, and even democracy, in the sense that leaders and especially tyrants often persecute and exterminate philosophers out of envy and suspicion and due to the freedom of thought and virtue that a wise man brings to the city.<sup>29</sup>

For the German-Jewish thinker, Machiavelli is the tangible example in the long tradition of Western political thought of how one can become a teacher and inspirer of tyrants, by cutting politics off from ethics.<sup>30</sup> The victory of the wise over the tyrant takes place with words, that is, with persuasion.<sup>31</sup> Socrates represents political prudence and virtue. The central point of politics against tyranny lies in the concept of violence. Politics is based on the will of the citizens, without violence and in accordance with the laws of the city. Political freedom is a function of obedience to the law.<sup>32</sup> Socrates realizes freedom as a virtue and vice versa, for the sake of the city, the laws and the public interest. Socratic justice is synonymous with law enforcement and civic legitimacy.<sup>33</sup>

Strauss does not shy away from raising the 'problem of Socrates' as a problem between *vita activa* and *vita contemplativa*. In a sense, Strauss, throughout his life, mainly from 1937 onwards in the USA, when he began to deal systematically with the ancient Greek philosophy, tries systematically to solve the problem of the relationship between philosophy and politics, which, in a way, is reflected within the broader context of the *theologico-political problem* or, in other words, by incorporating the latter into the

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<sup>28</sup> Ibid., pp. 22-27.

<sup>29</sup> Ibid., p. 42.

<sup>30</sup> Leo Strauss, *What is Political Philosophy? ....*, op. cit. pp. 40-48; Leo Strauss, *Thoughts on Machiavelli*, Chicago and London, The University of Chicago Press, 1978; Leo Strauss, *On Tyranny ....*, op. cit., p. 56.

<sup>31</sup> Leo Strauss, *On Tyranny ....*, op. cit., pp. 58-59.

<sup>32</sup> Ibid., pp. 68-69.

<sup>33</sup> Ibid., p. 73.

*problématique* that he develops for the rebirth of the classical political philosophy.

Socrates represents not just wisdom and virtue, but the philosopher-citizen, who stands as an ideal milestone in relation to politics as the art of governing. Understandably, the death of Socrates hurts the relationship between philosophy and politics, putting the philosopher under persecution by the city. To the extent that politics threatens philosophy with extermination, Strauss, possibly paving the way for Jacques Derrida's relevant analysis,<sup>34</sup> strongly argues that the philosopher is transformed into a foreigner, symbolizing the arrival of strangeness in the city. Strauss' thought reaches the limits of a political phenomenology, which is not far from Emmanuel Levinas' thought.<sup>35</sup> At this point, Strauss' position in favor of an ancient liberalism, in the sense of the wise (see Socrates), which acquires an ontological value towards the city's dominance, is also traced.<sup>36</sup>

The Strauss-Kojève debate is indicative of the way in which Strauss sees the relationship between philosophy and politics, and therefore the *theologico-political problem* itself, that is, the relationship between the philosopher (Socrates) and the city (Athens). As in the relationship between philosophy and theology, Strauss argues, unlike the Hegelian Kojève, who puts the relationship in the context of a reconciliation, that philosophy and politics cannot be reconciled, since politics refers to some common and accepted perceptions, which in turn philosophy challenges, to the

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<sup>34</sup> Jacques Derrida, *Of Hospitality. Anne Dufourmantelle invites Jacques Derrida to respond*, Stanford, California: Stanford University Press, 2000, p. 13 (Translated by Rachel Bowlby) and Spiros Makris, Politics, Ethics and Strangers in the 21<sup>st</sup> Century. Fifteen critical reflections on Jacques Derrida's concept of hos(t)ipitality, *Theoria & Praxis. International Journal of Interdisciplinary Thought*, Vol. 5, No. 1, 2017, pp. 1-21.

<sup>35</sup> Leo Strauss, *On Tyranny ...*, op. cit., pp. 78-97 and Spiros Makris, Emmanuel Levinas on Hospitality. Ethical and Political Aspects, *International Journal of Theology, Philosophy and Science*, Vol. 2, No. 2, 2018, pp. 79-96.

<sup>36</sup> Leo Strauss, *On Tyranny ...*, op. cit., p. 99.

extent that the role of philosophy is to deconstruct every form of power and establishment.

For Strauss, this almost ontological and epistemological tension between philosophy and politics is unresolved. In contrast to the Hegelian Kojève, who takes philosophy as a pure knowledge, Strauss, with Socrates and Plato as his point of reference, sees philosophy as a questioning *ad infinitum*. Philosophy is by definition skeptical and *zetetic*. This revolutionary character of philosophy is sometimes perceived by the power as a threat or even sabotage. However, when philosophy loses this aporetic character, then, according to Strauss, it is transformed into dogmatism and ideology, as is the case with modern political philosophy.<sup>37</sup>

Consequently, the dynamic, intense, and tragic relationship between philosophy and politics is transformed into political philosophy or philosophic politics, to the extent that the philosopher, like Socrates, settles in the city, moves within the city walls, metaphorically and poetically in the Platonic cave, and ultimately sacrifices his life for the city, which persecutes and kills him, taking his philosophical discourse as an explicit manifestation of disrespect to her gods. This point highlights Strauss' dual approach, the fact that in ancient liberalism, both the city and the individual are two realities that, although opposed, must coexist for the benefit of the polis itself.<sup>38</sup> This inextricably tragic element of politics *lato sensu* has been pointed out by all modern thinkers of the archetypal model of the ancient Greek city, including Cornelius Castoriadis, who characteristically emphasizes that the fierce conflict between the crowd of democratic Athens and the philosophical wisdom in the face of Socrates brings to the fore the onto-theological tragedy of the city *per se*.<sup>39</sup>

Strauss summarizes the *theologico-political problem* and consequently the question of the critical relation of philosophy with the city in his famous *Restatement on*

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<sup>37</sup> Leo Strauss, *The City and Man*, op. cit., pp. 2-6.

<sup>38</sup> Victor Gourevitch and Michael S. Roth, *Introduction* in Leo Strauss, *On Tyranny...*, op. cit., pp. xi-xxii.

<sup>39</sup> Cornelius Castoriadis, *On Plato's Statesman*, Stanford, California: Stanford University Press, 2002, p. 1 (Translated by David Ames Curtis).

*Xenophon's Hiero*, where he clarifies in a very detailed way that classical political philosophy is clearly different from modern political philosophy and in particular its ancestor, Machiavellian political science, to the extent that it does not separate wisdom from *phronesis*. The so-called classical writing is for the German-Jewish thinker a monument of moderation, temperance, kindness and calmness. This can also be a complete definition of philosophy herself as a love of wisdom. Classical political philosophy highlights a specific kind of life, that is, a way of life that is devoted to wisdom and virtue.<sup>40</sup> This, however, is an ethical framework of philosophical discussion as a perpetual search for knowledge and truth, which, according to Strauss, here too the model of a liberal republicanism may unfold that is not so far from Hannah Arendt's republicanism, cannot be developed in the absence of the city, since it presupposes both friendship and the existence of the market (*agora*), that is, of equal citizens and a common sense view of political things.<sup>41</sup>

The presence of philosophy in the city signals the essence of political action.<sup>42</sup> This absolutely dynamic, intense and sometimes tragic condition of coexistence of philosophy and city is embodied in the statutory forms of Socrates, Alfarabi and Maimonides and represents for Strauss an endless and indissoluble struggle between the totalization of power and the need, at the same time, for the philosophy to question the political ontology and axiology themselves, without this being perceived as disobedience and/or disrespect towards the divine and metaphysical origins of the city. Thus, in a sense, the *theologico-political problem* has never ceased to be at the heart of the work of the German-Jewish thinker in either the Weimar or the American phase of his thought.<sup>43</sup>

Strauss reposes the thorny question of the relation of politics to philosophy or the relation of power to the philosopher, with Socrates as its main point of reference. In his conversation with the Hegelian thinker Alexandre Kojève,

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<sup>40</sup> Leo Strauss, *On Tyranny ...*, op. cit., pp. 183-190.

<sup>41</sup> Leo Strauss, *The City and Man*, op. cit., pp. 10-12.

<sup>42</sup> Leo Strauss, *On Tyranny ...*, op. cit., pp. 191-195.

<sup>43</sup> *Ibid.*, pp. 195-212.

Strauss takes a stand in favor of philosophy and a philosophic politics and against power, especially when it dresses in the form of a totalitarian state: the Hegelian conception of the state, realized by Marx and Marxism.<sup>44</sup> At this point, he brings to the fore the technique of esoteric writing,<sup>45</sup> looking back to the Middle Ages and the figures of major philosophers in the field of Islam and Judaism such as Alfarabi and Maimonides,<sup>46</sup> arguing that the only way to save philosophy from power and her envy of wisdom, is the philosopher to adopt a cryptic expression, while maintaining an exoteric teaching,<sup>47</sup> which would not put his thought and especially his life in danger. Through this Socratic problematic, Strauss even develops and applies for himself a systematic methodological tool for the study and interpretation of classical political philosophers and those who continue their thinking, with an emphasis on the Middle Ages and so-called medieval Enlightenment.<sup>48</sup>

The 'Socratic turn' of Strauss, in the terminology of Pangle,<sup>49</sup> spreads throughout the American phase of his work, from 1939, when he publishes the article *The spirit of Sparta or the taste of Xenophon*, until the end of his life, in 1973. Actually, as we have seen above, it takes the intellectual form of a tetralogy, but also includes some relative seminal essays.<sup>50</sup> In all cases, he seeks the authentic Socrates or, otherwise, the course and the meaning of the life of the philosopher in the city. Through his systematic readings on Plato, Xenophon and Aristophanes' works concerning

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<sup>44</sup> Leo Strauss, *On Hegel*, Chicago and London: The University of Chicago Press, 2019.

<sup>45</sup> Leo Strauss, *Persecution and the Art of Writing*, Chicago: University of Chicago Press, 1988, pp. 22-37.

<sup>46</sup> Joshua Parens, *Leo Strauss and the Recovery of Medieval Political Philosophy*, New York: University of Rochester Press, 2016.

<sup>47</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism ...*, op. cit., pp. 63-71.

<sup>48</sup> Leo Strauss, *On Tyranny ...*, op. cit., p. 206.

<sup>49</sup> Thomas L. Pangle, *Introduction* in Leo Strauss, *Studies in Platonic Political Philosophy*, Chicago and London: The University of Chicago Press, 1983, pp. 13-18.

<sup>50</sup> *Ibid.*, pp. 105-136 and Leo Strauss, Greek Historians, *The Review of Metaphysics*, Vol. 21, No. 4, 1968, pp. 656-666.

Socrates,<sup>51</sup> that culminate in the two works of the late phase of his thought, that is, *Xenophon's Socratic Discourse* (1970) and *Xenophon's Socrates* (1972), Strauss methodically looks for answers to the 'problem of Socrates' as the metonymy of the *theologico-political problem* that tragically haunts modernity from the era of Baruch Spinoza until the first half of the 20<sup>th</sup> century, with the persecution, the killing and the exile of many eminent philosophers, especially during the gloomy years of the Nazi regime.

In the Preface of *Xenophon's Socratic Discourse*, the well-known American intellectual Allan Bloom, one of Strauss' prominent university students as well as one of the founders of so-called *Straussians*,<sup>52</sup> points out that Strauss' obsession with Xenophon's Socrates concerns his anxiety to illuminate the relationship between *vita activa* and *vita contemplativa* or, in other terms, the tense relationship between philosopher and the city in the best possible way.<sup>53</sup> From the beginning of his Introduction, Strauss presents Socrates as the originator of political philosophy, as it is defined in the context of so-called Great Tradition. In fact, from the outset, it defines the thematic context of this 'Socratic turn' and/or re-turn (Socratic Return: 1962-1973),<sup>54</sup> mainly through the relevant dialogues of Plato, the Socratic writings of Xenophon and Aristophanes' *Clouds*.

This Introduction is absolutely enlightening to the question why the Platonist Strauss gave equal importance to the Socratic works of Xenophon, significantly upgrading the image of the ancient Greek historian.<sup>55</sup> For Strauss, Xenophon, as a historian, objectively portrays the public

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<sup>51</sup> Leo Strauss, *Socrates and Aristophanes*, op. cit., p. 314.

<sup>52</sup> Noël O' Sullivan, *Conservatism* in Terence Ball and Richard Bellamy (eds), *Twentieth-Century Political Thought*, Cambridge: Cambridge University Press, 2005, pp. 159-160.

<sup>53</sup> Allan Bloom, *Preface* in Leo Strauss, *Xenophon's Socratic Discourse...*, op. cit.

<sup>54</sup> David Tkach, *Leo Strauss's Critique of Martin Heidegger*, Ottawa, Canada: Department of Philosophy, Faculty of Arts, University of Ottawa (Thesis), 2011, p. 68.

<sup>55</sup> Leo Strauss, Greek Historians, *The Review of Metaphysics*, op. cit., p. 657.

image, the words and the deeds of Socrates, focusing on two critical points. Firstly, Socrates puts at the center of the philosopher's relationship with the city the major stake of justice, as the highest civic virtue. Secondly, Socrates, with his public presence, consolidates this sense of justice through the equal virtue of friendship, by making himself beneficial to his associates and to society in general. Thus, in the Socratic writings of Xenophon, Strauss resolves, in a way, the complicated Gordian knot of a supposedly ungodly and impious Socrates, who corrupts the young and insults the gods of Athens.<sup>56</sup>

In 1972, it is released *Xenophon's Socrates*, which is Strauss' last work before his death. No doubt, it is a work of maturity and explicit reflection, which, however, also signifies the culmination of his long engagement with the Xenophon's Socrates, as part of a wider investigation on the one hand of the *theologico-political problem*, on the other hand of the character of classical political philosophy and the nature of the political *per se*. Bloom writes here a minor Foreword, where he summarizes and evaluates exceptionally both the overall work of his teacher on Xenophon, and of course the statutory presence of Socrates in the Straussian project as a whole. With this book, he underscores, Strauss attempts to highlight the ancient way of writing, with putting special emphasis on the underestimated, in his opinion, Xenophon, and through this programmatic goal to contribute to the discovery of the true Socrates and the character of classical political philosophy.<sup>57</sup>

In the first part of the book, which focuses on Xenophon's *Memorabilia*, Strauss analyzes in detail the virtues of Socratic life as the pre-eminent life of the philosopher in the city and the market, which he likens to the life of a gentleman, especially justice, sobriety, wisdom, piety and friendship. The so-called Socratic *daimonion* is set as a whole onto-theological framework, which assembles the Socratic philosophical and political virtues as a solid corpus (*vita activa + vita contemplativa*) and largely symbolizes Socrates'

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<sup>56</sup> Leo Strauss, *Xenophon's Socratic Discourse...*, op. cit., pp. 83-91.

<sup>57</sup> Leo Strauss, *Xenophon's Socrates*, op. cit.

piety as a kind of a constant and courageous questioning of divine and human affairs. Therefore, for Strauss, Socrates' life in the city not only does not corrupt his fellow citizens and does not lead to impiety, but, on the contrary, sets the established conditions for a just and happy life.<sup>58</sup>

In the second part of the book, which deals with the *Apology of Socrates to the Jury*, Strauss, in a masterful way, highlights what he defines as ancient liberalism and liberal education,<sup>59</sup> namely the fact that the philosopher Socrates, who was tried and convicted by the democratic city of Athens, possibly not so much for his excessive wisdom as for the fact that many of his fellow citizens, among them the judges, envied his *megalegoria*, he lived in the city guided by the interest of the city, obeying its laws and gods and proposing, either by his words or by his deeds, until the end, the virtues of generosity, moderation, justice, courage and simplicity. Above all Socrates' exceptional virtues, Strauss emphasizes bravery as an alloy of kindness and wisdom.<sup>60</sup> In the final part of the book, which concerns the *Symposium*, Strauss, with a detailed analysis, summarizes, in a way, his position that Socrates can be seen as a gentleman, who taught and embodied in his political life, as a philosopher-citizen, the virtues of wisdom, courage and prudence as metonymic conditions of justice.<sup>61</sup>

Finally, we must say that undoubtedly the whole Straussian *corpus* on the Socratic writings of Xenophon is summarized in the famous 'Five Lectures' of 1958, with the Nietzschean title 'The Problem of Socrates'.<sup>62</sup> This long text should be approached as a turning point in Strauss' overall work, in which he creatively and organically connects the *theologico-political problem* (let's say the Weimar-driven Strauss) with the 'problem of Socrates' (let's say the American-driven Strauss). Both now are focusing on the

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<sup>58</sup> Ibid., pp. 3-126.

<sup>59</sup> Leo Strauss, *Liberalism Ancient & Modern*, Chicago and London: The University of Chicago Press, 1995, pp. 3-64.

<sup>60</sup> Leo Strauss, *Xenophon's Socrates*, op. cit., pp. 129-140.

<sup>61</sup> Ibid., pp. 143-178.

<sup>62</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism...*, op. cit., pp. 103-183.



question of so-called classical political philosophy, that is to say, philosopher's relationship with the city. As we saw, at the heart of the classical political philosophy prevails the onto-theological question of justice, or, otherwise, the question of the human soul herself.<sup>63</sup> Undoubtedly, this solid Straussian *problématique* is haunted by the tragic event of persecution and possibly the barbaric killing of the philosopher by the power, even by a democratic power.<sup>64</sup>

Strauss' lectures on the 'problem of Socrates' can be summarized as follows: First, Strauss contrasts Plato and Xenophon's Socrates with Aristophanes' Socrates, with the main aim of highlighting the Socratic way of life as an ideal mixture of *vita activa* and *vita contemplativa*. However, in essence, the German-Jewish thinker puts philosophy at the forefront of political life in the sense of classical political philosophy. Second, through the clash of polis and philosophy, in the person and life of Socrates, Strauss highlights the onto-theological envy of the city towards the absolute independence of speech and perfect freedom. Freedom of thought does not need popular applause.<sup>65</sup> Although this seems to be an indirect concession of Strauss to a kind of philosophical elitism, for anyone who studies his work as a whole, it is but an explicit commitment to ancient liberalism, which by definition has an anti-totalitarian character, even when it comes to democracy as the ideal sort of political community.<sup>66</sup>

Smith claims that Strauss' Platonic liberalism is skeptical and suspicious of any form of tyranny, even of mass democracy. What excites Strauss and seems determinative of both the *theologico-political problem* and the 'problem of Socrates' are dealt with is neither economic freedom, nor equal rights, nor democratic deliberation, but the freedom of *philosophizing* as the highest virtue.<sup>67</sup> Classical political

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<sup>63</sup> Leo Strauss, *The City and Man*, op. cit., pp. 50-138.

<sup>64</sup> Leo Strauss, *Persecution and the Art of Writing*, op. cit., pp. 7-21.

<sup>65</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism ...*, op. cit., p. 105.

<sup>66</sup> Leo Strauss, *Liberalism Ancient & Modern*, op. cit., pp. 26-64.

<sup>67</sup> Steven B. Smith, *Reading Leo Strauss. Politics, Philosophy, Judaism*, Chicago and London: The University of Chicago Press, 2006, pp. 106-107.

philosophy, Strauss sums up, is liberal in the true sense of the word.<sup>68</sup>

Thirdly, political philosophy, something that Alfarabi has uniquely highlighted for Strauss in the context of medieval Enlightenment, is the product of a political coexistence of philosophy and the city. The grave danger that the philosopher faces in the city is significantly mitigated by the search for a civic model that does not refer to a celestial polis, not to a totalitarian city, not even to a civic form such as ancient Athens, which ultimately does not allow the philosopher to lead a noble and free life.<sup>69</sup> Socratic moderation and *phronesis* compose the solid basis of classical political philosophy.<sup>70</sup> Philosophy, writes Strauss, is primarily a political philosophy, because political philosophy is a field of onto-theological protection of human dignity and especially of the inner *sanctum* of philosophy *per se*.<sup>71</sup>

Fourth, Strauss never stopped reflectively reconstructing the *theologico-political problem* of the Weimar period, which he projected in the United States through the ‘problem of Socrates’. It is no coincidence that in the key article of *The spirit of Sparta or the taste of Xenophon*, the now exiled German-Jewish thinker, raises at the end of the text, almost programmatically, the major, thorny but also unsolvable question of the onto-theological incompatibility between politics and philosophy, which includes the related question of the relationship between philosophy, theology, and politics, since, as he points out, Socrates was led to death because he was accused of not believing in the gods of the city. Both Plato and Xenophon, according to Strauss, place in their

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<sup>68</sup> Leo Strauss, *Liberalism Ancient & Modern*, op. cit., pp. 28-29.

<sup>69</sup> Leo Strauss, *Persecution and the Art of Writing*, op. cit., pp. 11-19.

<sup>70</sup> Spiros Makris, *The Ancient as Modern. Leo Strauss and the Revival of Classical Political Philosophy* in Konstantinos Boudouris (Editor-in-Chief), *Proceedings of the XXIII World Congress of Philosophy*, Volume 69, Political Philosophy, Charlottesville, Virginia: Philosophy Documentation Center in cooperation with the Greek Philosophical Society and the Fédération Internationale des Sociétés de Philosophie, 2018, pp. 283-288.

<sup>71</sup> Leo Strauss, *The Rebirth of Classical Political Rationalism ...*, op. cit., p. 133.

Socratic works the tragic dimension of the persecution of the free-thinking man as the fundamental element and/or stake of the existence not only of the political philosophy herself, but of the organized social and political life as such.<sup>72</sup>

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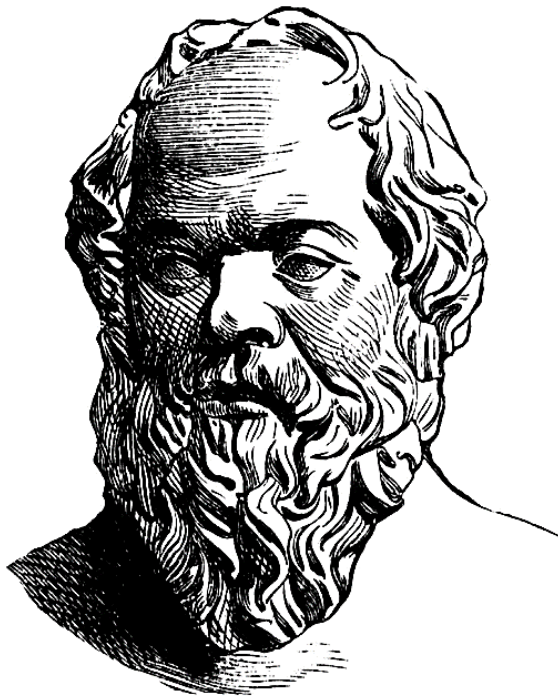
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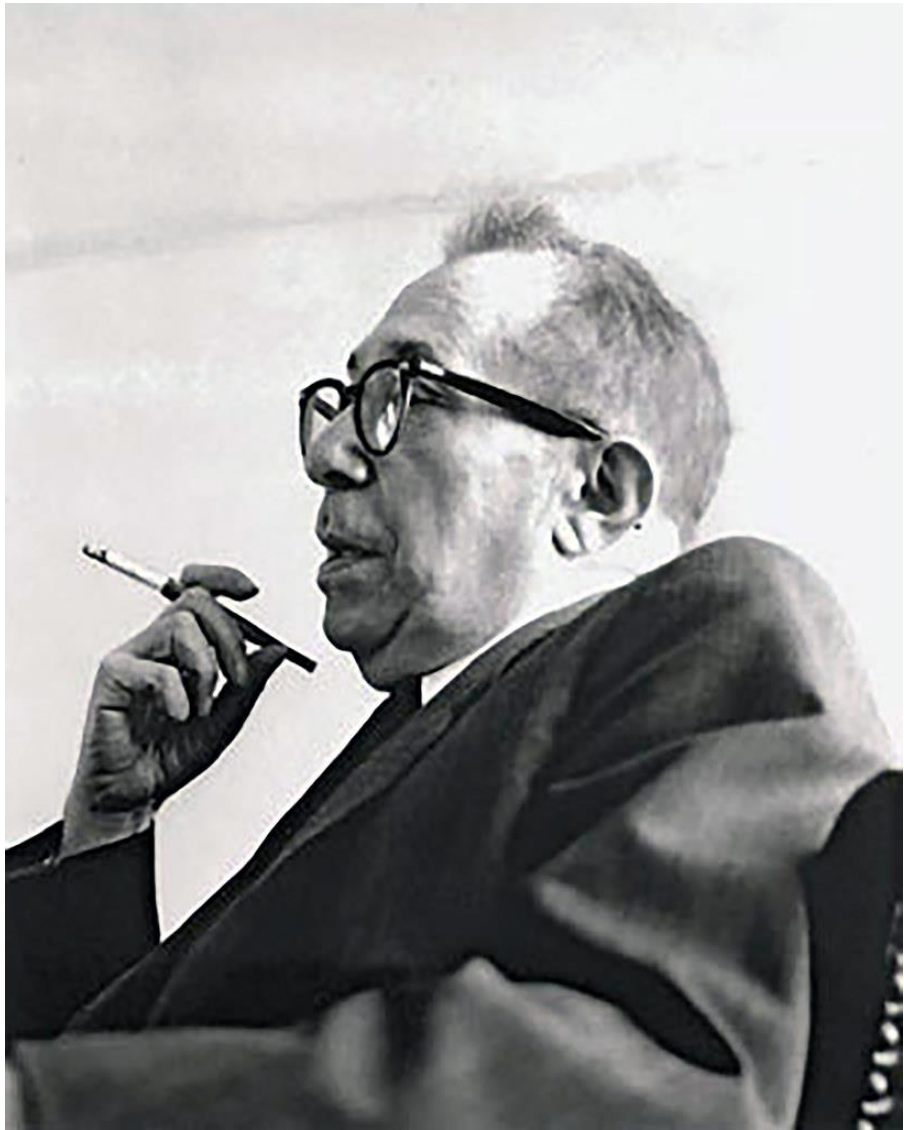
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**Enlightenment, modernity and democracy:  
Leo Strauss, H. L. Mencken  
and the new political science**

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**Abstract:** This essay seeks to demonstrate a certain overlap between the political thought of Leo Strauss (1899-1973) and H. L. Mencken (1888-1956). The argument fully recognizes that Strauss is a political philosopher inclined to the classics and natural right, and Mencken is a journalist inclined to the moderns and the power of scientific progress, they nevertheless occupy the same terrain in respect of certain opinions on the purely political plane. Allowing a great distance between the two men philosophically speaking, we can still see them come together in arguing that a regime which looks up to certain individuals of ability, talents, character, intellect and virtue has to be the standard by which the discipline of political science makes its judgments concerning the phenomena of political life.

**Keywords:** *Strauss, Mencken, Enlightenment, Modernity, Democracy, Bryce, Tocqueville, Statesmen, Greatness*

## Introduction

In the discussion which follows I attempt to connect certain strands of Strauss's thought to that of H.L. Mencken in somewhat the same way as one might connect the thought of William James to the output of Walter Lippmann. At first blush it might seem somewhat far-fetched to draw a line of connection between Leo Strauss (1899-1973) and Henry Louis Mencken (1888-1956). To consider these two men within a single range of vision is to court the possibility of a fool's errand. After all, it is a comparatively easy step to reveal that Mencken by no means belongs in any kind of "Straussian" fold that might be "checking ID's" so to speak. This can be shown by simply stating the known and accepted facts of Mencken's case – he is a modernistic, atheistic, Spinozistic, scientific, skeptical and enlightenment thinker and that is all there is to it. But in the case of Mencken it is really impossible to leave things at that and thus close his file. This can be shown by considering certain elements in both his and Strauss's thought that serve to reveal how intrinsically complicated Mencken's relationship to a figure like Strauss might be.

### Eastern Wisdom, Western Freedom and the Fate of Socrates

Mencken defines the very difference between East and West in terms of the intelligibility of the notion of "individual autonomy and right." He allows that things both "kindly and humane" may well have been as intelligible in the East as in they were in the West, but this was not the case with regard to the specific notion of freedom. Simply put, anything like the idea of individuality in the western sense would have been unintelligible in the East. The reason for this, Mencken explains, is that in the East every right was subordinated to duty - "the duty to obey the constituted authorities, to labour unquestioningly for the common weal, to act right and, above all, to think right."<sup>1</sup>

What is striking here is that Mencken's version of the East

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<sup>1</sup> Mencken, 1930: 258-259



reminds us of Leo Strauss's version of pre-modernity. Strauss explained in any number of his writings that in ancient times, or more precisely, until the time of the impact of Hobbes, duty or virtue took priority over individuality or freedom without further ado. Strauss famously said that Edmund Burke "was still too deeply imbued with the spirit of 'sound antiquity' to allow the concern with individuality to overpower the concern with virtue."<sup>2</sup> By contrast we can say of Mencken that he simply had no confidence in the "soundness" of antiquity. This is because his thoroughly modern philosophical premises went so deep that to elevate even a quasi-ancient like Burke to the heights we see in Strauss's comment would make no sense to him: Spinoza, Hobbes and the Moderns – Yes! Strauss, Burke and the Ancients – No!

According to Mencken, the skeptics of Babylon, such as they were, refrained from public criticism of the authorities lest they be persecuted for it, even unto death.<sup>3</sup> So it was that we had to wait for the arrival of the Greeks to experience that "free speculation we are now so familiar with." Although the Greeks were by no means the first philosophers, they were "the first to make philosophy the first concern of man." They were in fact the first of the world's peoples to make any concerted attempt to liberate the human mind. With them, men began to think "frankly, boldly, rationally" about things as they had never thought before.<sup>4</sup>

Mencken claims that after the famous trial and execution of Socrates "All the prevailing ideas of government were exposed to a new and candid examination, and with them all the prevailing ideas about the nature of the physical world, the qualities and powers of the gods, and the character of the thinking process itself."<sup>5</sup> So in some strange and ironical twist of history, the fate of Socrates did not end up sending a message to the philosophers that they should "clam up." It seems rather to have emboldened them to become denouncers

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<sup>2</sup> Strauss, 1965: 323

<sup>3</sup> See Strauss, 1952 and Melzer, 2014

<sup>4</sup> Mencken, 1930: 259

<sup>5</sup> Mencken, 1930: 259.

and iconoclasts.<sup>6</sup> If Mencken insinuates that the Greek thinkers should have been as iconoclastic at certain points before Socrates, as they somehow became after him, he is nevertheless glad that in the post-Socratic era they came around to his position and set out to boldly expose the great theologico-political frauds of the age.

So, a tradition of a kind of “minority report” existing side by side with “mainstream values” was finally established in the West. The habit became ingrained on the part of a “very small class of men” of rejecting as palpably false the prevailing ideas of the age. Indeed, as Mencken understands him, Jesus himself came under the spell of the Greek philosophers and this explains his life’s story. He was “a well-educated young Jew, who manifested an audacious defiance of the priests at Jerusalem.” In 20<sup>th</sup> Century terms, Mencken explains, this was the equivalent of “heaving the (American) Constitution into the fire, and the Bible and the Revised Statutes after it.”<sup>7</sup>

### **The Transition to Modernity**

In the light of Mencken’s views about the condition of philosophy in antiquity it appears that the more substantive divergence between Mencken and Strauss has to do with their specific attitudes to modern philosophy. For Strauss the transition to modernity beginning with Machiavelli, and then on through his famous “Three Waves”<sup>8</sup> was in fact a “wrong turn” that the world would have been much better off not to take. Mencken’s attitude to the rise of modernity is more or less the polar opposite of this view. Mencken has very little to say if anything about Machiavelli, but he is sure that the world was saved by the arrival on the scene of Baruch Spinoza. Indeed, it was during the 17th Century that all of the basic discoveries were made and from that point on “everywhere knowledge of the visible world was widening day by day.”<sup>9</sup>

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<sup>6</sup> See *Apology of Socrates* 39c-d

<sup>7</sup> Mencken, 1930: 259-260

<sup>8</sup> Strauss, 1975:81-98

<sup>9</sup> Mencken,1930: 260

Mencken says that Spinoza launched an earth-shattering “onslaught” upon “the inspired inerrancy of the Pentateuch” in his *Tractatus Theologico-Politicus* (1670). Before him the learned Spanish rabbi, Abraham ben Meir ibn Ezra, may well have “unearthed many absurdities in the Bible” but it was Spinoza who opted to speak in a much louder voice and adopt a more confrontational approach, all to the great approval of Mencken.<sup>10</sup>

Equally gratifying to Mencken was the fact that in the face of efforts to suppress his work, Spinoza managed to see to it that “enough copies got out to reach the proper persons” and from this moment onward “the Old Testament has been under searching and devastating examination.” It was especially thinkers in Germany who took up Spinoza’s torch to such an extent that the Germans “have had more to do with (Spinozian criticism) than any other people.” In fact, so much has this been the case that American Christians tend “to think of the so-called Higher Criticism is a German invention.”<sup>11</sup>

The amazing historical fact here, is that at exactly the moment Mencken was making these arguments in the United States, Strauss was introducing to the world his revolutionary critique of Spinoza. The irony to note in this context is that unlike most American commentators, Mencken knew German and would have been in a position to read Strauss’s Spinoza book “hot of the press” if it had come across his transom.<sup>12</sup> If indeed he had been in a position to read Strauss’s book, Mencken would have seen it argued that Spinoza in particular, and early modern philosophy was prone to certain deficiencies and oversights, especially when compared to its medieval and

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<sup>10</sup> Abraham ben Meir ibn Ezra, (1092/93 - 1167) has sometimes been categorized as a Neoplatonic pantheist who was in some degree a precursor of Spinoza.

<sup>11</sup> Mencken, 1930: 230. Hobbes is alleged to have said that “he durst not write so boldly” as did Spinoza in his *Theologico-Politico Tractatus*. Edwin M. Curley notes that “Leo Strauss was fond of (this) passage, since it lends support to his interpretation of Hobbes as an atheist, forced by the repression of his times to conceal his atheism in a cloak of insincere professions of (relative) religious orthodoxy.” Curley, 1992: 498

<sup>12</sup> Strauss, 1930. Mencken made seven visits to Germany all told with the last being in 1938 just prior to the outbreak of World War II.

ancient counterparts.

### The 18<sup>th</sup> Century Legacy and the Study of Democracy

No one looked on the great European Enlightenment more favorably than Mencken. His almost complete allegiance to the moderns is made manifest when he says that “By the middle of the 18<sup>th</sup> Century what Nietzsche was later to call a transvaluation of all values was in full blast.” In all honesty, “Nothing sacred was spared - not even the classical spirit that had been the chief attainment of the Renaissance - and of the ideas and attitudes that were attacked not many survived.”<sup>13</sup> The needfulness for any such practice as philosophical “esotericism” had come and gone by this time. From here on it was a “no holds barred” attitude that was obligatory on true intellectuals or *philosophes*. “It was no longer necessary to give even lip service to the old preposterous certainties, whether theological or political, aesthetic or philosophical.” In the particular case of France, Voltaire, Rousseau and Diderot succeeded in making “a bonfire of all the Christian superstitions” while in England Edward Gibbon revolutionized the science of history and Adam Smith founded the new science of economics. Meanwhile over in Mencken’s ancestral homeland, Immanuel Kant “was pondering an ethical scheme that would give the Great Commandment a new dignity.”<sup>14</sup>

Mencken’s account of the historical influence of the skeptical school sees the fear of God diminishing in the minds of men with the passage of time. This ongoing process set men free to give some serious attention to the “amenities” of life and to the comfort and luxury which accompanies such refocused attention. Once European man had thrown off all “the old gloomy dread of post-mortem penalties and retributions” he could now set out to enjoy himself in a world that grew “ever more pleasant.” And from this process there stems the absolute *piece de resistance* of civilization itself – “the cultivation of

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<sup>13</sup> Mencken, 1930: 291-292

<sup>14</sup> Mencken, 1930: 293

leisure.”<sup>15</sup>

For Mencken, urbanity follows the spreading influence of philosophical skepticism as surely as night follows day. Indeed, “urbanity” itself is the “hallmark” of increasing cultural doubtfulness, and it is this doubting spirit that allowed the human race, “at least on its upper levels,” to vastly improve its manners. With the possibility of true leisure secured, a period in human history ensued where life was never “lived more delightfully, or been, in any true sense, more civilized.”<sup>16</sup>

But there is one point that Mencken makes in passing here that seems to compromise his whole case, at least in part. He specifies that the immense and liberating achievements of the historical waves of skeptical thought and the triumphs of the Enlightenment were more or less confined to the “upper levels” of society. In other words, even allowing Mencken’s account of the leaps of the human mind towards higher levels of civilization to be simply true, the “Old Adam” of a fundamental distinction between the Few and the Many perdured, and Mencken never loses sight of this fact in all of his writings. At one point he pronounces in no uncertain terms that “(T)he progress of enlightenment affects the great masses of men but little” and that the advancement of learning “is a matter which concerns exclusively a small minority of men.” Moreover, “no imaginable scheme of education will ever bridge the gap between the great masses of men and the intelligent minority.”<sup>17</sup> What this in fact means is that Mencken has to give a wink to the ancients however firmly he is committed to the legacy of Spinoza, Hobbes, Voltaire, Kant and the *philosophes* over that of Plato, Aristotle, Aquinas et. al. In short, for Mencken the disappearance of the need for esotericism is not exactly identical to the disappearance of the distance between the elite and the masses or the Few and the Many.

At one point, Strauss alludes to Mencken’s favorite period as the age of “the great eighteenth century philosophical analysis.” He does so in order to show how for Alexis de

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<sup>15</sup> Mencken, 1930: 293

<sup>16</sup> Mencken, 1930: 293

<sup>17</sup> Mencken, 1955:105-106.

Tocqueville this heritage was an immediate and palpable intellectual force. But in the case of Mencken, even with all his great admiration for the 18<sup>th</sup> Century, we see someone who is so remote from it that he is more inclined to refer to political thinking more or less contemporary with his own. This contradiction derives from Mencken's feeling that in the 20<sup>th</sup> Century, Tocqueville is in some sense "obsolete" or "out of date," as Strauss indicates he in fact is in but only with respect to certain specific subsequent historical developments.

Mencken's "blind spot" here can be shown by considering Strauss's suggestion to his students that with regards to the question of natural right's relation to the thought of Tocqueville, the study of Burke and Paine can help them get rightly oriented to the subject. Mencken himself, not having heard of or followed Strauss's recommendations to his students, proceeds to base his arguments on the shifting sands of post-natural right or "nihilist" thought more likely to be associated with the name of Max Weber than those of Burke or Paine. To be sure Strauss does suggest that a slight inkling of Max Weber's "insoluble value conflict" is available in Tocqueville, but by the time we get to Mencken pure "Weberism" has taken over the field completely, especially in Germany.<sup>18</sup>

So, as it turned out, Mencken was making his broadsides against democracy for its lack of concern for excellence, high culture, integrity, decency and so on, at a moment when his much admired ancestral homeland, on the level of theory at least, had already gone over to Weber and had long since given over such concerns to the realm of subjective values. Mencken looked to Germany as a model for high cultural and socio-ethical standards, but even as he did so, Germany had become the *avante-garde* for those arguing to the world that all preferences be they decent or not are intrinsically valid.<sup>19</sup>

But however, much Tocqueville might be compromised by a tincture of "Weberism" pervading his thought, Strauss is sure that his analysis of democracy is "perfectly sound for most

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<sup>18</sup> See Strauss, 1965: 35-80

<sup>19</sup> Strauss, 1965: 2

practical purposes.”<sup>20</sup> Mencken concurs with him here, at least on the question of Tocqueville’s account of the causes of corruption under democratic conditions. He readily concedes that the Frenchman dealt with this question in a satisfactory manner. Reciprocally, Strauss is willing to concede something to Mencken’s dismissiveness of Tocqueville, in that while the Frenchman’s thought is perfectly satisfactory, not to say indispensable on the practical plane, there are nevertheless “little difficulties” in his pages “which bear in them the germ of great practical dangers.”<sup>21</sup> The problem as Strauss frames it, is that Tocqueville ultimately turned his back “the kind of reasonable inequality corresponding to merit.” In other words, he dogmatically accepted the democratic notion that “justice is simply identical with equality.”<sup>22</sup> This is something of which Mencken could never be accused.

### Bryce and Tocqueville

We know that it is basically fair to accuse Mencken of being remiss in not spending more time on political philosophy. As a result of this choice, he has to be placed many rungs down the ladder from Strauss in this respect.<sup>23</sup> But we do know that both Strauss and Mencken read Lord Bryce’s *Modern Democracies* (1921). This is an arresting fact because we have Strauss on record as having stated that *Modern Democracies* is “the next great book” after Tocqueville’s *Democracy in America* in the field of modern democratic studies. To be sure, Strauss does not wish to be taken as saying that Bryce’s work is actually equal in rank to that of Tocqueville. But he does state clearly that Bryce “may be correct in many points where Tocqueville saw wrong.”<sup>24</sup> Given Strauss’s reference to

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<sup>20</sup> Strauss, 1962:12

<sup>21</sup> Strauss,1962:12.

<sup>22</sup> Strauss,1962: 11

<sup>23</sup> Terry Teachout observes that Mencken does not appear “to have read widely in the classics of political philosophy...He seems, for instance, never to have read Tocqueville, who was no less critical of democracy.” Teachout, 2002:126.

<sup>24</sup> Strauss, 1962:1

the one book we know for certain both he and Mencken read, let us briefly consider some of the opinions they volunteer on the nature of democracy in connection with Bryce's volumes.

Mencken explains to his audience that if they take the time to read Bryce's *Modern Democracies* they will observe how he "amasses incontrovertible evidence that democracy doesn't work." What Mencken is driving at here is the view that, while being the very antithesis of the old religion, democracy has in effect, become a substitute for it. Democracy "has the power to enchant and disarm" and "shows all the magical potency of the great systems of faith." And like the old systems of faith "it is (just) not vulnerable to logical attack" as is demonstrated by "the appalling gyrations and contortions of its chief exponents."<sup>25</sup>

So far, so good. Bryce's "two fat volumes" would appear to be a very profitable read for the student of democracy. But then unfortunately for his standing in Mencken's eyes, Bryce "concludes with a stout declaration that (democracy) does (in fact work)"<sup>26</sup> Mencken explains that the "mystical gurgle" at the end of *Modern Democracies* involves a sincere hope that "the mob will one day grow intelligent, despite the colossal improbability of it." So for Mencken, all Bryce ultimately succeeds in achieving is to beg the question of "how in spite of the incurable imbecility of the great masses of men are we to a reasonable measure of sense and decency into the world?"<sup>27</sup> This problem induces Mencken to suggest that Bryce's analysis of democracy "obviously lies outside the range of logical ideas." Hence it is impossible "by any device known to philosophers," to meet its claims.<sup>28</sup>

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<sup>25</sup> Mencken, 1926:197

<sup>26</sup> Mencken, 1926:197.

<sup>27</sup> Mencken, 1970:122

<sup>28</sup> Mencken, 1970:122



## What Political Science Needs

If Mencken is so truly dismissive of Lord Bryce's efforts as a political scientist, what does he himself have in mind for a more effective and rewarding approach within the discipline? His recommendation here is for political science to take up the "realistic investigation of the careers" of all of those leaders who have succeeded under democratic conditions. The goal here would be to make "a scientific attempt to deduce the principles upon which they worked."<sup>29</sup>

Forty years later, Strauss seems to be responding to Mencken's suggestion when in 1965 he delivered some *ex-tempore* remarks on hearing of the passing of Winston Churchill. For Strauss, Churchill's passing serves as "a healthy reminder to academic students of political science of the limitations of their craft." The great man's demise should remind all political scientists that they have no higher or more pressing duty, than to remind themselves and their students of the phenomena of "political greatness, human greatness, (and) the peaks of human excellence." This does not mean that political scientists have a duty to be hagiographical but rather that they have a duty to see things as they "actually are." And what this means above all, Strauss says, is that they should see things in "all their greatness and their misery, their excellence and their vileness, their nobility and their triumphs." In other words, they should never make the mistake of confusing "mediocrity, however brilliant, for true greatness."<sup>30</sup>

Allowing for differences of time and place amongst other considerations, it is almost as if Strauss's words here could have issued from the mouth of Mencken. They convey a sense that the two men had much in common when it came to the requirements for an effective political science. For both men, the phenomenon of human greatness and political

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<sup>29</sup> Mencken, 1922: 127-130. In this connection Mencken mentions the names of Abraham Lincoln and Theodore Roosevelt as possible examples. To say the least the figures of Lincoln and Roosevelt along with that of Churchill have played no small role in the field of Straussian scholarship in recent decades. See Strauss, 1965 Jaffa ed., 1982, di Lorenzo, 2003 and Yarborough, 2014

<sup>30</sup> Strauss, 2015.

magnanimity is a genuinely examinable scientific variable without consideration of which the true nature and implications of democratic politics can never be appreciated.<sup>31</sup>

### **Power Politics or a Better Regime?**

Our sense of a connection between the thought of Strauss and Mencken is strengthened when we observe that both men take the “regime question” to be pivotal, i.e. they both think that political science has to begin with consideration of the advantages and disadvantages of Monarchical, Aristocratic and Democratic forms of rule and their affiliated variations. For both writers the study of politics is a “realist” science in the sense that it deals with the collision between the “Best Regime” or “Scientific Government” on the one hand, and the realities of the historical existent forms of government on the other. In other words, politics should be conceived of in the light of certain natural ethico-moral demands.<sup>32</sup> We need only recall here that Strauss is on record as saying that he is “inclined to the opinion ...according to which Machiavelli is a teacher of evil,” and that Mencken is famous in part for saying that President Cleveland was “a good man in a bad trade.”<sup>33</sup>

But for all this “moralism” it is perhaps not so surprising that Mencken could be accused of Nietzscheo-Machiavellian leanings given that he tends to situate them out front in his various discussions. But surprisingly enough in the case of the more subdued Strauss, we find that he has perhaps been more frequently accused of harboring deep-down Nietzscheo-Machiavellian tendencies however much he might have masqueraded as a “liberal” on the surface.<sup>34</sup> But for all this, it is plain as day that Mencken, just as much as Strauss, sees ethics and polity as standing together. No one makes more

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<sup>31</sup> See Strauss, 1988: 233-235

<sup>32</sup> Mencken’s “Proposal for the Constitution of Maryland” makes this as clear as can be. For Mencken, the Maryland Constitution can be adjusted in light of our knowledge of what good government can be. Mencken,1995:327-340

<sup>33</sup> Strauss,1958:9; Mencken,1982:226-229.

<sup>34</sup> See Minowitz, 2009

heartfelt pleas for simple decency in political and social life than H.L. Mencken whatever his level of rascality otherwise. And for the political philosopher Strauss, politics and morality are two avenues that will always meet at the crossroads of political life. Even Mencken's enthusiastic scientism fails to dim the light by which he is called to assess the political world. In this respect he joins Strauss on *terra firma* when he writes about the socio-political, historical and cultural phenomena that may have attracted his attention.

While Mencken may be accused of a pronounced form of journalistic "amoralism" the fact is that he only likes to "flirt" with post-modern Nietzscheanism. But in no sense is he a genuinely consistent anarcho-nihilist. He may have been exceedingly hostile to the high moralism of the man he calls the "Archangel Woodrow,"<sup>35</sup> but he was not for this reason prepared to turn his back on such old-fashioned notions as simple human integrity.<sup>36</sup> And how could any kind of anarcho-nihilist look upon Bismarckian Germany with such favor as did Mencken.<sup>37</sup>

If we allow ourselves to be guided Strauss's account of the history of political philosophy on this score, then we envisage Mencken as coming to a halt at one of the historicist way stations on the path of modernity. But having done so he failed to complete the full journey to the nihilist or "postmodernist" terminus which Strauss argues will always be waiting at the end of the mistaken road of modernity.

## Conclusion

On the one hand Strauss could be described as an "Ellis Island" American, while Mencken was a "born and bred" American on the other. But whatever the distance between them represented by this biographical difference, their politico-philosophical standpoints are ultimately within hailing

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<sup>35</sup> Mencken, 1982:248-251

<sup>36</sup> Terry Teachout argues that above all Mencken was a "Victorian" Teachout, 2002:17,118,125,157,208,244,344.

<sup>37</sup> Mencken, 1914

distance of one another. It is in the light of an ideal of the Best Regime that Mencken, the native son, condemns and contemns much of American life as being “at war with every clean and noble impulse of man.”<sup>38</sup> And by the same token we see that Strauss’s deep reflections on the nature of the Best Regime allow him both to indicate how distant from that ideal the actual American regime may in fact be, while at the same time permitting him to acknowledge the elements in American political life that point in that Regime’s direction.

For both Mencken and Strauss the American Founding endowed the nation with a noble tradition of enlightened statesmanship which should always be conveyed to American life as a whole, even as America has become estranged from its historical and philosophical roots. Strauss with his philosophical discipline and depth might join with the brilliant Mencken in saying that the Founding Fathers brought “active and original minds” to the quest for a “civilization of excellences” and so created a “hatchery of ideas” that gave rise to “nearly all the political theories we (should) cherish today.”<sup>39</sup> For both Strauss and Mencken the names of the Founding Fathers constitute a pantheon the legacy of which is well worth preserving. A heightened esteem for the signers of the *Declaration of Independence* and the framers of the *United States Constitution* would signal to both men that Nietzsche’s “Last Man” has not actually taken up residence in the various mansions of the Western house, even if he might be standing at her doorstep.

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<sup>38</sup> Mencken, 1921:135

<sup>39</sup> Mencken, 1982:185. See Stenerson, 1971, 1987 and Rarner-Rosehagen, 2012: 52-57

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## Rousseau, Leo Strauss, and Denaturalization

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**Abstract:** Rousseau's concept of denaturalization refers to the process of transition from the unhappy and corrupt modern man to the citizen of the *Social Contract*. The project is contradictory and fails. Denaturalization is incomplete and wrong. The problem, according to Strauss, comes down to choosing the right natural foundation for a "good life". Neither the unnatural general will nor the imitation of original natural man's way of life in the modern conditions (a *renaturalization* of sorts) can offer it. This requires classic natural law.

**Keywords:** Denaturalization, renaturalization, general will, social contract sentiment of existence, state of nature, natural right.

Whoever refuses to obey the general will be constrained to do so by the entire body, which means only that he will be forced to be free. For this is the condition that (...) creates the ingenuity and functioning of the political machine.  
Rousseau, *Social Contract*

I am not made like any of the ones I have seen; I dare to believe that I am not made like any that exist. If I am worth no more, at least I am different.  
Rousseau, *Confessions*

Rousseau was not the first to feel that the modern venture was a radical error and to seek the remedy in a return to classical thought. (...) But Rousseau was not a “reactionary”. He abandoned himself to modernity.  
Leo Strauss, *Natural Right and History*

According to Strauss, Rousseau is a key figure in modern political thought. He calls him “genius of the first order”.<sup>1</sup> Strauss builds an inspired interpretation that conduced to a relative flourishing of Rousseauian studies in the last quarter of the twentieth century through Strauss’s students.

The most complete reference of Strauss to Rousseau can be found in *Natural Right and History*.<sup>2</sup> We also have the article *On the Intention of Rousseau*,<sup>3</sup> along with two brief but substantial references in *What is Political Philosophy*<sup>4</sup> and

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<sup>1</sup> Leo Strauss, *Seminar in Political Philosophy: Rousseau* (Jonathan Marks ed.), Estate of Leo Strauss, 2014, p. 442. [Hereafter *Seminar*]

<sup>2</sup> Leo Strauss, *Natural Right and History*, The University of Chicago Press, Chicago and London, 1953, pp. 252-294. [Hereafter *NRH*]

<sup>3</sup> Leo Strauss, “On the Intention of Rousseau”, *Social Research*, vol. 14, No 4, December 1947, pp. 455-487. [Hereafter *Intention*]

<sup>4</sup> Leo Strauss, “What is Political Philosophy?”. *An introduction to Political Philosophy* (Halail Gildin ed.), Wayne State University Press, Detroit, 1989, pp. 3-57. [Hereafter *WIPP*]



*The Three Waves of Modernity*.<sup>5</sup> Finally, there is the seminar that Strauss dedicated to Rousseau as a professor at the University of Chicago in 1962.<sup>6</sup>

Strauss discovers in Rousseau deep and timeless reflections about ethics, law, science, happiness and politics, thematics that lie at the core of his own thinking. He assigns to Rousseau a pivotal position on the path to what he calls “the crisis of modernity”. While Rousseau seems to gravitate towards a form of premodern political thinking, opposing the course of political theories of early modernity, he ultimately takes the decisive step of radically detaching modernity from its classical roots. As it has been written, Rousseau was “an ancient with a modern soul”.<sup>7</sup> According to Strauss, Rousseau and his intellectual offsprings, German Idealism and Romanticism, formed the “second wave of modernity”, which emerged as a reaction to the “first wave of modernity”, as represented predominantly by Machiavelli, Hobbes, and Locke. Rousseau, he writes, criticized the first wave “in the name of two classical ideas: the city and virtue, on the one hand, and nature, on the other”. He notes a tension in Rousseau between the return to the classical city and the return to nature, commenting that “this tension is the substance of Rousseau’s thought”.<sup>8</sup> Strauss also insists on Rousseau’s radical critique and rejection of natural law (classical and modern), arguing that the French philosopher introduced in its place the general will, with history being the creative principle of man and his man-made world. The pivotal position of the concept of nature in Rousseau’s work and its uneasy harmonization with his politics, render denaturalization problematic.

Rousseau himself connects denaturalization with the formation of *Social Contract’s* society and citizen. This type of

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<sup>5</sup> Leo Strauss, “The Three Waves of Modernity”. *An introduction to Political Philosophy* (Halail Gildin ed.), Wayne State University Press, Detroit, 1989, pp. 81-98. [Hereafter *TWM*]

<sup>6</sup> Leo Strauss, *Seminar*.

<sup>7</sup> Ian Hampsher-Monk, *A History of Modern Political Thought. Major Political Thinkers from Hobbes to Marx*. Blackwell, Oxford UK & Cambridge USA, 1992, p. 153.

<sup>8</sup> Strauss, *NRH*, 254.

society signifies the end of the state of nature. Nature has many different meanings in Rousseau. Most of them derive directly or indirectly from his extensive description of the original man of nature in *Discourse on the Origins of Inequality*.<sup>9</sup> For Rousseau, this work was “of the greatest importance”,<sup>10</sup> as it contained his principles proven “with the greatest boldness, not to say audacity”.<sup>11</sup> Strauss also writes: “the *Second Discourse* is indeed Rousseau’s most philosophic work; it contains his fundamental reflections. In particular, the *Social Contract* rests on the foundations laid in the *Second Discourse*”.<sup>12</sup> In what follows, I will briefly elaborate on Rousseau’s nature and city alongside Strauss’s corresponding interpretations and views. This discussion will serve as a basis for illuminating denaturalization.

Rousseau uses the term denaturalization to describe the process of eliminating or transforming human natural features in order to create a new human type, organically dependent on the political body to which it belongs. This human type is a prerequisite for the operation and maintenance of Rousseau’s ideal state. He writes:

Natural man is entirely for himself. He is numerical unity, the absolute whole which is relative only to itself or its kind. Civil man is only a fractional unity dependent on the denominator; his value is determined by his relation to the whole, which is

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<sup>9</sup> But a simple definition of nature is found in *Emile*: “(Our not acquired) dispositions, (...) constrained by our habits, are more or less corrupted by our opinions. Before this corruption they are what I call in us *nature*”. Jean-Jacques Rousseau, “Emile or on Education”. *The Collected Writings of Rousseau*, vol. 13 (Christopher Kelly & Allan Bloom transl. & eds), Dartmouth College Press, Hanover and London, 2010, p. 163; Jean-Jacques Rousseau, “Émile ou de l’Éducation”. *Ouvres Complètes de Jean-Jacques Rousseau*, vol. 4, (Bernard Gagnebin & Marcel Raymond eds), Gallimard, Paris, 1969, p. 248. [Hereafter *Emile*, p. 163; *O.C.* 4, p. 248]

<sup>10</sup> Jean-Jacques Rousseau, “The Confessions”. *The Collected Writings of Rousseau*, vol. 5, (Roger D. Masters, Christopher Kelly & Peter G. Stillman eds, Christopher Kelly transl.), Dartmouth College Press, Hanover and London, 1995, book 8, p. 326. [Hereafter *Confessions*, 8, p. 326]

<sup>11</sup> Rousseau, *Confessions*, 9, p. 341.

<sup>12</sup> Strauss, *NRH*, p. 264.

the social body. Good social institutions are those that best know how to denature man, to take his absolute existence from him in order to give him a relative one and transport the I into the common unity, with the result that each individual believes himself no longer one but a part of the unity and no longer feels except within the whole.<sup>13</sup>

The natural man to whom Rousseau refers here is his famous original man. This creature is supposed to live in the state of nature in the depths of time. The state of nature finds in Rousseau its most rigorous scientific treatment,<sup>14</sup> in order for the foundations of natural law, that is, of ethics and politics, to be illuminated.<sup>15</sup> Not only this original man lacks natural sociability (as Hobbes' man of nature), he also lacks logic. This lonely creature lives in perfect harmony within the natural mechanism of the world, without a single element of civilization. It is determined mainly by the instinct of self-preservation, called "love of oneself" (*amour de soi-même*),<sup>16</sup>

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<sup>13</sup> *Emile*, p. 164; *O.C.* 4, p. 249. Elsewhere Rousseau notes: "Plato only purified the heart of man, Lycurgus denatured it" (*ibid.*, p. 165; p. 250). Strauss also uses the term "denaturalization" in the same sense as Rousseau (Strauss, *Seminar*, pp. 98, 101, 220, 222, 310, 495; *NRH*, p. 285). By this word Bloom means a certain way of politicizing the natural man in Rousseau of the *Social Contract* but not in Rousseau of *Emile*: "Society has always demanded an abandonment of natural freedom and an unnatural bending to the needs of community. Spartan denaturing, Christian piety, and *bourgeois* calculation are, according to Rousseau, the three powerful alternative modes of making this accommodation. The first is the only one which does not divide and hence corrupt; but the undesirability of the Spartan example is fully expressed in the word "denaturing". This is why Emile has been subjected to no law but only to necessity and has always been left free to follow his inclinations". Allan Bloom, "Introduction". *Emile or of Education* (Allan Bloom transl.), Basic Books, New York, 1979, p. 26. In certain other instances Rousseau uses the term with the meaning of "alteration" or "degradation" (for example, see *Emile*, p. 169; *O.C.* 4, p. 255).

<sup>14</sup> Rousseau, *Second Discourse*, p. 19; *O.C.* 3, p. 131.

<sup>15</sup> Strauss, *NRH*, p. 266.

<sup>16</sup> Jean-Jacques Rousseau, "Discourse on the Origins of Inequality". *The Collected Writings of Rousseau*, vol. 3 (Roger D. Masters & Christopher Kelly eds, Judith R. Bush, Roger D. Masters, Christopher Kelly & Terence Marshall transl.), Dartmouth College Press, Hanover and London, 1992 p. 91; Jean-Jacques Rousseau, "Discours sur l' Origine et les Fondements de

and by the “natural compassion” (pitié),<sup>17</sup> which mitigates the hardness of the former. These two natural emotions constitute the basis of natural law, as natural law can only “naturally” and not logically govern this prerational human being.<sup>18</sup> Moreover, the original man is constantly experiencing a sense of existence.<sup>19</sup> Rousseau attributes to him natural goodness (moral evil is a cultural category). This goodness is his own natural and unacquired virtue, in contrast to the acquired political virtue of the social man. His only noticeable difference with animals is his potential for perfection (perfectibilité).<sup>20</sup> Rousseau went all the way back to the original man in search of human nature (as Hobbes had done), but, according to Strauss, came out empty-handed, due to the latter’s lack of humanity. So, Strauss argues, this subhuman creature cannot function as a real, positive model for civilized man or society.<sup>21</sup>

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l’ Inégalité parmi les Hommes”. *Ouvres Complètes de Jean-Jacques Rousseau*, vol. 3 (Bernard Gagnebin & Marcel Raymond eds), Gallimard, Paris, 1964, p. 219. [Hereafter *Second Discourse*, p. 91; *O.C.* 3, p. 219].

<sup>17</sup> Rousseau, *Second Discourse*, p. 36; *O.C.* 3, p. 154.

<sup>18</sup> Rousseau, *Second Discourse*, p. 14; *O.C.* 3, p. 125. According to Strauss, Rousseau makes this hesitant reference to natural law, deviating from the traditional and modern teaching of natural right (*ibid.*, pp. 13-15; pp. 124-126). In Rousseau’s view, the natural law does not make logical demands for its understanding and acceptance by man (Strauss, *Seminar*, pp. 31-33, 42). Thus, Strauss adds, as nature recedes or alters in the course of human history, this natural law will also disappear, to be replaced by the general will, as we shall see.

<sup>19</sup> Rousseau, *Second Discourse*, p. 43; *O.C.* 3, p. 164.

<sup>20</sup> Strauss, *NRH*, p. 265; Strauss, *Seminar*, p. 55; Rousseau, *Second Discourse*, p. 26; *O.C.* 3, p. 144.

<sup>21</sup> Strauss, *NRH*, p. 274. As we shall see later, however, Strauss is not entirely consistent in this. Here, he does not seem to realize that in Rousseau *par excellence* the absence may become more noticeable than presence. The original man in Rousseau’s “dialectical” thinking and evocative wording embodies a happy absence of the features of modern man (essentially bourgeois). He is not socially dependent, he does not work hard, he is not competitive, he does not pretend, he is not vain, he has not lost touch with himself, he ignores property. We would say that, in general, his place in the world is characterized by self-sufficiency and authenticity. He *can*, therefore, be used as a model. Rousseau’s description of the original man of nature could perhaps be considered a vivid commentary on Aristotle’s view that man outside society can be either an

Strauss emphasizes how difficult the exit from this condition turns out to be, something that Rousseau himself lays stress on, citing a number of reasons for the problems that such a departure presents. This man appears to live in a natural context perfectly harmonious, functional and circular. Rousseau writes in this regard: “Who does not see that everything seems to remove Savage man from the temptation and means of ceasing to be savage? (...) His modest needs are so easily found at hand, and he is so far from the degree of knowledge necessary for desiring to acquire greater knowledge, that he can have neither foresight nor curiosity. (...) There is always the same order and the same revolutions”.<sup>22</sup> Rousseau finally states that the departure was brought about solely by the need to survive in the face of unpredictably changing physical conditions of the natural environment (Strauss refers to “mechanical causation”,<sup>23</sup> thus indicating the absence of any teleology).<sup>24</sup> This means that history undertakes the role of the protagonist. Humanity is

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*animal* or a God (*Politics*, 1253a28-30). Rousseau describes him as follows:

Let us conclude that wandering in the forests, without industry, without speech, without domicile, without war, and without liaisons, with no need of his fellows, likewise with no desire to harm them, perhaps never even recognizing anyone individually, Savage man, subject to few passions and self-sufficient, had only the feelings and intellect suited to that state; he felt only his true needs, looked at only what he believed he had an interest to see; and his intelligence made no more progress than his vanity. If by chance he made some discovery, he was all the less able to communicate it because he did not recognize even his Children. Art perished with the inventor. There was neither education nor progress; the generations multiplied uselessly. And everyone always started at the same point, Centuries passed by in all the crudeness of the first ages; the species was already old, and man remained ever a child. (Rousseau, *Second Discourse*, p. 40; *O.C.* 3, pp. 159-160)

<sup>22</sup> Rousseau, *Second Discourse*, p. 28; *O.C.* 3, p. 144.

<sup>23</sup> Strauss, *NRH*, p. 272.

<sup>24</sup>At this point Rousseau differentiates himself from Hobbes and comes close to Spinoza, who criticizes Hobbes for his attempt to establish *Leviathan* through the application of rational natural law as imperium in imperio within the territory of nature. See Baruch Spinoza, “Epistle 50 to Jarig Jelles”. *Complete Works* (Michael L. Morgan ed., Samuel Shirley transl.), Hackett Publishing Company, Indianapolis/Cambridge, 2002, pp. 891-892.

ultimately history's unplanned work. According to Strauss, man for Rousseau is an almost completely malleable being,<sup>25</sup> the product of either random historical developments or human conventions. Strauss traces in Rousseau an emphasis on history (not yet in the form of advanced historicism) and a dominance of 17th-century New Science, the two main

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<sup>25</sup> Strauss, *NRH*, p. 271. This is an excessive interpretation on the part of Strauss, as Gourevitch has convincingly shown. According to Gourevitch, Strauss confuses "almost unlimited perfectibility" with "almost unlimited malleability". See Victor Gourevitch, "On Strauss on Rousseau." *The Challenge of Rousseau* (Eve Grace & Christopher Kelly eds), Cambridge University Press, Cambridge, 2012, pp. 156-157. Strauss himself, associating Rousseau with Kant's formalist ethics and distinguishing between moral and legal dimensions in German legal thought, denounces the historical flow and the immanent and conventional general will as a provider of substantive regulatory principles and values in place of the objective and transcendental natural right. Nevertheless, he recognizes in Rousseau an awareness of the problem and some attempts at thinking in a somewhat transhistorical way (Strauss, *WIPP*, pp. 53-54). The following Rousseau reference can be cited as an example: "Thus, although men had come to have less endurance and although natural pity had already undergone some alteration, this period of the development of human faculties, maintaining a golden mean between the indolence of the primitive state and the petulant activity of our amour-propre, must have been the happiest and most durable epoch. The more one thinks on it, the more one finds that this state was the least subject to revolutions, the best for man, and that he must have come out of it only by some fatal accident which for the common utility ought never to have happened" (Rousseau, *Second Discourse*, p. 48; *O.C.* 3, p. 170). Like Rousseau, Strauss engages in historical research to discover transhistorical purposes and principles. See Preston King, "Introduction". *The History of Ideas. An Introduction to Method* (Preston King ed.), Barnes and Noble Books, London & New York, 1983, p. 16. As for Rousseau, so for Strauss "the purpose of the enterprise is essentially therapeutic" for the crisis of the historical present (John G. Gunnell, "The Myth of the Tradition". *The American Political Science Review*, vol. 72, no. 1, March 1978, p. 123). Strauss does not consider Rousseau to be an exponent of what he calls historicism, a strand of thought positing the existence of a field of reality outside nature that has constituted the particular object of historical research (Leo Strauss, "Political Philosophy and History". *Journal of the History of Ideas*, vol. 10, no. 1, January 1949, pp. 33-34). This characterization refers mainly to historical thought after Rousseau, with Hegel being the most famous exponent (Strauss, *TWM*, p. 91; *NRH*, p. 9).

causes behind what he calls the “crisis of modernity”.<sup>26</sup> The historical period after the exit is the “second” state of nature. It is often confused with the first (i.e. the world of subhuman), something that creates many problems of interpretation and understanding of Rousseau. Rousseau himself says of this confusion: “This was precisely the point reached by most of the Savage Peoples known to us, and it is for want of sufficiently distinguishing among ideas and noticed how far these Peoples already were from the first state of Nature, that many have hastened to conclude that man is naturally cruel and that he needs Civilization in order to make him gentler. On the contrary, nothing is so gentle as man in his primitive stage (...)”.<sup>27</sup> In the second state of nature the principles of the first are actually undermined and abolished. The second state of nature is the history of society before Rousseau’s social contract, from the primitive peoples to the despotism of Rousseau’s time. It concludes with Rousseau’s version of the social contract.<sup>28</sup> Rousseau summarizes this as follows: “(...) inequality, being almost null in the state of Nature, draws its force and growth from the development of our faculties and the progress of the human Mind, and finally becomes stable and legitimate by the establishment of property and Laws”.<sup>29</sup> But in parallel to the course of social developments, an equally important course of moral or anthropological decline is unfolding: “The Savage lives within himself; the sociable man, always outside of himself, knows how to live only in the opinion of others, and

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<sup>26</sup> Strauss, *TWM*, pp. 81-82.

<sup>27</sup> Rousseau, *Second Discourse*, p. 48; *O.C.* 3, p. 170.

<sup>28</sup> Rousseau also describes the precedent of an earlier, deceitful social contract that created a political society defined by the political domination of the poor by the de facto rich (Rousseau, *Second Discourse*, pp. 53-54; *O.C.* p. 177). This society is not considered by Rousseau as a real exit from the state of nature. It is a society that consolidates its sufferings politically and eventually slips into despotism, which is the ultimate social and anthropological collapse with the master-slave relationship it establishes.

<sup>29</sup> Rousseau, *Second Discourse*, p. 67; *O.C.* 3, p. 193.

it is, so to speak, from their judgment alone that he draws the sentiment of his own existence”.<sup>30</sup>

The survival of the human species was in danger. The state of nature, idyllic in its original form, gradually evolved into a hobbesian war of all against all. Rousseau says that “men have reached the point where obstacles to their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state. Then that primitive state can no longer subsist, and the human race would perish if it did not change its manner of living”.<sup>31</sup> Strauss emphasizes that the creation of a civil society in Rousseau is based on the right to self-preservation. This right, as we have seen, is the basic natural principle that governs the original man of nature. Therefore, we can say that the foundation of Rousseau’s new civil society is a “natural” departure from the state of nature.

In his new society, Rousseau seeks to apply in politics some of the principles he discovered during his anthropological research of the original state of nature. However, he often adopts rhetoric against nature. It aims to convince the reader that nature is being abandoned and a saving denaturalization is taking place. He writes:

This passage from the state of nature to the civil state produces a remarkable change in man, by substituting justice for instinct in his behavior and giving his actions the morality they previously lacked. (...) Although in this state he deprives himself of several advantages given him by nature, he gains such great ones, his faculties are exercised and developed, his ideas broadened, his feelings ennobled. (...) What man loses by the social contract is his natural freedom and an unlimited right to everything that tempts him and that he

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<sup>30</sup> Rousseau, *Second Discourse*, p. 65-66; *O.C.* 3, pp. 192-193.

<sup>31</sup> Jean-Jacques Rousseau, “Social Contract”. *The Collected Writings of Rousseau*, vol. 4 (Roger D. Masters and Christopher Kelly eds, Judith R. Bush, Roger D. Masters & Christopher Kelly transl.), Dartmouth College Press, Hanover and London, 1994, book 1, Chapter 6, p.138; Jean-Jacques Rousseau, «Du Contrat Social; ou Principes du Droit Politique». *Ouvres Complètes de Jean-Jacques Rousseau*, vol. 3 (Bernard Gagnebin & Marcel Raymond eds), Gallimard, Paris, 1963, p. 360. [Hereafter, *Social Contract*, 1, 6, p. 138; *O.C.* 3, p. 360]



can get; what he gains is civil freedom and proprietorship of everything he possesses. (...) One must distinguish carefully between natural freedom, which is limited only by the force of the individual, and civil freedom, which is limited by the general will. (...) To the foregoing (...) could be added moral freedom, which alone makes man truly the master of himself. For the impulsion of appetite alone is slavery, and obedience to the law one has prescribed for oneself is freedom".<sup>32</sup>

Elsewhere he points out that it is wrong to remain faithful to nature within society. Physical impulses collide with political obligations, with the result that the person who tries to maintain his naturalness and at the same time be consistent as a citizen fails in both, experiencing a painful constant internal conflict. "He who in the civil order wants to preserve the primacy of the sentiments of nature does not know what he wants. Always in contradiction with himself, always floating between his inclinations and his duties, he will never be either man or citizen. He will be good neither for himself nor for others. He will be one of these men of our days: a Frenchman, an Englishman, a bourgeois. He will be nothing."<sup>33</sup>

Denaturalization aims at the creation of a new human type, the "citizen" of Rousseau's new society. This man is a direct product of the social contract. He is created together with the political body, which is a collective moral being. "Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common *self*, its life, and its will".<sup>34</sup> In Rousseau's description the political body acquires a personal form of moral existence adopted by each of its members. Each member internalizes

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<sup>32</sup> Rousseau, *Social Contract*, 1, 8, pp. 141-142; *O.C.* 3, pp. 364-365). It is hard to believe that the visionary of an earthly Garden of Eden in the *Second Discourse* suddenly became hostile to nature. In fact, Rousseau is turning against the alienated late state of nature. Dedicated to the institutional political solution to the crisis of humanity, he slanders nature. A pre-eminent exponent of a denaturalization appears.

<sup>33</sup> Rousseau, *Emile*, p. 164; *O.C.* 4, pp. 249-250.

<sup>34</sup> Rousseau, *Social Contract*, 1, 6, p. 139; *O.C.* 3, p. 361.

this common self and transforms itself into a deeply public or political being. Now he thinks and wills like this common self, that is, he thinks and wills like the state. According to Rousseau, nothing can “hurt” the political body without all its members instantly feeling this.<sup>35</sup> We could say that the individual and the common self, the part and the whole, tend to be equalized, not only politically but also existentially.<sup>36</sup> Every citizen is no longer a *sui generis* natural person, but an existence dependent and marked by the common self, that is, by his broader, objective and selfless self. So, here there is no dependence on anything other than himself. There is a dependence of the narrow self on a wider and more virtuous self. Rousseau sees this dependence as a release from the biological and psychological limitations of the individual self. As he puts it, “as each gives himself to all, he gives himself to no one”.<sup>37</sup> Total dependence on a political body liberates. The social contract, “by giving each Citizen to the fatherland, guarantees him against all personal dependence”.<sup>38</sup> It frees the citizen from personal dependence, which enslaved him during the long historical course of the state of nature. Dependence on the political body is a kind of denaturalization.

For Rousseau, natural self’s first law is “to attend to his own preservation, his first cares are those he owes himself”.<sup>39</sup> The self after the social contract is governed by the public interest, that is, by the will of an enlarged self. This is the result of denaturalization. We can call the enlarged self “political self”. The political self is characterized by the paradox of the part being one and the same with the whole, of the individual personal existence coinciding with the collective public existence. But while the political self itself

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<sup>35</sup> Rousseau, *Social Contract*, 1, 7, p. 140; *O.C.* 3, p. 363.

<sup>36</sup> Rousseau, *Social Contract*, 1, 6, p. 139; *O.C.* 3, p. 361.

<sup>37</sup> *Ibid.*

<sup>38</sup> Rousseau, *Social Contract*, 1, 7, p. 141; *O.C.* 3, p. 364. The social contract includes also “the total alienation of each associate, with all his rights, to the whole community” (Rousseau, *Social Contract*, 1, 6, p. 138; *O.C.* 3, p. 360).

<sup>39</sup> Rousseau, *Social Contract*, 1, 2, p. 132; *O.C.* 3, p. 352.

transcends the individual self, its world is shrinking. Its own universe extends only to the city walls. Rousseau states that everything outside the political community is indifferent or hostile to the political self. The natural compassion for every fellow human being that the original man of nature instinctively possessed seems to have been lost.<sup>40</sup> Patriotism conflicts with humanism.<sup>41</sup> This is another outcome of denaturalization.

Nature appears to no longer exercise any regulatory influence. In the *Second Discourse* we find none of Rousseau's hesitant references to natural law, since nature is supposed to have been abandoned. A new regulatory principle for the political self is needed. It can only come from its broader version which is the common self, the political body as a whole. But the political body wills and acts on the basis of the demands of the general will. The general will is the essence of its existence, and therefore the rule that governs the political self. The general will is what remains when the elements of differentiation between individual wills are contrasted and mutually countermanded: "take away from these same wills the pluses and minuses, that cancel each other out, and the remaining sum of the differences is the general will".<sup>42</sup> The general will is

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<sup>40</sup> We read in *Emile*: "Every particular society, when it is narrow and unified, is estranged from the all-encompassing society. Every patriot is harsh to foreigners. They are only men. They are nothing in his eyes. This is a drawback, inevitable but not compelling. The essential thing is to be good to the people with whom one lives. Abroad, the Spartan was ambitious, avaricious, iniquitous. But disinterestedness, equity, and concord reigned within his walls" (Rousseau, *Emile*, pp. 163-164; *O.C.* 4, pp. 248-249).

<sup>41</sup>See Strauss, *Seminar*, p. 99. Here Strauss speaks of a relevant passage by Rousseau himself. The full passage states: "Patriotism and humanity (...) are two virtues incompatible in their energy, and especially among an entire people. The Legislator who wants them both will get neither one nor the other. This compatibility has never been seen and never will be, because it is contrary to nature, and because one cannot give the same passion two aims". Jean-Jacques Rousseau, "Letters from the Mountain". *The Collected Writings of Rousseau*, vol. 9 (Christopher Kelly & Eve Grace ed., Christopher Kelly & Judith Bush transl.), Dartmouth College Press, Hanover and London, 2001, p. 149, note 9.

<sup>42</sup> Rousseau, *Social Contract*, 2, 3, p. 147; *O.C.* 3, p. 371.

manifested in the form of laws enacted through the vote of the political body in its entirety. It is always right<sup>43</sup> and always rational.<sup>44</sup> It exists even when it is not adopted.<sup>45</sup> It favours “by nature” the general interest.<sup>46</sup> As Strauss rightly observes, natural right in the case of Rousseau is the real foundation of his new society and its laws have absorbed it. So, every law it produces is correct, just as natural law was “naturally” correct. Rousseau dethrones the natural right and put general will in its place.<sup>47</sup> He denaturalizes natural right through a new public right.<sup>48</sup>

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<sup>43</sup> Ibid.

<sup>44</sup> Its rationality derives not from its content but from its general character, which arises from the participatory process of determining it. Political logic for Rousseau seems to have no natural or transcendent origin. It is born of history and society. The advent of the general will denaturalize politically natural right, something that provokes Strauss’ negative critique.

<sup>45</sup> According to Rousseau, for cognitive or moral reasons the general will may not be followed: “One always wants what is good for oneself, but one does not always see it. The people is never corrupted, but it is often fooled and only then does it appear to want what is bad” (Rousseau, *Social Contract*, 2, 3, p. 147; *O.C.* 3, p. 371). Enlightenment via education is required. As Strauss writes, for Rousseau “the people must be taught to know what it wills, and the individual, who as a natural being is concerned exclusively with his private good, must be transformed into a citizen who unhesitatingly prefers the common good to his private good” (Strauss, *NRH*, p. 287).

<sup>46</sup> Rousseau, *Social Contract*, 2, 3, p. 147; *O.C.* 3, p. 371.

<sup>47</sup> Strauss, *NRH*, p. 286

<sup>48</sup> Strauss, *WIPP*, pp. 52-53; *TWM*, p. 91. Here, Strauss criticizes Rousseau for a formalistic perception of the general will. In *WIPP* he worries that it could lead to extreme relativism. Exaggerating, he comments that we could also introduce cannibalism as an expression of sanctified popular will. He goes on to argue that the general will is an attempt by Rousseau to realize the ideal and to identify the real with the logical. The general will is the product of consultation, from which emerges a regulatory principle that is binding to all without the involvement of a transcendental factor. The requirement of one is the limit of the other. Their content is secondary; what matters is finding a common ground. This common ground is the substitute for the substantial moral content of the principles of natural right. Rousseau seeks to create a realistic public right, without any element of transcendence. But this lacks sufficient moral potential and seems to be more of a legal than a moral principle (pp. 52-54; for the political role of

The general will is introduced by Rousseau in order to democratically solve the eternal problem of the relationship between the individual and society.<sup>49</sup> To begin with, the

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the general will in place of the natural law, see Arthur M. Melzer, "Rousseau's Moral Realism: Replacing Natural Law with the General Will". *The American Political Science Review*, vol. 77, no. 3, September 1983, pp. 648-650). Strauss argues that the general will cannot replace natural law. The people, the majority, cannot undertake such a high task. It is something that Rousseau also realizes and that is why he is recruiting various enlighteners "from above". Strauss emphasizes the role of legislator in Rousseau (Strauss, *NRH*, pp. 287-288). According to Rousseau, the legislator undertakes a "divine" task and is an "extraordinary" person within the state. "Gods would be needed to give laws to men", he writes (*Social Contract*, 2, 7, p. 154; *O.C.* 3, p. 381). Legislator's pivotal role in denaturalization is obvious: "One who dares to undertake the finding of a people should feel that he is capable of changing human nature, so to speak; of transforming each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which that individual receives, in a sense, his life and his being; of altering man's constitution in order to strengthen it; of substituting a partial and moral existence for the physical and independent existence we have all received from nature" (ibid, p. 155; *O.C.* 3, p. 381). But the legislator's intervention contradicts the democratic structure of the state and thus Rousseau replaces it with political religion (Strauss, *NRH*, p. 288). In his lectures on Rousseau, Strauss makes a brief reference to another crucial institution for denaturalization, namely Rousseau's relatively unknown public education (Strauss, *Seminar*, p. 98). Indeed, Rousseau writes:

It is education that must give the national form to souls, and direct their opinions and their tastes so that they will be patriots by inclination, by passion, by necessity. Upon opening her eyes a child ought to see the fatherland and until death ought to see nothing but it. Every true republican imbibes the love of the fatherland, that is to say, of the laws and of freedom along with his mother's milk. This love makes up his whole existence; he sees only the fatherland, he lives only for it; as soon as he is alone, he is nothing; as soon as he has no more fatherland, he no longer is, and if he is not dead, he is worse than dead. [Jean-Jacques Rousseau, "Considerations on the Government of Poland and on its Planned Reformation". *The Collected Writings of Rousseau*, vol. 11 (Christopher Kelly ed., Christopher Kelly & Judith Bush transl.), Dartmouth College Press, Hanover and London, 2005, p. 179]

<sup>49</sup> This problem also concerns Strauss in various forms: as a relation of gifted individuals or minorities in relation to the majority of the mediocre; as a relation of philosophical or scientific knowledge with popular belief or opinion (see Strauss, *Intention*); as a need these crucial for the foundation of society issues to be forgotten by its own members

general will deviates from every individual will.<sup>50</sup> On the other hand, it is a product of everyone, since everyone participated in its formation. So, a kind of freedom is still enjoyed by the citizen, a freedom that is not natural but social. From another point of view, it could be considered a natural freedom of the common self, i.e. of every citizen's political self. The transmutation of natural man's natural freedom into the social freedom of the citizen is compensated by the security of the citizen provided by the political body (society is formed for reasons of self-preservation). He has thus found "a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nonetheless obeys only himself and remains as free as before".<sup>51</sup> The relation of the citizen to the political body is what Rousseau himself calls "fractional unity" referring to the denaturalized natural man.

In the society of the *Social Contract*, every citizen is at the same time a member of the political body and of the Sovereign, since in the beginning each member contracts as a natural person with the political body, which from then on becomes his broader political self. Rousseau writes: "Each individual, contracting with himself so to speak, finds himself engaged in a double relation: namely, toward private individual as a member of the Sovereign and toward the Sovereign as a member of the state".<sup>52</sup> His desires are "socialized". Every citizen wants what the state wants and

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for reasons of functionality and security (Strauss, *NRH*, p. 288); as a need for "external" writing that can be read "between the lines" to protect great writers from persecution, to educate apprentice philosophers and to responsibly prevent social unrest (Leo Strauss, "Persecution and the Art of Writing". In Leo Strauss, *Persecution and the Art of Writing*, The University of Chicago Press, Chicago & London, 1952, pp. 34, 36-37).

<sup>50</sup> Durkheim speaks of a sui generis entity that transcends individuals and constitutes what we call "society". Emile E. Durkheim, *Montesquieu and Rousseau Forerunners of Sociology*, 2nd edition (Ralph Manheim transl.), University of Michigan Press, Ann Arbor, 1970, p. 103.

<sup>51</sup> Rousseau, *Social Contract*, 1, 6, p. 138; *O.C.* 3, p. 360.

<sup>52</sup> Rousseau, *Social Contract*, 1, 7, pp. 139-140; *O.C.* 3, p. 362.

the state, the Sovereign, “by the sole fact of being, is always what it ought to be”.<sup>53</sup>

This means that as a political being he is politically sincere or authentic (there is no longer an individual-society gap), and also politically self-sufficient, as he is able to realize his rational desires by having the support of the entire political body that wants what he wants, that is, he is able to satisfy his rational political desires and needs with his own political forces.<sup>54</sup>

As Strauss notes, Rousseau could not be completely satisfied with the political solution of the Social Contract.

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<sup>53</sup> Rousseau, *Social Contract*, 1, 7, p. 140; *O.C.* 3, p. 363. The citizen seems to identify with the state. Strauss argues that the private sphere in Rousseau’s society is virtually non-existent, since it is the result of an act of recognition by the general will and depends on it (Strauss, *Seminar*, p. 221). He states that Rousseau formulated a totalitarianism of “free society” but surmises that he would be opposed to any kind of totalitarianism of a government (*WIPP*, p. 53).

<sup>54</sup> Rousseau often describes self-sufficiency as a balance between desires and needs on the one hand and the objective possibilities of satisfying them on the other: “It is thus that nature, which does everything for the best, constituted him in the beginning. It gives him with immediacy only the desires necessary to his preservation and the faculties sufficient to satisfy them. It put all the others, as it were, in reserve in the depth of his soul, to be developed there when needed. Only in this original state are power and desire in equilibrium and man is not unhappy” (Rousseau, *Emile*, p. 211; *O.C.* 4, p. 304). In Rousseau, self-sufficiency is associated with freedom (as the absence of dependence), with happiness, with inner strength. For various references to self-sufficiency, see Rousseau, *Second Discourse*, pp. 27, 34, 40, 42; *O.C.* 3, pp. 143, 152, 160, 162; Rousseau, *Emile*, pp. 198, 211, 256, 309; *O.C.* 4, pp. 290, 303-304, 361, 426. Rousseau’s conception of authenticity is related to the concept of nature and is based on his own description of the original man. Rousseau states that this man always carries and has at his disposal all of himself (Rousseau, *Second Discourse*, p. 21; *O.C.* 3, p. 136). He also has a direct and transparent relationship with himself. He is the one who should be in every situation. It is, in a way, a natural automaton. There are no internal contradictions. The self is an internally harmonious and functional whole. All this is accompanied by a gentle, pure, pleasant and lasting experience of every moment of its existence, the famous “sentiment of existence” (Rousseau, *Second Discourse*, p. 28; *O.C.* 3, p. 144). Self-sufficiency and authenticity are a sort of ideal types on the basis of which the whole of Rousseau’s work can be better illuminated.

Rousseau writes: “Man was born free, and everywhere he is in chains. (...) How did this change occur? I do not know. What can make that change legitimate? I believe I can answer this question”.<sup>55</sup> For Rousseau every society is bondage; at best it is legitimate bondage.<sup>56</sup> So he turns again to the model of the original state of nature, which, despite all his reservations about it, has never ceased to fascinate him.<sup>57</sup> According to Strauss, every proposal for a solution to the human problem by Rousseau is evaluated by Rousseau himself on the basis of the following principle: “The good life consists in the closest approximation to the state of nature which is possible on the level of humanity”.<sup>58</sup> Life in the society of the *Social Contract* is such an approximation. Political and moral freedom is reminiscent of natural freedom, political and moral virtue of natural goodness. Collective legislation that protects everyone is reminiscent of physical compassion<sup>59</sup> and dependence on the impersonal general will of dependence on “things” (and not individuals) in the original state of nature.<sup>60</sup> Yet, in the end, Rousseau

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<sup>55</sup> Rousseau, *Social Contract*, 1, 1, p. 131; *O.C.* P. 351

<sup>56</sup> Strauss, *TWM*, pp. 92-93

<sup>57</sup> We should keep in mind that while writing *Social Contract*, Rousseau was also working on *Emile*. In the latter, he acquaints us with natural education, whose main idea is the unhindered expression and utilization of the pupil’s emanate inclinations within a natural context, away from social influences.

<sup>58</sup> Strauss, *NRH*, p. 282.

<sup>59</sup> Strauss argues that the decisive development was the decline of compassion along the course of history in the state of nature (*Seminar*, p. 70). He also points out that in *Social Contract’s* society the conventional substitute for natural compassion is the legislation by the all-inclusive citizen body (*NRH*, p. 285).

<sup>60</sup> Durkheim’s approach is analogous. He writes: “We are now in a position to see the perfect continuity in Rousseau’s thinking from the *Second Discourse* to *The Social Contract*. The *state of nature*, as described in the former, is a kind of peaceful anarchy in which individuals, independent of each other and without ties between them, depend only upon the abstract force of nature. In the *civil* state, as viewed by Rousseau, the situation is the same, though in a different form. The individuals are unconnected with each other; there is a minimum of personal relation between them, but they are dependent upon a new force, which is superimposed on the natural forces but has the same



was not satisfied. According to Strauss's description, Rousseau ultimately chooses universal, indefinite and genuine natural freedom over political and moral freedom (that is, freedom as autonomy).<sup>61</sup> Indeed, in his last work, *Reveries of the Solitary Walker*, Rousseau becomes a lonely, dreamy walker that walks in the steps of the original subhuman. There, Rousseau describes himself moving away alone into the untainted natural environment, trying to "return" to the freedom of the original man of nature,<sup>62</sup> to recapture his natural self-sufficiency and authenticity. Strauss observes that the lonely dreamer, being a child of civilization, is able to enjoy this way of life much more than the subhuman himself, because he is conscious of how he lives.<sup>63</sup>

Strauss focuses on how the lonely dreamer experiences the "sentiment of existence", the essence of this way of life. The sentiment of existence has nothing to do with disciplined meditation. Its main feature is the absence of restrictions and needs. The lonely dreamer feels that he is different from his compatriots, as the kind of his freedom sanctifies his individual peculiarity. At the same time, he considers himself the consciousness of society. He rebels against society on behalf of others. He feels marginal. Strauss likens him to the contemporary artist, who contributes socially by leaving his society and living it from the outside.

In the end, it seems that solitary dreaming is the kind of life that satisfies to the fullest the criterion of "the closest

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generality and necessity, namely, the *general will*. In the state of nature, man submits voluntarily to the natural forces and spontaneously takes the direction they impose because he feels instinctively that this is to his advantage and that there is nothing better for him to do. His action coincides with his will. In the civil state, he submits just as freely to the general will because it is of his own making and because in obeying it he is obeying himself" (Emile E. Durkheim, op. cit., p. 135).

<sup>61</sup> Strauss, *NRH*, pp. 281-282.

<sup>62</sup> Strauss, *NRH*, p. 293. His freedom is radical and general. It has no unnatural limitations. It has no specific purpose and is, in a way, his "virtue". It is associated with the absence of human features in him. For Strauss this deficit is a problem, but it enables Rousseau to form a conception of radical, universal, and irresponsible freedom as the highest human characteristic and superiority over society.

<sup>63</sup> Strauss, *NRH*, p. 292

approximation to the state of nature which is possible on the level of humanity”. According to Strauss, Rousseau goes so far as to argue that the highest justification for the existence of a political society is few individuals’ possibility to experience the happiness of a life on its margins.<sup>64</sup> Denaturalization only makes sense in the perspective of a blissful renaturalization.

### Conclusion

Denaturalization, according to Rousseau, is the political creation of a new man, the citizen of the Social Contract, doing away with the unhappy and corrupt modern man. We have here an extreme and paradoxical version of the modern Baconian project of knowledge and control of nature. The task of denaturalization is complex and inconsistent. At this point it is necessary to define Rousseau’s nature with more precision. Nature in him can be:

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<sup>64</sup> For the description of the solitary dreamer by Strauss, see *NRH*, pp. 292-294. Rousseau describes him as follows: “But if there is a state in which the soul finds a solid enough base to rest itself on entirely and to gather its whole being into, without needing to recall the past or encroach upon the future; in which time is nothing for it; in which the present lasts forever without any trace of time’s passage; without any other sentiment of deprivation or of enjoyment, pleasure or pain, desire or fear, except that alone of our existence, and having this sentiment alone fit completely; as long as he who finds himself in it can call himself happy, not with an imperfect, poor, and relative happiness, such as one finds in the pleasures of life, but with a sufficient, perfect, and full happiness, which leaves in the soul no emptiness it might feel a need to fill. (...) What does one enjoy in such a situation? Nothing external to ourselves, nothing if not ourselves and our own existence. As long as this state lasts, we are self-sufficient unto ourselves, like God. The sentiment of existence, stripped of any other emotion, is in itself a precious sentiment of contentment and of peace which alone would suffice to make this existence dear and sweet to anyone able to spurn all the sensual and earthly impressions which incessantly come to distract us from it and to trouble its sweetness here below”. Jean-Jacques Rousseau, “Reveries of the Solitary Walker”. *The Collected Writings of Rousseau*, vol. 8 (Christopher Kelly ed., Charles E. Butterworth, Alexandra Cook & Terence E. Marshal transl.), Dartmouth College Press, Hanover and London, 2000, p. 46.

1. The authentic character
2. The physical mechanism of the world and the unchangeable psychobiological background of man
3. The “spontaneous” mental and social tendencies emerging within the alienated modern man in the course of history
4. A version of natural right (nature as essentially moral principle).
5. All the historical stretch from the original state of nature to the society of the *Social Contract*.

By denaturalization Rousseau rhetorically refers to the complete abolition of nature. This is impossible. The second version of nature to a significant degree cannot be abolished. Self-preservation is one of its distinctive elements. But, according to Strauss, the fourth version, natural right as ethics, is abolished. The society of the *Social Contract* has as foundation the self-preservation and as a basic regulatory principle the general will instead of natural law. This society has limited and distant analogies with the original state of nature, so, according to Strauss, Rousseau finds the possibilities for a good life within it unsatisfactory. Moreover, Rousseau, always fascinated by the model of the first man’s life in the original state of nature, makes a second attempt to solve the problem of modern man. He is now undergoing a renaturalization. He attempts to directly reconstruct the status of that man’s life by imitating his universal, indefinite and carefree natural freedom in the forests and reliving his sentiment of existence. He focuses on the second version of nature, while he is indifferent to the restoration of the fourth, of natural law. In this case the approximation to the original state of nature is closer. But, as we have seen, according to Strauss, the subhuman cannot function as an essential model for the social man. It lacks moral potential as it is a product of “positivist” scientific discovery and description. As in the case of denaturalization, so in renaturalization Rousseau fails. Imitating the subhuman’s way of life in the original state of nature is not really a form of good life for the socialized man.

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## The Machiavellian reality of Leo Strauss

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**Abstract:** What is it that makes Machiavelli such a decisive thinker, worthy of the Straussian interpretation? For Strauss, Machiavellian theoretical achievement is that he succeeds in misleading us, in leading us through his intelligent propaganda away from philosophy or political science in the literal sense of the word. He uses his interpretation of Machiavellian thought as a means of esoteric expression of his own positions. While he states that thoughts are expressed on Machiavelli, in fact Strauss' thoughts are expressed with Machiavelli as his "speaker-mouthpiece", with the aim of returning to the point where the Machiavellian rupture began, in classical natural right. As much as we agree or disagree with the Straussian interpretation, we cannot ignore the driving force it activates in the debate over the shaping of Machiavellian reality. After all, the Strauss's analysis itself in the Machiavellian text aims at overcoming structural problems of the political thought and of the human condition in general.

**Keywords:** Leo Strauss, Machiavelli, political philosophy, political science, human nature, natural right, propaganda, historicism, chance, esoteric writing.

*What is so devilish about Machiavelli,  
what is for Strauss so inexcusable,  
is that he once lived among the great men of antiquity.  
He is a devil precisely because he was once an angel*<sup>1</sup>.

It is clearly a difficult task to discover Leo Strauss's Machiavelli. Not so much because Strauss's text about Machiavelli is difficult or secretive<sup>2</sup>, but because in Strauss's interpretation there are two philosophical currents, Machiavellian political thought and Straussian political thought, which is revealed through the analysis of Machiavellian positions. As we immerse ourself in Strauss's text we realize the existence of two philosophers who strive to prevail at the crossroads of classical political thought and modernity. Strauss tells us not only how he perceives Machiavelli, but also how we can deify or annihilate Machiavelli, but above all how we can use him as a methodological tool for interpreting political philosophy. Strauss's main work *Thoughts on Machiavelli* confirms this finding, because the author by no means promises a complete interpretation of Machiavelli, but his own positions based on Machiavellian work, an in-depth, almost platonic dialogue with him, where the end result is the question, the overwhelming defeat of one part or the use of one philosophical part by the other. As much as we agree or disagree with the Straussian interpretation, we cannot ignore the driving force it activates

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<sup>1</sup> Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 589.

<sup>2</sup> Cf. Mansfield H. C., Jr. "Strauss's Machiavelli", *Political Theory*, Vol. 3, No. 4 (Nov., 1975), pp. 372-384. Pocock J. G. A., "Prophet and Inquisitor: Or, a Church Built upon Bayonets Cannot Stand: A Comment on Mansfield's "Strauss's Machiavelli". *Political Theory*, Vol. 3, No. 4 (Nov., 1975), pp. 385-401. McShea R. J., "Leo Strauss on Machiavelli", *The Western Political Quarterly*, Vol. 16, No. 4 (Dec., 1963), pp. 782-797. Guodong Zh., "A Critical Interpretation of Leo Strauss' *Thoughts on Machiavelli*", January 2019,

<https://www.researchgate.net/publication/330620699>. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), pp. 575-590. Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, pp. 431-460.

in the debate over the shaping of Machiavellian reality<sup>3</sup>. After all, the Strauss's analysis itself in the Machiavellian text aims at overcoming structural problems of political thought and of the human condition in general<sup>4</sup>.

### **Machiavelli's philosophical relationship with the classics**

Machiavelli's association with his classical origins cannot be hidden anywhere. In many parts of his work, he emphasizes the beneficial contact for him with the ancient texts and does not hesitate to characterize this contact as the top moment of bliss for him<sup>5</sup>. In addition, Machiavelli's most famous work, *The Prince*, belongs to the long tradition of *Mirrors of Princes*, beginning from the *Protreptics* of Isocrates, while the *Discourses* envision a return to the state of the political excellence in Rome. According to Strauss, there is nothing that Machiavelli has said, which has not been said before from the classics. In fact, a rediscovery of the ancient Greek thought under new terms is being attempted, a reconstruction<sup>6</sup>. This reconstruction is not an easy task, even the imitation of ancient patterns is an almost impossible task, but even more an in-depth understanding of them. What sharply increases the difficulty of the task is the persuasive propaganda of the Christian religion, which makes inaccessible the actual development of the classical conception of the virtue and bliss. The Christian religion degrades man through humility, while the ancient Greek religion elevates man through the perfection of reasonable ability and natural strength, and in general with what can make man capable here and now.

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<sup>3</sup> Germino D., "Blasphemy and Leo Strauss's Machiavelli", *Review of Politics*, Vol. 53, No. 1: 146–56, p.146.

<sup>4</sup> Cf. Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.14.

<sup>5</sup> Machiavelli N., *Letter to Francesco Vettori. The Prince: Letter to Lorenzo de' Medici*.

<sup>6</sup> Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, p. 434.

Machiavelli acts as a continuator of the classics, communicates with them and tries, like them, to find a solution to the political problem. Its origin is common to the classics, the human nature, a factor that remains unchanged in the constant flow of time<sup>7</sup>. What changes are the times and chance, the human nature and the manifestations of good and evil remain the same. It also inherits from the classics the idea of man as a being with a dual nature of rationality and passions. The conflict between rationality and passions is maintained within man, regardless of whether in the Machiavellian anthropological point of view the dominance of passions is overwhelming. In a paradoxical way, perhaps, the Machiavellian ending is purely classical. He proposes as an optimal state formation a mixed state, an aristocratic democracy, just as the great classics, Thucydides, Plato (in the *Laws*) and Aristotle, and even Isocrates do. Strauss at every opportunity emphasizes Machiavelli's failure to transcend the classical political scheme. The Machiavellian goal is to recreate the old correct, ethical and political modes and orders with a corrective elaboration, more effective and adapted to the historical context. If Machiavellian beginning and ending are almost identical to the classics, what is it that differentiates Machiavellian political thought? Is the Machiavellian turn to modernity due to a misinterpretation of the classics, is it simply a methodological error or a deliberate revolutionary, a subversive act? According to Strauss, Machiavelli is well acquainted with ancient thought, he is a communicant, an initiate thinker in the classical tradition, and deliberately attempts to overthrow it, and this act of deconstruction is tantamount to the birth of the first wave of modernity<sup>8</sup>.

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<sup>7</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, p. 306, 308-309. Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 43.

<sup>8</sup> Cf. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 584.



### The Machiavellian *rupture*

Everything in Machiavelli starts from the eternity of human nature. The Machiavellian thoughts are always in force, because human nature remains the same and therefore historical or political events will be repeated the same or almost the same, as long as human nature remains stable<sup>9</sup>. The starting point of Machiavellian analysis is the same as classical political philosophy. The classics believed that the human substance determines the human goal. The element that separates man from other living beings is rationality. The supreme human goal is a state where rational ability prevails over the irrational passions. The perfect man is the supreme rational man, the philosopher, while the perfected civil society is the state, where rationalism holds the reins of the political governance, that is the state ruled by the most rational people, the philosophers. The goal of political philosophy is the improvement of human nature, its evolution from the point of absolute domination of the passions into a state of domination of rationalism. Man as an individual or the city as a political entity can improve, develop rationality within their nature. Also, there can be no city without men, but neither can be a man without the natural matrix of the city. The city is the natural matrix in which man can develop the element of rationality. The goal of classical political philosophy is the improvement of man and civil society through individual or collective virtue, i.e., through the application of philosophical principles about man in the political reality.

Machiavelli does not seem to question anywhere the inseparable connection of individual-civil society. At no point in the Machiavellian text that is meant an apolitical man - as in Hobbes, for example - who has no need for political matrix. Still, he doesn't seem to question the classics' findings about human nature and integration. At no point does he attempt to strike with logical arguments the positions of the ancient philosophers on virtue and bliss. However, Machiavelli does

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<sup>9</sup> Cf. Thuc. 3. 82.2: *γινόμενα μὲν καὶ αἰεὶ ἐσόμενα, ἕως ἂν ἡ αὐτὴ φύσις ἀνθρώπων ᾗ ἀλλὰ τοῖς εἶδεσι διηλλαγμένα.*

not hesitate to cut the classical philosophical model in two parts. His harsh critique of morality, which he sees as a brake on political development and implementation, although aimed primarily at the Christian faith, strikes at classical political philosophy. The human essence and the human goal are separated by its intervention. He rejects the classic political scheme as unrealistic; he does not tell us that it is wrong, but that the possibility of achieving it is extremely limited. The coincidence of political philosophy and political governance is not entirely impossible, but almost impossible or accidental. Machiavelli's intention is to seek a political order that is highly probable or entirely feasible<sup>10</sup>. At the moment of the Machiavellian challenge to the realization of the human goal as a process of completion of human nature, the rupture with the classical utopian shape is now a fact<sup>11</sup>.

We are therefore moving on to a new political plan, where the concept of virtue has been completely differentiated. Virtue or bliss is no longer associated with a proper condition of the human soul. There is no Machiavellian reference to the term *soul* in connection with human virtue or bliss<sup>12</sup>, because virtue ceases to be a proper arrangement of human nature under the domination of rationalism. The virtue of the ruler is the domination over the subjects and over the historical-political conditions and the subjugation of chance as a woman who resists, while the goodness of the subjects is the obedience to the orders of the political government. For the subjects there is no virtue, only submissive goodness, commensurate with their obedience to the religious propaganda of the unarmed prophet Jesus<sup>13</sup>. The virtue of the ruler can mutate depending

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<sup>10</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, pp. 299-300.

<sup>11</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 39.

<sup>12</sup> Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, pp. 442-443.

<sup>13</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, p.

on the circumstances into goodness or evil, while the goodness of the subjects equals obedience to this goodness or even this extreme evil; this for Machiavelli is completely indifferent.

### **The imperfect human material**

According to Strauss, the Machiavellian findings are based on a pessimistic anthropology. Humans are evil by nature or, as an ancient sage once said, the most of them are evil<sup>14</sup>, deprived of the ability to complete their nature. What the classics regarded as natural perfection, i.e., the domination of rationalism over the passions, is something completely impossible. Within human nature the dominance of passions over rationalism is overwhelming. Man is not defined by the noble rationalism, but by his vile passions, he is a slave of his natural passions, which keep him captive to eternal imperfection<sup>15</sup>. The humanistic goals of the classical political thought about the possibility of human improvement are de facto impossible, because there is no philosophical way of overcoming the passions for the human majority. Human material is inherently imperfect, it cannot be improved<sup>16</sup>. Trying to create an ideal state with the imperfect human material is like trying to build a building with defective materials. The failure of our venture would be absolutely sure. So, if we cannot improve human material, what can we do? Dominance over man through the control of his most humble passions is Machiavelli's answer. There is, therefore, a diversion of political thought from the classical, humanistic direction of human improvement to the modern, cynical

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301. Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, p. 438.

<sup>14</sup> Diog. Laert., *Bias of Priene*, 1.88: *οἱ πλείστοι κακοί*.

<sup>15</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 42.

<sup>16</sup> Strauss L., "*The Three Waves of Modernity*", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 85.

direction of overwhelming domination over man. Man is no longer understood as a natural substance that can be improved, can be perfected, but as matter, as an imperfect object that must be controlled.

Politics is no longer understood as political custody of human beings and the politician is not the custodian of a human political ensemble, but politics is now management of things and the politician is the manager of the human material. The success of political implementation is no longer judged by whether the political man managed to make better than it was even one of the human beings under his political care, i.e., whether he managed to subdue bodily passions to human rationality, but by the extent to which he succeeded to control his subjects through their nature, through the imperfection of their passions, i.e., whether he managed to exploit them by serving a selfishly intended goal. Humans in Machiavellian design are the material for the realization of the selfish, subjectively intended goal of an authoritarian political artist, who shapes human matter at will. The most powerful human passion on which political governance must be based is fear. The causing of the passion of fear depends solely on the power of government, while for example the passion of love for the ruler or the state depends on the human themselves, which makes it less controllable. Of course, the fear of the use of power can create a negative image for the ruling authority, to clearly reveal the imposition of hard power, but without the possibility of causing fear no political authority can be imposed or maintained, fear is the guarantee of the application of the political power, because it is the most powerful human passion. The exploitation of the other human passions is legitimate as long as there is no need to use fear and thus the image of the ruler or the state is not affected, in fact in the depths of every political coercion is the fundamental human passion of fear, the fear of subjects is the cornerstone of any civil society<sup>17</sup> -

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<sup>17</sup> Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, p. 437, 438. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p.582.

and as Hobbes would later add, using this Machiavellian thinking, the most powerful of human passions, or the fear itself generally, is the fear of the violent death.

### **The conscious degradation of the *political goal***

Controlling humans is easier, or at least more feasible, than improving them. The control of human nature through nature itself is more feasible than its improvement. According to Machiavelli, the failure of classical thought does not lie in its rational or theoretical inadequacy, but on the contrary to the very high, almost utopian goals it sets. The classics have very high expectations of a being who in the end proves to be inadequate by nature. Ancient thinkers act correctly, like capable archers<sup>18</sup> who turn their bows high and set high goals, but these goals can rarely be achieved. The Machiavellian solution to the problem is the conscious degradation of the goal, to ensure the success of the political goal. With the degradation of the human goal, with the rupture of the binding relation human essence-human goal of the classical design, the level of political philosophy is necessarily degraded, but a new political continent is discovered<sup>19</sup>, where the political application acquires a completely open horizon under the influence of the political subjectivity of the political ruler. Politics acquires a remarkable autonomy and neutrality. The successful outcome of the political governance is not judged by the moral and political improvement of the human parts it oversees, but by the decisive control it exercises over them by serving whatever subjective goal the dominant political order sets.

In addition, Strauss notes that Machiavellian, conscious degradation of the goal of man and of civil society aims to limit the cruelty in the application of political power. As closer we live to the human reality, so less the need for hard power is

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<sup>18</sup> Machiavelli N., *The Prince*, VI.

<sup>19</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 39.

minimized, because the political expectations are lower. When we leave people at a low level of their imperfect nature, it does not take much effort to control them. The degradation of the political level degrades the necessity of violence. The high expectations of the classics for man are transformed with Machiavelli into a peculiar utilitarianism<sup>20</sup>, aiming at the maximum possible benefit with the low-quality material that we have to manage. Politics with Machiavelli has no long-term virtuous goals, but short-term utilitarian expectations.

### The control of *chance*

For Strauss, one of the most important Machiavellian innovations is the control or reduction of the factor of chance in the political field. According to the classics, the coincidence of political power and philosophy, although it is the best political condition and in accordance with human nature, is at the discretion of chance. For philosophers to gain political power and succeed in making the political community virtuous and blissful is a condition of unique chance. For Machiavelli, this condition is a hopeful dream. The project of the overwhelming control of the human passions by the rationalization of the political authority is something completely improbable. The fluidity of chance thrives more on the fluidity of human passions. Humans suffer when they are unhappy but feel full, they "bored" when they are truly blissful and want to fall back into misery. Investing in humans' well-being is like building on sand. The nature of human things is tragic, it goes abruptly from prosperity to decline, when chance differentiates its intentions. The control of chance<sup>21</sup> is equivalent to the control of human passions and the vigilance for the constant differentiation of circumstances and at the same time the

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<sup>20</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 44.

<sup>21</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 41.

adaptation of the sovereign power to them. Control of passions does not mean their rational restriction for the benefit of the humans, but knowledge of their vileness and their unhindered manifestation for the benefit of the political ruler. Humans are captives of their passions and so they must remain, in order to limit the random change of circumstances and to establish their control or exploitation. The qualitative or moral formation or evolution of man has no place in Machiavellian design or at least is surrounded by ostentatious indifference. Man has no space for natural improvement and that is something absolutely sad, but we must all agree on that. On the contrary, the means of controlling human passions are unlimited and so we can limit the tragedy or chance of political things. This implies the omnipotence of man compared to the power of nature or chance. Man becomes the absolute ruler of nature and chance. The limitation of human goal by an inherent natural design ceases to exist, man can subjectively define for himself whatever goal he desires. No teleology binds on human activity and human goals, man's selfish domination over nature, and consequently over the chance, which comes from nature, is overwhelming and irreversible.

### **The Machiavellian *propaganda***

Strauss also sees another Machiavellian contribution to the concept of propaganda. Machiavelli completely rejected the contribution of Christianity to political planning, retaining only the influence of propaganda<sup>22</sup>. The use of propaganda by the Christian religion was exemplary, it managed to achieve wonderful results only through propaganda<sup>23</sup>. A de facto successful prophet is an armed prophet, such as Moses, who can enforce his teaching by force. However, Christ, though an unarmed prophet, accomplished much more than the armed

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<sup>22</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.173.

<sup>23</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 45.

prophets through propaganda, persuasion, and the charm of his sermons. Machiavelli imitates the unarmed propaganda of Christ and of the Christian religion, in order to consolidate his teaching. He introduces a completely new political teaching, which is based on propaganda and, just like Christian propaganda, aims to establish radically new modes and orders<sup>24</sup> that will determine the human condition for many years. The hidden or overt blasphemy<sup>25</sup> of his proclamations, their cynical imprinting and their coercive charm achieves exactly what Christianity, i.e., bloodlessly dominates, flooding the souls of the humans and especially of the young people. What Machiavelli ultimately suggests as an innovation in the history of philosophy is not his own teaching, which pre-exists in ancient thought, but the attractive and honest way in which it is uttered so that it can influence its recipients. The ancient thinkers - even Socrates, Plato or Aristotle - suggested Machiavellian immorality from the beginning, but in disguise, with textual methods and rhetoric mouthpieces, under the cloak of virtue and morality, they did not dare to proclaim it. Only the initiates were able to perceive it. Machiavelli, on the other hand, is the first who publicly expose this horrific doctrine of the human political condition under his own name, and this externalization is the reason for his disarmament success. Machiavelli overturns classical political thought because he externalizes a teaching that until then was esoteric, hidden<sup>26</sup>.

Machiavelli's target, the recipients of his propaganda and attractive blasphemy, were the young people, who with their unwavering determination will consolidate in the political field the new modes and orders that his teaching evangelizes. Reconciling young people with blasphemy means the

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<sup>24</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, p. 306-307.

<sup>25</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 40.

<sup>26</sup> Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 577-578, 581.



unhindered questioning of current morality, i.e., motivating them to make forbidden and criminal thoughts. Machiavellian blasphemy is a form of corruption of determined men in order to change things. Young men need to move away from the feminine, passive teachings of virtue and inaugurate the decisive power formation of human material. This formation will not aim at passive Christian love, but at man's terror before God. It is utopian to believe that people can love one another, instead we must instill in them a fear of sovereign power commensurate with how they feel about God. Human nature is more susceptible of terror than of love, and the state must imitate this finding of Christian teaching. The ideology envisioned by Machiavellian thought is based on the fear of the humans in the face of the political power as the only guarantee of human control<sup>27</sup>. Machiavelli is fully aware of the function of the political propaganda he suggests, he knows that it will be dominant for many centuries, he senses the modern political horizon that he opens. Its purpose was not only to motivate the determined young men to liberate Italy under a single state entity, but to consolidate its fascinating political propaganda under the banner of blasphemy and cynicism. According to Strauss Machiavelli is an excellent teacher of blasphemy, the charming and enticing effect of his teaching is not so much due to its philosophical importance but to its shocking character.

Machiavelli is the unarmed prophet who understood that the persuasive propaganda as soft power is far more effective than political philosophy or science in the classical sense of the word. The Enlightenment begins with Machiavellian propaganda. The Enlightenment offered by Machiavelli aimed at the complete liberation of man from the classical binding teaching. What determines political success is not political science, as conceived by the ancients, but a coercive ideology that directs things to the purpose of its inspirer. Machiavelli wanted his work to inspire the few and decisive, but to drastically affect the majority of humans for many centuries.

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<sup>27</sup> Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 583.

Responding to Plato, he claims that the only coincidence of political philosophy and political power can be caused by the influence of propaganda, which he suggests<sup>28</sup>. But propaganda is directly related to persuasion, to faith, and a philosophy based on faith is no longer a philosophy<sup>29</sup>. From this Machiavellian deviation from truth to faith, according to Strauss, emerges the modernity and the decline of Western thought. But if we reverse the terms, we will see that Machiavelli incorporates in his political teaching the ideological function of Christianity, in this sense modernity does not essentially begin with Machiavelli, but with Christianity. Machiavelli completes the modern project of the Christian faith versus philosophical truth in the vast majority of people. While Plato expels poets from his ideal state because they falsify truth, Machiavelli expels philosophy from the state, because the truth and the state are incompatible terms. The Machiavellian state is based on propaganda and not on the truth, political governance is based on authoritarian artistic creation and not on philosophical truth. The political men that Machiavelli envisions are more poets than philosophers. Machiavelli, by making political philosophy public, distorts it into a low-level ideology or propaganda, because the many people cannot grasp the higher philosophical meanings, and therefore what they are convinced of is not the rational conception of political science, but a pleasing belief or opinion, which awakens their passions, so that they may follow it meekly. In fact, the more philosophy is spread among many, the more the truth is distorted into faith, i.e., the more democratic a society is, the more philosophy takes the form of propaganda. The enlightenment of many that stems from Machiavellian thought and is the banner of the movement of modernity, is for Strauss the condemnation of man, because in order to bring the truth to the measures of the vulgar people, we must also degrade it, to bring it down to their level and

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<sup>28</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.173.

<sup>29</sup> Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, p. 433.

consequently to turn it into a plausible ideology. Machiavelli is a fallen angel, i.e., a cunning devil, because he was one of the virtuous ancients and preferred to fall into the wickedness of the masses<sup>30</sup>, where superiority, the value of every truth or every way of life is not validated by rationalism or science, but by subjectivity in the field of history. Machiavelli's evil, after all, lies in the loss of human goal or, in other words, in icy indifference to man.

### The problem of *esoteric writing*<sup>31</sup>

The Straussian idea of the Enlightenment is based on the issue of esoteric writing. According to Strauss, the ancient Greek philosophical texts are structured on levels of esoterism. There is information that is external, ie the meaning of the text is the same as the meaning of its understanding, while on the contrary there are points where the meaning is hidden, esoteric, so that it is perceived only by a few specialized experts. This is because the ancient writers avoided directly confronting the prevailing moral order and either cleverly concealed the provocative meanings of their theories or used "speakers-mouthpieces" to make it appear that this blasphemy did not belong to them. This esoteric tradition is known to Machiavelli, who can fully understand the hidden meaning of

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<sup>30</sup> Cf. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 575, 587, 588.

<sup>31</sup> Cf. Strauss L., *Persecution and the Art of Writing*, Westport, CT: Greenwood Press, 1952. Mansfield H. C., Jr., "Strauss's Machiavelli", *Political Theory*, Vol. 3, No. 4 (Nov., 1975), pp. 372-384. Pocock J. G. A., "Prophet and Inquisitor: Or, a Church Built upon Bayonets Cannot Stand: A Comment on Mansfield's "Strauss's Machiavelli". *Political Theory*, Vol. 3, No. 4 (Nov., 1975), pp. 385-401. McShea R. J., "Leo Strauss on Machiavelli", *The Western Political Quarterly*, Vol. 16, No. 4 (Dec., 1963), pp. 782-797. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), pp. 575-590. Drury, "The Esoteric Philosophy of Leo Strauss", *Political Theory*, Vol. 13, No. 3 (Aug., 1985), pp. 315-337. Gunnell J. G., "The Myth of the Tradition", *The American Political Science Review*, Vol. 72, No. 1 (Mar., 1978), pp. 122-134.

the ancient texts. In fact, the "devilish" Machiavellian teaching itself is not something new, it is part of the occult meaning of the old philosophical books. What Machiavelli is doing is breaking with the great tradition of esoteric writing and exposing what was previously hidden. This publication of esoteric teaching, which was addressed to a few reasonable people, results firstly in the creation of Machiavellian attractive propaganda, because people, and especially young people, surprised by this blasphemous content are inevitably attracted to it, secondly in the reduction of the level of philosophical meaning, because to be the higher philosophical meaning understood by people of low level of rationality, it must be simplified, hence to be degraded and vulgarized.

Machiavelli for Strauss consciously degrades not only the political goal but also the philosophy itself. Making public the philosophical meaning cuts it off from the refined philosophical process and makes it a simple ideology at the lowest level of the masses. But the masses do not perceive the truth, but only what they are convinced of, so philosophy from a supreme activity of finding the truth is reduced to a simple ideology. Strauss cannot forgive Machiavelli for this popular enlightenment, this desecration of the high philosophical meaning, this methodically vicious massification of philosophy - especially of political philosophy - and considers this rupture with the classical tradition as the beginning of the movement of European Enlightenment but also of the modernity. Machiavelli is a devil, or a fallen angel, because he consciously decides to deconstruct philosophy and turn it into an ideology, which seems to be a beneficial enlightenment for the masses, but results in the loss of human goal and the decline of Western Thought. When philosophy is transformed into an ideology, every philosophical thesis is equal to any other, just as any attitude of life is the same as any other, because the concept of value is nullified. Relativism and nihilism are emphatically present in this case.

Also, Strauss being at the same time exponent and user of the technique of esoteric writing acts as an ancient wise man in the age of modernity. He uses his interpretation of Machiavellian thought as a means of esoteric expression of his

own positions. While he states that thoughts are expressed on Machiavelli, in fact Strauss' thoughts are expressed with Machiavelli as his "speaker-mouthpiece", with the aim of returning to the point where the Machiavellian rupture began, in classical natural right. In fact, the critique of Machiavelli conceals other positions that Strauss cannot express in public, such as the critique of the Christian religion and of the structure of the modern state as factors that alienate man from the perspective of bliss.

### *The ideal state*

For Machiavelli, classical political philosophy led to a completely wrong political system, not because it was inconsistent with its philosophical or scientific findings, but because it ended in utopia, an inaccessible or completely impossible illusion. This took place because the classical political model suggested the occupation of political offices on the basis of virtue, i.e., on the basis of the natural perfection of man. The differentiation of value of the political members about the occupation of political power is based on the degree of their virtuous perfection or improvement, and this condition is the most important objective factor of the differentiation about value and the selection in the exercise of sovereign power. Machiavelli characterizes as absurd the virtuous or natural objectivity of ancient Greek political thought and opposes that political parties should rise to political positions based on the objective goals that are really and timelessly pursued by all civil societies.

Strauss notes that the Machiavellian way of implementing politics not only consciously lowers the political level but also the social one. The attempt to deliberately lower the political level<sup>32</sup>, in order to make a political class possible or certain and to reduce the uncertainty of chance, also entails the social

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<sup>32</sup> Strauss L., "The Three Waves of Modernity", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Giddin, Wayne State University Press, Detroit, 1989, p. 87.

level<sup>33</sup>. The downgrading of the criteria of the human value also degrades the anthropological or humanistic criteria of the society. The degradation of the public horizon also entails the degradation of the private sphere, as the criteria of the human value are determined by the subjectivity of the goals of each society. In this light Machiavelli condemns individual perfection or bliss within the civil society on the basis of the natural perfection of the human being. It also rejects human bliss as a form of proper state of soul. Virtue does not arise as a perfection of human nature or as the right order of the human soul, but as an adaptation to the social context, to the goals of each society. The virtue of the citizen as part of the civil society is tantamount to an addiction to positive law. The virtuous or moral citizen is understood as a reflection of positive law, which defined by the sovereign power. The social status with Machiavellian intervention inevitably falls, because there is no indisputable criterion of virtue or bliss, but the political parties feel happy as subordinates of their passions and their only obligation is the absolute identification with the positive law, while the political sovereignty experiences the absolute bliss under the actual fulfillment of its subjectivity.

Aristotle noted that human virtue exists only politically in relation to other people, i.e., in comparison with others, one cannot excel in virtue, if there are no others to compare with them and surpass them<sup>34</sup>. On the contrary, according to Strauss, Machiavelli argues that virtue for man is defined by other people as expression of the dominant way of life in society. Virtue is not the transcendence of others but the assimilation with them, with the laws and morals expressed by the civil society. But who determines the dominant moral way of society, who is the educator of the humans, their moral educator? The ruler or the ruling class as creators or administrators of the institutional process of the state are the

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<sup>33</sup> Cf. Strauss L., “What is political philosophy?”, Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Giddin, Wayne State University Press, Detroit, 1989, p. 41, 47.

<sup>34</sup> Arist. *Nic. Eth.* 1103b: οὕτω δὴ καὶ ἐπὶ τῶν ἀρετῶν ἔχει· πράττοντες γὰρ τὰ ἐν τοῖς συναλλάγμασι τοῖς πρὸς τοὺς ἀνθρώπους γινόμεθα οἱ μὲν δίκαιοι οἱ δὲ ἄδικοι.

educators, the moral shapers of the civil society. But the moral or legal rules they transmit are based on some earlier ethical or scientific basis, is there anyone who trains the rulers in virtue? Clearly not, the founder of Rome was a fratricide and therefore the ethics of the civil society can be based on immorality<sup>35</sup>. The founders of civil society, those who establish conventional ethics, are themselves immoral. For Strauss, the morality of the civil society emanating from legal force is not self-created<sup>36</sup>, but is based on the immorality of rulers, morality is created by the immorality or rather by the unbridled subjectivity of the authority. This means that with Machiavelli the rules of human virtue are determined by the subjectivity of the sovereign power. The common good is not determined by the rules of objectivity of the virtue, but the subjectively considered common good determines the rules of the virtue.

So, the Machiavellian ideal state does not exist? Is there no limit to the immorality or otherwise uncontrollable subjectivity of morality imposed by the sovereign on political parties? To answer this question, we must investigate the objective goals, which set all civil societies. The virtue of the society is determined by a general evaluation of the goals of each society. Virtue is not defined by human nature or the nature of the civil society, as the classics would note, but by the observation of the goals, which set all the kinds of societies. We do not research the excellent society as a hypothesis or as a reality, in order to then determine the goals that imperfect human societies will set, but we research the necessarily imperfect civil societies, in order to determine what goals they set most of the times. The goal of the civil society does not derive from the essence of man as an individual or a social-political being, but from the experience of political things and from careful sociological observation. Strauss finds that Machiavelli achieves

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<sup>35</sup> Strauss L., “Niccolò Machiavelli”, Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, p. 301. Namazi R., “Leo Strauss on Machiavelli’s the *Prince* and the *Discourses*: A Recently Discovered Lecture”, *Interpretation*, Volume 43 / Issue 3, 2017, p. 438.

<sup>36</sup> Cf. Strauss L., “What is political philosophy?”, Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 41.

some of the objective goals that characterize any civil society, and their successful execution defines the society that fulfilled them as not ideal, but as integrated in the light of a proper functionality. These goals or objectives are:

1. *freedom from foreign domination and from despotic rule,*
2. *stability or rule of law,*
3. *prosperity (security of life, property and honor of every citizen, the continuous increase of wealth and power of the state),*
4. *glory or power (ie empire)* <sup>37</sup>.

Whatever is done within society to achieve these goals is a virtuous action, making this society and its political parts participants in virtue. Virtue is the set of political actions that contribute to the achievement of these goals. The common good is defined by the attainment of these goals, and anything that promotes these goals is considered as good. By this syllogism any means is justified for the accomplishment of these political goals<sup>38</sup>. The Machiavellian state emerges from the goals it sets, the means used by the sovereign power are legitimate, as long as they fulfill those goals. Virtue is nothing but voluntary or involuntary compliance with the goals of the civil society or otherwise with the collective selfishness of the state. What is written in Machiavelli as patriotism is nothing but the justification of any means of achieving collective selfishness. Machiavellian virtue is ultimately an absolute identification of the political parties with the collective selfishness of the society, which of course is defined by the immorality of the state. The immorality of the state, which uses every means to promote its goals, determines the morality of the citizens. The difference between the state or the ruler from the common criminals, is that the latter do not determine the

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<sup>37</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.256. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 41.

<sup>38</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 42.



positive law, so that they can protect themselves. The difference between the political ruler and the common criminal is not the evil that distinguishes them both, but that the criminal is constantly threatened by positive law, while the ruler is protected by it as its creator or administrator<sup>39</sup>. This is for Strauss the Machiavellian conception of the ideal or integrated state.

In addition, the state is synonymous with coercion, i.e., the soft or hard power. Humans are by nature evil, incapable of perfection, and prone to unbridled individualism and greed, so it is necessary to force them by all means to become virtuous, i.e., to align themselves with the goals of collective selfishness. The state should force citizens to be virtuous or moral, while virtue or morality is defined by its will. Machiavelli paradoxically believes that the goodness of humans is created by the evil or the good will of the state or the ruler. Nothing prevents the sovereign from unfolding its evil, i.e., its individualism and greed, and using the humans as part of the state in the pursuit of its selfish ends. The character of a civil society is essentially determined by the dominant political element within it or its ruler.

Here Strauss wonders if there can be a safeguard that restrains the sovereign's uncontrollable malice or selfishness. Can the egoism, the individualism and the greed of the political power, i.e., the culmination of human evil, give way to the benefit of the humans, who has under its control? The ruler's desire for glory is the guarantee of his interest in the political body<sup>40</sup>. Only if the civil society achieves its stated goals can the sovereign power realize its selfish ambitions. The passion for glory turns the evil of the sovereign into an interest for his

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<sup>39</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 42. Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, p. 444. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p.577.

<sup>40</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 42.

subjects, because the sovereign has a selfish interest in defending the existence of society, i.e., his work, his creation. Without civil society, the sovereign's ambitions cannot be realized. The better the objective goals of a society are realized, the more the chances of creating a glorious state and of apotheosis of the sovereign increase. What is remarkable about the relationship between the private and the public is that individual greed depends on the maintenance of civil society. Even extreme tyranny as an expression of the absolute greed of one over the many presupposes the existence of the political state. The more prosperous the civil society is, the more the greed and individualism of the sovereign can be satisfied.

Strauss sees that this Machiavellian conception of politics leads to the strengthening of the idea of the state through institutions. Institutions are essentially modes or orders of enforcement. They impose what the sovereign authority considers as justice to the subjects. An institution is successful when it makes an attempt at injustice completely unprofitable. The power of institutions is extraordinary, because they can shape human defective material in a certain direction through coercion. Only the state as a creator of modes of enforcement can give human wickedness some perspective. Trust in state institutions as a way of human formation is an important Machiavellian contribution. Man is constantly shaped as a character, but only the enforcement through state institutions can meet this demanding endeavor. The shifting of the emphasis of the political teaching from morality to the effectiveness of political institutions is Machiavelli's achievement<sup>41</sup>. The state becomes the most important of all things, no goal or value exceeds the will of the state or the preservation of the state, i.e., patriotism. But while any value can be based on scientific or rational terms, the will of the state depends on the subjectivity of the sovereign. Placing the value of the state above any value or truth is a structural feature of modernity. What in the classics was the supreme human end, the perfection of man's rational abilities, and the exercise of the

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<sup>41</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 43.

rule of rationality in the civil society, is replaced in Machiavelli by the supreme purpose of the existence and maintenance of the state. Every abominable means, every abominable action is justified in pursuit of this highest political goal<sup>42</sup>.

In conclusion, Machiavelli's goal is to establish a mixed constitution, like that almost universally suggested in the past by the ancients. An aristocratic democracy, where the newly formed ruling class would be similar to the patricians of ancient Rome, but would be radically different from them. It would be a new kind of rulers imbued with the Machiavellian teaching and determined to establish new modes and orders under the successful implementation of political propaganda through institutions<sup>43</sup>. The certainty of this proposed regime lies in the degradation of political goals and in the unshakable faith in the institutions of the state. Strauss recognizes through Machiavelli's reading that in every democracy there is a conflicting tendency between the powerful and the people. The powerful want to exploit and oppress the people to satisfy their selfish aspirations, while the people want to limit the oppression that exists. There is no essential difference between a sovereign power in a democracy and a ruler in a monarchy in terms of their selfish pursuits to the detriment of the many. Their motives for the oppression of the many are common. The inevitable solution to this constant class struggle, to this incompatibility of the private good with the public good, is the imperial expansion to the detriment of other civil societies, so that this public expansion satisfies as much as possible the private expansion or greed. Every democracy as it develops must know that it will inevitably engage in a policy of imperialist magnification, because only this way out reduces the impasse between the private and the public<sup>44</sup>. The mixed state that Machiavelli proposes is the intermediate solution

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<sup>42</sup> Cf. Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 585.

<sup>43</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 46.

<sup>44</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.234-236, 256, 269.

between two conflicting ends, the common good and the private good. Most people condemn violence and fraud as a means to an end for the private good, while declaring their unequivocal approval when it comes to the satisfaction of the public good. Machiavellian political virtue or ideal political situation (as a right measure between two harmful extremes, of the extreme private individualism or of the extreme public individualism) occurs where the greed of the ruling power through violence or fraud against the many is limited, while its application is maximum to the detriment of other civil societies as a satisfaction of public individualism. We walk on purely Machiavellian paths, as the goodness of the means depends on the choice of goals, i.e., the private or public good.

With this view, according to Strauss, could be given to Machiavelli the title of political philosopher in the classical sense of the word, because Machiavelli, just like the ancient Greek philosophers, tries to find an ideal political order, an ideal state. The problem here is that Machiavelli in *The Prince* assumes the ideal exercise of political power in a purely monarchical state, while in the *Discourses* he ends up in a mixed state with democratic character. Strauss considers that *The Prince* proposes the Machiavellian methodology for the creation of a new political order, while in the *Discourses* it is analyzed how this new political reality can be consolidated through the institutions. Maintaining a state is a more difficult task than creating it<sup>45</sup>.

On the other hand, any title of political philosopher could well have removed from Machiavelli, because at the end what he is proposing is not a political philosophy or science of knowledge of the human essence and determination of bliss, but a political methodology of subjective control of man, which leads in historicism and relativism<sup>46</sup>. Machiavelli's thought emerges from the classical substratum of natural right, the human nature, and ends up proposing a mixed ideal

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<sup>45</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, p. 304.

<sup>46</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.15.

constitution<sup>47</sup>, hence morphologically is similar to the character of classical political thought. But it differs substantially from it, because the Machiavellian thought is methodological and not scientific, and in the actual outcome of this political methodology, which justifies historicism under the decisive dominance of subjective power in historical aspects. For the ancient Greek philosophers, a well-organized state is a prerequisite, a means to the attainment of human perfection, while for Machiavelli on the contrary the powerful state of any quality becomes the supreme human goal. Politics - i.e., the relationship of domination and submission - through a means of human bliss, becomes the goal of man.

### **The first wave of modernity**

Under these conditions Machiavelli is considered by Strauss as the cornerstone, as the beginning of the first wave of modernity. The founding act of the first modern wave was the overthrow of every teleological conception of man<sup>48</sup>. Human nature and human goal are not governed by any inseparable relationship, which leads to a specific version of bliss. Human nature is not determined by the rationality and the innate sociability, but by the omnipotent passions. Man does not occupy any important place in the natural universe, nor does he excel in other living beings because of his rational character. On the contrary, it differs from other living beings because it can dominate the nature. Man is no longer the measure of all things, but becomes the sovereign of all things<sup>49</sup>. He can now, by controlling nature and limiting chance, decisively regulate his fate, without interrupting his course in the face of a natural

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<sup>47</sup> Cf. Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 39.

<sup>48</sup> Strauss L., "The Three Waves of Modernity", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 85.

<sup>49</sup> Strauss L., "The Three Waves of Modernity", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 85.

correctness or necessity. The liberation of man from a prescribed natural purpose and the unimpeded domination of nature are the beginning of modernity. Machiavelli gives man the absolute freedom to determine his own future, neither chance nor nature can stop his uncontrollable course. Enlightenment, according to Strauss, begins with the Machiavellian degradation of human goal and with the complete control of nature and chance. Human freedom arises from the moment when nature is not considered as a model of correctness, but as an enemy, a chaos that must be tamed. In nature there is no order and correctness, but chaos and randomness, which must be brought under control by human intervention. By the same argument, civil society is not the natural matrix of human integration and bliss, but a human creation completely controlled by the human factor. The purpose of the civil society is authoritarily controlled by its creator, i.e., human subjectivity<sup>50</sup>.

With these data of the dynamic domination of everything from the first wave of modernity, Strauss emphasizes that the clarification of Machiavellian thought is not an easy task, and this is because with Machiavelli's intervention, with the peculiar enlightenment that he started, the political terminology was completely differentiated, in the sense that the meanings of the words have now changed content. Terms such as monarchy, democracy, ruler, people or virtue do not have the same meaning as their classic version. From Machiavelli onwards all these terms are signified by the power of enforcement and not by the order of each constitution. What matters is who is prosperous at the expense of the other, one ruler at the expense of the many or the many at the expense of the few. The difference between an optimal democracy and a criminal tyranny is not a difference of form, but a difference in the degree of oppression of the many by the selfishness of the sovereign power<sup>51</sup>. Virtue is identified with the unimpeded

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<sup>50</sup> Strauss L., "The Three Waves of Modernity", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 88.

<sup>51</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p. 278.

imposition of subjective power in politics. Everything else, like the concept of the constitution, is just ideology or propaganda, persuasive plausible images, which promote the selfishness of the sovereign. Institutions are also a means of promoting the power and shaping of human political material. Human virtue, i.e., the best man and the best political order, is signified by its power of realization, value is identified with the power of imposition on others. It is a disastrous mistake to read Machiavelli in the literal sense of political and moral terms. The shocking character of his writing stems from our obsession. Machiavelli's political methodology does not be different because of the form of government, but only adapts to the circumstances. It resembles a chameleon or the mythical Proteus, it has the appearance of democracy, oligarchy or monarchy, where times demand it, but its essential nature is the same, the power of subjective enforcement by any means to others. Its goal is to maintain power in political situations by all means. Machiavelli's teaching is not about finding the best political order, but about modes and means of enforcing for the maintenance of any political order. This is the Machiavellian Enlightenment that has indelibly marked modernity<sup>52</sup>.

### **Is there a concept of *natural right* in Machiavelli?**

As we saw Machiavelli dispute the classical natural right and pave the way for modernity, or what is called modern natural right. Classical natural right, as has been said, had its beginnings and its end in human nature, man cannot be understood outside the rules conveyed by his essence and can perceive them through rationalization. Man's destiny is his natural perfection and therefore the full validation of natural right. Machiavellian intervention has no different origin. It is based on the research of human substance, on the discovery of human nature. Just as classical philosophy arises from the study of the deeper essence of beings, so Machiavelli bases his

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<sup>52</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p.29, 281.

interpretation on the observation of human essence. Man for him is a dual nature consisting of rationality and passions. The beginning of Machiavellian thought lies at the core of natural right, in the study of human nature, in a stable background on which every impending conclusion depends. The difference with the classics lies in the overwhelming domination of passions over rationalism, human nature is not characterized by rationality and a proper natural order, but by the chaotic dominance of passions. Machiavelli considers the dominance of rationality over passions to be an exception, which can happen to a few humans. In the vast majority of humans, passions play a major role in their natural substance. Human nature must be defined on the basis of the majority of cases, on the basis of the canon and not on the basis of exceptions. We need to investigate human natural right, as it is in most cases and not as we would like it to be or as it is rarely. Machiavellian natural right is dominated by a completely pessimistic anthropology, humans are by nature evil, defective, have no prospect of individual or collective improvement or completion-perfection. The only hope in the awkwardness of the human condition is the coercion offered by the political institutions, the powerful political state as a creation of human will and determination becomes the creator of man<sup>53</sup>.

### ***The historicism***

But the forced formation of man by the institutions of the state<sup>54</sup> is governed by the subjectivity of the sovereign. Positive law is not based on the objectivity of the human substance, but on the will of the holder of power. The goal of the Machiavellian model of domination is the control of man by the human nature and not the completion-perfection of a

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<sup>53</sup> Strauss L., “*The Three Waves of Modernity*”, Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 88.

<sup>54</sup> Strauss L., “What is political philosophy?”, Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 42.



natural end. For Machiavelli, human nature is synonymous with chaos, chance and imperfection and leads to destruction. The connection of human nature to human goal has been shown to be detrimental to the human condition. For there to be decisive results of human control, we must make man the master of human nature and give him the reins to plan his history<sup>55</sup>. But the autonomy of the human goal from the human essence opens the horizon of subjectivity and relativism, as political control is based on the selfishness of political domination. The attempt to degrade human goal by rejecting any natural correctness cannot stop the onslaught of subjectivity and relativity and the inevitable ejection into historicism. Only power justifies the correctness of control over man, no criterion of human value exists on the horizon of political thought. Machiavelli declares his neutrality in defining human goal, this is not the work of political science, but of the selfishness of the sovereign, who can plan the salvation of the people under his control or their destruction. Machiavelli's enlightenment or propaganda makes, according to Strauss, man the absolute master of political and historical reality, but it also makes him completely homeless<sup>56</sup>, as with the absolute freedom it gives, leaves man alone in his inhospitable world of absolute relativism and nihilism. Man, moving away from the safety of the human essence, now enters into conditions of inaccessible historicism, where the cruelty of power signifies any political reality. Man struggles to find himself, in a reality where only decisive power can define anything. The Enlightenment that begins with Machiavelli is a dark grove

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<sup>55</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 42.

<sup>56</sup> Strauss L., *Natural Right and History*, Chicago: The University of Chicago Press, 1953, pp. 4-5. Cf. Vavouras El., "Machiavelli: Natural right and historicism", *POLIS*, Volum IX, Nr. 3 (33), 2021, pp. 5-24 (<http://revistapolis.ro/.../revista/2021/Polis%20nr%2033.pdf>). Cf. McBrayer G. "On 'The Origin of the Idea of Natural Right' in *Natural Right and History*", Burns T. (Ed.), *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, Brill, The Netherlands, 2015, pp. 33-49.

from which no light is produced, but the gloomy darkness of historicism<sup>57</sup>.

*Political philosophy or political methodology?*

The question now remains to be answered whether Machiavelli is proposing a new political philosophy or something else. Science or philosophy can be defined as the activity that can rationally state the nature of its cognitive subject and its purpose, which emerges from it. Political philosophy or science has as its cognitive subject the research of human nature and as its goal is the human bliss, which is based on the perfection of its material, i.e., of human essence. Political philosophy or science in the exact sense of the word is the thorough knowledge of the essence and purpose of man as an individual or social being. The Machiavellian proposition rejecting the substance-purpose relationship also rejects the notion of political science and consolidates the notion of political methodology. Political methodology makes a sociological type of observation of human behavior expressing its neutrality for human improvement or perfection. Political methodology is indifferent to the criteria of value of human action and is a tool, an instrument for achieving any political goal. Machiavellian methodology offers means or modes of controlling man serving any subjective goal. The successful evaluation of the methodology depends on maximizing the control over the human being through the dominant means that it suggests. Machiavelli offers new modes and institutions of domination, he not interested in human perfection or bliss. His teaching is an instrument of domination in the hands of the decisive man, who shapes human and historical matter according to his will. The Machiavellian proposition is analogous to the concept of dexterity in its Aristotelian version. Dexterity is the knowledge of the means necessary to achieve

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<sup>57</sup> Strauss L., "What is political philosophy?", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Giddin, Wayne State University Press, Detroit, 1989, p. 47.

whatever goal the human subject sets<sup>58</sup>. On the contrary, political science or philosophy is the knowledge of the means to attain virtuous ends. The dexterity of Machiavellian methodology flows into the quicksand of historicism, which justifies only the determination to impose, to prevail by any means.

So, Strauss completely separates political philosophy from the history of philosophy, and any other superficially modern "science" sees under the influence of historicism the human condition as a consequence of historical processes. Political philosophy investigates the human essence, human natural right, and on the basis of this interpretation plans the human future, the prospect of achieving political bliss. There is a chaotic gap here with the modern conception of the notion of "science", where the scientific interpretation consists of a description of the human condition in the middle or as a consequence of historical phenomena, without aiming at a blissful state based on the solid background of human nature. The modern conception of political philosophy investigates the past, i.e., what historical realization contributed to the creation of a political theory, describes philosophical events and their causes, expressing its neutrality in questions of human value. This new delimitation of political science emerges from the Machiavellian perspective on man, which is based on the observation of human activity and proceeds to build a methodology of human control at a specific historical moment. This methodology cannot answer what is good or bad for man, but only decides that we can control man. The essence of political science or philosophy for Strauss is not radically historical in its modern forgery, but radically human, as it emerges from the reading of human natural right and aims at the proper shaping of the human future to achieve individual and political bliss<sup>59</sup>. It can decide with the certainty that derives from the knowledge of its scientific subject, of human

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<sup>58</sup> Arist. *Nic. Eth.* 1144a.

<sup>59</sup> Strauss L., "Political Philosophy and History", *What is Political Philosophy? And Other Studies*. The University of Chicago Press, 1988, p.56. Strauss L., *Natural Right and History*, The University of Chicago Press, 1965, p.38.

nature, what is good or bad for man, what is right and what is wrong, just as Socrates and the other ancient Greek philosophers declared during the project of determination of human value or of the best social order, which is close to bliss. According to this argument, political philosophy is necessary for man, because without it there can be no prospect of happiness or completion. It is, as Plato would say, the most significant science, or, as Aristotle would note, the greatest art with an architectural function, imperative and self-imperative, i.e., the only one that can decide for itself and give orders to the other arts, because she knows the human essence and purpose.

### **Conclusions and critique**

It could be said that Machiavelli's interpretation of Machiavelli is neither ordinary nor simple. Strauss makes a critical reading of Machiavellian work on multiple levels of both form and content, so it is a thorough and substantive analysis. Also, the Straussian interpretation does not focus only in a central work, such as *The Prince*, but has a full view of Machiavellian thought. At the same time, Strauss tries to avoid the interpretive impasse of historicism, where every philosophical thought, and in this case Machiavellian thought, is a creation of the era to which it belongs and is governed by a sterile discontinuity. For Strauss, Machiavelli is more influential in our time than he was in his own time. Machiavellian thought is not limited as a derivative of history, but creates history itself. Machiavellian enlightenment or propaganda as the beginning of the first wave of modernity is the core of the development of any modern thought, especially at the political level. Machiavelli in his days failed to introduce any theoretical innovation in relation to the ancients, there is almost nothing in his work that does not have classical political thought as its beginning. Moreover, in the *Discourses*, in his bigger work, he struggles to restore something old and forgotten, the mixed constitution of the Roman Republic, therefore he is a nostalgic of the classic, he tries to get back to

where he started<sup>60</sup>. Moreover, if we place him in the opposite of the great classical philosophers, such as Socrates, Plato or Aristotle, he comes second or inferior to their opponents, such as the Sophists, Thucydides or Isocrates, from whom he may have gained significant or mimetic endings. On a practical, historical level, he succeeds in creating the theoretical background for the unification of Italy into a powerful nation-state<sup>61</sup>, such as Isocrates - or something less than that - through the literary form of *Protrepitics* or in other words *Mirrors of Princes*. What Machiavelli achieved in relation to his classical predecessors was to give to the political methodology of the use of any means to achieve any goal public form. Machiavelli became an advocate of this method in order to gain public political validity. All the previous ones were possessed by a moral hesitation to cognitively validate what was happening around them from the beginning of the human condition in the political activity and they themselves strengthened it with their teaching. The political methodology of applying selfishness was dynamically present, but only Machiavellian thought dared to support it theoretically without moral inhibitions<sup>62</sup>.

What, then, is what makes Machiavelli such a decisive thinker, worthy of the Straussian interpretation? For Strauss, Machiavellian theoretical achievement is that he succeeds in misleading us, in leading us through his intelligent propaganda away from philosophy or political science in the literal sense of the word. Machiavellian deception changes the whole political horizon, creates through relativism that envelops a

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<sup>60</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, pp. 296-297.

<sup>61</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p. 171. Cf. Vavouras El., "Isocrates: a Machiavellian of the 4th BC. century. "Aspects of Isocratic Political Philosophy", *Greek Philosophical Review*, 28 (2011), 115-134.

<sup>62</sup> Strauss L., "Niccolò Machiavelli", Strauss L., - Cropsey J. (Ed.), *History of Political Philosophy*, Chicago: The University of Chicago Press, 1963, pp. 296-297. Namazi R., "Leo Strauss on Machiavelli's the *Prince* and the *Discourses*: A Recently Discovered Lecture", *Interpretation*, Volume 43 / Issue 3, 2017, p. 433.

foggy scene, where human values are annihilated by the neutrality or the indifference to the political purpose. Man is considered part of a hostile nature that must be controlled in every way<sup>63</sup>. The Machiavellian methodology of domination over nature or chance, over human imperfection is very difficult to deal with. The certainty that exudes through the degradation of human goal and the annihilation of chance convincingly convinces of its functionality or authenticity. However, despite its convincing spread, the impasses that this methodology leads to are more than obvious in the current human condition. Machiavelli is the creator of modernity and therefore responsible for its impasses. The charm of Machiavellian teaching has led modern man away from any certainty, far from the sure home of his natural existence, to the most relentless historicism. Moving away from human nature, man tries in every way to control this ruthless enemy, but at the same time he irrevocably loses his destination, because the essence and purpose of man may be contained in human nature, in human natural right. Unable to solve the political problem, Machiavelli violently severed the ties between man and his substance, throwing him into the abyss of historicism and modernity, to the most decisive or effective, but at the same time to the most inhuman we have imagined. . From this point of view, Machiavellian influence may be the time to overcome with a return to classical political science<sup>64</sup>.

Thus, most of Strauss's Machiavelli commentators do not avoid falling in the vicious circle of misinterpretation, as they focus their criticism on whether Strauss's positions on Machiavellian thought are interpretively correct, while neglecting Machiavelli's methodological function in the development of Strauss's philosophy. This interpretive negligence stems from the misunderstanding of classical natural right that they have, in contrast to Strauss, who has a thorough knowledge of all aspects of ancient thought in a way

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<sup>63</sup> Strauss L., "The Three Waves of Modernity", Strauss L., *An introduction to political philosophy: ten essays*, edited with an introduction by H. Gildin, Wayne State University Press, Detroit, 1989, p. 87.

<sup>64</sup> Strauss L., *Thoughts on Machiavelli*, Chicago: The University of Chicago Press, 1958, p. 174, 298.

that integrates it constructively and integrates it into his own renaissance plan of the western philosophy. If one doesn't have a deep knowledge of classical natural right, he cannot fully grasp the direction of Strauss's analysis. Strauss, then, is wrongly treated only as a commentator on Machiavelli, when in fact he uses Machiavelli as an interpretive stage and instrument for the development of the philosophical theory of natural right. For Strauss, Machiavelli is the path of constant communication between classical and modern natural right, between classical political thought and modernity. Machiavelli is Strauss's "mouthpiece"<sup>65</sup> for articulating his own positions. The shocking depiction of Machiavellian positions performs that attractive function for the esoteric influence of the Straussian positions. Strauss uses Machiavellian propaganda or blasphemy to attract and consolidate his own line of thought. He chooses the role of Machiavelli's commentator, in order to gain "interpretive immunity" and to be able to freely promote his own philosophical designs. Strauss's unbounded appreciation of Machiavelli stems precisely from the Machiavellian function of propaganda. As the coincidence of philosophy and political power belongs to the realm of chance, if this is pursued in a scientific-philosophical way, the Machiavellian interpretation is used by Strauss as an instrument of creating a true propaganda or ideology with philosophical parameters<sup>66</sup>. If philosophy is incompatible with political governance - and especially with democracy, as the case of Socrates has shown us - Strauss teaches us that we need a Machiavellian mode, a propagandistic or persuasive way of promoting virtuous ends. The common good can only be achieved in a Machiavellian way.

The defectiveness or the imperfection of the majority of human material inevitably leads to the pursuit of virtuous ends by immoral means. The ideal state of rationalism proposed by

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<sup>65</sup> Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 576.

<sup>66</sup> Drury S. B., "The hidden meaning of Strauss's *Thoughts on Machiavelli*", *History of Political Thought*, Vol. 6, No. 3 (Winter 1985), p. 578.

the ancient Greek philosophers can never become a reality in terms of truth and science, with a complete alignment of human essence and human purpose, but can only be realized as a "reflection" of the excellent constitution. We cannot achieve the best constitution or the complete human bliss, but we must act under its "reflection" for the benefit of man. Machiavelli shows us the way to achieve this goal with the omnipotence of state institutions, which must be structured as a reflection of truth, as a parallel path, as an ideology of truth. As it is impossible for people to fully align themselves with the truth of their essence, they must be compelled by the "reflection" of their essence and purpose, which is promoted by the formative function of state institutions. Positive law must be a "reflection" of natural right, just as material beings are a mimetic "reflection" of eternal ideas in Platonic philosophical design. Otherwise, man will remain homeless in the vortex of historicism and relativism, in the destructive waves of modernity.





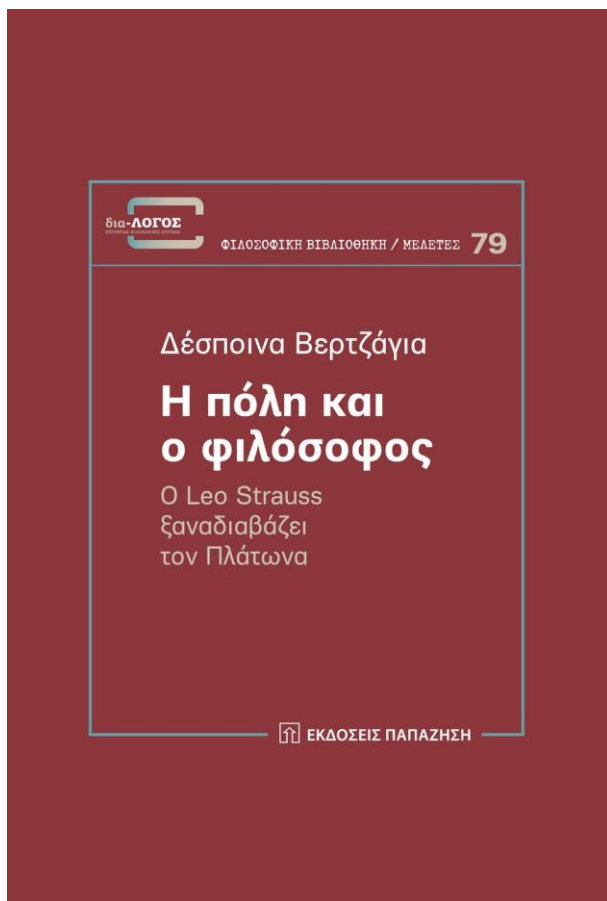
# *Philosophical Notes*

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**Book Review**  
*The City and the Philosopher:  
Leo Strauss revisits Plato*



by Despina Vertzagia

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The objective of *The City and the Philosopher: Leo Strauss revisits Plato*<sup>1</sup> by Despina Vertzagia – the title counterpoints one of Leo Strauss’s most well-known works that focuses inter alia on Plato, i.e. *The City and the Man* –<sup>2</sup> is twofold. At first, to familiarize the reader with the thought of Leo Strauss, which is crystallized into – and defined by – three core-issues: a. the conflict between antiquity – or, pre-modern thought in general – and modernity, b. the theologico-political predicament, and c. the distinction between esoteric and exoteric writing. This exposition serves the purpose of convincing the reader about the importance of Strauss as a political philosopher and also, as Vertzagia mentions in the preface,<sup>3</sup> of clearing the mist that surrounds the effect Strauss had on the contemporary political arena in the U.S. The verdict the author arrives to is reached not in the form of any blatant exoneration, but as the fruit of a laborious study of the work of Strauss.

The second goal of *The City and the Philosopher* is to examine Strauss’s interpretation of Plato not by directly questioning its validity, but by dealing with it as a radically interesting and – at times – illuminating alternative to the standard hermeneutic tradition.<sup>4</sup> As Vertzagia asserts, Strauss’s contribution to the study of the Platonic corpus can be summarized in two points: firstly, the disputation by Strauss of the importance of the Platonic dogmas, such as the theory of Ideas and the immortality of the soul, and secondly the shift of his focus to the morphological, dramatic or literal aspect of the Platonic text, seeking for details seemingly irrelevant with the main theme or argument of each dialogue, nonetheless indicative of its true, concealed meaning.<sup>5</sup> For, according to Strauss, all the inconsistencies encountered in the Platonic

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<sup>1</sup> Despina Vertzagia, *The City and the Philosopher: Leo Strauss revisits Plato* (Athens: Papazissi, 2022).

<sup>2</sup> See Leo Strauss, *The City and the Man* (Chicago, and London: The University of Chicago Press, 1964).

<sup>3</sup> Vertzagia, 11-13.

<sup>4</sup> Ibid., 18.

<sup>5</sup> Ibid., 69-74.

dialogues point towards a form of esotericism entertained by Plato – or, in the words of Leo Strauss, “nothing is accidental in a Platonic dialogue.”<sup>6</sup> The author detects in this interpretation a concealed response to Martin Heidegger and his well-known polemical stance against the theory of Ideas as the starting point of the “forgetting of Being” (Seinsvergessenheit).<sup>7</sup> Strauss also entertains a form of skepticism regarding the theory of Ideas – or more precisely, its perception by the analytical hermeneutic tradition; alas, his viewpoint is gnoseological rather than metaphysical. Through his interpretation of the Socratic ignorance and irony, Strauss comes to redefine the ontological status of the Ideas. Instead of forming a rigid ontological system, the Platonic Ideas for Strauss represent an open world of superhistorical questions destined to remain unanswered: a fitting destiny if one considers the innate limitations of human understanding and knowledge, and yet at the same time keeps believing in the possibility of this answer. Vertzagia writes:

the Socratic route, and ultimately the Platonic route, or, to Leo Strauss, the authentic philosophical route, serves as an alternative between dogmatism and relativism, or stands in opposition to ideology as a whole.<sup>8</sup>

At this point, a special reference should be made to the author’s broad overview of the subject-matter, since while discussing the arguments of Strauss she takes also into consideration the analytic hermeneutic tradition of the Platonic corpus, as exemplified in the works of Gregory Vlastos, and Alexander Nehamas.<sup>9</sup>

*The City and The Philosopher* is divided in two parts, as I already mentioned, each part consisting of three chapters. For

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<sup>6</sup>Strauss, *The City and the Man*, 60.

<sup>7</sup>Vertzagia, 76-77.

<sup>8</sup>Ibid., 79.

<sup>9</sup>See the footnote 161 on pages 71-73 for a detailed account on the way the perception of irony by Gregory Vlastos is used in Vertzagia’s study and leads to a more complete understanding of the notion.

a philosophical treatise, this sonata-esque structure is remarkable and, in my opinion, serves a deeper purpose; it not only facilitates the exposition of Strauss's thought, but it is also in accordance with what Strauss considered as an ideal work. But I shall leave this thread of thought for the concluding remarks.

The first part of the book entitled "Reading Leo Strauss" begins with the chapter "The Conflict between Ancients and Moderns." In this chapter, Vertzagia explains the reasoning that lies behind Strauss's concealed skepticism about whether Descartes was indeed the father of modern philosophy.<sup>10</sup> To Strauss, the *first* philosophy is political philosophy. Vertzagia claims:

[...] for Leo Strauss the problem of philosophy can best be summarized in the questions of political philosophy, or, political philosophy provides the equipment that is necessary in order to explore the deeper – or, even, elusive – questions as being tangible *locus*, yet one that partakes in vastness.<sup>11</sup>

This is why, to Strauss, the dawn of modern philosophy should be sought in the thought of Niccolò Machiavelli. To quote Vertzagia – echoing Strauss's thought as presented in his monumental essay "The Three Waves of Modernity," the contribution of Machiavelli has been twofold:

[...] [firstly] the shift of interest from the way people *do* live to the way they *ought to* live, and the conviction that chance (*fortuna*) may be overcome merely by human means (reason). In other words, Machiavelli introduces for the first time in the history of ideas a line of demarcation that separates ethics and politics by re-interpreting political virtue (*virtù*), while at the same time he relocates the imperative of modern science to politics: *Scientia*

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<sup>10</sup>Ibid., 23-25.

<sup>11</sup>Ibid., 23-24.

*propter potentiam.*<sup>12</sup>

Alas, the advance of modernity, characterized by the absolute distinction of facts and values, together with the rise of historicism, introduces a fatal danger for the existence of philosophy as such in general.<sup>13</sup> This is why this ‘conflict’ between antiquity and modernity is of extreme importance for Strauss, as he is trying to defend the validity of, as Vertzagia puts it, “the central superhistorical gnoseological and ethical problems.”<sup>14</sup> Vertzagia then, moves on to compare the political philosophy of Plato and Hobbes, as the representatives *par excellence* of antiquity and modernity respectively.<sup>15</sup> Throughout this chapter Vertzagia discusses Strauss’s argumentation by presenting a plethora of bibliographical references, demonstrating that she possesses ample knowledge of the sources on the issue, while at the same time managing to keep the interest of the reader.

In her second chapter, entitled “Between Athens and Jerusalem,” Vertzagia focuses on one of the most central subjects in Strauss’s thought: the fundamental contrast within the western tradition, the ongoing predicament between classical Greek and Roman tradition on the one hand, and Judeo-Christian on the other: “The eschatological viewpoint of the Bible survives deformed in the central imperative of the Enlightenment: that of progress [...].<sup>16</sup>” Vertzagia detects striking similarities between the account Hobbes provides for man’s natural condition, and Biblical account of man’s condition after the Fall. The same applies to the fear of a violent death, which is nothing more than the secularized fear of God.<sup>17</sup>

Vertzagia continues by comparing those two different

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<sup>12</sup>Ibid., 29-30. See also Leo Strauss, “The Three Waves of Modernity,” in *An Introduction to Political Philosophy: Ten Essays by Leo Strauss*, ed. Hilail Gildin, 81-98 (Detroit, MC: Wayne State University Press, 1989), 84-88.

<sup>13</sup>Vertzagia, 32-33.

<sup>14</sup>Ibid., 35.

<sup>15</sup>Ibid., 35-41.

<sup>16</sup>Ibid., 44-45.

<sup>17</sup>Ibid., 45.

traditions and their views concerning the problem of justice. One would expect the condemnation of even the slightest religious element, yet Vertzagia's stance seems dispassionate; like Strauss, I guess, she suspects that:

[...] the human longing for a solution to the eternal enigmas – to the degree that modern science has not succeeded to provide any, while philosophy has been limited only to a positive answer concerning merely the method for, and never the context of, a possible solution – is as such the condition that could urge humanity to decide instantly and irrevocably in favor of the revelation, the Bible, that is privileged when it comes to certain necessary answers.<sup>18</sup>

The third and the final chapter of the first part bears the title “Esoterism and the Art of Writing.” In this chapter Vertzagia sets out to explain in a clear and concise manner Strauss' alternative method of reading philosophical texts, based on the distinction between esoteric and exoteric writing. Once again, the author displays a stunning ease to navigate through the Straussian corpus. Special emphasis is given on distinguishing philosophical texts to any other form of literature. Following Strauss, she compares Plato to Shakespeare,<sup>19</sup> the former admittedly being far more dangerous to society than the latter:

As a result of this unilateral tension, society becomes the ‘common enemy’ against philosophers, though an enemy that defines the very nature of philosophy per se. Society is an enemy for philosophy as *hostis*, and not necessarily as *inimicus*, to use the terms of Carl Schmitt.<sup>20</sup>

This discussion of esoteric writing allows the author to

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<sup>18</sup>Ibid., 54.

<sup>19</sup>Ibid., 62-63.

<sup>20</sup>Ibid., 64.



smoothly move on to the second part of her work, entitled “Reading Plato,” that discusses the way Strauss interpretes Plato.

In the first chapter “The World and the Interweaving of the Platonic Dialogues” the author first presents the hermeneutic approach by Friedrich Schleiermacher, and its significance for the reading of the Platonic corpus.<sup>21</sup>

While there are similarities between his and Strauss’s approaches, Vertzagia pinpoints that for Strauss the difference between exoteric and esoteric writing is a difference of *kind*, not of *degree*; meaning that the philosophical way of reading is completely distinctive, and of a different nature.<sup>22</sup> According to Strauss, the Platonic corpus “consists of many dialogues because it imitates the manyness, the variety and heterogeneity of Being.”<sup>23</sup> In that way, each dialogue reveals the truth about a part of the whole. As a consequence, the conceptual autonomy of each dialogue can be contested.<sup>24</sup> For Vertzagia just one course of action is available: she follows that thread of thought by navigating – once again, with ease – through the Platonic corpus and by displaying a vast, yet also deep knowledge of the subject she discusses.

Another part of the Straussian interpretation that Vertzagia expands upon is the comical element in the Platonic thought. In her second chapter titled “Socrates and Aristophanes: Plato and the Comical” Vertzagia, following what Strauss implies in the *City and the Man*,<sup>25</sup> juxtaposes the fate of Socrates with that of Jesus – both being condemned to die by their cities – and their reaction to it.<sup>26</sup> The comical element is not just present, but actually defines the final moments of Socrates; this is the case with philosophy in general as a *way of life*.<sup>27</sup> Nevertheless, laughter is also to be found in Judeo-Christian tradition (Vertzagia cites the case of Rabbi Akiva, and expands upon what distances it from the philosophical viewpoint, as

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<sup>21</sup>Ibid., 81-83.

<sup>22</sup>Ibid., 83.

<sup>23</sup>Strauss, *The City and the Man*, 61.

<sup>24</sup>Vertzagia, 84-85.

<sup>25</sup>Strauss, *The City and the Man*, 61.

<sup>26</sup>Ibid., 100-101.

<sup>27</sup>Ibid., 101-102.

exemplified by Socrates).<sup>28</sup> Vertzagia then advances further to examine the Platonic dialogues *Euthyphro*, *Theaetetus*, the *Apology*, the *Republic*, all in juxtaposition to (in a fashion reminiscent of Bach's counterpoint, if I may say so) the works of Aristophanes *Wasps*, *Clouds* and *Assembly of Woman*. Once more, it must be noted that academic preciseness is not sacrificed on purpose of blindly following Leo Strauss: for example, Vertzagia considers extensively the definition provided by Gregory Vlastos for Socratic irony.<sup>29</sup>

The *City and The Philosopher* concludes with in a final chapter entitled "The Relation and the Concurrence of Politics and Philosophy: The Limits of the City," that is a thorough examination of the question entailed in the title of the book itself and is also inherent in the thought of both Plato and Strauss: namely, the relation between politics and philosophy, between the city and the philosopher. The examination of this central question culminates in the concluding chapter that focuses on contemplative life; its importance for Strauss is emphasized by Vertzagia in her arguing that it has been the core of the so-called Straussian return to classical political philosophy. On this basis, despite the *actual* impossibility of any concurrence between philosophy and politics, Strauss and Vertzagia maintain an optimistic attitude as long as:

[...] the philosopher manages to rise steadfastly above the political arena and the principles that govern society by ensuring the vitality of an alternative human reality, which – in opposition to political action – is not devoid of freedom, or, more accurately, autonomy, and to which one can resort when any given political project seems to fail. [...] Leo Strauss sees in the Platonic opus the most vivid depiction of a worldly shelter in the face of dark political times: the super-political life of the philosopher.<sup>30</sup>

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<sup>28</sup>Ibid., 102-103.

<sup>29</sup>See footnote 280, on page 107.

<sup>30</sup>Ibid., 141.

In a lecture given at the University of Chicago in 1957, Strauss compared any book to a work of art: “The book in this sense is a conscious imitation of living beings. There is no part of it, however small and seemingly insignificant, which is not necessary so that the whole can fulfill well its function. [...] The perfect book acts, therefore, as a countercharm to the charm of despair which the never satisfied quest for perfect knowledge necessarily engenders.<sup>31</sup>” It is my firm belief that Despina Vertzagia’s book *The City and The Philosopher: Leo Strauss Revisits Plato* would meet these criteria.

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<sup>31</sup>Leo Strauss, “Interpretation of Genesis,” *Jewish Political Studies Review* 1, nos. 1-2 (1989): 91.

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Montserrat Herrero

The Political  
Discourse of  
Carl Schmitt

*A Mystic of Order*

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## Leo Strauss and Carl Schmitt

Interview with  
Montserrat Herrero

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### 1. What is your interest in the relationship between Leo Strauss and Carl Schmitt?

I have devoted part of my work to the political thought of Carl Schmitt, in my opinion one of the most enlightened minds of the 20th century, not only because of his intellectual acuteness, but also because the historical point of view from which he spoke was exceptional: the collapse of the Second Reich, i.e. the absolute end of a world centred on the imperial idea, the rise of the Weimar Republic and its agony in the arms of the Third Reich, and the new international order that took shape after its fall with the total humiliation of Germany, which Schmitt saw as the triumph of liberal Americanist imperialism. Many were Carl Schmitt's correspondents during his lifetime. Thousands of letters can be found in Schmitt's archive. Three of these letters were from Leo Strauss. We cannot find the correlative letters of Schmitt. But from the content of the letters we have to deduce that Schmitt did not reply to Strauss, at least not to these three letters. Strange for someone who was in the habit of always replying to letters. These letters were sent between 1932 and 1933 and inform us of an opinion written by Schmitt to evaluate Strauss's research on Hobbes before the Rockefeller Foundation in order to Strauss to apply for a grant. Strauss won the grant and thanks Schmitt. Many scholars speculate on the idea of Schmitt's silence and put it down to the dangers of corresponding with a Jew like Strauss at that time. There is undoubtedly a good biographical argument there, but that does not interest me as much as the content of their relationship through their texts.

In fact, the most important content of the relationship between the two intellectuals concerns Leo Strauss's review of Carl Schmitt's *The Concept of the Political*. In fact, in a 1932 letter to the editor of Duncker und Humblot, Schmitt pointed out that Strauss's commentary was one of the best that had been made on his book, although he was in fact very critical of it. It must be said that Schmitt was not one to shy away from criticism. On the contrary, he was saddened if his work did not receive a critical response. Strauss's review appeared

in the same journal in which Schmitt published the first edition of his *Begriff des Politischen* in 1927, the *Archive für Sozialwissenschaft*.

Strauss' critical commentary on *The Concept of the Political*, where Schmitt defines the friend-enemy distinction as the criterion for recognising a political situation, has been the subject of several writings, the most extensive being that of Heinrich Meier, published first in German, but also in other languages entitled *Carl Schmitt & Leo Strauss. The Hidden Dialogue* (Chicago: The Chicago University Press, 1995), where also Strauss's *Anmerkungen* can be found. Other scholars have considered the topic, as is your own case in "Strauss and Schmitt as Readers of Hobbes and Spinoza," *The New Centennial Review* 4/3 (2004); Claudia Hilb, "Beyond Liberalism. A note on Leo Strauss's *Anmerkungen* to Carl Schmitt's *Concept of the Political*," in J. Dotti/J. Pinto, *Carl Schmitt. Su época y su pensamiento* (Buenos Aires: Eudeba, 2002); or myself in "La posición de lo político. Schmitt frente a Strauss," in *Estudios sobre Leo Strauss* (Mendoza: Centro de Estudios de Filosofía Clásica, 2010).

## **2. In your view, what is the most important theoretical dispute between Schmitt and Strauss?**

In Chapter III of the *Anmerkungen*, Strauss makes a strong judgement against Schmitt: Carl Schmitt founds the political in a liberal world, i.e. neutralised by the civil state, and his aim is to restore the state of nature. To this thesis he consequently links the position of human dangerousness presupposed by Schmitt. The affirmation of dangerousness, he continues in his commentary, is the approval of force, of *virtu* in the Machiavellian sense, as the cornerstone of the State edifice. For all these reasons, Strauss says that however illiberal he may consider himself, Schmitt cannot escape from liberalism.

In my view Strauss converts Schmitt's descriptive theses into normative ones. This is, in my view, the great error of his interpretation. What Hobbes denies in the construction of his civil state becomes, in Strauss's view, normative in Schmitt's political conception. In this sense and from this point of view,

Schmitt appears to Strauss as an anti-Hobbes, strangely Hobbesian.

**3. Hobbes is really the point of contention between the two political theorists?**

I think so. Their dialogue is primarily about Hobbes and in particular about two aspects: his anthropological individualism, which Strauss describes as liberal; and his political theology.

**4. What is Strauss' position on Hobbesian liberal individualism?**

Strauss fixes his attention on the Hobbesian affirmation of the *status civilis*, which he understands as the position of culture opposed to nature and its consequent oblivion of nature, as the central characteristic of later liberalism, which operates the neutralisation of the political. This is what you yourself point out in your article on the dispute between Schmitt and Strauss, and I think you are right: the question of the neutralisation of the political is settled in the transition from the state of nature to the state of artifice, precisely because the latter as an artificial state can proceed to the levelling out of differences and thus to the neutrality of all qualities. In this sense, neutralisation has to do with the construction of the civil state. Schmitt would agree with this analysis. For him technification and neutralisation are the consequence of state artifice. This is the foundation of the modern liberal state. Strauss is against Hobbes on this point because his scientific apparatus, the institution of politics as a new deductive science, makes political reflection and deliberation about the just and the good irrelevant.

Schmitt, on the other hand, admires Hobbes' ability to neutralise political-religious conflict through the construction of the Leviathan, which, however, in his view, does not establish neutrality, for it keeps the concept of the enemy alive.



As he points out in his book on Hobbes, *The Leviathan in the State Theory of Thomas Hobbes*, the Commonwealth is for Hobbes the permanent avoidance of civil war through gigantic power. Hence one of the monsters, Leviathan, always subjugates the other, the Behemoth, the Revolution. In other words, Schmitt does not so much focus on the artifice of the Hobbesian state apparatus as on the fact that it has a real enemy and is not itself neutralising at the time. But he would agree with Strauss on the general judgement about the danger of making the discussion about the real enemy or about what is just, superfluous in politics.

On the other hand, Schmitt does not at any point enter into a judgement of Hobbes' materialist anthropological theory as such. For Schmitt, the natural state is primarily the situation in which States live among themselves and not individuals among themselves, and this natural state among States presupposes their institution, i.e. the *status civilis*. This is what he stresses in chapter 7 of *The Concept of the Political* in relation to Hobbes: the relevant natural state, the one that cannot be overcome without distorting reality, is the natural state between Commonwealths. This is explained by the close connection between political anthropology and what the political philosophers of the 17th century (Hobbes, Spinoza, Pufendorff) called the natural state, the situation in which the various states live among themselves, and which is one of constant danger and threat.

Strauss in his critique does not emphasise this distinction and interprets Hobbes and Schmitt as understanding the state of nature in different ways and that what Hobbes wants to overcome with respect to the state of nature between individuals, Schmitt affirms with respect to communities. No, Mr Strauss, Hobbes also affirms it with respect to communities. In any case, the state of nature between individuals and between states, as I argued at length in my book *The Echo of Thomas Hobbes in the Twilight of Modernity*, is in almost no respect the same. States are rational actors and can deliberate dispassionately. In this natural situation pacts and oaths and, of course, international trade are possible. They do not, however, provide any definite security, because they are not

based on a supreme power. They are simply certain hypothetical regulations, i.e., which may or may not be fulfilled and which guide the action of those who represent the sovereign power in the multiple Commonwealths.

In sum, the state of nature that Schmitt finds insurmountable using Hobbesian terminology is that of the *Law of Nations*, but this does not imply affirming the state of nature of individuals against the *status civilis*, as is the case in Hobbes' approach. At no point in his great work does Hobbes deny the state of nature in this sense. Moreover, this state of nature between states, which Hobbes calls the *Law of Nations*, does not imply a situation of anomie, since in it natural laws are in force; nor, by the way, is the state of nature between individuals, since in it there is a natural reign of God and, therefore, in its natural laws are in force, without which, as Strauss himself acknowledges in his last commentary on Hobbes in *What is Political Philosophy*, the transition to the civil state would never be possible. This, however, seems never to be considered in Strauss's interpretation of the state of nature as an "anti-theological" situation in *Natural Law and History*.

## 5. What is the dispute over political theology?

It is sometimes said that Strauss and Schmitt had a veiled dialogue between the lines of their texts on Hobbes. Certainly nothing assures us that by the figure of the "chatterbox" referred to in *The Leviathan in the State Theory of Thomas Hobbes*, Schmitt was referring to Strauss. Rather, his references to him, where they exist, are laudatory. On the general topic "Hobbes", the first stone was thrown by Strauss in 1936 with the publication of *The Political Philosophy of Hobbes*; in 1938 Schmitt published *The Leviathan in the State Theory of Thomas Hobbes*. At no point does Schmitt cite this book by Strauss, although another of his books, *Spinoza's Critique of Religion*, published in 1930, is cited with praise. Strauss published two more texts on Hobbes, one in *Natural Law and History*, in 1953, and another in 1959, in *What is Political*

*Philosophy?* with the title “On the Basis of Hobbes’ Political Philosophy,” which is above all a commentary on Raymond Polin’s book on Hobbes, *Politique et philosophie chez Thomas Hobbes* of the same year. Finally, Schmitt ratifies his own position on Hobbes in *Die vollendete Reformation* [The accomplished Reformation] of 1965. It is true that their interpretations along these texts are divergent, but in a particular way with regard to political theology.

At least we have a clear statement from Schmitt regarding Strauss’s interpretation of Hobbes: Strauss reduces Hobbes’ exposition to the simple contrast between Jews and pagans, whereas Hobbes fights against typical Judeo-Christian doctrines and *in concreto* argues in an Erastian pagan-Christian way, presupposing in his argumentation a Christian community, the *civitas Christiana*, in which the sovereign not only does not touch the one essential article of faith – “that Jesus is the Christ” – but protects it, merely putting an end to the theological speculations and distinctions of clerics and sectarians thirsting for dominion. Strauss, in Schmitt’s view, meanwhile aspires to the original and natural unity of politics and religion. For him the recovery of the theological-political problem means the restitution of the question of what is good and what is just. Hence, Strauss is mainly concerned with the relationship between politics and philosophy and not so much with the relationship between religion and politics. Claudia Hilb describes the relation of religion to politics in Strauss by pointing out that for him both faith and reason occur in a political context and determine the question of obedience.

As a strictly political philosopher, as Meier defend, Strauss is not in position of understanding Schmitt’s view of Hobbes’ political theology. Is Schmitt really as much on Hobbes’ side on the theological-political question as Strauss thinks?

## 6. ¿ It is not, then?

It does not seem so, since he accuses him of being an Erastian heterodox, something he does not consider himself to be.

## 7. So what is it about Hobbes' political theology that interests Schmitt, then?

The radical relationship between the theological and the political, that Strauss fail to see. What was originally a Hobbes' interpretation, becomes the central theme of Schmitt's political theology: there is a theological-political substance, a *res mixta*, which makes a total delimitation of the spheres of the religious and the political difficult. However, this inextricable relationship need not be historically as Hobbes desired, that is, as a unity in the head of the political sovereign. The Hobbesian construction is the starting point, as Schmitt himself acknowledges, of the successive secularisation of the religious, not only of the political. The privatisation of religion, its confinement to the realm of conscience without any public manifestation or relevance other than that demanded by the public-political confession, is in his view liberal. In contrast to this cancellation of the theological-political tension of the liberal tradition, Schmitt discovers a theological-political factor of retention: the catholic church. The Roman church, insofar as it is instituted, is the visible representation of the power of the secret, of the invisible, of the intimate, because it speaks in the name of God to consciences and from consciences. The opposition that Hobbes tries to set up between the invisible Christian church and the visible political authority is the fruit of his desire to make the church politically irrelevant. The visibility of the church is inadmissible for Hobbes, precisely because that is, as Schmitt points out in his short essay *The Visibility of the Church*, its political value. Insofar as it makes the tension between the religious and the political institutionally possible, it is a real check on the process of secularisation. The church presupposes the institutional

impossibility of annihilating conscience, as Schmitt points out in *Political Theology II*. Where these verifiable institutionalised subjects no longer exist, neither does dogma properly exist, and the wall of separation between the spiritual and the earthly dissolves; the two Augustinian cities cease to walk together and dissolve into each other. That in the case of Leviathan this was done in favour of a political religion and in democratic liberalism in favour of civil religion is almost indifferent. What is common to both approaches is the dissolution of the theological-political tension.

**8. In what sense then is the church an anti-secularist retaining power, i.e. an enemy of liberalism?**

In that it preserves the tension between the theological and the political - that is, the possibility of a legitimate conflict between the two spheres - in the first place, in its specific rationality.

But secondly, and this is what Schmitt devotes most attention to in *Roman Catholicism and Political Form*, from the point of view of representation, the church possesses the pathos of authority in all its purity. The church is a personal and concrete representation of a person, who is Christ, God. The church is a mediator insofar as it makes visible and historically effective the truth of God himself, an incarnate God. It is she who coins transcendent truth in manageable currency, through the voice and decision of a person. To the extent that it is outside of mercantilist exchange and political domination, it is an anti-secularist holding power. The church would be politically neutralised if it conceived of Christ as a private individual and Christianity as a purely private affair and an event of pure intimacy.

**9. So in your view, it seem that Strauss commentary on Schmitt was not a right one?**

The fraud of Strauss's *Anmerkungen* is to have interpreted Schmittian political philosophy in a Hobbesian key in general and, in particular, in terms of the state of nature. As much as Strauss is interested in political anthropology, which is the approach he takes in most of his texts, this is not Schmitt's way of approaching the political and, consequently, it distorts his approach.

Strauss rightly comments that Hobbes, in understanding men as beasts, speaks of an innocent evil, and with the idea of innocence, the distinction between moral good and moral evil loses its sharpness. A sharpness, seriousness and radicalness that Schmitt wants to restore, from Strauss's point of view, thus restoring morality behind the mask of the political. Strauss is certainly right on this point, at least because the affirmation of the possibility of combat is consubstantial with the defence of the political and moral order. When one stops fighting altogether it is because there is no longer anything to defend, and that implies that there is no longer any dignity. But why, then, does Strauss say that Schmitt shuns deliberation about what is just? Both would agree that politics should not dissolve the question of what is just and devote itself only to the question of the means, because the cost is the meaning of human life. Strauss is not right in saying that Schmitt's approval of the struggle is indifferent to the motives for which it is fought and that, therefore, this statement moves in the realm of the means. And he is wrong, because if there is no serious case there is no struggle. Combat, knowing whether to fight or not, depends on how the serious case is defined. It is true that, as Strauss points out at the end of his commentary, Schmitt does not discriminate between serious cases, but logically this must be the case, because the political situation is always concrete. Generally, the serious case is experienced as an exception and is indeterminable beforehand.

## Leo Strauss' "The Argument and the Action of Plato's Laws": A critique on Plato, legislation and the problem of political authority

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**Abstract:** The presence of Leo Strauss in the 20th century in the field of political philosophy is one of the most crucial as far as important philosophical findings go, which drastically changed the principles and aspirations of political practice and philosophical process. Through his philosophy, Strauss connected antiquity with the present, theory with practice and criticized the evils of his time. One aspect of his work, his involvement with Plato's Laws and especially the book "The Argument and the Action of Plato's Laws", which may shed more light on his views, has not been sufficiently researched, at least in terms of its connection with his overall work. The aim of the present paper is to highlight the relevant research of the philosopher, to find out the reasons why Strauss chose Plato as a thinker and the Laws as a dialogue and finally to evaluate what that choice means for his philosophy.

**Keywords:** Leo Strauss, political philosophy, Plato, Laws, legislation, political authority

## 1. Introduction

Leo Strauss acquired a significant presence in the renaissance of political philosophy of the 20th century. He acrobated between antiquity and modern times, balanced between presenting a history of philosophy and political commentary and, when appropriate, disagreed and debated on critical issues with other major philosophical figures of his time. If one were to try to summarize Leo Strauss' political philosophy, for the sake of brevity one would certainly begin by overstating his suspicion of any idea that claims to bring solution to a previous political or philosophical problem<sup>1</sup>. This belief stems from the fact that in his time he experienced a degradation of philosophy due to - as he believed - a climate of social nihilism, but also to the dysfunction of university circles themselves. Thus, the thinker undertook the task of discovering the erroneous philosophical bases that created the problem as a beginning<sup>2</sup>. The return to the classical era was the starting point for Strauss as far as the formation of his view of political action went. This starting point also shaped his rejection of Nazism, as well as communist regimes. He taught that the misconception of modern liberalism, with the premise of universal freedom, as opposed to ancient liberalism, which aimed at human perfection, led to this flawed nihilistic regimes<sup>3</sup>. Both Nazism and Communism replace morality with violence, which ends up subjugating humans. However, even Western liberal democracies have some form of violence under the guise of indifference, the so-called "tolerant equality". For all these

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<sup>1</sup> Strauss, *The Argument and the Action of Plato's Laws*, pp. 11-12.

<sup>2</sup> Smith S. B. (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge University Press, 2009, p. 65.

<sup>3</sup> Strauss, *Plato's Laws*, p. 245.



reasons, Strauss presented the dangers of totalitarianism within both the government and science<sup>4</sup>.

The philosopher wrote the book "The Argument and the Action of Plato's Laws" later in his life and it is in fact his first book that is completely devoted to a dialogue of Plato<sup>5</sup>. The premise of the title itself withholds the writer's intention to create a practical philosophy rather than simply present some philosophical arguments from the past. The word "Argument" represents the theoretical side of the discussion while the word "Action" emphasizes on the practical philosophy in which Strauss believed in. After all, theory alone cannot survive without action. Why he chose the Laws in relation to any other dialogue is not clear at first glance. In fact, it is a text, which is dense and composed both from the presentation of the dialogue and the views of Strauss himself. It takes a very careful reading for the reader to understand where Plato stops and where Strauss begins. However, regarding this particular connection with Plato's Laws, it does not exist only in the context of the book, but begins with his relevant study as a professor and presentation of Plato's dialogue in a university course. On the one hand, then, his lectures are his research, while the book is his commentary.

## 2. Beyond Plato

Why chooses Plato? If one has to consider this question, the first thing one will realize is that Plato is in fact from antiquity to the present day one of the most important, if not the most important, philosophers of history with a special significance for political philosophy. However, such an insight is not enough to answer the question to begin with. It goes far than that in the reason why he chose Plato's work, when in truth Strauss was a specialist enough to know and choose

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<sup>4</sup> Smith S. B. (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge University Press, 2009, p. 188.

<sup>5</sup> Burns W. T. (ed.), *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, Brill, 2015, p. 424.

any philosophical work he wished. The basis of Strauss' thought is in antiquity, in the Classical Era. For him this period gives birth to the field of ethics in the sense of practical philosophy. In addition, the concept of violence has still not taken the form of violent experiments on human beings in the sense of the Holocaust, as we know it today, and that is a truly anthropocentric era<sup>6</sup>. Again, this is not reason enough. There are plenty of great ancient thinkers to choose from and Plato seems like a pretty obvious choice, especially for an academic. In truth, there are two main reasons why he made that choice. Initially, it was preceded by an, according to Strauss, erroneous philosophical use of Plato's work by scientists of his time, and in particular by Karl Popper, whose work he considered inaccurate, extemporaneous and totally dangerous. Popper's critique of Plato in his book "The Open Society and Its Enemies" is illogical to Strauss, as his entire work is. The second reason that he chose Plato had to do with his philosophical immersion<sup>7</sup>. Although Plato is indeed a world-renowned philosopher, the dialogue of Laws has not been adequately analyzed and this is a fact even today. In short, Strauss tries to highlight both the poor and superficial research by his contemporaries and that Plato's vast work has more aspects than it seems.

A major connection between the personalities of both Plato and Strauss is the fact that their philosophy begins with a critique on the status quo of the state. Both of them do believe that the basis of the problem stems from the erroneous ways of humans and especially the ones who hold the authority in a society<sup>8</sup>. The only difference is the fact that Plato's society is the Athenian democracy, while Strauss' society are both the political system of Western democracy, which allowed the Nazism to flourish and the university circles, which stood passive in front of the terror. The definition of concepts, and in fact the concepts that are

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<sup>6</sup> Smith S. B. (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge University Press, 2009, p. 205.

<sup>7</sup> *Ibid.*, p. 248.

<sup>8</sup> Plato, *The Laws*, 776d, 778a.

universal, is for Plato a basic element of governance, guided by justice<sup>9</sup>. From the search for the latter begins the search for the definition and separation of political concepts. Plato is interested in discovering the nature of justice by accepting that such concepts go beyond any attempt at definition<sup>10</sup>. Moreover, what other good could lead to happiness, if not justice itself, if that is the inner good that prevents people from becoming unjust? Plato thought of the ideal government as a state with narrow borders and a small area<sup>11</sup>. Those who did not approve of the government could relocate to another state that they considered less unacceptable. However, the mental game of a political utopia, such as the “perfect city”, would not philosophically allow critics to exist, as the very concept of “perfection” implies the impossibility of realization by an ontologically imperfect being, the human. Nevertheless, without stating it directly, he poses a certainty about the realistic nature of his proposals, since he even closes the text of the *Laws* with the opinion that one has to work hard to succeed in creating the so proposed city. Plato’s idea of a perfect society is radically communal, where each individual works for the society as a whole<sup>12</sup>. This view is one that Strauss also emphatically embraces. Private families do not exist separately from public life and people’s social mobility increases significantly because they are no longer expected to simply play a social role. *Laws* combine political philosophy with applicable law, analyzing in detail the laws and procedures that must be applied in a city.

### 3. Legislation: A divine gift crafted by humans

At the heart of the debate over the importance of legislation is located a theologico-political problem for Strauss, which raises the question of whether a society should

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<sup>9</sup> Recco G. and Sanday E., *Plato's Laws. Force and Truth in Politics*, Indiana University Press, 2013, p. 135.

<sup>10</sup> Plato, *The Laws*, 967c–d.

<sup>11</sup> *Ibid.*, 681c–d, 708b–d, 738d–e, 949e.

<sup>12</sup> Strauss, *Plato's Laws*, p. 220.

be based on theological faith or law or whether it should be based purely in philosophical logic and experience. With this in mind, it begins to seem more and more obvious why he was involved with the Laws. In “The Argument and the Action in Plato’s Laws”, instead of discussing this theologico-political problem, he begins his reflection with the presence of Minos. He notes that Minos’ presence, as a character, is distinct since the Socratic question posed in the dialogue is “What is law?”<sup>13</sup>. Strauss also emphasizes that the presence of Minos, the son and student of Zeus, leads to the best laws. That is why the Athenian makes this journey to Crete, to learn the laws from the gods themselves<sup>14</sup>. The Athenian stranger visits Crete in a quest for the best laws. As for the dialogue itself, Strauss emphasizes that it is Plato’s most political work and perhaps the only political work in itself<sup>15</sup>. This is connected with the fact that in the Republic Socrates creates a city through hypothesis, whilst in the Laws there is presented the practical creation of a city. According to Strauss, the hypothetical construction of Socrates in the Republic shows the limits of the nature of politics. One might conclude that the Laws are simply called a political work because they lead to advice on real politics and do not reveal, at least at first glance, fundamental truths<sup>16</sup>. However, the same idea can explain the apparent absence of Socrates as a character of this dialogue. In the reader’s mind Socrates could be somewhere else busy studying the nature of things. In Plato’s work, after all, the presence of characters and ideas is followed by abstraction, in order to emphasize all those elements that he considers important. If Strauss believed that one is the main goal of the dialogue, then this is the decisive approach to prevent a blind belief in pseudo-prophecies<sup>17</sup>. Thus, one could draw conclusions about how the divine law

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<sup>13</sup> Strauss, *The Argument and the Action of Plato’s Laws*, p. 17.

<sup>14</sup> *Ibid.*, pp. 28-30.

<sup>15</sup> Burns W. T. (ed.), *Brill’s Companion to Leo Strauss’ Writings on Classical Political Thought*, Brill, 2015, p. 425.

<sup>16</sup> Stalley R.F., *An Introduction to Plato’s Laws*, Basil Blackwell Publisher Limited, 1983, p. 29.

<sup>17</sup> Burns W. T. (ed.), *Brill’s Companion to Leo Strauss’ Writings on Classical Political Thought*, Brill, 2015, p. 425.

can be used in the right way, if one can shed light on what one seeks. Pointing out that the Laws obscure the difference between an idea and a utopia, he concludes that this difference between the Laws and the Republic corresponds to the difference between the debaters, the obvious difference between Kleinias-Megillos and Glaukon-Adeimantus, that is, the difference between the obvious absence and the obvious presence of philosophy<sup>18</sup>. This suggests that the dialogue is emphatically political.

Strauss suggests how parrhesia (“free speech”) can contribute to the issue. In this sense, the Laws would be the most political dialogue because it handles human affairs with the utmost seriousness and ignores what concerns the philosopher has as a philosopher<sup>19</sup>. In other words, Laws is a deeply humane work, because it dictates all these problems a society can deal with and in the same time provides solutions to them. Strauss does not discuss why the Athenian chooses to converse with such men about the divine law from the start<sup>20</sup>. He also emphasizes that Plato’s silence on philosophy is a “law that he imposes on himself”. Ultimately, the conclusion is that the rule of law is a divine rule. Politicians believe in divine law, which leads them to reject some personal beliefs and adopt others in their place. The Athenian stranger’s achievement in the Laws complements what Socrates achieves in other dialogues. While Socrates leads his interlocutors to acknowledge, as concisely and vaguely as possible, that they have no genuine knowledge of the gods<sup>21</sup>, the Athenian urges morally serious, pious people to understand that he has helped them learn what a god is and what he demands of humans<sup>22</sup>. Overall, the Laws seem to express more optimism than the Republic regarding the ability of the average citizen to be virtuous. The dialogue of the Laws makes the general assumption that the legislation

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<sup>18</sup> Strauss, *The Argument and the Action of Plato’s Laws*, pp. 31-32.

<sup>19</sup> Burns W. T. (ed.), *Brill’s Companion to Leo Strauss’ Writings on Classical Political Thought*, Brill, 2015, p. 428.

<sup>20</sup> Strauss, *The Argument and the Action of Plato’s Laws*, p. 53.

<sup>21</sup> *Ibid.*, p. 183.

<sup>22</sup> *Ibid.*, p. 114.

belongs to the political art and that the ideal politician rules “according to the laws”. Eventually the legislation takes the form of the road leading to justice, which has the same character inside an individual as inside the city. In other words, the just city is the example of the just man. The harmonization of the whole (city) with the part (the individual) is a precondition in the search for a satisfactory, that is, a fair political system<sup>23</sup>. Consequently, Plato tries to imagine ideal leaders, analogous to the city. Psychological harmony, virtue and prosperity are interrelated elements. As a result, the completely vicious who cannot be cured will always be in a state of psychological disharmony and will never develop. This is Strauss’ own view of the dangers of politics. No human being should invoke a higher power or a higher idea to oppress its fellow human beings, to violate any notion of justice, and to sow totalitarianism and violence within a political society<sup>24</sup>. The best, rational and just political order leads to the harmonious unity of a society and allows all parts of the city to pursue happiness through the common interest and not to the detriment of others. The liberation of the soul from evil is for Plato the absolute duty of people. No one can be evil and happy at the same time. Only a spiritually liberated person, whose soul is beautiful and well organized, can experience true happiness. Only a country governed by the principles of virtue can claim to have the best system of government<sup>25</sup>.

#### 4. The problem of political authority

The Laws use a city’s descriptions to offer an ideal of law according to which citizens will obey the law freely and rationally<sup>26</sup>. However, due to the psychological limitations of people, real legal texts will never meet this ideal. There is a

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<sup>23</sup> Plato, *The Laws*, 628b-e, 645b.

<sup>24</sup> Strauss, *The Argument and the Action of Plato’s Laws*, p. 8-11.

<sup>25</sup> Plato, *The Laws*, 950c.

<sup>26</sup> Bobonich C. (ed.), *Plato’s Laws. A critical guide*, Cambridge University Press, 2010, p. 68.

more realistic argument, however. The Athenian stranger wants to motivate citizens to obey the law. He recognizes the fact that citizens will be different in both their interests and intellectual abilities. Because of this, the legislator will have to resort to different methods to motivate them. Some are rational, while others are irrational. Two further innovations deserve attention. Laws warn of preventing a single uncontrollable power within the city. At the same time, a complex system of checks and balances is being set up to ensure that all officials abide by the law<sup>27</sup>. In other words, there is a special committee in charge of conducting evaluations of the performance of civil servants, if there are indications of abuse of their position. Through another mechanism, the examiners themselves are tested. In addition, power is distributed amongst several executive offices, to balance each other, in order to prevent anyone of them from gaining too much power. A second innovation has to do with the revision of the legal code. In previous works, Plato appreciates the stability in laws, but at the same time recognizes the need for revision in the light of new circumstances. In *Laws*, he establishes a special institution for the revision of laws, when necessary or desirable.

The Platonic dialogue establishes the necessary elements needed to shape a city politically, raising side problems and threats that may arise. Who, for example, is capable, experienced, great and who is give this answer in the first place, are some questions to begin with. Another issue is the question why someone is more worthy to rule than others<sup>28</sup>. All these questions change the argumentation into a rich reflection, which is connected with the difference in the level of perceptions and actions, which has prevailed in the modern philosophical debate. The problem of authority is a constant question of political philosophy and one that, in fact, majorly concerned Leo Strauss in the time that he lived and wrote. When justice becomes arbitrary, belief in laws and rules cannot be sustained<sup>29</sup>. The decision-making conditions

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<sup>27</sup> Strauss, *The Argument and the Action of Plato's Laws*, pp. 21-22.

<sup>28</sup> Annas J., *Plato. A brief insight*, Sterling Publishing, 2003, p. 63.

<sup>29</sup> Plato, *The Laws*, 689e.

of the higher authority are perhaps one of the main issues that has occupied philosophers for centuries, in the context of the political societies in which man lives. Either directly in a regulatory way or in indirectly looking at the side issues related to the concept, philosophers have been intensely concerned with the distinction of power from society, to explain the phenomenon, and the simultaneous connection of the two concepts given that politics and society need each other in order to function efficiently and harmoniously<sup>30</sup>. It benefits a distinction between philosophical discussion of issues and regularity. It is, after all, the dividing line between early and late platonic philosophy, as well as the dividing line between early and late political philosophy historically, which is of direct interest to Leo Strauss's work. The difference is that Plato's main philosophical pursuit was to reach firm conclusions in the course of his life, while philosophy itself operates in exactly the opposite way. Different levels of power, for example, suggest different relationships of sometimes-blind faith, even submission. Where Plato places justice next to power, modern logic does not comply with such idea, and sometimes identifies them as worthy adversaries. Thus, the current concept of governance is distinguished in different ways through the technologies of power, which transform the state into a "relational field of power". The techniques of power are historically related to the political body itself and to the passage of time with the discipline of the human body and the essence of its life as a living being, meaning the idea of violence. In other words, the path from individualization to massification touches on the differentiation of authoritarian management of the body by authoritarian regimes. Ultimately, the introduction of the modern term of "violence" is one that suggests the suspicion of arbitrariness in every government, in every council, and defines the philosophical conception not only of politics itself, but also of human nature. In the context of political philosophy, the historical treatment of violence and arbitrariness, as a given, is the condition that ultimately puts obstacles in the way of a reasonable process of obtaining

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<sup>30</sup> Allen D. S., *Why Plato Wrote*, Wiley – Blackwell, 2010, p. 20.



regulatory data<sup>31</sup>. It is the moment that reveals the disposition of the power of “human over human” that is enough to understand the aforementioned rival position of power by justice, as nothing just can come from the repression and objectification of the acting subjects. This, after all, is what Plato himself believes. Thus, the mood of regularity, as it is set in his work, is in the gray zones between reality and possibility, necessary and contingent. Plato, in addition to narration, proceeds to a comparative political analysis, a political proposal for governance with clear rules and a practically feasible way. Ultimately, the platonic idea of justice as a whole refers to a distinction between rulers and those in power<sup>32</sup>, which leaves the question: Who rules?

## 5. Conclusion

In the *Laws*, the guardians of the city need to comprehend the idea of virtue and goodness. At the same time, they must know about the existence of the Gods and so their education must be based on the research and proof of the existence of the divine element<sup>33</sup>. Meanwhile, they must translate these findings into the realm of rationality in the sense that it must be decided what are the best possible choices in law for human society. Based on this process, Leo Strauss, through analyzing this platonic dialogue, was concerned about the relationship between law and the needs of society. Moreover, there remains the original question of this paper about Strauss' research on Plato's *Laws*. Why Plato and why *Laws*?

Firstly, Leo Strauss' own philosophy is based on the connection between classical and modern times and between theory and practice, which he utilizes through the dialogue. Both Plato and Strauss deal with the subject of laws in their

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<sup>31</sup> Corlett J. A., *Interpreting Plato's Dialogues*, Parmenides Publishing, 2005, p. 13.

<sup>32</sup> *Ibid.*, p. 52.

<sup>33</sup> Strauss, *The Argument and the Action of Plato's Laws*, p. 57.

mature years<sup>34</sup>. The fact that the philosophers' concerns are put aside, in order to advance human needs, highlights this maturity and the intention of the two thinkers to produce a philosophy "for all". This leads to the importance with which Strauss saw the law, dealt with it as a philosophical issue and the way he felt it affects people's lives. He criticized culture and the way the law is misinterpreted. Strauss found the opportunity to connect the theological with the political element and to highlight the fact that if the theological element is acknowledged correctly, then this finding can lead to a thoughtful and just political situation<sup>35</sup>. On the contrary, through pseudo-prophecies and false messiahs, totalitarianism rebirths. In the same way that Plato criticized the regime that condemned Socrates<sup>36</sup>, Strauss criticized the violence of his time and the whole of a culture that lead either to a violent totalitarianism (Holocaust) or to an indifferent capitalism (Western democracies). Strauss also criticized the academic circles, which treated Plato's work superficially and not to its entirety. He chose *Laws* as one of the least commented texts, wanting to highlight the devotion to the reproduction of commonplaces and the lack of authentic research.

The book "The Argument and the Action in Plato's *Laws*" is a painstaking and detailed commentary. Full of observations and findings can facilitate the understanding of many complex points of platonic reasoning, but also can lead the way to modern political philosophy in a timeless manner. The text is, however, rather dense and difficult, in which the summary of Plato's book from the commentary of Strauss can often not be easily distinguishable.

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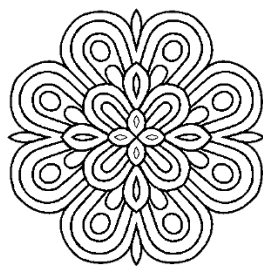
<sup>34</sup> Burns W. T. (ed.), *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, Brill, 2015, p. 426.

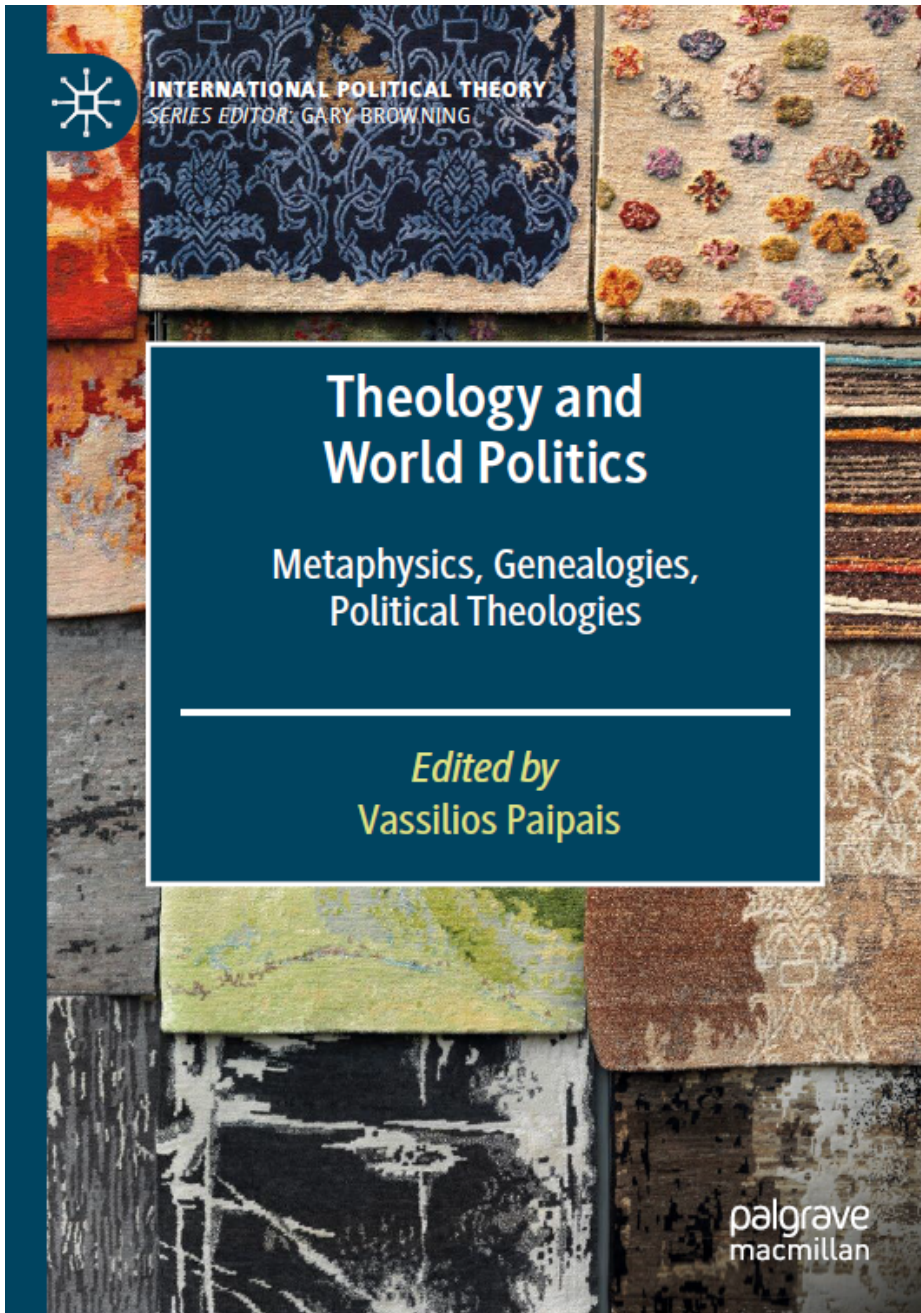
<sup>35</sup> Strauss, *The Argument and the Action of Plato's Laws*, p. 184.

<sup>36</sup> *Ibid.*, p. 132.

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## Towards a Political Theology of World Politics

Vassilios Paipais (ed.),  
*Theology and World Politics. Metaphysics,  
Genealogies, Political Theologies,*  
Cham: Palgrave Macmillan, 2020, pp. 349

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**Political theology as a transdisciplinary metonymy of  
world politics**

**P**olitical theology represents one of the most fundamental subfields of Contemporary Political Theory (CPT) as well as International Political Theory (IPT). Since 1920s, when Carl Schmitt (2005) introduced the respective terminology in the broader field of social and

political sciences, political theology has developed in an absolutely dynamic way, composing, one way or another, a broader interdisciplinary field in which philosophy, theology and politics are fruitfully interconnected (Scott and Cavanaugh, 2005; Phillips, 2012).

The last decade the academic literature on political theology in the field of international relations has been steadily enriched by excellent volumes (Luoma-aho, 2012; Troy, 2014; Molloy, 2017; Bain, 2020; Pui-Lan, 2021). In a sense, it could be claimed, that political theology nowadays is deployed as a common reflective field of inquiry in which politics as a whole, either domestic or international, is seen through the lens of theopolitical metaphysics, or, in Foucauldian lexicon, genealogies of the theological/political as an ontological dimension (Paipais, 2017).

Vassilios Paipais' edited collective volume entitled *Theology and World Politics. Metaphysics, Genealogies, Political Theologies* constitutes one of the recent most illuminated and specialized books on the topic of political theology with regard to world politics. The book is divided into three individual parts that bring to the fore the basic aspects of the political theology of the International in our days: that is to say, Metaphysics, Genealogies, and Political Theologies (Vatter, 2022).

The preeminent contributors of the collective volume compose a disciplinarily diverse, however absolutely solid, group of contemporary academics and experts of political theology, who approach world politics from different theoretical angles, exploiting the radical conceptual edifice of political theology, in particular the rich and increasingly interconnected intellectual toolkits of philosophy -not only so-called Continental Philosophy (Kahn, 2016)- and theology -not only Christian Theology (Hovey & Phillips, 2015).

From the very beginning, Paipais stresses the fact that political theology or, to put it another way, the theo-political aspects of the International, represent one of the fundamental thematic areas of so-called English School of International Relations (IR), naming especially the massive contribution of Martin Wight (Jackson, 2005: 51-72 & 2008). On the other

side of the pond, Paipais underscores the exceptional case of Reinhold Niebuhr, the father of so-called Christian realism who influenced American foreign policy, by advocating a form of political ethics guided by moral principles and the religiously-inspired ethics of the lesser evil (Rich, 1992; Pedro, 2021).

Without ado, in the first section of his Introduction, Paipais poses the critical question of religion and theology applied to world politics. Despite the fact that the huge wave of secularism, empiricism and positivism, as the main intellectual offspring of Enlightenment and Western modernity as a whole, discredited the prestige of religion throughout the twentieth century, installing an epistemological paradigm which was dominated by scientific forms of neorealism and a value-free theory of politics, so-called return of religion since 1970s and then through the end of Cold War in 1990s and eventually with the cataclysmic event of 9/11 reanimated the significance of religion in world politics.

Nevertheless, Paipais points out that paradoxically via the trend of post-secular thought religion has been entrapped once more in the net of secularism, reduced to the level of a parasitic dimension in discourses about democracy, international security and global politics. For this reason, at this stage of his analysis, he introduces the concept of theology seeking, not simply methodologically and epistemologically but first and foremost ontologically, to raise again the question of politics and international relations via the analytical lens of theology and by extension philosophy and metaphysics (Makris, 2019).

Thus, it is rendered absolutely clear that political theology does not concern a question about religions or religious affairs in politics but it refers to an interdisciplinary field of philosophical and theological investigations of world politics. Even though, within political theology, the post-secular mood has been hijacked by post-metaphysical orientations, Paipais insists that the so-called *theologico-political problem* as a question about political ontology stands at the very heart of contemporary political theology. In that respect, he

underscores that political theology today is a key dimension of political theorising within the broader fields of CPT and IPT (Robbins, 2011; Bretherton, 2019; Vatter, 2021).

In that sense, it could be claimed that the most eminent social and political thinkers of contemporary modernity, from Leo Strauss to Claude Lefort and from Ernst Kantorowicz to Giorgio Agamben, are nothing but pure political theologians or, as aforementioned, theopolitical metaphysicians. Philosophy, theology and politics, that have been intricately linked for centuries have regained once more their lost connection (Speight and Zank, 2017).

Thus, it is by no chance that influential contemporary social and political thinkers go back to the Middle Ages in order to place this crucial relationship into its original context. From this point of view, political theology signifies the return of the pre-modern spirit in the field of politics. For some, this is the actual end of modernity and the starting point of so-called postmodernity. It is no coincidence that the most famous thinkers of post-structuralism as well as postmodern thought explore politics using the thriving conceptual armory of political theology (Crockett, 2013).

God, the problem of evil, theodicy, original sin, neighborly love, etc., are some of the basic notions they use to disclose the metaphysical or even transcendental aspects of world politics. Paipais makes here a second interesting distinction between transcendence and immanence, interposing some relevant questions about messianism and eschatology. Since Baruch Spinoza (James, 2012), political theology has followed a pantheistic trajectory either enhancing so-called natural theology or collapsing into the radical field of immanence, within which philosophical and/or theological metaphysics tends to be invested with the garment of messianic nihilism, as in the case of Walter Benjamin, or political eschatology, as in the case of Gilles Deleuze (Esposito, 2021).

At the conclusion of the second section of his Introduction and before Paipais gives us an outline of the individual contributions of the collective volume, he makes some final remarks about the theme of political theology, especially concerning the crucial relationship between theology and



politics, that are absolutely illuminating on the content of the *theologico-political problem* in the age of so-called globalization. Firstly, giving simultaneously a working definition, he explicitly states that political theology concerns the exploitation of theological ideas in world politics. This is a very important statement to the extent that with this epistemological commitment, Paipais places political theology within the greater tradition of intellectual history or, in other terms, the history of political ideas (Lasonczi and Singh, 2010)<sup>1</sup>.

To give his statement more conceptual, theoretical and analytical strength, he refers to so-called New Political Theology or by extension to the famous theology of liberation, where the phenomenon of power or cognate concepts, such as sovereignty for example, are approached via alternative theological, philosophical and metaphysical perspectives that bring to the fore not only the transcendental, ethical or pastoral sides of politics but, even more so, the version of a form of power that has either liberating or non-sovereign character (Rasmusson, 1995).

In this vein, Paipais uses the absolutely critical and inspirational term *theo-political* that on the one hand stresses so-called *theological turn* in contemporary political and social philosophy, and on the other, it opens up a new field of reflective inquiry, beyond political theology as we know it since 1990s, in an intellectual site where the political, whether domestic or international affairs, is grasped as a human activity where invisibility plays a bigger part than visibility.

To be further clear on that, this is not a simple acknowledgment of so-called post-foundational political thought (Marchart, 2007), but an essential epistemological assumption that metaphysics, either philosophical or theological, will continue to be the epicenter of CPT or IPT in the coming future. For this reason, it becomes increasingly more intuitive to frame the whole *problématique* using the generic term *political metaphysics*.

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<sup>1</sup> See also *Telos* 175 (Summer 2016): “Political Theory, Political Theology” (Special Issue).

Outlining the aim of the collective volume, Paipais does not only highlight the return of theology but adds the dimension of a constructive and balanced *symbiosis* between theology and politics as two interconnected discourses that enter a zone of indistinction, to use an apt Agambenian metaphor. Paraphrasing his words, it could be said that political theology today seems like a transdisciplinary metonymy of world politics that broadens our meta-theoretical horizons providing us with a sound epistemological imagination that enriches and extends our scholarly and research horizons.

### **Towards a political metaphysics of the International: Reflective perspectives**

The first part of the collective volume called *Metaphysics* opens with the chapter by Adrian Pabst who foregrounds the transcendent characteristics of world politics. Nonetheless, Pabst places this political metaphysics in the broader historical frame of so-called *living traditions*, exploiting the philosophical and theoretical thought of Edmund Burke. In fact, Pabst, following in Burke's footsteps, situates the 'transcendent morality given to humanity by God', a kind of divine law so to speak, within customs, social bonds, mutual duties, traditions, 'obligations written in the heart', etc., thus creating a sort of organicist associationism, full of material and ideational elements, where identity and community co-exist as communicating vessels.

From this point of view, Pabst sees world politics as a social phenomenon that is governed by a covenantal link among generations, cultures and societies, which are extended into the time, like an organic net that connects past, present and future. Knowing how Hannah Arendt has been influenced by Burke's thought, it could be said that Pabst discovers in Burke's radical conservatism an element of organic ontology of the humankind, where the perennial problems of international and world politics are approached not in the frame of international anarchy, as in the case of

political realism, but as social forms of a holistic cultural tradition.

No doubt, and Pabst explicitly refers to it, this is an approach that owes much to the so-called English School of IR, where even war is faced as a social institution that eventually aims to social peace: reminding us of the well-known approach of Immanuel Kant. Rightly, Pabst places this approach against social contract theory in which the social bond is based on the horrific fear of sudden death instead of tradition, ethical reciprocity and cultural conservation.

No doubt, Pabst explores Burkean ideas on international relations as a strong anti-Hobbesian tradition of thought in which, in an Aristotelian sense, world politics is likened with a commonwealth that is governed by a natural morality, stemming straight from divine law and God Himself. As such, it could be claimed that Burkean associationism has a sound republican flavor, despite Burke's reputation as an archetypical conservative thinker, prefiguring theoretical and philosophical insights from within the English School of IR introduced under the conceptual label of international society.

Contrary to the Hobbes-inspired political realism, where international affairs are governed by the anarchy principle and social contract is rooted in human vice, Burke-led political metaphysics of world politics refers to a kind of a natural sociality, full of divine references, that gives human life and especially international politics the ontological and theological characteristics of an international community.

However, things are not so simple when it comes to Thomas Hobbes and so-called Hobbesian tradition of IR. William Bain, in his chapter, strives to deconstruct the leading myth of political realism that anarchy is about violence and brutal war. In fact, he goes back to the medieval theology itself, especially to the fruitful theological tradition of nominalism, unearthing a neuralgic political theological interpretation of Hobbes that makes sense of the international anarchy in a metaphysical way. What is particularly striking in this approach is that Bain disconnects Hobbes from

scholastic rationalism, by placing his political philosophy in the heart of medieval theology and in particular within the theological frame of nominalism. So, in that sense, it seems that international anarchy derives straight from the way that Hobbes perceives the idea of God.

According to theological nominalism, and this is undoubtedly a preview of so-called postmodern thought in late twentieth century, God creates the world without a pre-existing specific reason. Creation is just the realization of His divine will. God's will is the source of freedom itself. In that respect, anarchy is nothing but the worldly realization of divine will. For Bain, this is exactly the way that Hobbes sees the state of nature, the modern state, and interstate relations. International anarchy is grounded in this nominalist and metaphysical idea of divine free will.

It is really impressive the way Bain paints an unconventional intellectual portrait of Hobbes, if we can say so, beyond the parochialism of mainstream political realism, identifying anarchy with the inherent and steady feature of an irreducible freedom. Without perhaps suspecting it, Bain opens up a huge theoretical door towards so-called postmodern nominalism, putting Hobbes there as a great forerunner of a radical onto-theological theory of sovereignty. According to this approach, sovereignty is by nature indifferent, unrestricted and irreducible.

In this specific vein, Hobbes' theory of interstate anarchy is perceived as a secular realization of divine singularity itself. Following the principle of *imago Dei*, Hobbes re-creates the world as an ensemble of singular entities that build human life on an *ad hoc* basis, imitating the creative impulse of divine free will. Both Hobbes' political metaphysics of world politics and the anarchy principle are regarded as earthly exemplifications of God's free will. Therefore, according to Bain, Hobbes' political philosophy is not an apotheosis of violence and war, but a nominalist-metaphysical approach of freedom in modernity. However, Bain emphasises, this political theory is nothing but an original political theology that draws its inspiration from medieval soil.

Undoubtedly, this is a revisionist approach, nearly postmodern, that not only deconstructs the intellectual origins of political realism, but connects Hobbes, now through theological nominalism, once again to the English School of IR, in the sense that international society is a social creation; a kind of social constructivism that is rooted in the ontological-divine singularity of states.

It is also interesting how this approach radically affects the meaning of the key-concepts of political realism, for example the notion of sovereignty, which is no longer seen as the rationalistic culmination of power, but as an almost divine commitment to an irreducible free will. It is worth noting here that this kind of narrative reminds us the republican reading of so-called Machiavellian realism, in which state sovereignty is identified with an onto-theology of popular freedom.

It is also noteworthy to add here that the contemporary Greek social thinker Panagiotis Kondylis (1943-1998), despite that his *oeuvre*, written mainly in Greek and German, is not yet known in Anglophone academia, develops a theory about world politics whereby state sovereignty is considered as the institutional crystallization of a metaphysical origin of free will or singularity in general terms. Both Pabst and Bain, in the excellent way that Paipais puts the two chapters one on top of the other in the very beginning of the collective volume, build a special constructive frame, within which we can definitely see political metaphysics of world politics as a transdisciplinary field of radical and fresh recasting of CPT as well as IPT and, even more so, as a provocative encore to deconstructing the key-concepts of traditional IR theory.

From the outset of her chapter on political theology of world politics via Jacques Derrida and Slavoj Žižek, Agata Bielik-Robson frames the so-called *theological turn* in late modernity as a return of metaphysics. Actually, she goes one step further by connecting political theology with the question of materialism in the broad sense of the term. She dares to accuse contemporary post-metaphysical materialism for ‘theological illiteracy’, claiming that this specific onto-theological lack opens up the gloomy doors of nihilism. This

kind of approach sounds like Leo Strauss' thesis that historicism and empiricism in modernity have systematically cultivated the soil for the vehement advent of relativism and so the nihilistic catastrophe of the first half of the twentieth century.

Bielik-Robson explicitly connects the *theological turn* in world politics with the necessity of the existence of a so-called 'unconscious horizon' of the human activity as a whole. In other words, humanity needs a metaphysical depth in order to give meaning to the world. Political theology means signification. In fact, she explores two kinds of contemporary materialism. On the one hand, she investigates Žižek's 'transcendental materialism' as a Gnostic intellectual venture that lacks every aspect of a material affirmation. She attributes this fundamental onto-theological and epistemological contradiction to the Lacanian origins of Žižek's thought. Žižek has been entrapped into a radical negation of matter, by deifying the psychoanalytic desire for nothingness.

On the other hand, she explores Derrida's theological materialism as a counter-Žižekian materialism, in which matter takes, through the Jewish concept of *difference*, the form of a finite Subject that can deal with Substance affirmatively and creatively. She asserts that finally, Derrida stays closer to the dialectics of Hegel, transforming the Gnostic negation of Žižek into a worldly *belief in matter*.

It is worth noting that Bielik-Robson connects Derridean materialism with Isaac Luria's theory of *tsimtsum*, where divine contraction, or whatever Patristic theology defines as *perichoresis*, gives humanity a critical space for existence, action and *praxis*. It is *as if* divine will is transferred into humanity itself. God offers His finite creature the charisma of creation. Matter takes the flavor of whatever Martin Heidegger and Arendt call *worldliness*. Transcendence is turned into immanence. Eventually, God forgives Prometheus for his original sin and accepts him back to the land of creation and a sort of a gay materiality, to paraphrase Nietzsche.

Bielik-Robson's basic objective is to introduce us, via Derrida and the 'Lurianic myth', to a new alternative metaphysics of finitude that gives priority to the narrative and creative powers of humanity itself. Now, world politics is transformed into a field of pure events; a dynamic reality, which runs along an onto-theological continuum that ranges between being and non-being. No doubt, this is a kind of a post-foundational thought that flirts with the *problématique* of immanent transcendence (Haynes, 2012). Thus, for Bielik-Robson, Derrida's approach offers us the possibility to invest matter with a narrative faith absolutely necessary for the building of world as a 'phenomenal reality'. Phenomenality ceases to be a by-product of the Absolute and is transformed into an onto-theological spectrum of human creation and material re-creation.

What is striking about her argument is her claim that Derrida's political theology gives Subject a divine-like strength to run world politics through imaginative narration and performativity. Although Derrida is usually perceived as a tough post-structuralist that deconstructs the Cartesian cogito, Bielik-Robson brings to light an onto-theological approach of world politics, in which the constructivist style of human affairs dominates. Prometheus is back strong and full of creative impulse. By using faith, he has now the proper intellectual skills to turn negation into affirmation. According to this *problématique*, political theology and by extension political metaphysics are not so much about a divine Absolute, but mainly about the Aristotle-inspired human ability to create and re-create the world through speech act.

In the last chapter of the first section of the book, Shannon Brincat introduces Buddhism as a *middle way* between substantialism and nominalism, trying to bring to focus alternative political theologies of world politics, beyond Western onto-theology and the dominant duopoly of religion and secularism.

For him, a proper philosophical, theoretical, theological and cultural context in order to read world politics are the conceptions of 'Emptiness' and 'Independent Co-arising' coming from the civilization of ancient India. In fact, this

approach rejects metaphysical extremism and so balances its strong trends towards either nihilism or divine absolutism. Thus, it is no coincidence that building on the ancient Greek and so-called pre-Socratic philosophy, Brincat uses the concept of cosmology instead of onto-theology and the like.

Actually, via Buddhism, he injects world politics with the practical wisdom of a cosmological political theology that is interested in practical questions of life as a cosmic whole. Cosmos is seen as an energetic system of phenomena ceaselessly interchanged. Therefore, essentialism and nihilism are rejected as absolutely weak onto-theological forms, while what is affirmed is the diversity, creativity and dynamicity of the cosmos itself. In the final analysis, cosmic system is something bigger and greater even than creation as such.

By overcoming the onto-theological and metaphysical obstacles of God, nihilism and nothingness, Brincat sees world politics as a cosmological field that is informed by the elements of co-origination and radical interdependency. This approach is inclusive and broadly speaking ecological. What is at stake here is not the Weberian disenchantment of the divine nor religious dogmatism. It is the existence of cosmos itself. The complexity of cosmos, according to Buddha's teachings, needs a relational approach of world politics, beyond the conventional wisdom of substantialism and nominalism or, in other terms, foundationalism and post-foundationalism. All things are co-originary with each other and this co-existence makes the world a cosmological topos.

This paradoxical emptiness of cosmos brings to the fore the principle of co-existence. Everything is possible but only within this plurivocal cosmological context. Brincat presents political theology of world politics as a relational cosmology based on Buddhism. This middle way opens up the path towards a cosmological cosmopolitanism that favors global harmony and reduces the Hobbesian 'monster' of Sovereignty. It is also interesting that in his conclusion, Brincat likens this relational cosmology with Arendt's neo-Aristotelian republicanism, where world is regarded as an 'acting in concert'; as this Buberian 'in-between', within which, every single day, humans, as Sisyphean entities, create



and re-create the world from the very beginning as strangers and newcomers (Makris, 2020).

**Political theology of IR via genealogies of thought:  
Theoretical trajectories**

The second part of the collective volume is titled *Genealogies*, in a very Foucauldian jargon, and starts with the chapter of Nicholas J. Rengger, which is devoted to Martin Wight and Eric Voegelin and how their philosophical and theoretical thought affects a political theology of world politics. Undoubtedly, IR theory and especially IPT has been constructed the last decades as theoretical genealogies of politics, or, to put it another way, as reflective historiographies on the philosophical and theological foundations of (international) politics. This is a very critical dimension of contemporary IPT that has embraced among others the cognate field of political theology (Paipais, 2021).

In his chapter, Rengger, with his eloquent prose, critically engages Voegelin's approach to the crisis of modernity. Voegelin belongs to the so-called Weimar Renaissance and as among the brightest of her children, he puts the question of order and disorder at the heart of his political philosophy. Rengger gives special emphasis on how Voegelin interrogates the balance or the space between theology and politics, or transcendence and immanence, throughout the Western civilization from St. Paul to Machiavelli and Hobbes.

State sovereignty and power, broadly conceived, finds its legitimation either on divine roots or on human radicalism. Both are governed by the elements of Gnosticism and perfectionism. Rengger claims that, according to Voegelin, the history of world politics, via the hegemony of Western culture, must be conceived as the history of this difficult and tragic oscillation between religion and politics. In that sense, political theology of world politics is nothing but the prevailing narrative of IR in Western civilization. One way or another, Christianity dominates within the intellectual ranks of this long philosophical, theological and theoretical course.

Thus, St. Paul, St. Augustine and Luther could be regarded as the founding fathers of Western political theology, so to speak.

Actually, Rengger tries to cast light on the mutual affinity between Voegelin and Wight and especially on how both see world politics and the crisis of modernity through the lens of Christianity or via the balance between religiosity and paganism. It is not accidental that Voegelin uses the term 'political religions' to account for the rise of Nazism in interwar Europe. For Rengger, Wight offers a parallel explanation that culminates in the so-called Whig tradition. Thus, for him, both Voegelin and Wight see international relations more profoundly than a superficial political realism, constructing a political theology of IR that is rooted in political ontology of Western civilization itself. International disorder is seen as a sort of *hubris* that originates either from the side of religion and Church or from the side of human activity and state power.

In the conclusion of his chapter, Rengger interrogates further this parallel approach that draws emphasis on the critical role of medieval Christianity in the construction of power politics in modernity and in turn on the era of world wars and postwar international relations. In fact, he looks for an approach beyond the so-called *sacrum imperium* of Western Christendom, to a plural world or, to put it in a nutshell, towards a balanced world politics through a global, comparative and pluralistic IPT.

Mustapha Kamal Pasha's chapter on the political theology of Sayyid Qutb, a prominent Islamist thinker, sets the question of world politics from a non-Western viewpoint. This is a very critical question to the extent that traditionally IPT revolves around so-called Continental Philosophy and Christianity. On top of that, as Pasha explicitly points out, the historical relation of non-Western cultural zones, especially Islamic Cultural Zones, with modernity represents one of the thorniest questions of world politics today. In this respect, Political Islam can be seen only as the tip of the iceberg.

It is noteworthy that Pasha summarises the entire chapter in its very last paragraph, where he illuminates the basic

problem of Qutb's political theology: is there a possibility for a pure theological state in the Islamic societies? This is the hard core of Qutb's approach, which, according to Pasha, must be regarded as a pure political theology: that is to say, God's sovereignty is embodied into the state and its earthly institutions.

However, Pasha clarifies that state remains a Western child: modernity's secular apotheosis. In other terms, how is it possible for imperfect mortals to carry out the stakes of a divine state? Nevertheless, this not only an Islamic aporia. In fact, the question of human imperfection and finitude has tortured great thinkers of Western civilization, too, such as Plato and St. Augustine for example. The latter builds two different cities, a celestial one and a terrestrial one, desperately seeking to efficiently respond to this constitutive question.

For Pasha, this question, especially within Islamic societies, raises a series of contradictions and antinomies, insofar as Qutb's political theology heralds a spiritual renewal of Islam, or, otherwise, a kind of return to the authentic trajectory of a divine community. It is worth noting that Pasha, following faithfully this train of thought, claims that Islamic fundamentalism is nothing but a sort of spiritual alienation to the extent that Islam imitates the secular practices of Western modernity.

No doubt, Pasha brings to focus a structural problem of world politics on the whole: that is, the problem of an International based on different civilizational, cultural and theological traditions. From that point of view, Islamic political theology raises the essential question of co-existence in a multi-cultural and thus multi-polar world. On the other hand, he sheds light on the relevant question of fundamentalist purism, whatever this may be, either religious or secular. Thereby, political theology of world politics discloses the inherent difficulty for a purist approach, particularly in the so-called post-secular world, where the return of religion signals at the same time the return of metaphysics, theology, ethics and transcendence as ineradicable ontological categories both of human existence

and human thought. In that respect, Pasha's chapter helps us to reflect further on the inter-cultural character of political theology of IR.

György Geréby's chapter draws our attention to the so-called Christian political theology in the context of Early Christianity, and how it could be read as *prolegomena* to a global nationhood: that is to say, a global Ecclesia of Christ. Despite the fact that this case, as every type of religious universalism, can raise the question of a divine imperialism, even racism, Geréby clearly tries to keep his argument close to the spiritual message of Scripture, in particular to Jesus' urge to his disciples to go to all the nations around the world preaching the word of God.

In this vein, Geréby reads Christian political theology as a narrative process that begins with the first nation, the nation of Israel, then follows the plural routes of the nations and finally completes its global route with the third nation, i.e., the Christian Church itself, which embraces all the Christian believers across the globe. Without doubt, Christian political theology concerns the International itself. From the very beginning, Jesus and then St. Paul, through his theology of *corpus Christi*, created the necessary spiritual and narrative preconditions for building a global nationhood: the nation of Christian Church as the metonymy of Jesus' body.

Christian universality is fascinating as every religious narrative of a universal nationhood. For the Western civilization and especially for the Western hegemony, Christianity and in particular the Christian Church symbolize the quintessence of Western social and political ontology. It is quite impossible to think of the Western material and intellectual domination upon the earth without taking seriously into account the defining role of Christian Church. For centuries, Western Christendom, and this is exactly the way Wight and the English School of IR see European power politics until the first half of the twentieth century, represented the absolute synecdoche of the International *per se*.

Geréby depicts a true story which at the end of the day brings to the fore the imaginary institution of a global

religious nation: the utopia of a global Christendom. Christian universalism and by extension the ecumenical spirit of Christian Church compose a critical part of world politics for millennia. Nonetheless, as every religious utopia, the Christian utopia carries the potential of radical fundamentalism, which is by definition the hard evidence of an inner contradiction: that between particularism and universalism.

This is the red line of every religion, the Rubicon of every religious utopia that when crossed, religious community is turned into a purgatory of human souls. This is absolutely true, always of course in a tragic manner, for the religions that advance the sublime principles of love, solidarity and forgiveness, like the Christian Church does, since the days of Early Christianity.

Ilias Papagiannopoulos, in his chapter, offers an excellent example of the sort of political metaphysics that could be defined as a political theology of the threshold. Actually, he constructs a narrative genealogy of origin, continuity and discontinuity, of unity and identity, of inside and outside, in which the question of ontology is perceived, in the final analysis, through the intellectual lens of a messianic anamnesis of the lost historical past.

In the epicenter of his analysis, Papagiannopoulos puts, as a case study, the ontological and cultural continuity of Modern Greece, as the 19th century Austrian historian Jacob Philipp Fallmerayer challenges it in his work. It is interesting that Papagiannopoulos connects the whole affair with Carl Schmitt's political theology of enmity, especially when it comes to the paradoxical phenomenon of the *katechon*: 'eschatological paralysis' creates history as a 'state of emergency', as a condition *in limbo*, where no one can confirm his originality and authenticity. We are all inherent enemies to ourselves: *stasis* is the inner meaning of the world.

Thus, Papagiannopoulos, with a very fruitful philosophical, theological and theoretical eclecticism, constructs a genealogy of the International, according to which space is an empty place, a naked threshold, where foreigners, exiles, immigrants,

etc., desperately seek a mnemonic restoration of their supposedly lost identities.

In Freudian terms, this is also a political psychoanalysis of world politics to the extent that our collective unconscious always returns to the spatial surface as a kind of uncanny: this bizarre *unheimlich*, which scares us as our repressed sameness that is stemming straight from our chaotic depth. For Papagiannopoulos, cosmos is like a threshold, a liminal condition, a weird stage, on which we perform our history, building allegedly pure events, that is to say, sovereignty, state, nationhood, etc., using as raw material empty signifiers. In that respect, a political theology of threshold is nothing but a political genealogy of our 'symbolic nakedness', this curse of linguistic arbitrariness that is hidden in our unconscious itself, to paraphrase Papagiannopoulos' concluding statement.

### **Political theologies of great thinkers: From Kant to Hans J. Morgenthau**

The third part of the book is called *Political Theologies* and is dedicated, if I can say so, to some specific political theologies of modernity and contemporary era that are marked by the contribution of some great thinkers that have shaped the field of IPT today. Often, either key-ideas or grand theories are nothing but the intellectual products of some great philosophical, theological and theoretical figures. In the long run of the Western history of political thought, for better or for worse, the so-called *canon* consists of great intellectuals that have shaped the entire field with their contributions.

Michael Hollerich's chapter offers a reconstruction, via postwar German Catholicism and some of its leading figures, of a political theological debate on nuclear weapons and, by extension, on the intellectual and ethical tensions between conventional political theology, in the sense of Carl Schmitt, and so-called New Political Theology, supposedly starting with Erik Peterson and culminating with Johann Baptist Metz

and Jürgen Moltmann. In fact, Hollerich draws us into the very heart of political theology throughout twentieth century, especially from Weimar democracy to the Cold War.

First off, the political theology of a nuclear Apocalypse, that is to say, an anthropogenic eschatology, raises the critical question of God's inner intentions. Is it possible for us to know for sure His inner thoughts about the world? We have only the Scriptures and the writings of those who have founded the Christian Church. If Schmitt borrows the concept of the *katechon* from Apostle Paul and then he turns it into a theory for statism or even totalitarianism, this is not a problem of God Himself. Hollerich gives us the chance to reflect further on this question focusing on a second crucial question: is Christianity by definition a liberal institution or could it support an authoritarian state? This question goes beyond the problem of *just war* unveiling the problem of modernity itself: power and especially the technological and military power of the state must be restricted or is it unrestricted?

The third question that Hollerich poses is the question of Sovereign in terms of Hobbes and his follower Schmitt. Actually, who is the sovereign decision-maker? Or, in other words, who has the legitimation to make the critical decision: that is to say, the decision that could lead the whole world to an apocalyptic self-destruction via the use of nuclear weapons?

This series of questions might display the superficiality of Schmitt's political theology of *katechon*: we use state power in order to defer the advent or the dominance of the coming Antichrist. But, the question remains the same: who is the Antichrist exactly? Once again, we are entrapped in the same rhetoric of friend-enemy distinction.

At the conclusion of his chapter, Hollerich seems to cut this *sui generis* Gordian knot of the political theology of extreme state power in world politics by an appeal to New Political Theology. For Erik Peterson and his contemporary followers, there is nothing like *Christi Imperii*. Christian Church is not the continuation of Roman Empire. Moltmann, via *Theologia Crucis*, brings to light a new political theology,

where God's power is reduced for the sake of His interlocutors within the constellation of Holy Trinity.

To put it differently, it could be claimed that Christian political theology as a whole, throughout the centuries, is governed by two strong ideological tendencies. On the one hand, a hardline tendency, (let's say in contemporary terms the Schmittian one), leading to the phenomenon of authoritarian and totalitarian state. On the other hand, a soft-line tendency, (let's say the Petersonian one), leading to the phenomenon of the liberal and democratic state. Hence, Hollerich demonstrates this inherent bifurcation within Christian political theology in a very emphatic way.

Liane Hartnett's chapter focuses on the so-called political theologies of love, or peace, or pacifism as an approach to world politics. She frames her analysis within the historical, intellectual and theoretical context of three preeminent figures with a global influence: Leo Tolstoy, Mohandas Gandhi and Martin Luther King, Jr. No doubt, it could be argued that political theology of love is by definition a theology worthy of its name. Despite the fact that Hartnett stresses the compatibility of love with world politics, it is true that IR theory, especially during so-called First Great Debate, revolved around political realism, or the dominance of war in international affairs, and political idealism, that is, the projection of peace in interstate relations.

So, when Tolstoy gives his famous novel the title *War and Peace*, Hartnett has absolutely right to name him a prophet of the contemporary world. She underscores his practical pacifism that nevertheless is grounded in the spirit of love and non-violent resistance. On top of that, she underlines Tolstoy's firm Kantian mood with regard to humanity and the possibility of a perpetual peace. Finally, Hartnett highlights the fact that Tolstoy's conversion to love and/or peace is linked to his strong affinity to Christian religiosity. Playing on words, it could be claimed that Tolstoy builds a political theology of the unarmed prophet.

Hartnett builds an articulated narrative, where each figure goes inside the other. Gandhi was born in 1869 just exactly the year that Tolstoy's masterpiece *War and Peace* was



published in its entirety. Actually, she views Gandhi's political theology of love and peace as an advancement on Tolstoy's political theology of *agape*. Gandhi, having been influenced by Tolstoy's pacifism and universalism, turns political theology of peace into an activist rhapsody of non-violent resistance against colonialism and imperialism. It is no accident that both deconstruct Western hegemony via a return to a pre-modern religiosity that puts at the heart of humanity love and peace instead of war and capitalism.

Gandhi's concept of *ahimsa* is seen as the metonymy of a non-violent political activism: that is to say, a model of anti-politics so very close either to Jewish political theology of *tsimtsum* or Christian New Political Theology of *perichoresis* (Mohan and Dwivedi, 2019). By denying power, possession and sovereignty in the Western terms, Gandhi furnishes an alternative model of political life, in which abnegation and self-sacrifice dominate. At the end of this intellectual chain, full of elective affinities, Hartnett examines the case of Martin Luther King, Jr. From the outset, she argues that King, through the so-called civil rights movement in postwar America, internationalizes Gandhi's political theology of love, peace, and non-violent resistance. In a miraculous way, so to speak, King transposes political theology at the very heart of Western capitalism: America itself.

Hartnett presents King's political theology of civil rights movement as the ideal mixture of a republican-led politics, in a so-called Arendtian style, and a theology-driven religious activism that is revolved around the redemptive crux of self-giving. This inherently balanced political theology of civic friendship, she claims, can be regarded as a kind of a Christian realism *à la* Reinhold Niebuhr or, in other words, as a theologico-political pragmatism that sees politics, not necessarily as the corrupted field of evil, but as a potential space of a soteriological restoration of justice.

No doubt, as Hartnett correctly points out, King's theology of politics as a whole, whether domestic or international, is governed by the spiritual and practical principles of so-called movement of Social Gospel. For those who know the roots of American political theology (Dunn, 1984: 179), King's

political theology represents one of the most thriving intellectual trajectories of postwar American political theology, i.e., public theology, whose ideological objectives go beyond the specific civic goals of so-called Black Theology. King's political theology addresses humanity since it has by nature a sustained and constantly renewable universal, ecumenical, and international orientation. His tragic assassination raised political theology to the status of a grand theory of world politics for the future to come.

The book closes with the political theologies of Immanuel Kant and Hans J. Morgenthau. In conventional terms, it must be said that Paipais decides to frame the entire *problématique* of the political theology of world politics within the dominant theoretical debate between political idealism and political realism. But, this is only the obvious side of the things. Even though Morgenthau has been identified with the postwar American political realism, it is always important to remember that, as a German with Jewish origins, he draws his inspirations from the theoretical matrix of Weimar culture. In that sense, he is nothing but another one eminent contemporary representative of Continental Philosophy.

Thus, it is quite difficult for us to follow here the conventional dichotomy of IPT between realism and idealism to the extent that behind Morgenthau's thought looms the demonic figure of Kant: i.e., the patriarch of German Idealism. Morgenthau's political realism, as in the archetypal case of Thucydides, is actually the international theory of a restricted state power by the normative elements of ethics and law.

Seán Molloy has written a fascinating chapter on Kant's political theology of divine providence, emphasizing how the father of Enlightenment strives to create a common intellectual and reflective field for both reason and faith. In this vein, it could be said that Kant builds his philosophical cosmopolitanism on the basis of a natural theology, in which practical faith takes the place of God Himself. So, perpetual peace must be conceived as the transformation of divine providence, that is to say, God's plan for the world as a whole, into a moral law for the humanity as such.

It is worth noting that Molloy sees in Kant's political theology, throughout his *oeuvre*, the passage from a theodicy to an anthropodicy, according to which man must recognize the anthropological antinomies of his thought, upholding his civilization on the principles of ethos, morality and practical faith. Thus, for Kant, God, despite the illegitimacy of the question about His existence, is necessary in order to keep world politics under a purposeful and meaningful course. God secures us from suffering spiritual nihilism and social entropy.

Molloy attributes to Kant's political theology of cosmopolitanism an instructive character to the extent that both pure reason and practical faith compose the pillars of education in the sense of edification: God's appeal gives us the strength to reshape ourselves into moral beings. Kantian deism means that henceforth either salvation or soteriology must be considered as the deeds of humanity herself. At the end of the day, divine transcendence is turned into human immanence. Prometheus takes his fate in his own hands having turned at the same time his face towards the *beyond*. This is Kant's image for world politics as a perpetual peace: to exist, paraphrasing here Descartes, is something beyond our human potentialities. It is God's blueprint that we have to carry out using the qualities of reason and faith together.

John-Harmen Valk's chapter on Morgenthau's political theology could also be seen as a conclusion of the book. It is like Morgenthau encloses in his thought the most significant questions of the political theology of world politics as a whole. Valk centers his analysis on the basic onto-theological and ethical problem: that is to say, the critical balance between religiosity and the desire for power. In other words, he explores Morgenthau's thought by focusing on the most essential point and/or question of the so-called classical political realism: what is the relationship between morality and the *animus dominandi*?

In fact, as is the case with Albert Camus, Valk claims that Morgenthau attributes man's unrestricted craving for power to a kind of a metaphysical rebellion. Modern Prometheus cannot control the animal part of his human potentialities.

This absolutely greedy longing for power fills humanity with suffering, tragedy and guilt. World politics seems like a ceaseless collective *hubris*.

Valk asserts that Morgenthau opts for Kant's reflective trajectory of religiosity. Actually, for him, Morgenthau seeks an infinite divine light beyond human finitude oriented towards moral law. So, Morgenthau's political realism is projected through the prism of a political theology of lesser evil. Human life seems like a continuous and desperate agonism between good and evil. This is why Valk points out that Paipais, in his relative analysis on Morgenthau, talks about a moral dualism that tends to take the characteristics of an ontological dualism, drawing its inspiration from Gnosticism.

The case of Morgenthau is indicative on how political theology of world politics remains, in the final analysis, as Leo Strauss would put it, a sustained rumination on the so-called *theologico-political problem*; otherwise, a hard intellectual riddle about an innate human schizophrania, so to speak, that tears apart the world into multiple pieces: i.e., the tragic swinging between the gradations of good (theology) and the gradations of evil (politics). It is well-known that Jean Baudrillard, who draws his inspiration from Manichaeism and Gnosticism, resolves the tricky theologico-political riddle using the pataphysical principle of reversibility (Makris, 2020a, 2021). At the end, world politics looks like a gigantic cosmic pendulum that is swinging back and forth between radical good and radical evil.

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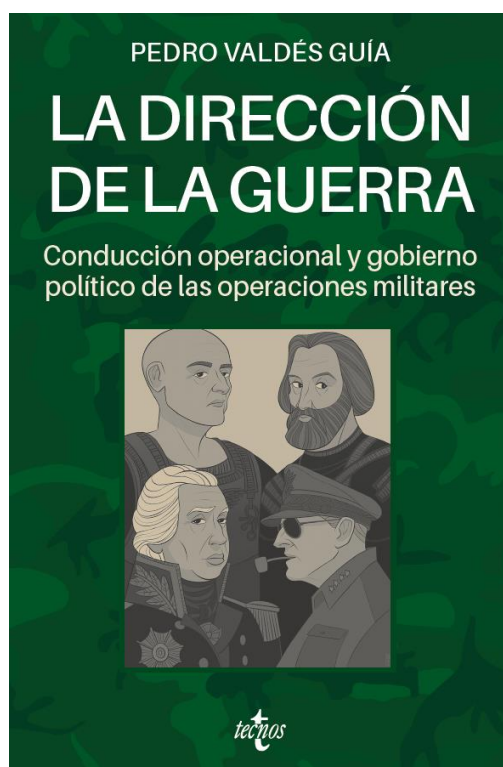
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## **Command in war: Operational conduct of war and political control of military operations**

(La dirección de la guerra: conducción operacional y gobierno político de las operaciones militares).

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At a time when advances in technology are accelerating the trend towards blurring the boundaries between the different levels of conduct of military operations, this work provides a comprehensive analysis, with a historical perspective, of the subject of command in war. The book addresses the issue of the command of military operations during armed conflict, in order to elucidate whether its "operational occurrence" is a mere continuation of politics, when it brings its most serious means into play, or whether, on the contrary, it introduces a new logic into the political process, which could not be managed according to the parameters of instrumental reason.

Aware that the hierarchical-instrumental subjection constitutes the "normal paradigm" of Western political-military relations for the conduct of war, the novelty of this book lies in the judgement of this paradigm, not from the political logic that, obviously, would like to express itself with a docile and versatile grammar, but from the intrinsic demands of its operational occurrence.

The book begins by analysing Clausewitz's work, at the core of which is a new level of warfare, baptised a century later as "operational", responsible for conducting military operations in a given theatre as a whole. A level that the Prussian author links to the notes of systematicity and complexity that have since characterised contemporary operational thinking. In the following three chapters, the book addresses the evolution of this concept in contemporary military thought, grouped into three categories, according to whether the root of this operational complexity lies in the structural, interactive or chaotic nature of reality. A distinction in categories compatible with their common denomination as "grammars", in accordance with the "instrumental" character assigned to them by the aforementioned "normal paradigm" of political-military relations.

The first category, elaborated in chapter two, is that of 'outcome' grammars, designed to conduct operations in a structurally complex theatre: from the systems analysis employed by McNamara's team during the Vietnam War to



the Revolution in Military Affairs, essential to understanding US military thought in the closing decade of the last century. The second category, explained in chapter three, is that of the "dialectical" grammars, which emphasise the dynamics of violent confrontation between systems: from the Soviet theories of "deep operations" that founded operational art to the American doctrine of "Air-Land Battle" of the 1980s, which develops a multidimensional approach to conventional confrontation. And the third category, the most current addressed in chapter four, is that of the grammars of decision, as necessary condition for confronting a chaotic complexity that characterized asymmetric warfare. It is a decision-making capacity oriented towards a profound existential transformation of the socio-political environment of the enemy. A decision-making capacity in permanent tension between those political purposes that have motivated and sustain the intervention, and those requirements so intimately linked to the concrete potentialities of the theatre.

In relation to these three chapters, one of the book's merits is to group operational theories according to how they conceive complexity; because in this "concept of complexity" lies the key to assessing the "instrumental" or "grammatical" character of the operational. Insofar as the essence of the operational lies in directing as a whole the military operations of a given theatre, each of these chapters (devoted to structural, dialectical and decision grammars) concludes with an assessment of their capacity to interweave all these actions inside that joint operations area. And it is precisely in this core consideration where it becomes clear that the more authentic the complexity that challenges them, the closer their elements, and the way in which they are organised and combined, come to that autonomous and complete rationality, possessing its own ends, which characterises all logic. In this sense, the greater the complexity of the theatre, the greater the incoherence of this presupposed grammatical character, as it increasingly weighs down the actual conduct of war with inconsistencies and contradictions.

The more authentic the complexity that challenges operational warfare, the closer it comes to an autonomous

rationality that incorporates its own ends linked to the existential transformation of the enemy's reality. In this sense, chapter five of the book argues for the need to add the adjective "instituting" to the notion of "duel" as the first and most fundamental of those essential notes that make up the "objective nature of war". War is not just any "duel", but a very specific one, it is an "instituting duel", understood as a confrontation with the intention of transforming "the enemy's reality", in the sense of making it compatible with our own. Of course, to transform requires penetrating and destroying, that is the duel, but with a desired "end" that conditions, from within, the nature and scope of that destruction.

Conflict is not a "continuum"; the "outbreak of hostilities" introduces a new logic, of an instituting nature. The political purpose is at the origin: war is born or engendered in the political, in a distinction and in a judgment of incompatibility, but inasmuch as that incompatibility comes from an existentially different and strange plane in a particularly intense way, it is incapable of indicating how to transform it. It knows that it is unconscionable for its own essential way of life, but it lacks the criteria and power to bring about that transformation. It is precisely this powerlessness that leads it to turn to an "institution" alien to its nature: war, as an "instituting duel" capable of bringing about that transformation of the enemy that will resolve the incompatibility.

Although the political logic continues before, during and after the war, the hostilities inaugurate a new logic of existential confrontation. But being external does not equate to being unimportant, because since war is engendered in politics, it adopts the character of that particular political logic, a subjective nature that leads it to seek a "peace treaty" or a "victory". A first determination of the character of "each war" in which its "political matrix" does play an essential role. First, because that matrix dynamically determines the scope of its instituting dimension: the type of decision sought, which can affect a specific or more general aspect, and even go as far as the extinction of a political subject. And second because it also determines the how of its materialization, from

the acceptance of the "ritualized" confrontation between armies, to the bellicose imposition of a new order. Two determinations that already belong to the most basic or fundamental dimension of the subjective nature of war.

Although chapter five of the book devotes many pages to the study of these two war itineraries: that of the peace treaty and that of victory, the fundamental thesis that war is something new is always present and goes even further. War not only introduces an entirely new logic that coexists with political logics external to the confrontation, but this coexistence also conditions and deeply transforms the political matrices that are generating it. War, insofar as it not only transforms the reality of the theatre, but also the rational element of the Clausewitzian trinity that triggered it, constitutes the collapse rather than the continuation of politics. When political logic turns to war as the only institution capable of transforming unsustainable antagonistic positions into instituting acts: "peace treaty" or "victory", it crosses a boundary that cannot be calculated or controlled either from the initial political parameters or from outside the theatre of war.

After affirming the "logical" status of war rationality, and its relative position in relation to political logic established, chapter six of the book seeks to answer "the decisive question" which, according to Aron, remains unanswered in the Clausewitzian approach: "up to what point is [...] the supreme principle of a decision by arms, of the destruction of enemy armed forces, reconcilable with the two types of war, with the threefold definition of war, with the primacy of policy? (ARON, Raymond. Clausewitz: Philosopher of War, New York, Touchstone, 1986: 277).

In order to answer this question, the book argues that the relationship between both logics must do justice to two essentially different but closely interrelated dimensions, and must be consistent with the primacy of one of them, politics, which is generating the war throughout the duration of the conflict. The author refers to this relationship as symbiotic, by analogy to the form of biological interaction which refers to the close and persistent relationship between organisms of

different species. Similar to biological symbiosis, this is a peculiarly unequal relationship between host-generator and an associated symbiont. A close interrelationship that is essential for the survival of the symbiont, and generated or imposed on a host that aspires to benefit from it. But in any case, an inevitably tense relationship, because there is neither a hierarchical relation nor instrumental manipulation, it is impossible to have the minimum degree of control that allows the host to plan a result of the hosted dimension that it itself has generated.

Finally, this last chapter proposes to materialise this symbiotic relationship by means of a dialogue which, following Cohen (COHEN, Eliot A. *Supreme Command*, New York: Anchor Books, 2003: 208-224), it describes as "unequal", to emphasize that the political host is continuously generating, and therefore modulating, the hosted symbiont. An "unequal dialogue" in which the political logic does not "dictate", because there is no hierarchical relationship nor instrumental manipulation, but it does "dominate", without impositions nor servility, because it constitutes the logic of an all-knowing totality that becomes heterogeneous when in its interior war occurs.

In order to articulate this unequal dialogue between two heterogeneous logics the author proposes to return to one of the most characteristic categories of military thought, strategy, which must resume its intermediary role between political and operational extremes, as an eminently practical and prudential knowledge. Strategy must restore its original pragmatic vocation as a bridge that harmonizes two different logics and, in many cases, two different existential planes. A bridge firmly anchored in a clear understanding of the nature of the confrontation, charged with creating the right frame for operational success, but ensuring political dominance in that unequal dialogue, so that the war effort is commensurate with the significance of the political goals pursued.

All in all, throughout the book, various theories such as John Boyd's "OODA loop", Warden's "Five Rings", or "Mao's Revolutionary Warfare" are put into context and linked together to produce a work that could be considered a

Handbook on the Direction and Conduct of Military Operations. The author illustrates the necessity of the "authority" that the commander must receive from political power to achieve a "peace treaty" or a "victory", the importance of understanding the systems in theatre in order to adapt the war effort to what those systems demand, the link between spatio-temporal depth and operational shaping, as well as the inevitable tension between "political logic" and "operational logic" in their "unequal dialogue".





## Description - Aims and scope

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The new forms of knowledge utilization and distribution on the Internet assist the rapid circulation of scientific publications, the exploitation of research results and the effective interchange of ideas among scientists. Within this reality, particularly in technologically advanced countries, increasing publications of free-access e-journals is actually observed. Within this framework, the launching of the journal *Dia-noesis: A Journal of Philosophy* is a project seeks to become the space of the promotion of philosophical research.

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\* *For philosophical texts: Hobbes, De Cive, X, 16 - Plat. Resp. 343c.*



\* *For books:* Lloyd S. A., 2009: 289-294 or Lloyd S. A., *Morality in the Philosophy of Thomas Hobbes: Cases in the Law of Nature*, Cambridge University Press, 2009, pp. 289-294.

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