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THE JOURNAL WELCOMES MANUSCRIPTS IN POLITICAL PHILOSOPHY AS WELL AS THOSE IN THEOLOGY, LITERATURE, AND JURISPRUDENCE.

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“Cross Your Heart and Hope To Die?”
Francis Bacon on Making and Breaking Promises

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Concern about making and breaking treaties permeates the core of political justice. Our interaction with other human beings depends upon our ability to understand, and to rely upon, their statements of their wills and intentions. Making promises, contracts, and agreements of all sorts, is at the heart of political interaction, and keeping those promises and agreements is central to any understanding of justice, even if it is quickly clear that it cannot be the whole of justice (Plato; Republic, 327a–31d). Honouring one’s commitments, and binding one’s future actions by one’s reason and will, are essential for political coexistence between individuals and between nations—from waving a white flag of surrender to indicate you won’t fire your weapons in return for not being fired upon, to a polite “after you,” when holding a door, which implies you won’t slam it against the nose of the person going through. Honouring agreements is the essence of contracts, and Hobbes was not the first to point out how much of the chief political virtue of justice lies in “the performance of covenants made” (Leviathan, chap. 15) and keeping one’s word. Socrates refers to promises in Plato’s Republic (443a), and early in Genesis, the Bible describes the covenant God made with Noah when he and his crew were set on dry land to go forth and multiply in communities.1 Indeed, language itself would have been an unfathomable development without the premise of honesty.

But human beings can lie, and many of them do. People break their word. For various reasons, agreements and treaties are broken, and not even a written record of receipts and promises is sufficient to guarantee compliance (although that might explain why for the first millennium of human writing almost all we have are receipts), for receipts have been known to be forged or erased. A common schoolyard attempt to secure contracts acknowledges this fact: “crossed and stamped and no erasures.” As a result, it does not take humans long to insist upon oaths, to demand more than words, to ask for a special ratification of their words: “Do you promise?” “Swear to God.” And for many reasons, it is god, the most powerful or omniscient being, that is sworn upon.

First, those who swear to uphold an agreement will consider themselves bound to it if they have faith in the god by whom they swear. Faithful Christians (and, of course, members of other religions with providential gods—even Athenians, as documented by Thucydides) believe that they should keep their
promises when god is a witness. In addition, Bibles are sworn upon in courts, marriage vows are solemnized in churches, and often-used phrases include "I swear to God" and "Cross my heart." All illustrate the sentiment that if an oath is sworn, especially with God as a witness, it should not be broken.

But those without faith may not have the same scruples. Treaties are often broken, even if sworn upon, and political realism requires that we recognize this fact. Those who do not believe in god are missing that constraint upon their political actions. They may ultimately be wrong, but that matters only in the afterlife, not in politics.3

The appearance of piety is all that can be observed, and those who appear to be pious but actually are not—as well as those who appear to be impious but actually are pious—are not what they appear. In politics, appearance is often in tension with reality, and the tension between the two necessarily favours the unscrupulous.4 As Bacon puts it "far more than should be the case, treaties are lacking in firmness." Bacon's treatment of political necessity will point the way to how this equation may be evened out for us, as far as is realistically possible.

**BACON'S METHOD**

The problem of promises and treaties is an ancient one. Bacon couches his examination in terms of ancient myths, and thereby he can present shocking thoughts as though they are not his original invention. His rhetorical device seems to be to pretend that the ancient fables have hidden meanings in them, and that he is only revealing something old and long forgotten. Neither will he appear impious, for the teachings come from pre-Christian times. On the surface Bacon's teaching does not seem to be new. He seems to endorse the notion made famous by the Athenian delegation in Book I of Thucydides' The Peloponnesian War (I. 72–78) that not only matters of life and death, but even honour and money truly count as necessities in politics, sufficient to justify breaking treaties. He seems to be simply "telling it like it is."

But Bacon is rarely explicit about politics. When he discusses politics in his famous "divisions of learning," he says,

> Concerning Government, it is a part of knowledge secret and retired, in both these respects in which things are deemed secret; for some things are secret because they are hard to know, and some because they are not fit to utter.5

Bacon endorses several methods of esoteric, or acroamatic writing. His writings include lengthy discussions of "magistral," "initiative," "exoteric," "acroamatic," "aphoristic," "methodical," "assertive," "questioning," "similitude," etc., in addition, he says, to the diversities of methods that have "hitherto been pointed out by others" (Advancement, Bk. II, chaps. 16–19; De Augmentis Sci-
Ancients, penalt y, even use cannot of entiarum, mate of course, of oath He explicitly of suspicious seriously. taken to me anti deep deeply, vulgar so he then Only as actually the penalty, of court enly majesty themselves leave room for repentance. That oath calls upon and testifies to no heavenly majesty or divine attribute; but to Styx, the river near the lower world, the court of Dis, which it girdles with many meanderings and twistings. Indeed, that formula of the sacrament alone, and no other one besides it, was held to be firm and inviolable: assuredly inflicting a penalty for perjury upon them, one that impresses even the gods themselves with fear: that those who fail could not be admitted to the banquets of the gods for a certain span of years.

Bacon’s analysis of the fragility of treaties and his teaching on political necessity are presented in a complicated elaboration of an ancient mythical constant: there was only one oath that the gods of Greece used when they really meant to keep their word, and that was to swear by Styx, the river of the underworld. A powerful penalty must attend violating an oath, if it is going to be taken seriously. Even the ancient gods broke many “lighter” promises and were suspicious of “lighter” oaths. The penalty among the immortals for breaking the oath of Styx was to be banned from the banquets of the gods. Immortal gods, of course, cannot be put to death for breaking a promise, and therefore Bacon cannot use the threat of death, which does often seem to be the perceived “ultimate threat” among men. Yet, could not something more stringent serve as a penalty, even for immortal gods, than “no banquets”? What the banquets stand
for we don’t hear until the last line of the chapter; that they have considerably more significance than “being cut from the invitation list,” is not revealed now. Bacon waits until the final sentence to put the “banquets” into perspective.

Bacon is not primarily interested in gods’ promises, however. Realism requires that we see the issue in human terms.

The fable seems to be fashioned about treaties, and the pacts of princes: in which it is the case, far more than it truly should be, that however fortified with the solemnity and religion of an oath, treaties are lacking in firmness; so much so that they are almost summoned more for esteem and fame and ceremony, than for faith and security and effect. (“Styx”)

However fortified with solemn oaths and religion and with expressions of piety, treaties don’t work. They seem to be made more for (1) esteem, (2) fame, and (3) ceremony than for (1) faith, (2) security, and (3) effect.

We certainly have seen our share of this in the past century: treaties made in order to get praise for being someone “who cares,” or for the sake of media coverage, or to have the ceremony of the big handshake, signing, or kiss. The appearance of having made a treaty yields such great acclaim that those who love such honours may well sign treaties for these reasons instead of either for a real effect, or to ensure the people’s security, or out of a sincere desire to ensure fidelity to the terms.

RANKING EXCUSES

Some broken treaties and promises are more easily excused than others, and not all are seen as equally legitimate. “I was in the ER undergoing an emergency appendectomy” is more excusable than “I wanted to go fishing.” So within a single moral community the tendency is to exaggerate the importance of the excuse in order to justify oneself. The difference talked about in Thucydides between the “reason” and the “reason given” (or the aitia and the prophasis) is well noted by those who wish to present their transgressions in a better light: “My grandma died” is a better excuse for a late term paper than “I was out drinking last night.” But while these rankings work within a moral community, in the absence of a single powerful umpire the assessment of differing grounds is variable between such groups. Yet, even transnationally, while there obviously are some cultural variations among the rankings, excuses are still ranked. Whether one “wanted to go skiing” or “could not get a flight” makes considerable difference as an excuse for missing a head of state’s funeral half-way around the world. Some excuses are deemed more justified. Matters of life and death, for example, rank higher than “I didn’t feel like it,” and presumably do so in all but the most fatalistic of societies or cultures.
Many treaties are entered into for show or reputation. But even that is not the worst of it. As Bacon points out, some might go even further than Morgen-thau's third principle of political realism:10

Even if the bonds of affinity come into it like the Sacraments of Nature, and if there is mutual merit, nevertheless it will be found that, for most, these are all lower than ambition and utility and license of domination. ("Styx")

Even if they are strengthened by "bonds of affinity," nature's links, they are susceptible to being broken for the sake of ambition. Not only are fame and honour too often the real motives behind treaties, but, Bacon suggests, it gets even worse, even lower. Even if bonds of affinity are there, and good accrues to both parties under the terms of the treaty, these rely too much on honourable people recognizing what is honourable and what is due to honour. There are people who will be motivated by even less than fame (which at least still subjects one to outside judgment and observation, even if it is merely a democratic standard). For most, even brotherhood and mutual desert will not weigh as much as (1) ambition, (2) utility, and (3) license of domination. The inchoate desire to use power, love of money, and ambition come to be the real motives of most people. Only the few will respect the higher reasons for keeping a treaty (see also Orwin, Humanity, pp. 61–63). Without a universally recognized, powerful, and single umpire, a problem arises with assessing different grounds for breaking treaties. Those who successfully present their own ambitions as real necessities, as compulsions in human nature, set the terms for others. And combined with humans' abilities to dissemble, the true motives are often disguised by specious pretexts.11

This, of course, puts Christian princes at a decided disadvantage. And those princes—Christian or non-Christian—who are more bound by honour than tempted by gain,12 need to be educated to see that treaties in politics are only as strong as their basest link. It will only be the honourable who will be bound by honour. In addition, dishonour accruing from breaking one's word only matters in a world where what is truly dishonourable is dishonoured. Bacon has no unrealistic expectations in this regard. Therefore he too can "speak openly what many enveloped in silence in their souls," for Christian princes and honourable men urgently need to be reminded of these facts of human nature. There has to be something stronger than honour to bind men to the terms of their treaties. Fear of god only works for those who believe (cf. Orwin, Humanity, p. 69), and honour only counts for the honourable. What can those who want fidelity do? What binds others? Necessity.

Only necessity is binding, Bacon says. He cites approvingly an Athenian general from the Peloponnesian War who says that the only way he will believe the Spartans is if they concede so much to the Athenians that they would not
be capable of harming them even if they wanted to. Necessity means that the very capability of action is removed; necessity means it is impossible to act otherwise.

Accordingly there is assumed one thing for the true and proper firmity of faith, and that is not any heavenly Divinity: it is Necessity (Lord to Great powers), and danger to the state, and communication of utility. Necessity is moreover, elegantly represented by Styx, a river fatal, and from which there is no return. And it was this lord whom Iphicrates the Athenian called upon for the treaties, who, since he is the one discovered who openly spoke what many enveloped in silence in their souls, it is not amiss to refer to his own words. He, having thought out and considered the various cautions and sanctions and firmaments and bonds of the treaties which the Lacedaemonians were thinking out and propounding, interrupted them: The one thing (he said) Lacedaemonians, rationally able to tie and secure us with you, is if you plainly demonstrate that you concede to us and put into our hands so much, that, even if you most wished to, your very capacity for harming us would be lacking.13

REALISM AND NECESSITY

Bacon, like Thucydides and Machiavelli, does not simply condemn princes who renege on their pacts and treaties. He understands them. The Athenians, after all, marshalled arguments for their case that realism requires extending “necessity” beyond the single kind of necessity admitted by Iphicrates. Bacon certainly does not attack those who break pacts when fear for the very existence of the state is a concern. Even more, however, he goes so far as apparently to recognize several reasons for breaking treaties which shock our sensibilities, such as breaking them for money. These are highly reminiscent of the reasons given by the Athenians in their speeches in the first book of Thucydides' The Peloponnesian War to justify the Athenian Empire (I. 72–78). Bacon’s use of Iphicrates the Athenian, speaking to the Lacedaemonians, explicitly reminds us of the Peloponnesian War. His inclusion of “destruction, or the diminution of the state, or its revenue” requires us to consider the Athenians’ claim in book I.14

Recall that the Athenians say that they were compelled to dominate their allies imperially, first because of their fear of the Persians, then because of honour, and then because of profit. They stress fear, but also include honour and profit as compelling considerations in human actions. Generally speaking, we consider fear an extenuating circumstance, but not ambition and profit. The Athenians argue that they are not only more than mere extenuating circumstances; they are compulsions in human nature (cf. Strauss, The City and Man; pp. 170–92). Bacon admits realistically that not everyone will keep an oath when these three are at stake. And he teaches us to recognize that it is realistic to expect them to break their promises for these reasons, and, it turns out, for even worse ones. This realism is of the antiteleological, “it’s only human nature”
variety, quite unlike the position that distinguishes the “least common denominator” view of nature from one that requires striving to achieve fulfillment, as expressed by that prototeleologist of the film The African Queen, who points out, “Nature, Mister Allnut, is what we were put here to rise above.” Most people are driven by the lowest part of the soul. And in politics, or, as Machiavelli put it, “in the world, there is no one but the vulgar.” Therefore the only way to have a binding oath is to base it on necessity. That they could not break it even if they wanted to.

It is easy to explain why oaths are broken frequently, and successfully, however. Bacon continues:

So much more so because it is easy for princes to support and to veil their passions and less than sincere faith with their various and specious pretexts (there being no arbitrator of things to whom an account must be given). (“Styx”)

Treaties are broken easily because there is no higher judge to arbitrate these things. God doesn’t make himself visible (see Mansfield, Machiavelli’s Virtue, pp. 295–314, for some of the implications of this), there is no real United Nations empire with sharp teeth, and nature doesn’t reveal standards of justice as obviously as she reveals standards for good health. Furthermore, because it is so “easy for princes to . . . veil” their real intentions, the people of a nation may be duped into believing that nobler motives are animating their leaders than is actually the case. Therefore it is essential to recognize the varieties of duplicity and secrecy about the true motives of actions, if one is going to be in a position to guarantee a treaty. Because princes have many pretexts to lie, no oath to any heavenly god can be strong enough to warrant complete faith in it. Only necessity is binding, Bacon says; clearly, belief in future punishments because god is a witness is not a strong enough belief among men to serve as a sure guarantee. But when are we in a position to demand absolute or strict necessity? Can one realistically take away “all capacity for harm”? This option is not always possible, and that is why Bacon suggests a more expansive solution. Iphicrates had said only one thing could guarantee it, but Bacon now outlines the other three ways (in addition to necessity), to confirm treaties that are being made:

Accordingly, unless capacity for harming is lifted, or if from the rupture of the treaty assails a danger of destruction or of a diminution of the state, or of revenue—not until then is it possible to assess that the treaty is ratified and sanctified, and confirmed as though by the oath of Styx. (“Styx”)

NECESSITY VERSUS CONTINGENCY

These three are obviously not all necessities. The threat of diminution of revenue is not equivalent to “removing the capacity for doing harm.” Much
more choice is available to one who is threatened with losing some money than
with losing all wherewithal for action. It may well be granted that true necessity
could be a perfectly “legitimate” excuse to break an oath. But the three “realistic”
excuses are not true necessities. Bacon elaborates these three guarantees of
treaties in terms that are familiar to students of Thucydides and Machiavelli.16

Necessity—as with physical laws of nature such as gravity—means that the
very means of acting are taken away. Then one can be fairly sure of compliance.
This, strictly speaking, is all that Bacon can extract from Iphicrates’ quotation,
and it is clearly how we force some people to keep their word. We make it
impossible for them to break it even if they want to. Castration of sexual offend-
ers (“you say you won’t ever rape again—well, now I believe you.”), capital
punishment, and impounding of enemy armaments are some of the ways in
which we have used this “pledge of faith.” We use them precisely when we
have no faith in pledges.17 But we cannot always rely on this in politics; not
having absolute power over the forces of nature, we cannot ensure that someone
will not be able to break the treaty.

Oaths based on necessity might not be practicable, which may be why the
Athenians were able to convince others that there are more necessities, and why
Bacon, though apparently not ready to concede that all three are necessities,
adopts they merit being considered: on the other side—the “treatymaking” side—
instead of as the justification for “treaty breaking.” The initial terms of the treaty
must acknowledge that many people will believe that these contingencies are
necessities. “Treaty makers” must recognize that people will erroneously interpret
as necessity what is inherently contingent. It is at this point that the tables turn.
Now the Christian princes—or those higher types who have resisted the tempta-
tion to break treaties—have a decided advantage, for they know what is truly
beyond choice and what is not. Other people think and act as though there are
many more necessities. But they are not truly necessities; they do not compel
action in the same way. Bacon invites us to look at them further: the threat of
destruction, and the possibility of a diminished empire, and less revenue.

The first less-than-necessary “compulsion” Bacon brings up is danger to the
state. If breaking a treaty threatens to destroy a state, threatens the very existence
of a state, one should be reasonably sure the treaty will remain in force. In many
contracts and agreements, the threat that you would die if you kept your word
exonerates you. It is an extreme circumstance, a “matter of life and death,” and
is a respected extenuating circumstance. That death is considered the ultimate
threat—the sumnum malum—is witnessed to by its being invoked in oaths
when we “really mean it”: “Till death do us part.” “Cross my heart and hope to
die.” “On pain of death.” “On my mother’s grave.” “I stake my life.” Self-
preservation is one of the drives that move men, but it is not all-powerful (as it
isn’t even among all animals).18 One can choose to die, so such choices and
actions do not operate under the same kind of necessity as gravity, but it is not
exactly the “free choice” or lack of coercion that some people would like to see
operate in treaties. Yet as Hobbes points out, contracts entered into out of fear are binding. Those who understand this have an advantage, for the threat of death is only a contingency, not a necessity. It can be phrased thus, "If you want to live, then you must do X." For most people the threat of death seems legitimately to excuse them from obligations. Fear is "often a respectable extenuation even of crimes among individuals" (Orwin, *Humanity*, 46), but there still is a choice, and the heroes of the world do it the unusual way. And however much realists might want to argue that although humans may make this decision as moral individuals, political leaders cannot make it politically, it has been done, and sometimes with approbation. Sometimes a leader cannot act out of the highest principles or be allowed to dismiss some of his own people's lower motivations. But even in politics, of course, the choice must sometimes be to go to war and risk death and destruction.

We also must not forget that for some of us, death is not the ultimate threat—certainly not our own death. Most people can fill out the sentence "I'd rather be dead than X" (whether it be "Red," or more often "kill innocent children," "have sex with my mother," or "slice up my father"). Some people even rank their colleagues by how they finish the sentence. Self-preservation isn't a necessity like the physical law of gravity. Given the contingency of even the alternative of death, then, it seems that we must try to figure out which contingencies excuse and which do not.

Another difficulty with the threat of destruction is that one party to the treaty might question whether the threat is real. In 1991 Saddam Hussein, it seemed, did not think the United Nations coalition would actually attack. The security of this "pledge of faith" relies on each party to a treaty believing the reprisal will occur and will destroy the state.

The next contingency that is often claimed to be a compulsion is what Athenians referred to as honour, or the threat of the diminution of their empire. Bacon points out several problems with honour, as noted above. And honour is even more open to being subverted by "specious pretexts" and "veils." Successful use of honour depends on the ruler recognizing and using the people's understanding of honour and convincing them about which course of action will deliver them honour.

The next supposed compulsion, according to the Athenian realists, is profit. But those who have resisted it, and think through the nuances of how it attracts and seduces the souls of men, will also have an advantage in making treaties. They can therefore prevent themselves from being shocked by someone's temptation to break a treaty for these reasons, and more importantly, safeguard themselves before the fact. This "pledge of faith," therefore, is the carrot (compared to the first's stick). If the common interest is benefited, or there is an increase of revenue and wealth, one might be reasonably confident that the treaty will be kept. There are several serious problems with relying on this carrot, however. First, there are multiple possible contenders for interpreting how the common
interest will be benefited, and, of course, they do not all necessarily imply an increase of both empire and revenue—too many have discovered that wealth and security may come at the price of independence and reputation. A second difficulty is that such benefits must accrue to each party only under the terms of the treaty; if they can be seen to be accessible otherwise, or become accessible in another relationship, then there is either no need for a treaty in the first place, or one party might well see an advantage to cheating.

With such a realistic appraisal of treaty breaking, what can Bacon be suggesting as a solution? When Bacon closes the fable with an explanation of what the gods considered in their treaty making, he gives us a glimpse of what is required, what the banquets really mean.

... under which name the ancients signified the rights and prerogatives of command and affluence and happiness. ("Styx")

To include in the meaning of "the banquets of the gods" such overarching ends as "happiness," as well as all of the rights and prerogatives of command and affluence, seems to refer to the most important or ultimate goals of gods and of men, the summum bonum, as it were. The ultimate goals, the most important things that men cherish or that motivate them are the keys to treaties. A thorough insight into the motors of the human psyche is what is required if one wants to be sure of a promise. Those, for example, who believe that profit is the ultimate motive for everyone's "rational choice" will not have an advantage in the contracts they make with those of us who don't. In fact they will have the disadvantage that comes from not recognizing that the high can understand the low but the low cannot understand the high. Those who believe that fear of death or threat of a loss of a job is sufficient to guarantee compliance with all of their demands will not have the power over us that they believe they will, for they, in effect, reveal more about their own psychological motivations than show understanding of ours.

The trick is to find out what is most important to the other party to a treaty, and to make that the terms of the treaty: look at the contingency that matters most to them (which is whatever part of the psyche dominates them). That will be what they are inclined to treat as being compulsory, as being as necessary as gravity and other physical laws of nature—the "true necessities." Even if these are actually contingencies, you must realize that men will think those contingencies are a matter of necessity. Then you can use them, for you know they are not necessities.

Bacon entertains little naive optimism that the world will become "christianized" so that such a view of necessity will no longer need to be taught. Instead, quite the reverse. He would probably agree that "the barbarians will always outnumber the Greeks." He does not argue that men will eventually all honour higher bonds; instead, the higher types must recognize these facts of human
nature and fashion treaties in light of their recognition of whatever supposed “necessities or compulsions” they perceive in others.  

To ensure that we don’t go too quickly to our graves with only the satisfaction of having lived honourably, but for a short time, Bacon has to caution the good, the honourable among us, for example, the Christian princes, that honour only counts among the honourable, that the judicious use of carrots, sticks, and even necessity may help to elevate the moral level of the activities around us, even if it does not elevate the motivations.  

Bacon’s presentation of these issues in this fable provides no grounds for belief in divine providence or cosmic support for treaties. The belief that “they’ll get their comeupance in the end” will probably not alter “their” behaviour. All such a belief will do is ensure our failure in the present. But, whereas Machiavelli’s teaching is the counsel to descend to the beastly standards—first half-man and half-beast, and then to two beasts, the lion and the fox—Bacon can seem to take the high road, counseling us to act just like the gods. He points us towards a methodological realism in making pacts, without endorsing the realist excuses for breaking them. And this may involve deliberately putting temptations and other “feasts” or “banquets” within the sights of our partners to guarantee their respect for the terms of the treaty.

NOTES

1. Genesis 9:9. I might even point out the earlier implicit contract God made with Adam when he commanded him not to eat a particular tree’s fruit, Genesis 2:17. Obviously, this reliance on contracts is not only a feature the Western tradition. At the very beginning of the Cree creation myths, for example, there is a compact made between Wisakedjak (or Nanbozho of the Chippewa) and the muskrat, so that the latter would be willing to dive far beneath the water to bring up earth. Ella Elizabeth Clark, Indian Legends of Canada (Toronto: McClelland and Stewart Limited, 1960), pp. 1–9. This type of occurrence is frequent in the legends, as is often shown in Barry Lopez, Giving Birth to Thunder, Sleeping with His Daughter: Coyote Builds North America (New York: Avon Books, 1981).


Although I shall not pretend to speak about all religions, this seems to be necessarily true of the strictly monotheistic ones. Polytheistic religions may have trickster gods to whom people can swear when they do not mean to uphold their word, but I am not aware of it as a practice (beyond the schoolyard loophole of crossing the fingers of your left hand behind your back to let the devil take your words and absolve you from a promise).

3. As noted by Leo Strauss, the issue is “not indeed the gods, but the human concern with the gods.” The City and Man (Chicago: Rand McNally and Company, 1964), p.209.

4. In order not to presume more insight into the motives of actual historical characters than is warranted, I might recall a fictional example that reveals this tension: Huckleberry Finn, who had some degree of faith, or of superstition, was relieved to see (chap. 26) that he was only being asked
to swear upon a dictionary; he could safely maintain his lie. Swearing upon a Bible would have been more problematic for him.


6. Of course this leaves one open to the charge of reading too much into Bacon, which charge I hope is not justified in my case, but I would use Bacon’s own defense that the work is not badly placed in either case: “either we shall be illuminating [Bacon] or things themselves” (Preface to Of the Wisdom of the Ancients).

7. Translations of “Styx, or Treaties” are mine, from a book in progress, a critical edition of Of the Wisdom of the Ancients, with a new translation, interpretation, and several indices.

8. See, for example, Homer, Iliad, xv.37–42: See also vii.755 and xiv.271. According to Ovid (Metamorphoses, II.40–110; III.287–315), and apparently supported by Bacon in “Dionysus,” almost every time a god swore by Styx he soon regretted it. For a different account of the oath of Styx, see Aristotle’s Metaphysics (983b28–84a3). There the gods swear by Styx because the most ancient is the most revered.

9. Political realism has consequences for domestic politics as well as international relations. For more on this and the implications of “political realism” for “life within the city,” see Orwin, Humanity, p.55.


11. This, of course, has long been recognized; see Thucydides on the difference between aitia and prophasis and Machiavelli, The Prince, chap. 18, “In What Mode Faith Should Be Kept by Princes.” See also Steven Forde, “Varieties of Realism: Thucydides and Machiavelli,” Journal of Politics, 54 (1992).

12. Machiavelli in chapter 18 says of the prince, “to see him and hear him, he should appear all mercy, all faith, all honesty, all humanity, all religion. And nothing is more necessary to appear to have than this last quality.”


13. Clifford Orwin points out that an understanding of oaths implying that gods are subject to necessity, and implying that among men necessity overrules even promises to god, involves a contradiction in traditional piety. Orwin argues “by suggesting that the gods are subject to necessity it implies that they are less than gods” (p. 237). Clifford Orwin, “Piety, Justice, and the Necessities of War: Thucydides’ Delian Debate,” American Political Science Review, 83, no. 1 (March, 1989): 233–39.

This also helps to explain why Bacon’s fable on nature follows this chapter on necessity and oaths. As Orwin says, “...the discovery of the notion of political necessity in the strict sense, that is, of natural necessity as opposed to the radical contingency of a world ruled by gods—[is] a discovery that is the basis of all real political philosophy or science” (pp. 237–38). See also Harvey Mansfield, Machiavelli’s Virtue (Chicago: University of Chicago Press, 1996), p. 150.

Bacon says Iphicrates spoke. I could not locate the quotation. It sounds similar to the gist of what the Athenians say in Thucydides, I.75–76; and V.103–5. Bacon uses this Iphicrates quotation in at least three other works: Apotheogms Old and New, vol 13, p. 358, no.144; Certain Observations Made upon a Libel, in Letters and Life, vol. 1, pp. 146–208, at p. 167; Considerations Touching a War with Spain, vol. 7, pp. 469–505, at p. 477. Almost one hundred years before Bacon, Francesco Guicciardini gave very similar advice in his Maxims and Reflections. In the final version, aphorism number 27, he said: “If you have doubts about someone, your true and best security consists in having things so arranged that he cannot hurt you even if he wants to. For any security founded on the will and discretion of others is worthless, seeing how little goodness and faith is to be found in men.” Francesco Guicciardini, Maxims and Reflections (Ricordi), trans. Mario Domandi, Pennsylvania Paperback edition, reprinted (Philadelphia: Harper & Row Publishers, 1972), p. 48.
14. Machiavelli too, pointed this out, as in chapter 18, "so let a prince win and maintain his state; the means will always be judged honourable and will be praised by everyone." As Orwin points out, "The great issue of the speech is the status of these alleged compulsions." p.46.

15. Machiavelli in The Prince, chapter 18, says "it is necessary to know well how to color this nature and to be a great pretender and dissembler."

16. In addition to Machiavelli, The Prince, chap. 18, see Thucydides, The Peloponnesian War, 1.70–72; III.36–50; and V.84–116.

Some people claim that profit is a true necessity, arguing that if you take away the wherewithal of life, then you are "in effect" taking away life, too. This claim is at the core of some arguments for extending the "right to life" to the "right to a guaranteed annual income."

17. A more elegant version of this formulation was enunciated by Professor Clifford Orwin in a class on Thucydides in 1978–79.

18. It seems that many mothers, at least from among the warm blooded, defend their young even at the risk of their own lives. And strong healthy young males—males who could benefit themselves at the expense of others—often stand at the perimeter of the pack to defend others, again at the risk of death.

19. We need not think only of extreme cases such as Masada, but we may look at reasons why some states enter wars that are not "their own." This is noted in Ahrensdorf’s and Orwin’s examinations (cited above) of the Greeks’ views of justice portrayed in Thucydides’ The Peloponnesian War.

As Morgenthau puts it, "the state has no right to say so in the name of those who are in its care." Politics Among Nations, p.9. This is the basis of the opposition leaders’ accusation of Belarus’ President Alexander Lukashenko’s attempt to merge Belarus with Russia: "he is going to surrender our country’s independence, in hopes of acquiring supreme power in the united state." Associated Press story cited in The Edmonton Journal, December 27, 1998.

20. Parents, of course (and everyone else who is successful at having others do their bidding), have always known this to be the most effective way to get their children to abide by their wishes. For some, it is the threat of no dessert, or no allowance, for others, something else entirely is required.
Marx’s Anomalous Reading of Spinoza

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Karl Marx, the powerful investigator who applied the method of Spinoza to social science

Spinoza and Marx were thinkers who attained sufficient notoriety to become associated with certain, rather fixed, doctrinal positions. For this reason, the study of Spinoza and Marx is never fully dissociable from an encounter with Spinozism and Marxism. A study of Marx’s reception of Spinoza, then, is doubly perilous. Nonetheless, the doctrinal association of both thinkers with “materialism” suggests both its possibility and its importance. Two general points about the context in which Marx worked, in particular the early Marx, may serve as guidelines from which to begin. First, this context was overdetermined by Hegel and Hegelianism. Whatever one thinks of the outcome of Marx’s encounter with Hegel, it remains that this encounter was a decisive element in his development. Second, one aspect of Hegel’s reading of the history of philosophy was the production of a certain Spinozism, of the integration of Spinoza into the larger narrative structure of Hegel’s history. In what follows, I wish to develop the thought that one constitutive element in Marx’s efforts to overcome Hegel can be found precisely in his reading of Spinoza, against and outside of Hegel’s Spinozism.

Hence, with the title of this paper and its obvious gesture to Antonio Negri’s seminal work, I intend two thoughts at once.2 On the one hand, Marx reads Spinoza anomalously, which is to say that his reading of Spinoza is opposed to that provided by the Hegelian environment in which he produced his early work. On the other hand, Marx reads Spinoza as an anomaly, which is to say that Marx reads the “materialist” Spinoza as contesting what might be taken as “mainstream” or “bourgeois” developments of the late seventeenth century. Initial evidence for both thoughts comes from Capital, where, after asserting that “with me . . . the idea is nothing else than the material world reflected by the human mind, and translated into forms of thought,” Marx famously writes:

The mystifying side of Hegelian dialectic I criticized nearly thirty years ago, at a time when it was still the fashion. But just as I was working at the first volume of “Das Kapital,” it was the good pleasure of the peevish, arrogant, mediocre epigoni

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who now talk large in cultured Germany, to treat Hegel in [the] same way as the brave Moses Mendelssohn in Lessing's time treated Spinoza, i.e. as a "dead dog." I therefore openly avowed myself the pupil of that mighty thinker.  

Marx adds that, although in Hegel dialectic was "standing on its head" and "mystified," in its "rational form it is a scandal and abomination to bourgeoisdom and its doctrinaire professors" and "is in its essence critical and revolutionary" (ibid.). The juxtaposition of the receptions of Hegel and Spinoza suggests that, for Marx, both thinkers have a "received" and a "rational" form, the former a fashionable apology for mediocrity, but the latter critical of exactly such mediocrity. Retrieval of the rational form against the received involves "awakening the text to life," and searching for elements which contradict or exceed the canonical reading. In a word, such a retrieval is a demystification or a profanation of textual canonicity.

From a comment in his 1845 Holy Family, it is clear that Marx understands the difficulty in the reception of Spinoza as a question of two competing strategies for the reading of tensions which are already present in Spinoza's texts themselves. Reading Hegel against the Hegelian Bruno Bauer, Marx writes that, according to Hegel, since "deism and materialism are two parts of one and the same principle, Spinoza had two schools which struggled over the meaning of his system." As always for Marx, participation in a struggle is above all a question of strategy and tactics, which suggests that Marx's reading of Spinoza is a strategic one, both in the sense that it pursues a definite purpose, and in the sense that Marx recognizes that reading is always such a strategic exercise. How one presents an historical event says as much about the presenter as the event; an official reading is always limited. In other words, questions of historical transmission and canon formation, understood as political and ideological processes, cannot be excised from the reading of historical texts. Hence, capitalism will be read against its apologists, and Spinoza will be read against doxic Spinozism. Spinoza himself, with similar (but not identical) strategic thoughts, perhaps, will reread the Bible against its most pious adherents. For both thinkers, demystification will be a process of reading against the grain. The reading I will pursue here is part of a larger investigation of the "materialism" of Marx's early thought, and of the extent that, although Marx's texts can be said to be "eschatological," in that they envision the cessation of politics, they simultaneously involve radically rethinking what such eschatology might mean. One marker of this materialism will be Marx's recovery of the occluded materialist aspects of Spinoza.  

The preceding suggestions might seem premature: after all, references to Spinoza in Marx's work are extremely scarce. Even Marx's occasional remarks indicate an early familiarity with Spinoza, however. Further, in 1841, he kept a notebook of passages transcribed from the Theologico-Political Treatise (TTP) and a number of Spinoza's letters. It is these TTP notebooks, and the appearance
of Spinozian elements in Marx's early work, which are the topic of this paper. (For a more complete discussion and listing of Spinoza references in Marx, see Rubel, "Marx à la rencontre de Spinoza.") As an initial orientation to this topic, and as an orientation to the question of reading, allow me to propose the following passage about biblical interpretation from the Treatise; "I say that there were in fact more readings than we now find marked in the codices" (TTP, chap. 9, p. 129). Marx copies the sentence into his notebook verbatim and without further comment. Insofar as the codices represent an official interpretation of biblical narratives and events, the analogue with Hegel's official interpretation of the history of philosophy readily suggests itself. Again, the question of official interpretation has material and political aspects. Marx had struggled with questions of adherence to "philosophical" form and content in writing his dissertation, long before embarking on his much-discussed "exit" from philosophy in the eleventh "Thesis on Feuerbach," and before his explicit purpose was to open the space for a thoroughgoing critique of political economy. For his part, Spinoza could equally have been referring, in addition to the reduction of texts into codices, to the late medieval practice of hiding Averroist and other counterhegemonic manuscripts inside officially sanctioned codices.5

Marx had been concerned from the beginning with questioning official interpretations. Two passages should serve to illustrate the point. First, in his 1841 doctoral dissertation, Marx had not only attempted to separate the philosophies of Democritus and Epicurus, but had done so as part of a larger (uncompleted) project of decanonizing Aristotle as the high point of Greek philosophy. "It seems to me," he writes, "if the earlier [Aristotelian] system is taken for the content, and the post-Aristotelian system, preferably the cycle of the Epicurean, stoic and skeptical schools, for the subjective form, the character of Greek philosophy is more clear and interesting" (MEW I Supp., 268). Second, in the Holy Family, Marx dedicated a section to criticizing a neo-Hegelian translation of Proudhon, and contrasted the "critical," i.e., Hegelian, rendition, with the "mass" one evident in Proudhon's original text. Proudhon's text suffers, Marx says, "a double attack of Herr Edgar, a silent silencing in his characterizing translation, an expressed silencing in his critical marginal notes" (HF, p. 24) The question of marginal notes returns our attention to the question of biblical codices, and indicates that for Marx as for Spinoza, the question of the materiality of the text's production is essential: elements of the text's production and of the ideology of its producers are indissociable from its "meaning." It is this position which marks both Spinoza and Marx as "materialists," and it is this position which enables their "profanation" or "demystification" of sacred histories. Allow me to clarify.

That one effect of Spinoza's work was the profanation of sacred history seems not to require much further elaboration. The outlines of Spinoza's move should be sufficiently familiar: the Bible is not the work of one author; it contains various histories later assembled by one or more compilers without regard
to the concordance of those histories with one another; miracles and prophecies occurred in such a way as to impress the vulgar; and the superiority of the ancient Jews over others confined itself to their form of government, which was all that was revealed to them by God. God spoke to the prophets in a way designed to impress them, which in turn means that the Bible cannot be taken literally, either as a report of miracles or of science. Prophecy was a gift of a "lively imaginative faculty" (TTP, chap. p. 15), and not of intellect.

We should pause to underscore the notoriety these theses, presented in the one work Spinoza published during his own lifetime, immediately developed, because this notoriety has nothing to do with the usual current reception of Spinoza and little to do with a reading of the Ethics. As Paolo Rossi put it, "if all of this was true, then all distinctions between the sacred history of the chosen people and the history of the heathen peoples collapsed and the idea of an incarnation of the meaning of universal history in the particular history of the Hebrew people was destroyed." Spinoza's text had appeared in 1670. In 1668, Hobbes had issued a Latin Opera, including a reprint of his 1651 De Cive, which had said not only that scriptural interpretation was to be governed by the temporal sovereign, but also that "as there is a good deal of "Politics, History, Morals, and Physics to be read in scripture . . . those passages, although they contain true teaching, and are a canon of such teaching, still cannot be a canon of the mysteries of the Christian religion." Further, since scripture requires interpretation, "the word of the interpreter of the scriptures is the Word of God." In an English text of 1668, Hobbes had declared that philosophy began in Ethiopia and Egypt, managing to avoid altogether reference to the ancient Hebrews. In 1655, between the first and second editions of Hobbes, Isaac de La Peyrère had suggested that people existed before Adam, and that therefore original sin meant not that people and sin did not exist before Adam, but only that sin had not been "imputed" to people before Adam.⁶ Hence, for the pious, Spinoza's text represented the culmination of an all-out assault on the sacredness of Scripture. As such, "the Theologico-Political Treatise—in both radical condemnations and cautious adherence, through both explicit or implicit references—was to remain for more than a century at the center of all discussion of mankind's earliest history" (Rossi, p. 212).

Hegel, on the other hand, presents an entirely different Spinoza. The dissonance between the Hegelian Spinoza and the "atheistic" one grounds the possibility that part of why Marx read Spinoza was precisely because he suspected that the Spinoza presented to him by orthodox Hegelianism was not adequately understood, and that a better reading of Spinoza would be useful to his own work against Hegel. In other words, perhaps Spinoza was excessive to Hegelian Spinozism. According to Hegel, "the Spinozist philosophy is related to the Cartesian only as a consequence of filling out and carrying out the principles of Descartes." Although such sentiment was certainly part of the seventeenth-century reaction to Spinoza, particularly among those who rejected all "new sci-
ence” at a stroke, this reaction was clearly not reducible to the sentiment that Spinoza was a Cartesian. Hegel, emphasizing the Ethics and with his own priorities, has clearly “translated” Spinoza. Hegel continues that the Theologico-Political Treatise shows that “the Mosaic law is limited only to the Jews—a critical treatment of the Mosaic books (VGP, p. 103). This passage is of central importance, because with it, Hegel creates a version of the “Jewish Question” which was to entangle many of the young Hegelians, including Marx.7

As Spinoza never tires of reminding his readers, his purpose is not to limit the Mosaic law to the Jewish people generally. Rather, the point is that the Mosaic law was given to Moses as secular ruler of the Jewish people, and only applied to those people as long as they retained that political state. When the Hebrews chose to have a king, their theocracy ended. As far as I can tell, Marx does not copy any of Spinoza’s explicit statements in this regard, but he could not have failed to encounter them. In one of his most explicit passages on the subject, Spinoza says:

With the destruction of the Hebrew state, their revealed religion ceased to have the force of law. We cannot doubt that, as soon as the Hebrews transferred their right to the king of Babylon, the kingdom of God and the divine law came to an abrupt end; for in so doing they completely annulled the covenant whereby they had promised to obey all that God should speak, which had been the basis of God’s kingdom. (TTP, chap. 19, p. 221)

Hegel, in other words, reads “Jew” as an ahistorical, conceptual determination. His reading therefore blinds itself to the possibility that “Jew” as the bearer of Mosaic law could be a concept with limited historical applicability. The difference is important. On the one hand, as I will indicate, the distinction is what grounds Marx’s subsequent critique of Hegelian responses to the “Jewish Question.” On the other hand, drawing a distinction between a conceptual determination which is always and essentially true and a conceptual determination which is true only at a certain time is precisely Marx’s critique of reification. Elsewhere, for example, Marx accuses both the capitalists and socialists of reification of their first principles. Proudhon “borrows from the economists the necessity of eternal relations; [and] borrows from the Socialists the illusion of seeing in poverty nothing but poverty.”8 The two borrowings are aspects of the same failure, and the problem is in failing to see that context is important to reading. When Spinoza analogously remarks that, “granting that any conclusion could be drawn from miracles, God’s existence” was not a valid inference, since “an event can also be the result of several simultaneously occurring causes” (TTP, chap. 6, p. 77), Marx copies the passage in its entirety (MEGA2 IV/1, 235.3ff.).

When a legal order reifies itself and declares itself necessary, Marx names the result “despotism,” and indicates that it is precisely real, individual people who suffer. That is, the “only thought of despotism is the contempt of the hu-
man, the human split from itself” (Marx to Ruge, May 1843; MEGA² I/2, 477). He adds: “where the monarchical principle is in the majority, people are in the minority, and it is not to be doubted, that there are no people there” (ibid.). The concern with despotism is common to Spinoza, who writes in the preface to the *Theologico-Political Treatise* that “the supreme mystery of despotism, its prop and stay, is to keep men in a state of deception, and with the specious title of religion to cloak the fear by which they must be held in check.” He adds that “no more disastrous policy can be devised or attempted in a free common-wealth” (TTP, p. 7). One possible consequence is political instability, or even outright civil war. Such a possibility was of course not without interest for Marx; here I wish to point to the interest, common to both Spinoza and Marx, in how a despotism operates, and the manner in which despotism is sustained by an apparatus which simultaneously plants the seeds for its violent collapse. One aspect of this apparatus is the use of religion and religious language to induce quiescent behavior on the part of the multitude. As the emblematic “mod-ern” political theorist, Hobbes’s position on this point is strangely ambivalent, and this ambivalence generates a difficulty in reading Spinoza in a Hobbesian context. On the one hand, both *De Cive* and, more significantly, *Leviathan*, contain lengthy polemics against theocracy and nonsecular authority in religious matters. On these points, Spinoza was often read as being allied with Hobbes. On the other hand, Hobbes seems deliberately to invoke traces of the theocratic model in his own “geometric” one: the “mortal God” of Leviathan was named after the biblical monster which God used to humble Job, and the sovereign seems to be encouraged to use religion to promote the end of obedience. On these points Spinoza seems rather opposed to Hobbes. For his part, in the *Holy Family*, Marx declares that it is in Hobbes that materialism becomes “hostile to people [menschenfeindlich]” (HF, p. 136); he also copies the following line of Spinoza into his notebooks verbatim: “Happy indeed would be our age, if we were to see religion freed again from all superstition” (TTP, chap. 11, p. 148; MEGA² IV/1, 244).

As all of this might suggest, one mark of despotism, noted by both Marx and Spinoza, is the draconian effort to stifle expression (“seditious” language, in Hobbesian terms), since such expression indicates precisely “individuals” or humans who have not been fully integrated into the despotic principle. Spinoza writes, and Marx copies (in a chapter from which he copies almost nothing else), “Tyranny is most violent where individual beliefs, which are an inalienable right [uniuscujusque juris], are regarded as criminal. Indeed, in such circumstances the anger of the mob is usually the greatest tyrant of all” (TTP, chap. 18, pp. 215–16; MEGA² IV/1, 238–39). At one level, of course, it is important to note that Marx spent much of his early career in constant battle with the censors. At another level, however, one should note that the question is one of expression and right. This right however is not to be understood as a matter of law. In
Spinozian terms, this means it is a question of conatus: the right of any individual is its expression, which is to say: “Each thing, in so far as it is in itself, endeavors to persist in its own being” (E3 P6) and “the conatus with which each thing endeavors to persist in its own being is nothing but the actual essence of the thing itself” (E3 P7).

The parallel term in Marx is “activity,” which indicates what individuals do when free from despotism, when they are properly conceived as a “species being.” The constellation “species being [Gattungswesen]” and “activity” serve in Marx’s 1844 Manuscripts to indicate the socio-historically given character of human life, and the extent to which human activity produces human life: “productive life is however the species life. It is life-producing life.” Activity and expression in this sense serve as critical principles against the interpellation of qualitatively identical, atomic individuals or “subjects.” When Marx copies from the Theologico-Political Treatise that only “laws and customs” divide “individuals into nations” (TTP, chap. 17, p. 207), his thought is clearly moving with Spinoza’s in that he is pointing to an organicity of life. With the caveat that Marx’s thought is radically historical, the following comment in his 1844 Manuscripts carries distinctly Spinozian echoes: “In the type of life activity lies the whole character of a species, its species character, and free conscious activity is the species character of man” (MEGA² I/2, 369). The affirmations of “expression” and “activity” criticize despotic conceptual apparatuses for infringing on the essence of individuals in their being; in this sense, both are revolutionary affirmations. (The reference here is obviously to Negri. “Potentia, conatus, mens. It is a whole that is continually perfectible by means of imagination and passion.” Savage Anomaly, p. 147). In both cases, “the versatility of the metaphysical being is transformed into the exuberance of the ethical being” (ibid., p. 151). Also in both cases, the matter is one of expression as the activity which counters a metaphysical system; such expression is thus in itself revolutionary. Marx famously concludes a letter to Ruge: “in order to have its sins forgiven, humanity needs only to explain them for what they are” (MEGA² I/2, 489).

Marx’s comment is at the close of his letter calling for a “ruthless critique of everything existing.” In place of detailed exegesis of this passage, let me suggest that the emphasis on expression as a matter of right in both Spinoza and Marx indicates that, although both offer “critique,” neither does so on the enlightenment model, according to which critique consisted in eliminating impurities from phenomena as they appear, in order to establish the purity of the origin of those phenomena. In the context of Marx’s early work, an “enlightenment” critique is perhaps most obviously carried out by Proudhon, who declares that “equality” is the fundamental principle of society, that “property” introduces inequalities, and that therefore “property” should be abolished in order to resolve the contradiction. In Spinoza’s case, an obvious target is Descartes;
conceding the result of what sounds like a Cartesian deduction about the union of soul and body, Spinoza nonetheless warns that "when things are conceived in this abstract way and not through their true essence, they are at once confused by the imagination" (TdJE, 238h). In other words, the Cartesian or enlightenment critique fails on immanent grounds, because imagination is a necessary part of knowing. The parallel with Marx is quite close: for Marx, all thought is "ideological," and reification or abstraction is the problem. The point in both cases is that thinking is necessarily embodied.

These considerations allow us to approach again the Jewish Question. As I have indicated, when Hegel reads the Theologico-Political Treatise, he says that in it, Spinoza shows that the Mosaic law is limited to the Jews, and that this is a "critical" treatment of the Mosaic law. We can also note that Hegel does not mention what Spinoza had said was his "main purpose—namely, the differentiation of philosophy from theology" (TTP, chap. 22, p. 35). Reading Spinoza's own discussion of the prophets and their imaginative (rather than rational) faculties against Hegel's Spinozism generates the same point of emphasis as reading Marx against Hegel: "The fundament of the irreligious critique is: man makes religion, religion does not make man." Marx adds, perhaps following Spinoza:

But man is no abstract essence sitting outside of the world. Man is the world of men, state, society. This state, this society produce religion, an inverted world consciousness, because they are an inverted world. . . . It is the fantastic realization of human nature, because human nature possesses no true reality. The struggle against religion is thus mediately the struggle against every world whose spiritual aroma is religion. ("Zur Kritik der Hegel'schen Rechts philosophie: Einleitung," MEGA² I/2, 170, emphasis original.)

He follows that "the critique of heaven is transformed into the critique of the earth, the critique of religion into the critique of law, the critique of theology into the critique of politics" (ibid., 171, emphasis original).

One such critique is of the Hegelian appropriation of the Jewish Question. According to Hegel's reading of Spinoza, a "critical" treatment of the Mosaic law discloses that "Jews" necessarily come with the Mosaic law attached, as an essential determination. Bruno Bauer adopted this position in his book The Jewish Question, to which Marx published his answer in 1843. As Marx presents it, Bauer provides "the Jewish question a universal meaning independent of specific German relations," which is "the question of the relation of religion to the state, of the contradiction of religious imprisonment and political emancipation" ("Zur Judenfrage," MEGA² I/2, 143 [JF], emphasis original). This stating of the question leads Bauer to the following position:

Bauer thus demands on the one hand, that the Jew give up Judaism, and in general man give up religion, in order to be emancipated as a state-citizen. On the other
hand he consequently considers the political sublation of religion as the sublation of religion simply. (JF, p. 144, emphasis original).

Marx will thus accuse Bauer the Hegelian of having confused political emancipation with human emancipation. The response is deeply Spinozian. First, if one follows Hegel’s reading of the Theologico-Political Treatise, the confusion is a necessary one: emancipation from “Judaism,” i.e., from the Mosaic law, is not, on Hegelian grounds, a political question. Rather, the political question is collapsed into a question of the abstract identity of the Jew. The question of abstract identity, however, is in essence not political; it is instead theological: “In Germany, where no political state, no state as state exists, the Jewish Question is a purely theological question. The Jew finds himself in religious opposition to the state, which takes Christianity as its fundamental condition” (JF, p. 145, emphasis original). Hegelianism, in other words, confuses the Christian German state with the rational, human state, and in so doing, confuses religious and political questions.

Marx continues that at least in part of the “North American free states . . . the Jewish Question loses its theological meaning and becomes a real worldly question,” which means that one can consider the relation of religion to human emancipation. Marx adds that in such places, where all commentators notice the “living, powerful existence of religion,” one finds proof that the existence of religion does not contradict the fully developed political state. Rather, the presence of religion is an indication of, not a reason for, worldly limitations. When these limitations are overcome, the “imprisonment” of religion will itself be overcome. Hence, “we do not transform worldly questions into theological ones. We transform theological questions into worldly ones.” Marx’s conclusion is that the contradiction between the abstract state and determined religion is the “contradiction between the state and determined worldly elements.” This means that the “contradiction of the state with religion in general” is the “contradiction of the state with its assumptions in general (JF, p. 146, emphasis original). The foregoing is obviously schematic and would need to be supplemented by more detailed textual work. It seems, however, sufficient to establish that for Marx the Hegelian Jewish question involves conflating the spheres of theology and politics, that is, of the theological nature of the modern state: for Marx, such a modern state, in essence, conflicts with worldly life.

Ensuring the political resolution of political questions, which is to say the demystifying of so-called theological questions, is precisely the point of Spinoza’s Theologico-Political Treatise, and in Marx’s treatment of the Jewish Question, he shows his sensitivity to Spinoza’s point. Indeed, if one considers only the sections of the Treatise which Marx copies, the matter becomes even clearer. Marx drops the passages from Spinoza which involve biblical exegesis or questions of “true” religion, which suggests that for Marx, religion is always a political question. (CF Matheron, “Le T.T-P dans le vu du jeune Marx.”). The ten-
dency to mistreatment of this question as a theological one betrays the abstract, theological basis of the modern state form, and Marx drops precisely (it seems) what he takes to be the residual elements of this theological procedure in Spinoza.

In order to develop this last suggestion, I would like to examine a passage from one of Marx's letters to Ruge, the same letter in which Marx announces the need for the "ruthless critique of everything existing." Marx writes:

Therefore the social truth is allowed to develop everywhere out of this conflict of the political state with itself. As religion is the index of the theoretical struggles of humanity, so is the political state of its practical. The political state thus expresses inside of its form sub specie rei publicae all social struggles, needs and truths. (MEGA² I/2, 488).

The Spinoza reference should be obvious, and it discloses the depth of Marx's engagement with Spinoza. On the one hand, the reference suggests that for Marx the political state is to be considered in its most developed form, and in its conceptual determination. In this form the political state expresses its existence: which is to say that it has conatus; this is why it expresses social struggles.

On the other hand, that the political state can be considered sub specie rei publicae discloses that for Marx the political state is itself a theological determination. Spinoza writes: "our mind, in so far as it understands, is an eternal mode of thinking which is determined by another eternal mode of thinking ... with the result that they all together constitute the eternal and infinite intellect of God" (E5 P40S). If our mind understands the political state sub specie rei publicae, then this understanding presupposes a theological proposition about the relation between our understanding and God, which is to say that it presupposes a theological proposition about the ahistorical nature of our understanding. This line of thought can be directed against both the modern state form and against Spinoza's invocation of sub specie aeternitatis.

The complaint against the state form and its theological presuppositions might be put as follows: the modern state form requires a conceptualization of the social as something exterior or prior to it ("state of nature"). Insofar as the state accounts for the social, however, it will only do so qua concept, i.e., as a static entity which does not refer to the individual elements of the socius as such. Even the conception of "subjects" or "citizens" will be abstract, insofar as they are understood to be qualitatively identical participants in a "social contract." On Spinozian grounds, this abstraction does not produce knowledge, and indicates that the singular essence of the modern state form is as an abstraction because it only considers its members as abstractions, or as governed by a process of abstraction. This is why Hobbes, for example, is able to give such priority to a geometric basis for his "civil science" and to speak of the meaningless-
ness of the multitude, and is part of why Spinoza's understanding of the historicity of the Mosaic theocracy in the *Theologico-Political Treatise* seems anti-Hobbesian.\(^{14}\)

Whatever its force against Hobbes, however, this reading does not erase a tension in Spinoza's text: What about Spinoza's own invocation, in *Ethics* V, of what could be construed as the same theological proposition about the ahistorical nature of our understanding? We are thus returned to the tension between "atheistic" and "deistic" elements of Spinoza, and to Marx's strategic reading of this tension as an aspect of overcoming Hegelianism. Marx had complained in his dissertation notebooks about the "enthusiasm of Spinoza, when he speaks of the consideration *sub specie aeterni*, of the love of God, or of the *libertas mentis humanae*" (MEGA² IV/1, 104, cited by M. Rubel, "Marx à la rencontre de Spinoza," p. 242). As Marx has read the *Treatise* without the biblical references, so too here he seems to read Spinoza against himself: Marx's engagement with Spinoza can thus best be described as a critical appropriation, a reappropriation which reads the materialist elements of Spinoza against the ones which will be received into Hegelianism.\(^{15}\) In particular, the Hegelian reading of Spinoza had attached itself to the union of the understanding and God, at the ultimate expense of *conatus* and expression: knowledge is properly of individual things, but that knowledge is itself in some sense universal. For Marx, knowledge is always historically determined, and universals are thus the product of human imagination. In this sense, Marx's critique radicalizes the one presented by Spinoza in the *Treatise*: all declarations of eternality are symptomatic of religious thinking and thereby occlude consideration of the political. In so doing, Marx is able to resolve what might strike the reader, especially the reader who, like Marx, had been trained in the Hegelian appropriation of Spinoza, as a quietistic dilemma with which Spinoza concludes the *Ethics*.

The ignorant man, besides being driven hither and thither by external causes, never possessing true contentment of spirit, lives as if he were unconscious of himself, God, and things, and as soon as he ceases to be passive, he at once ceases to be at all. On the other hand, the wise man, in so far as he is considered as such, suffers scarcely any disturbance of spirit, but being conscious, by virtue of a certain eternal necessity, of himself, of God and of things, never ceases to be, but always possesses true spiritual contentment. (ESP42S. cf. Seidel, "Spinoza and Marx über Entfremdung," pp. 236–37.)

Marx had begun the letter to Ruge with reference to a "universal anarchy among the reformers" (MEGA² I/2, 486). In working toward a method of "ruthless critique," Marx works toward the possibility of being, in Spinozian terms, both wise and active. Regardless of whether Spinoza himself ever achieves such a position, its achievement would constitute overcoming Hegelianism, which could only operate from a "moment of sober reflection." Insofar as Spinoza's
texts exhibit a tension between activity and knowledge, and insofar as those texts contain possibilities which are not realized in Hegelianism and in Hegelian Spinozism, Marx's critical rereading of Spinoza provides one way of tracing Marx's thought as it moves toward the famous expression of the eleventh 'Thesis on Feuerbach': "the philosophers have only interpreted the world in various ways; the point is to change it" (MEW 3, 7, emphasis original).

Do not misread: I do not want to be taken as saying that Marx had the same thoughts as Spinoza, or that Spinoza was a Marxist avant la lettre. Spinoza was not a Hegelian dialectical thinker, and even if one finds a prodigious number of Spinozian elements in Marx, it remains that Marx was both a prolific reader and an original thinker. Even at the time he prepared his notebooks on Spinoza, he was also engaged in both his immediate socio-political context and with other historical thinkers. (One such historical thinker whose presence is clearly felt in both Spinoza and Marx is Machiavelli; another is Epicurus.) Such caveats aside, I do wish to suggest that the affinities between Marx and Spinoza deserve to be taken seriously, because they suggest in both cases a thinker who resisted what one might loosely call the bourgeois development of thought. Adorno and Horkheimer quote Spinoza as a representative Enlightenment thinker. In this, I would suggest they are wrong. But they are right to suggest that "true revolutionary practice depends on the intransigence of theory in the face of the insensibility with which society allows thought to ossify."\(^\text{16}\) In this sense, one may call the texts of both Spinoza and Marx revolutionary. Marx clearly appropriates and reworks certain aspects of Spinoza against the reception of Spinozism, as well as against what Marx reads as other aspects of Spinoza's own texts. Thus for the questions of influence and the reduction of Spinoza into Spinozism. But thus also a warning against the reduction of Marx into Marxism. In neither Spinoza's nor Marx's case does one face a "dead dog."

NOTES


2. Antonio Negri, *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*, trans. Michael Hardt (Minneapolis: University of Minnesota Press, 1991). While I disagree with many of Negri's conclusions, in particular his reading of *Ethics* V, my indebtedness here to his work should be obvious. One should note Negri's indications of his own revisions to his thoughts on *Ethics* V, in his "Spinoza's Anti-Modernity," *Graduate Faculty Philosophy Journal* 18, no. 2 (September 1995): 14 n. 22 and 15 n. 32. A useful summary of Negri's thought which includes a number of his other writings can be found in Jason Read, "The Antagonistic Ground of Constitutive Power," *Rethinking Marxism* 11, no. 2 (Summer, 1999): 1–17. Read suggests that, for Negri, the question of communism is the question "what are the possibilities of a sociality of constitutive power" (p. 15)? I wish to retain this suggestion insofar as it might be applied to the early Marx's use of "activity" [Tätigkeit], a term which functions analogously to Negri's potential, in order (a) to indicate Marx's thinking against the Hobbesian seventeenth century, where "order has been thought and maintained... as the absolute other of disorder" (Read, p. 15); and (b) to indicate the limits of
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a reductive reading of the early Marx as advancing "Feuerbachian humanism," "Hegelianism," etc. Both of these points will be developed over the course of this paper.


4. Holy Family: "Deismus und Materialismus zweise Parteien eines und desselben Grundprinzipien seien, so hatte Spinoza zweise Schulen, die sich über den Sinn seines Systems stritten" (MEW 2, p. 139 [HF]: emphasis in original). The tension between what Marx calls the deistic and materialistic positions in Spinoza is discussed by Negri as the "two foundations" in Spinoza's thought. See The Savage Anomaly, passim.

For "reading against the grain," cf. Louis Althusser, Reading Capital, trans. Ben Brewster (London: Verso, 1979) suggests: "The first man ever to have posed the problem of reading, and in consequence, of writing, was Spinoza, and he was also the first man in the world to have proposed both a theory of history and a philosophy of the opacity of the immediate. With him, for the first time ever, a man linked together in this way the essence of reading and the essence of history. . . . This explains to us why Marx could not possibly have become Marx except by founding a theory of history and a philosophy of the historical distinction between ideology and science, and why in the last analysis this foundation was consummation in the dissipation of the religious myth of reading" (pp. 16–17). See also: "we can regard Spinoza as Marx's only direct ancestor, from the philosophical standpoint" (p. 102). For reasons which will become apparent, I do not endorse Althusser's "rupture" between the pre- and post-1845 Marx. The "against the grain" line is Walter Benjamin's; here I wish to emphasize the sentences before it: "there is no document of civilization which is not at the same time a document of barbarism. And just as such a document is not free of barbarism, barbarism taints also the manner in which it was transmitted from one owner to another" ("Theses on the Philosophy of History," in Illuminations, trans. Harry Zohn (New York: Schocken Books, 1968), p. 256). One should recall that it is Hegelian historicism which Marx is contesting.

Étienne Balibar, reading Spinoza and Marx together against Rousseau, suggests that "in the materialism of Marx . . . there is also, very manifestly, an element of the deconstruction of the representation of the subject;" the "revolutionary subject" is essentially Rousseuan. See Balibar, "Le politique, la Politique: De Rousseau à Marx, de Marx à Spinoza," Studia Spinozana 9 (1993): 203–15: 212. For a different comparative reading, which emphasizes the utopian (in the traditional sense) element in Marx, see Yirmiyahu Yovel, "Marx’s Ontology and Spinoza’s Philosophy of Immanence," Studia Spinozana 9 (1993): 217–27, which contains a programmatic summary of relevant sections of his Adventures of Immanence.

5. "I say that there were in fact more readings": MEGA² IV/1, 243; the notebooks comprise MEGA² IV/1, 233–76. For dating and notes on the manuscript, see MEGA² IV/1, 773ff. Marx read the Latin Paulus Opera and included almost no commentary on his excerpts. I will generally follow the current translation of the Gebhardt edition found in Spinoza, Theological-Political Treatise, trans. Samuel Shirley (Indianapolis: Hackett, 1991) [TTP, by chapter and page]. In a very important commentary, Alexander Matheron reads Marx’s notebooks (which rearrange Spinoza’s order) as a coherent text and compares that text with Spinoza’s. One result of Matheron’s study is that Marx’s text systematically excises scriptural references and grounding from Spinoza: Marx’s TTP has none of Spinoza’s religious language. Here, however, I wish to express reservations about Matheron’s argument that Marx “is not interested . . . in the exegetic method of the TTP.” It seems rather that Marx radicalizes Spinoza’s exegetic method, and applies that method to all canonical texts. "Le T.T.P vu par le jeune Marx," Cahiers Spinoza 1 (1977): 159–212; 169.

The above comments are deliberately allusive and meant to suggest a possibility for further study. The early Marx’s reading of medieval texts would certainly bear further investigation. For Marx’s dissertation difficulties, see especially Bruno Bauer’s cautionary letter of 12 April 1841 (MEGA² III/1, 358). For subaltern Judeo-Islamite elements in Spinoza, see Idit Dobbs-Weinstein, "Maimonidean Aspects of Spinoza’s Thought," Graduate Faculty Philosophy Journal 17, nos. 1–2 (1994): 153–74; and her "Gersonides’s Radically Modern Understanding of the Agent Intellect," in Meeting of the Minds: The Relations between Medieval and Classical Modern European Philosophy,
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De Cive, trans. On the Citizen, trans. Richard Tuck (Cambridge: Cambridge University Press, 1998), vol. 17, pp. 16–17. This edition is a translation of the Latin text, rather than a reproduction of the unauthorized 1651 English edition. I cite De Cive rather than Leviathan because, since it was originally in Latin, De Cive was more available on the continent. (It was De Cive of which Spinoza had a copy.) The 1668 Opera also included a translation of Leviathan, although the Latin text is substantially different from the English.

“Egypt was then as it were an university to all the world, and thither went the curious Greeks, as Pythagoras, Plato, Thales, and others, to fetch philosophy into Greece,” Decameron Physiologicum, in The English Works of Thomas Hobbes, ed. Molesworth (London: J. Bohn, 1839), vol. 7, p. 74.

Isaac de La Peyrère: See the English translation of a year later: Men Before Adam. Or A Discourse on the twelfth, thirteenth, and fourteenth Verses of the Fifth Chapter of the Epistle of the Apostle Paul to the Romans. By which are proved, That the first Men were created before Adam (London, 1656).


9. Full treatment of these topics is obviously outside the scope of this paper. The opinion that Spinoza is “anti-Hobbesian” is stated with particular force in Balibar, Spinoza and Politics, and in Negri, The Savage Anomaly. Rossi assembles much of the historical evidence of Hobbes and Spinoza being read as allied in The Dark Abyss of Time. The relation between tyranny and revolution in the Theologico-Political Treatise is discussed at length in Balibar, Spinoza and Politics, pp. 25–49. The question of revolution in Marx is particularly difficult; as will be evident, it at least seems clear that in Marx’s early writings, there is a strong correlation between demystification and the ending of despotic political orders.


Marx is of course post-Kantian, and “nature” is itself a historical category in Marx. In this sense, Marx breaks sharply with Spinoza. For further discussion in this direction, see Helmut Seidel, “Spinoza und Marx über Entfremdung,” Studia Spinoziana 9 (1993): 229–43. For the suggestion that Marx and Spinoza can be applied against the Rousseauian subject, see Balibar, “Le Politique, la Politik.” M. Rubel suggests of Marx’s dissertation notes that “one is tempted to speak of a Spino-
zist reading of Epicurus by Marx” (“Marx à la rencontre de Spinoza,” p. 244)—a suggestion which seems particularly insightful given that Marx’s dissertation uses Epicurus to critique Democritean atomism.


13. Two years later, Marx confirms that he disclosed “his [Bauer’s] fundamental error, the confusion of ‘political’ with ‘human emancipation’ [Sein Grundirrtum, die Verwechslung der ‘politischen mit der ‘menschlichen Emanzipation,’ wurde aufgedeckt]” (HF, p. 112, emphasis original).

14. Hence, Negri writes: “In Spinoza … civil society and the political State are completely woven together, as inseparable moments of association and antagonism produced in constitution. The State is not conceivable without the simultaneity of the social, and neither, inversely, is civil society conceivable without the State. The bourgeois ideology of civil society, then, is only an illusion” (*The Savage Anomaly*, p. 200).

15. One might say that Marx’s critical appropriation of Spinoza accomplishes what Negri says Spinoza himself does, viz. the replacement of the “first foundation” (religion) by the “second foundation” (expression and praxis). It is curious the extent to which Negri attempts to downplay *Ethics V* as somehow a “regression.” See *The Savage Anomaly*, passim. In a later writing, Negri locates the discomfiture of Hegelianism precisely at Spinoza’s usage of *sub specie aeternitatis*: “if the transcendental wishes to absorb the energy of the singular, it does not however succeed in doing it justice. The ‘acosmic,’ ‘atemporal’ Spinoza expresses a concept of time as presence and as singularity that the great dialectical machine wishes to expropriate, but cannot” (“Spinoza’s Anti-Modernty,” p. 5).

Corrections to Leo Strauss, "German Nihilism":
Published in Interpretation, vol. 26 no.3 (Spring 1999), pp. 353–78.

The transcription of Leo Strauss’s handwritten insertions in and additions to the typescript “German Nihilism” was checked against the original by Wiebke Meier, Munich. The text published in Interpretation should be corrected as follows:

Page 355, line 2 from bottom: National socialism should read National Socialism
Page 356, line 4: motive led to nihilism. should read motive led to nihilism. [The word led is underlined twice.]
Page 356, line 5: young atheist should read young atheists
Page 356, line 23: German nihilism is related should read German militarism is related
Page 356, line 5 from bottom: the break in the tradition should read the break with the tradition
Page 356, line 4 from bottom: from the rejection of modern civilisation to the rejection of the principle of civilisation as such should read from the rejection of the principles of modern civilisation to the rejection of the principles of civilisation as such
Page 359, line 17: it was not a sound demand should read it has not a sound element
Page 360, line 3 from bottom: argument, or more precisely should read argument, more precisely
Page 360, line 2 from bottom: about the probable future should read about the future [probable crossed out by Leo Strauss]
Page 360, line 1 from bottom: of the past, and above all, of the present. should read of the past and, above all, of the present.
Page 361, line 2: emphasized before that should read emphasized the fact that
Page 362, line 6: the attention it should read the attention which it
Page 362, line 12: should read Baeumler [Alfred Baeumler, author of Nietzsche, der Philosoph und Politiker, Leipzig 1931]
Page 364, line 14: a servant or slave should read a servant and slave
Page 364, line 15: distinction which should read distinction, which
Page 364, line 28: which are more easily should read which are most easily
Page 373, lines 10–11: in which the question of who is to exercise military

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rule became the order of the day *should read* in which the question of who is to exercise planetary rule became the order of the day.

Page 373, note 4: a few illegible handwritten words *should read* Strauss wrote: Cabaret des Westens, Ullstein

Page 375, note 11: Illegible word *should read* Strauss wrote: Bäumler [see correction to page 362, line 12].
Discussion

Reply to Arnhart

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Larry Arnhart responds to my review and criticisms of Darwinian Natural Right with a restatement and helpful elaborations of his position. Specifically, Arnhart: (1) begins with Strauss on the problem of modern natural science; (2) elaborates the opposition between reductionism and emergence, defending the truth of the latter as a requirement of natural kinds and ends; (3) supplements the argument of Darwinian Natural Right by recourse to the work of Leon Kass, a contemporary thinker on whose value we both agree; (4) concludes with the example of incest aversion as illustrative of Darwinian natural right. I regard these as the salient points, although brief mention is also made by Arnhart of E. O. Wilson and Allan Bloom.¹ My argument in “Darwinian Natural Right?” is based on a list of six philosophical problems (pp. 133–34) and an appendix of eleven quotations from Strauss on science (pp. 151–56). I refer back to these in the following.

I would like to make as clear as possible our points of disagreement, but this intention is hampered by unavoidable ambiguities in the meaning of the terms “Darwin” and “Darwinism.” What is the relation between Darwin’s own thought and the vast body of science and philosophy now called Darwinism? Is Kass a proponent of Darwinism? Is Darwin? Are notions of the ends of natural living kinds to be found in Darwin himself or in later Darwinism, or not? If not, are natural ends beyond universal reproductive fitness compatible with Darwin or with Darwinism, or are they, on the contrary, incompatible with Darwin or Darwinism? We have a confusing set of alternatives. Clarification is a task for Darwin specialists, as Arnhart makes clear when he states that “Darwin is caught in this contradiction—both affirming and denying that the human difference is only a difference in degree not in kind” (p. 265). According to Arnhart, Darwin did not adequately appreciate the significance of emergence for the degree-kind distinction. Thus, on this crucial point—whether there exists a human specific difference—Darwin himself was of two minds.

We can, however, consider a very useful question. Consider the two great principles of random variation and natural selection for reproductive fitness, hallmarks of both Darwin and Darwinism. Are these principles understood by a given thinker to be comprehensive of the biological realm, or only partial? By ‘comprehensive’ I mean that no other principles—such as the Good, the noble

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or beautiful, the Intellect, the divine—are ultimately needed to account for living beings including ourselves. By ‘partial’ I mean that the two Darwinian principles are not false, but must share the stage with other principles, because the Darwinian principles only cover a part or an aspect of the living realm. If someone, like Hans Jonas, or Leon Kass, or the Pope, or (descending) myself, understands the two Darwinian principles as partial, then there is plenty of room in their thought for accounts that are compatible with those principles and that speak approvingly of Darwin(ism) while going beyond it. But if someone else understands the two Darwinian principles as comprehensive, then, of course they, too, will speak approvingly of Darwin(ism), but will militate against any talk of going beyond it. This was the point of my use of Hans Jonas on the elevation of common means into specific ends, “one of the paradoxes of life” (“Darwinian Natural Right?” p. 141). We do not answer this crucial question—are the Darwinian principles comprehensive or partial?—by affirming the truth of evolutionary emergence over against reductionism. The refutation of reductionism by emergence is salutary, but it is only a necessary, not a sufficient condition of the possibility of a Socratic (Platonic, Aristotelian) understanding of the human natural kind and its problematic situation in a whole that is “elusive . . . mysterious” (Strauss, quotation 6). This is because an emergentist (thus antireductionist) theory can be either species-neutral or species-specific.

Let me explain how I understand the distinctions between reductionism, emergentism, and species-neutrality. There is no significant difference between Arnhart and me on the first distinction, reductionism versus emergentism. It is the second distinction, emergentism in relation to species-neutrality, that is at issue.

A system admits reductionist explanation if its behavior can be derived from, or reduced to, the properties possessed by its parts when the parts are isolated from one another. This is always a tempting approach to complex wholes, for what could be more convenient than taking a thing apart, studying its parts each by itself, and then trying to sum up or aggregate the properties of the parts in order to deduce the properties of the whole? The essential assumption here is that the parts of the whole are not modified in any fundamental way by their coming together or being together in the constitution of the whole. So the parts are prior to the whole, both ontologically and in our knowledge. (See Aristotle, Politics 1253a20–24, for the opposite possibility, namely, that the whole is prior to the parts.) Classical mechanics is the preeminent example of reductionist science, in which the essential assumption is embedded in the parallelogram rule for composition of forces, Corollaries I and II of Newton’s Principia. But what if, in spite of the success of reductionism for many important systems, e.g., machines, the solar system, we find that there are other systems that cannot be adequately or fully explained in terms of simpler parts? Suppose, for example, that the things we call “alive” possess survival instinct, a principle of activity residing in the whole organism as such, and suppose that it remains impossi-
ble to derive survival instinct by summing up (in however sophisticated a fashion) the properties of the isolated parts, say, molecules, in spite of all that we know about molecules. We then grant that, somehow, this holistic property, survival instinct, emerged during the origin of life in the remote past. We have an emergent property, meaning a property of the whole that cannot be adequately explained in terms of simpler antecedent parts. The idea of emergent properties has become increasingly accepted within the new sciences of complexity over the past few decades, not to mention the older tradition of emergent evolution that Arnhart nicely describes. But there is more to the story.

Imagine now a research program in biology in which we seek to understand all the specific characteristics of the many kinds of organisms as expressions of that one common principle, survival instinct, according to different local environments, under conditions of random heritable variation, predation, and competition for food. On this account, the differences that presently specify the kinds of organisms began as, and remain, means to one common end: survival in the universal struggle for existence. For example, the human species evolved a unique brain, unlike that of any other species. According to our research program, we originally acquired, and presently possess, our distinctive brains for the sake of surviving and reproducing in our local environment, just as a garden slug has its distinctive equipment for the sake of surviving and reproducing in its local environment. This is a species-neutral, emergentist (nonreductionist) theory. The alternative, emergentist and species-specific account, which falls outside the imagined research program, would be Aristotelian: we survive and reproduce for the sake of using our distinctive brains well in thought, speech, and action (Nicomachean Ethics 1139a19, 1139b5–6, 1178a5–8).2

As I understand it, Darwin(ism) is species-neutral in the sense just described. Therefore, if one regards Darwin(ism) as comprehensive, one cannot combine it with Aristotle. They disagree about the end or telos in relation to origins and means. As to why we cannot dispense with this dichotomy (Darwinism, comprehensive of the living and species-neutral, versus Aristotle, comprehensive of the living and species-specific) by simply saying, without deeper reflection, that the human brain-mind is both survival tool and truth seeker, see problem 5 of “Darwinian Natural Right?” the value of truth for life (pp. 144–45).

As far as I can see, Arnhart does not declare himself on the crucial question of the comprehensiveness or partiality of Darwinian science. Rather, he says, approvingly, that “Darwinian theory does away with any cosmic teleology,” and says, disapprovingly, that Hassing “thinks natural right requires a cosmic teleology so that the order of the whole universe supports human goodness” (pp. 268 and 269). But either way—rejection with certainty or demonstration with certainty of comprehensive teleology—mystery (and aporiai) would be dispelled. This indicates to me that Arnhart does not yet understand the difference between wisdom possessed and love of a wisdom that is needed but not possessed. And so it seems that he does not yet understand, or in his pursuit of science has
perhaps forgotten, the meaning of philosophy, so crucial for Socrates, Plato, Aristotle, and Strauss. This is problem 4 of “Darwinian Natural Right?” the status (and meaning) of philosophy (pp. 142–45), and the subject of the concluding paragraph of the present reply. We are thus brought to the doorstep of the fundamental issues on which Arnhart’s account of Aristotle, Darwin, and Strauss impinges. Let us look once again at Strauss on the problem of modern natural science in relation to classical natural right.3

According to Arnhart, there are two fundamental premises of classical natural right: (1) “the uniqueness of human beings as set apart from the rest of animal nature”; (2) “the cosmic teleology that sustains human purposefulness” (p. 263). Taking his bearings by the Introduction to Natural Right and History, Arnhart then says that “Strauss thought Aristotle had the clearest view of this dependence of natural right on natural teleology” (p. 263), such that the refutation of Aristotle’s teleological physics of the heavens by classical mechanics infected his teleology of the other parts of the cosmos. Unfortunately, I believe this is a misreading of Strauss’s real position, but a misreading facilitated by Strauss himself. The eleven quotations appended to “Darwinian Natural Right?” are intended as a corrective to the impression one gets by looking solely at the Introduction to Natural Right and History. In light of those statements, I believe that Strauss’s understanding of the problem of modern natural science is not based on the status of premise 2 (Aristotle’s cosmic teleology), but rather on species-neutrality as the predominant characteristic of modern natural science. Species neutrality denies premise 1, which is indeed the key premise of classical natural right.4 This in turn poses our disputed question: is Darwin(ism) species neutral or not? I believe it is, as explained above. Arnhart believes that the refutation of universal reductionism by the far more plausible accounts of emergence in several classes of natural phenomena suffices to solve the problem by securing the human specific difference, while avoiding the extreme dualism (from Hobbes through Kant) that separates man from nature altogether, thereby making of man and society a radically malleable artifact. Arnhart does “not understand Hassing’s claim that Darwinian theory must deny ‘species difference’ and affirm ‘species neutrality’” (p. 265). In the first place, it is Strauss’s claim: see quotation 7.

I have tried to explain the distinctions between reductionism, emergentism, and species-neutrality. It should thus be clear that Darwinian theory is not species-neutral with respect to means; different species have acquired very different equipment—look at the human brain—with which to survive and project their genes. But that (the last six words of the preceding sentence) is the problem: for Darwinian theory, the one, universal, common, thus species-neutral end is survival and/or reproductive fitness. Emergent naturalism, although antireductionist, is perfectly compatible with the species-neutrality of this end, as explained above, and as Arnhart’s own account of incest aversion (discussed momentarily) shows.
Am I mistaken here? Do Darwin or Darwinism offer grounds for qualifying this conception of the end of living things, grounds for saying that random variation and selection for reproductive fitness are the adequate principles of origin, but not of ends, or at least not of the human end? This is problem 1 of "Darwinian Natural Right?" on the causal relation between generative process and end product (pp. 138–42). Can Darwin(ism) grant that its two great principles must share the stage with other principles, that it is partial and not comprehensive? If so, then I am wrong, and happily so, for we would then have a grand synthesis, and a more natural science, of the biologically rooted, but distinctively human, in which there is room for conjectural, provisional, problematic, but unavoidable attempts to make sense of a mysterious whole and of our unstable, potentially tyrannical place in it, which is accordingly always in need of moderating awareness to keep us from unlimited willful self-assertion (and this is problem 2 of "Darwinian Natural Right?" the Baconian-Cartesian problem [pp. 145–51]; see Politics 1324a25–25a5 for the ancient version). But Arnhart’s account of incest is not encouraging.

In keeping with the polemical (and worthy) intention that in part motivates his work, Arnhart opposes “the claim of Hobbesian philosophers [Freud was a Hobbesian]. . . that the abhorrence of incest is not natural at all, but a purely learned response based only on custom” (p. 271). Against a radical ethical conventionalism that denies to morality any natural support, Arnhart presents the valuable contributions of Edward Westermarck and of recent sociobiology (pp. 271–75). The result is “a good Darwinian explanation of incest avoidance that confirms the Socratic insight into the incest taboo as an expression of natural right.” For “Plato [had left] it unclear . . . why this sacred taboo arises in the first place” (p. 270). In the Darwinian approach, we look to the common, species-neutral origins (not the final forms) of things. Now obviously, inbreeding tends to produce physical and mental deficiencies in the offspring [of all animal species] that lower their fitness in the Darwinian [universal, not specifically human] struggle for existence. [And therefore] as a result . . . natural selection has favored the mental disposition to feel an aversion to sexual mating with those with whom one has been intimately associated from early childhood. . . . this natural aversion to incest has inclined [most] human beings to feel moral disapproval for incest, and this moral emotion has been expressed culturally [thus in human societies] as an incest taboo. (P. 272)

Incest aversion is a neuropsychological and chemical deposit placed within us by the hand of natural selection. This is not a trivial discovery. It is well worth knowing, especially against the all-too-familiar background of radical relativism. But it doesn’t go far enough. Why? Because we humans have condoms, and are trained in their use.

As Arnhart resoundingly says on page 266 of Darwinian Natural Right,
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"[h]uman beings, unlike any other animals, cannot live unless they believe they know why they live." Thus we, unlike any other animals, have myths, religious beliefs, philosophy, and science. Do we now know, through Darwinian science, the sufficient reason why we live with the incest taboo? In Plato's Laws, the common opinion about incest is reported to be that it is "hateful to the gods, and the most shameful of shameful things" (838b10-c1; quoted by Arnhart, p. 270). But, according to the Darwinian scientific account, the real cause of incest aversion has nothing to do with the gods or the shameful, the noble or the base. It has to do only with the production of biological offspring unfit for further reproduction "in the Darwinian struggle for existence" common to all organisms. If this is the real problem, and the sole problem, with incest, why not just prevent the conception or birth of any offspring resulting from incestuous intercourse? Use a condom. Get an abortion. Won't this solve the problem? Don't we, unlike any other animals, have the power to override or interfere with the hand of natural selection? (Some even claim that we can now, through genetic science, begin the process of unnatural selection, or self-evolution; see "Darwinian Natural Right?," pp. 145-47.) Doesn't this fact alone suffice to show that, whether we like it or not, we are "in-between" beings, set apart from the rest of animal nature? The biological rootedness of our humanity and our kinship with the other animals must indeed be recognized and researched, but it must not be forgotten that we are not members of our species in the same way that they are members of theirs. Let us conclude the discussion of incest with a look at where the Darwinian account, of and by itself, leaves us.

Although the incest taboo is a cultural universal, it is the case that "a few human beings will not develop the aversion to incest that is normal for most people." Now precisely because the taboo is universal, "these deviant individuals will provoke a deep disgust from others" (p. 273). But, as long as they use contraception or abortion, is there really anything wrong with their enjoyment of the sort of sex they happen to prefer? As long as they assume the responsibility to practice evolution-safe incest and don't produce offspring, is there any reason to condemn them, to display our disgust publicly, to discriminate against them? The incest taboo should be reformed. Aversion to incest is now simply a majority preference, for the Darwinian reasons indicated. Similarly, attraction to incest is a minority preference. Each is but a part of one's sexual orientation, and subject to determination according to free (unconstrained) choice by individuals. As long as we make sure to have our incest without babies, it's a lifestyle choice. Thus, although it's not for me, because my old aversion lingers on, I have no right to condemn it in others. Isn't this where the Darwinian account, of and by itself, leaves us? Therefore, I agree with Leon Kass that, "we are suspicious of those who think that they can rationalize away our horror, say, by trying to explain the enormity of incest with arguments only about the genetic risks of inbreeding."16

Arnhart, of course, did not intend to rationalize away our horror; he thought
he was grounding it normatively in nature. But rationalizing away is what the Darwinian scientific account does by virtue of the peculiar and typically modern (post-seventeenth-century) type of causality that it places behind the human capacities and operations. For since the Darwinian account is species-neutral, it must conclude that the real (as opposed to merely apparent) causes of my desires and aversions are common to other animal species, and not specifically human. What is distinctively human is my conscious apprehension of the objects that appear to me to be the causes of my emotions and my choices, e.g., the per se shameful depravity of incest regardless of dysgenic consequences. But those objects are revealed by Darwinian science to be projections or side effects of causes that I do not consciously apprehend and that aim per se simply at the reproductive fitness that is a goal common to all organisms, an end which, unlike the noble and the base, elicits neither praise nor blame, and has little relation to human virtue and vice (Nicomachean Ethics, 1103a10, 1115b12, 1151b19, 1177a1414–17). Thus enlightened, I see that the apparent depravity of incest is only the per accidens cause of my aversion. This is problem 3 of “Darwinian Natural Right?” the problem of hidden-hand causation, even in the things closest to us, our own passions and purposes (pp. 135–36). Next I comment (too briefly) on the work of Leon Kass, and then conclude on the question of cosmic teleology.

It seems to me wrong to call Kass a Darwinian, since I do not believe he would agree that the Darwinian principles are comprehensive. Kass sees both the common biological and the specifically human, and gives each its due (see especially The Ethics of Human Cloning, pp. 24–31). In viewing the biological roots of our humanity in light of the distinctively human, he corrects Darwin and goes beyond him. In his conclusion of The Hungry Soul, Kass speaks of our orientation to “the beautiful, the good, the true, and the holy” (The Hungry Soul, p. 231). In Kass’s excellent philosophical writings, references to mystery are not uncommon. Kass can accept Darwinian science as part of the truth. The crucial question is, could Darwinian science accept Kass?

I conclude by returning to the subject of cosmic or comprehensive teleology, or more correctly, ultimate principles. I have conveyed to Arnhart the impression that I think “natural right requires a cosmic teleology so that the order of the whole universe supports human goodness” (p. 269). This was not my intention. Consider: could such a requirement ever be met by human reason? (See Strauss, quotation 5.) Did Aristotle think that he had met this requirement? To answer this question, we must read Parts of Animals, 644b22–645a27, among the most beautiful passages in the Aristotelian corpus. There we learn that different classes of phenomena or kinds of being are known with different degrees of certainty. Specifically, we can have greater certainty about the biological than about the astronomical, although the astronomical beings are greater in rank than living things. There is a tradeoff between the certainty of knowledge and the dignity of its object. It is true today that we live among plants and animals
and are connatural to the latter, and thus can know them with high certainty, whereas the stars (on whose spectacular processes we now know the origin of life depended) are too big to get into a laboratory, not to mention the whole universe itself. Cosmology, whether philosophical or physical, is always conjectural and uncertain, and I believe Aristotle understood his own to be so as well. (See also Topics, 104b1–18, on the certainty of arguments for the eternity of the universe.) My point in “Darwinian Natural Right?” was twofold: (1) The questions about the ultimate principles of the universe—what might they be?—and their possible relations to conceptions of the human good—is open-ended domination, now through genetic science, our work?—must be kept open for study. (2) Plato’s Idea of the Good, the noble or beautiful, Aristotle’s Intellect exemplify necessary attempts to make theoretical life and its moderating influence on praxis defensible against the claims of domination in one form or another. (Regarding natural teleology, remember that the Republic is a post-second-sailing work.) This premodern intention requires an account of the whole—unavoidably conjectural and less than certain—in which man is not the highest being.

In his response, Arnhart quotes the passage from “Darwinian Natural Right?” (p. 147) in which I cite the following line from “The Profession of Faith of the Savoyard Vicar” in Rousseau’s Emile: “the good man orders himself in relation to the whole, and the wicked one orders the whole in relation to himself.” My point, again, is simply that a premodern understanding of this general type (there is much latitude) is part of defending the notion that we have ends prior to choice whereby to limit our transcendent powers of domination (see also The Hungry Soul, p. 78). Tellingly, Arnhart ignores my concern about domination and my reference to Descartes on the infinity of human will, and wonders instead if I am perhaps employing esoteric writing by using Rousseau, a very modern thinker. No—no esotericism is needed or intended here; I picked Rousseau’s formulation because it is concise and beautiful.

Finally, I have a problem in my own trans-Darwinian account. If the whole is mysterious (Strauss, quotation 6), or even incomplete, how exactly are we to order ourselves in relation to the whole?

I conclude with another quotation from Strauss, who quotes Thomas Aquinas, who paraphrases Parts of Animals, 644b32–645a1:

Philosophy is essentially not possession of the truth, but quest for the truth... Genuine knowledge of a fundamental question, thorough understanding of it, is better than blindness to it, or indifference to it, be that indifference or blindness accompanied by knowledge of the answers to a vast number of peripheral or ephemeral questions or not. Minimum quod potest haberri de cognitione rerum altissimarum, desiderabilius est quam certissima cognition quo habetur de minimis rebus. (Thomas Aquinas. Summa Theologica, 1, q. 1, a. 5)
NOTES


3. Note that in Natural Right and History Strauss distinguishes three types of classic natural right teachings (pp. 146 ff.); I am glossing over differences in order to simplify.


Arnhart continues to focus solely on Strauss’s Introduction (see also Natural Right, p. 166), concluding to the dualism that, in Arnhart’s words, “rejects the comprehensive naturalism of the premodern exponents of natural right such as Aristotle and Thomas Aquinas” (p. 263). But Strauss spent far more time with Plato and Socrates than with Aristotle, and “Socrates was so far from being committed to a specific cosmology that his knowledge was knowledge of ignorance... knowledge of the elusive character of the truth, of the whole. Socrates, then, viewed man in the light of the mysterious character of the whole” (Strauss, quotation 6). The account of the Idea of the Good in Plato’s Republic is perfectly compatible with Strauss’s statement. I believe that the Idea of the Good is conjectural, uncertain, problematic, but necessary for the self-consistency of philosophic life. See the concluding paragraph of this reply.

5. Leon Kass poses the problem with greater equanimity in The Hungry Soul (Chicago: The University of Chicago Press, 1999), p. 78: “Can we successfully guide our indeterminate openness (in the realm of action) by some of the discoveries of our receptive openness (in the realm of awareness)?” See also Hungry Soul, p. 196. The awful fact of Nazism (see Arnhart on Heidegger, p. 277) shows that we have a problem that no other species has.


Reply to Lowenthal

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Resistance to tyrants is obedience to God.  

Thomas Jefferson

[Jefferson] supposed there was a question of God's eternal justice wrapped up in the enslaving of any race of men, or any man, and that those who did so braved the arm of Jehovah—that when a nation thus dared the Almighty every friend of that nation had cause to dread His wrath.  

Abraham Lincoln

Professor Lowenthal fails to understand that the separation of church and state is not the same as the separation of religion and politics. This is a point that is made by Tocqueville and one that was thoroughly understood by the Founders. In a famous passage, Tocqueville wrote that "[r]eligion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions." The principal task of the Founders, of course, was to create constitutional government and secure the conditions for the rule of law. They believed that this could not be done without a separation of church and state. And the Founders' understanding of separation was that there should be no "religious Test" as a "Qualification to any Office or public Trust." The Framers knew that no constitutional government was possible as long as sectarian disputes animated political life. Constitutional government requires that the minority acquiesce in the decisions of the majority in the sense that they recognize the legitimacy of majority rule. But no religious minority will ever accept majority rule on sectarian issues. The recognition of the rights of conscience is thus a precondition of constitutional government because it establishes the basis for the political friendship that is necessary for citizenship. Jefferson argued in his "A Bill for Establishing Religious Freedom," penned some ten years before the drafting of the Constitution, that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt

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the principles of the very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it. (emphasis original)

This statement was fully accepted by the Christian ministers—or at least the “Lockeanized” ones—who believed that the separation of church and state was no less a dictate of New Testament theology than it was a dictate of reason and natural right.

Professor Lowenthal argues that the principles of the Founding, notably the “Enlightenment rationalism” of the Declaration, undermined the basis for morality that republican government requires. Lowenthal chides me for relying on Christian ministers “writing at about the time of the Declaration” who saw no necessary contradiction, as Lowenthal does, between the morality of the Declaration and biblical morality; rather, I should have cited similar arguments from the Founders. Protestant ministers had been basing their sermons on “the great Mr. Lock” for more than a half century, and the public was suffused with the notion of the compatibility of true religion and right reason. The Founders were engaged in a regime debate. For them to have opened the theological-political question when it had already been solved on the political level would have been unwise. Agitation of this question could have threatened moral consensus that supported both the Revolution and the Constitution. It was unnecessary for the Founders to convince those who were already convinced: public opinion was virtually unanimous on the question of political morality. Religion and the morality derived from religion were the job of the preachers, and they fulfilled their task admirably, never indicating that they believed there was any inherent contradiction between Christianity and republican government based on the principles of natural right. In some philosophic sense, the doctrines of the Declaration and those of revelation may be incompatible, but the debate never reached that level, as it surely could not. But on the level of morality, the agreement of “Lockeanized Christianity” and the doctrine of natural rights could not have been more complete. Here, reason and revelation occupied the same moral universe. Lowenthal, however, claims that this agreement was insufficient and that neither side saw the potentially corrosive effects of the Declaration’s reliance on “reason and philosophy.” Lowenthal thus refuses to understand the Americans of the founding generation as they understood themselves.

Professor Lowenthal is correct when he argues that the Christianity that accepted “a rational philosophy of human rights” was a “Lockeanized Christianity” and that without this transformation “the Americans of 1776 could [not] have accepted a document like the Declaration of Independence.” It may be a question in Lowenthal’s “mind whether Christianity teaches the equality and unity of mankind,” but it certainly was not a question in the minds of the colonial ministers. One outstanding example should suffice: In 1780 the Reverend Samuel Cooper remarked in a widely circulated sermon, that
We want not, indeed, a special revelation from heaven to teach us that men are born equal and free. . . . It is, however, a satisfaction to observe such everlasting maxims of equity confirmed . . . in the sacred oracles; one internal mark of their divine original, and that they come from him "who hath made of one blood all nations to dwell upon the face of the earth," whose authority sanctifies only those governments that instead of oppressing any part of his family, vindicate the oppressed, and restrain and punish the oppressor.

This is, of course, the theology of Protestant Christianity. As Lowenthal notes, the Declaration "makes no mention of Christ and in no way depends on the advent of sin and the fall of man." But the Declaration does mention a "Creator," a creation ("all men are created equal . . .") and "Divine Providence." The reference to "Nature's God" was a way of speaking of God that would appeal to all religions—certainly all monotheistic religions. The Declaration and the Bible share the same assumptions about God, man and the universe. The Declaration appeals to an eternal order and an economy of nature that is, if not identical, then certainly compatible with monotheistic religion. Whatever minds of a more sophisticated structure may conclude, this is the way the colonial ministers, and I believe the Founders, understood the issue. Madison, Hamilton, Jefferson, Wilson and Washington, among a host of colonial ministers, never tired of the phrase "sacred rights." I believe that John Quincy Adams came closer to the heart of the matter than Lowenthal when, in his Jubilee of the Constitution (1839), he elaborated the principles of the Declaration in the following terms: "All this, is by the laws of nature and of nature's God, and of course presupposes the existence of a God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust, binding upon men, preceding all institutions of human society and of government." Moreover, in his introduction to the Memoirs of Reverend Elijah Lovejoy (1838) Adams explicitly argued that the Declaration was the logical conclusion of the "progressive advancement" of the "Christian system of morals" which included the idea that "life, liberty and the pursuit of happiness were inextinguishable rights of all mankind" (emphasis original).

The Declaration provided a foundation for obligations that might have otherwise been lacking in Christianity. No one in the founding generation thought that rights were incompatible with moral obligations; rights were always understood in terms of the laws of nature where rights and obligations were reciprocal. This reciprocity is certainly the basis of the social contract, and the idea that the protection of individual rights was in tension with the existence of the common good was never expressed by the Founders. None of the Founders viewed rights as idiosyncratic preferences divorced from duty or moral obligation. I challenge Professor Lowenthal to find one statement to this effect. Statements to the contrary, however, are legion, both in public documents and private letters. The idiosyncratic view of rights was the product of the Progressive "re-
founding” that Lowenthal justly decries, but it is not any part of the “rational liberty” which the Founders saw as the product of social contract. (See Madison’s Essay “On Sovereignty,” 1835.) The Declaration, for example, speaks of the people both in their moral capacity (“the good People”) and their political capacity (“one people”). Indeed, Americans are “one people” by virtue of the fact that they are “the good People.”

Lowenthal seems to endorse the idea that a regime based on natural human equality must inevitably degenerate into a headlong slide into permissive egalitarianism. That all regimes face dangers, the Founders readily admitted, and they recognized that republics faced unique dangers that required peculiar vigilance. But while “manly vigilance” was required to guard against dangers to the “organic law,” I do not believe the Founders thought there was anything in the principle of equality rightly understood which made its degredation inevitable or in any way “fated.” It almost goes without saying that the founders were not historicists.

Lowenthal praises what he describes as “Tocqueville’s attempt . . . to conceal the Declaration” because it was a “document of the philosophical Enlightenment.” This is a somewhat ingenious argument but fails on Tocquevillian grounds. In Tocqueville’s view the Declaration, as a statement of natural right, was superfluous. Equality was not a principle of natural right but a fated fact. The decision for equality and democracy had been decided by history: “it is the most uniform, the most ancient and the most permanent tendency that is to be found in history.” It is the result of a “providential march” and has nothing to do with natural right or with “the principles of human nature.” Regime questions were irrelevant for Tocqueville because the triumph of democracy had been decided by the impersonal—albeit providential—forces of history. Rather than deliberately concealing the Declaration because of its destructive influence, Tocqueville found it irrelevant and undoubtedly must have been surprised by the ahistorical sense of those who insisted that it was the principled foundation of American politics. After all, Tocqueville taught that social forces produced politics, and politics was always subordinate to the mores of the people. Tocqueville was uninterested in understanding the American Founders as they understood themselves because his principal audience was the French aristocracy, not Americans. When viewed as a sociological fact rather than a principle of natural right, equality is opposed to liberty. But the Founders viewed equality of rights as a regime principle—a statement of natural right—not a fated fact or the mere product of history. It is the modern followers of Tocqueville who see equality of rights as necessarily degenerating into a demand for equality of results. Equality as a regime principle is defensible on the grounds of the Founders, and this defense is demanded by original-intent jurisprudence. There is no defense of regime principles on Tocquevillian grounds. To accept Tocqueville’s analysis is surely to abandon original-intent jurisprudence.

Tocqueville demonstrated great foresight about many aspects of American
politics, particularly the centralizing tendencies of the administrative state. He even predicted civil war. But he thought it would take the form of slave rebellions against masters. Tocqueville could not have predicted that in America a civil war would be fought among the master class over the morality of slavery, that is, whether the Declaration was to remain the "sheet anchor" of American republicanism. Clearly, without the Declaration the Civil War would not have been possible, at least not in the form it took. The Civil War is more revealing about America's soul than anything chronicled by Tocqueville.

Did Lincoln add a religious element—a "political religion"—to the Declaration and thereby provide a ground for morality that was otherwise missing? Lincoln, of course, regarded Jefferson as "the most distinguished politician of our history." Are we to understand Lincoln literally? Did Lincoln understand Jefferson's Declaration as mere rationalism? Or did he understand it as the work of a "politician" in the widest sense of the term? I believe an argument could easily be made that Lincoln's call for a "political religion" and his powerful rhetoric in the Second Inaugural were anticipated by Jefferson in the Notes on the State of Virginia. Lincoln certainly recognized that the source of his own rhetoric of redemption came directly from Jefferson:

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.

Who can fail to hear the echoes of this powerful statement in Lincoln's Second Inaugural? It may be true that Lincoln had greater need of such rhetoric but it would be difficult to deny that his direct source was Jefferson. Lincoln's "political religion" was fully anticipated by Jefferson.

I believe Lowenthal fails to appreciate one fact of American politics: That the decline in the belief in the principles of the Declaration of Independence has gone hand in hand with the decline of religion—that a restoration of the principles of the Declaration is necessary for a restoration of the role of religion in both public and private life. Both the Declaration and mainstream religions have suffered under the onslaught of the forces of historicism and positivism. These forces of modernity have succeeded in undermining both reason and revelation as supports for moral and political life. The kind of value relativism promoted by the Holmes-Brandeis school of jurisprudence has eroded the principles of the Declaration no less than "liberation theology" has weakened America's mainstream religions. These religions no longer exhibit the manly spiritedness that
the colonial ministers summoned forth in support of the Declaration of Independence.

Leo Strauss once wrote that "wisdom requires unhesitating loyalty to a decent constitution and even to the cause of constitutionalism" (Liberalism: Ancient and Modern, p. 24). The defense of constitutional government must always be undertaken in the spirit of Aristotle's contention that natural right is a part of political right, that is, in full recognition of the comprehensiveness of political right. This is certainly the spirit that animated the statesmanship of Jefferson and Lincoln. Mere intellectuals, on the other hand, subordinate political right to natural right, thus exhibiting what Strauss called an "unmanly contempt for politics." Lowenthal certainly does not make that mistake, but I continue to believe that the Founders understood the theological-political problem more profoundly than he is willing to admit.
Carl Schmitt, Heinrich Meier, and the End of Philosophy

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To be sure I am not disposed to see nothing as true, but rather to say that all things true are joined to false things and that these so resemble each other that no mark of identification can be certain for purposes of judgment and agreement. From the foregoing this conclusion, too, results: much is credible or probable that, although it is not perceived, nevertheless is held in distinct and clear view and can rule in the life of the wise.

Cicero De natura deorum 1.12

The main current of modern political thought might be very roughly but not altogether misleadingly described, with a view to its relationship to religious faith, as follows: a movement from the more-or-less concealed, unsympathetic skepticism (combined with profound respect for the enormous potential political utility of religion) of Niccolò Machiavelli, Francis Bacon, Thomas Hobbes, and Baruch Spinoza to the open animosity of Karl Marx and Friedrich Nietzsche, who evidently wished to destroy the infamy root and branch. If we should leave aside for the moment the various exceptions one could take to this sweeping characterization of modernity—among others, John Milton and Søren Kierkegaard spring to mind—we might observe that in the eyes of the person of faith, the emergence and development of modern thought represent a dreadful decline and cataclysmic loss. But the infamy proved not so easy to eliminate on the one side, and on the other the so-called end of philosophy marked the transition from modernity to its upstart successor, postmodernity. Lacking any principled ground for antagonism toward religion, postmodern thought, seen from a perspective of faith, replaces Nietzschean and Marxist programmatic hostility with a more tolerant incredulity at worst and at best with openness and receptivity. If one trusted in Providence and chose to de-emphasize the dangers of irrationalism that sometimes lurk in postmodern quarters, one might even view key ele-

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ments of postmodernism as history's ironic cure for that scandalous phenomenon decried by the poets in Plato's Laws, the atheism of philosophers (967c–d).

Carl Schmitt, increasingly recognized around the world as one of the most significant and influential political theorists of the twentieth century, did portray the unfolding of modern thought as a dreadful decline and cataclysmic loss. Intellectual historians owe to Heinrich Meier's two-volume interpretation of Schmitt, now largely regarded as authoritative in Europe, the insight and the conclusive proof that throughout his life Schmitt's political theory remained first and foremost a political theology, based in faith and divine revelation. Schmitt declares: "To be sure, I have not changed. My freedom regarding ideas is unlimited because I remain in contact with my... center, which is not an 'idea' but a historical event: the incarnation of the Son of God. For me Christianity is not primarily a doctrine or a morals or even (forgive me) a religion; it is a historical event." After the 1991 publication of Schmitt's Glossarium, it became virtually impossible intelligently to resist a scholarly thesis buttressed by such manifest, original, irrefragable verification.

Quite apart from the controversial German jurist, The Lesson of Carl Schmitt, which is the sequel and lengthier companion volume to the pathbreaking Carl Schmitt, Leo Strauss und "Der Begriff des Politischen," merits sustained attention, both for the principal issues and for their treatment, as Meier's main work to date. The subtitle reads, "Four Chapters on the Distinction between Political Theology and Political Philosophy." The chapter titles follow: "I. Morality, or One's Own Question as a Figure," "II. Politics, or What is Truth?," "III. Revelation, or Who Is Not with Me Is Against Me," and "IV. History, or the Christian Epimetheus." As the chapter titles already hint, the "distinction" so delicately spoken of in the subtitle turns out to be more precisely a contest, nay, an epochal if not eternal battle of the giants, political theology and political philosophy.

The subtitle inevitably recalls Schmitt's Political Theology, subtitled Four Chapters on the Doctrine [Lehre] of Sovereignty. In the third chapter of that treatise Schmitt unriddles the paradox of the full title, namely why a jurisprudential topic like sovereignty should require investigation under the disconcerting rubric of political theology. "All pregnant concepts of modern political science and jurisprudence [Staatslehre] are secularized theological concepts." He defends this generalization not only on the basis of the historical development of these concepts but also in terms of their systematic structure (Politische Theologie, p. 51). For example, who holds sovereignty? We recognize as sovereign whoever makes the ultimate decisions in the life-and-death crisis, the actor who has the power to suspend the laws in time of dire emergency (p. 13). Schmitt looks back to the ostensibly naive age when René Descartes could write Mersennes that God established the laws of nature and, through his chosen king, the royal laws of state. God alone, the ultimate sovereign of the universe, has the capacity miraculously to suspend the laws of nature. God alone, the ultimate
sovereign of the human race, provides the divine right of kings to legislate or legitimately to act lawlessly. Without God, in other words—notwithstanding all superficial rhetoric of progressives about the popular will or the general will, and contrary to Georg W. F. Hegel’s mendacious teaching on the modern state as the embodiment of reason—in the end human beings find themselves at the mercy, and subject to the naked will, of tyrants (Politische Theologie, pp. 60–66). Autoritas non veritas facit legem (Authority, not truth, makes the law. Ibid., p. 66. Lesson, pp. 112, 124). Between the lines Schmitt implies that these earthly tyrants resemble devils, no doubt fitting tormenters for those who seek paradise in the realm of the flesh. Despite the insobriety of his extremism (not to speak of dark shadows on his character and his actions during the Third Reich), Schmitt’s analysis of sovereignty entails a radical challenge to modern politics and thought that has to be taken seriously. If Meier appears reluctant to raise a cudgel in defense of modernity, he nevertheless accepts Schmitt’s implicit, still more radical challenge, namely to the rule of human reason itself. With the Four Chapters of Political Theology so conspicuously included in the landscape, Meier’s examination of Schmitt never loses sight of the question of tyranny and its alternative. Nor, as the subtitle of chapter 2 makes clear, does Meier forget the central query that Schmitt could raise against real and potential tyrants, what is truth?

Before advertising to each chapter in turn, let us cast a glance at the final sentence of the book. Inter auctoritatem et philosophiam nihil est medium (p. 173; cf. p. 146 and CFLS, pp. 50 and more generally 49–57). There is no middle ground between authority and philosophy. This concluding assertion echoes the spirit of Kierkegaard, who in Either-Or insisted on the inevitability of a fundamental, guiding choice between right and wrong. Of course Kierkegaard’s intention becomes intelligible only in the light of, inter alia, Hegel, whose Herculean project to fuse the truths of religion and the truths of philosophy into one body of absolute knowledge so offended Carl Schmitt. Like Kierkegaard, Schmitt grasped that underneath the sometimes misleading theological language, Hegel’s system amounts to rank atheism; for Hegel puts humanity, even if humanity’s only representative be Hegel himself, into the place of God. (Politische Theologie, pp. 64–65; Lesson, pp. 14–15). No putative synthesis of reason and revelation can occur except at the expense of one or the other. As Martin Heidegger expresses it, “there is no such thing as a Christian philosophy; that notion is simply a ‘wooden iron.’ But there is also no phenomenological theology . . .”8 Kierkgaard’s reputation derives in no small part from his recognition of this Either-Or and his endorsement of a simultaneously self-aware and self-forgetting leap of faith beyond reason.9 Schmitt readily concurs. Meier, by contrast, preserves a healthy distance (for instance CSLS, pp. 81–96, Lesson, pp. 66–121). He confronts Schmitt by articulating a distinction, between political theology and political philosophy, that Schmitt would obliterate.10 Yet Meier’s study does, like Schmitt and Kierkegaard, force us to ask whether our moral-political
predicament necessitates the forsaking or transcending of mere faith in reason, and invites us to ponder—our central concern in this essay—how anything other than faith can lie at the bottom of philosophy or political philosophy.

MORALITY

Behold, the enemy that lives within you strives to kill Christ.
Hieronymus, Fourteenth Letter to Heliodorus, 2.

The enemy is our own question as a figure.
Theodor Däubler/Heinrich Meier, Lesson, p. 1

Moral outrage, sometimes unadorned but more often cloaked, animates Schmitt’s principal endeavors throughout his years. It bubbles and boils, Meier shows, in all Schmitt’s major writings. What arouses Schmitt’s indignation? With revulsion he describes the very age in which he and we live, the age self-characterized as

the capitalistic, mechanistic, relativistic age, as the age of transport, of technology, or organization. Indeed, “business” does seem to be its trademark, business as the superbly functioning means to some pathetic or senseless end, the universal priority of the means over the end, business that annihilates the individual such that he does not even feel his nullification. . . . The achievement of vast, material wealth, which arose from the general preoccupation with means and calculation, was strange. Men have become poor devils, “they know everything and believe nothing.” They are interested in everything and . . . enthusiastic about nothing. They understand everything; their scholars register in history, in nature, in men’s own souls . . . Wherever something does not go completely smoothly, an astute and deft analysis or a purposive organization is able to remedy the incommodity. Even the poor of this age, the wretched multitude . . . prove themselves to be children of this spirit, which reduces everything to a formula of its consciousness and admits of no mysteries and no exuberance of the soul. They wanted heaven on earth, heaven as the result of trade and industry, a heaven that is really supposed to be here on earth, in Berlin, Paris, or New York, a heaven with swimming facilities, automobiles, and club chairs, a heaven in which the holy book would be the timetable. They did not want a God of love and grace; they had “made” so much that was astonishing; why should they not “make” the tower of an earthly heaven? After all, the most important . . . things had already been secularized. Right had become might; loyalty, calculability; truth, generally acknowledged correctness; beauty, good taste; Christianity, a pacifist organization. A general substitution and forgery of values dominated their souls. . . . [U]sefulness and harmfulness took the place of . . . good and evil. The confounding was horrific.11

The modern world lacks greatness, fulfillment, meaning, miracles, emotion, mystery, and magic. Above all, contemporary life is characterized by its god-
lessness. The willful planning of hubristic human beings aims to replace divine Providence with a secure, earthly paradise, in which the fundamental choice between good and evil will no longer have any role (p. 4). Modernity's progressive "New Man who produces himself" is an insurrectionist, a Promethean "New God" who arrogantly attempts to dethrone the Almighty God of the Bible (p. 5).12

Mikhail Bakunin, the human embodiment of faithlessness and rebellion against God, the revolutionary opposed to all order, hierarchy, and authority whether human or divine, functions as the surprising source of Schmitt's concept of political theology (pp. 7–9).13 Bakunin crafted the term as an armament in the war between "two irreconcilable armies, one under the banner of Satan, the other under the sign of God" (p. 8). Schmitt steals the weapon and adroitly wields it against the camp of its maker. He uses the expression "political theology" in the context of Bakunin's war to suggest that the eventual moral, political, and intellectual battleground is ineluctably one of faith.14 One creed always clashes with another in a life-and-death struggle, one faith grounded in self-arrogation, the other in the reality of God. Considering that the battle between good and evil translates into the cosmic struggle between God and Satan, however, Schmitt understandably does not regard his overt rival, Bakunin, as his most dangerous enemy. For the Devil poses his worst threat in dastardly disguises, for instance as the promoter of peace and security, of bourgeois life. Seduced by the promise of security, "security for life and limb, security from divine and human encroachment upon his private existence, security for undisturbed doings and dealings, security from any interference with the increase and enjoyment of his possessions," the bourgeois closes his heart to divine revelation (pp. 9–10).15

Schmitt, too, has a deep-seated need for security, albeit a dramatically different one from the bourgeois. "Only a certainty with respect to which all human security goes to ruin" can fulfill Schmitt's longing, "only the certainty of a power that radically surpasses every human capacity for control can guarantee the moral emphasis which puts an end to arbitrariness: the certainty of the God who demands obedience, rules absolutely, and judges in accordance with his own law" (p. 11). Schmitt's indignation derives from this single origin, "his resolution to defend the seriousness of the moral decision" (ibid.). Of course, if defending the seriousness of moral choice is itself a moral duty, indignation becomes no longer just an emotion but a sacrosanct obligation and a signature of good character. And the polemic against Satanic unbelief defends and preserves the heart of reality (ibid.).

Moral man, in his need for absolute validity, longs for a world in which the moral Either-Or is everlastingly inscribed, for a reality in which the conflict of ultimate opposites is irrevocably anchored for man. His need aims at a reality that grasps him completely and that he is unable to comprehend, a reality that he, filled
with emotion, can approach and that can fill him with holy reverence. Moral man longs for tragedy, and he conceives of the world in its image as fate and dispensation, as the indissoluble interconnection of guilt, judgment, and concealed meaning, of sin, punishment, and salvation. ... Unraveling the mysteriousness is as a rule denied to the agents. For the moral need, however, all that matters is the sublime source from which the tragic reality descends; the mysteries it poses can only underscore its sublimity. (Pp. 11–12)

In order to examine Schmitt’s political theology as fairly and penetratingly as possible, Meier focuses on its pristine core. Remarkably, he can thus treat the political theologian as the quintessential moral human being. But why assume that everyone passionately interested in genuine morality fervently longs for revelation (p. 11)?

Schmitt’s fight against the entombment of God remains inseparable from his struggle to preserve Christian morality. He shares Nietzsche’s insight that if deprived of their metaphysical framework Christian morals would eventually collapse. Moreover, for Schmitt the political, “all social order,” depends, astonishingly, upon the doctrine of original sin (pp. 12–13, 81). The original sin consists in man’s impudent desire to live according to his own reason and judgment rather than to obey God (pp. 14, 84–88; Proverbs 3 :4–6). The romantic, in limitless subjectivism; the aestheticist, in sublime enjoyment of art and the beautiful; and especially the philosopher, in contemplation; all forget or deny original sin and try to evade the Either-Or of the grave moral decision between good and evil (pp.14–15). For contemplating is not obeying, and only through obedience can human beings find their salvation. To the political theologian obedience acts as the mother and guardian of all the virtues (pp. 16–17). The moral virtues do not offer, as in Plato and Aristotle, fitting means to an optimal human condition, but impose instead absolute commandments that demand meek obedience (p. 16). Certainly the Christian must summon courage to wage perilous wars against the forces of evil and a fortiori to avoid paralysis in the face of the coming Day of Judgment. Yet in contrast to the courage of Plato, Nietzsche, or Heidegger, the courage of the political theologian stands between, and links inextricably with, faith and hope (pp. 17–18). So as not to turn into hubris, courage needs a heavy admixture of humility. Without humility, pride will swell, and the human being will forget that all good things derive solely from the grace of God (p. 18). Humility is thus a, or perhaps even the, cardinal Christian virtue (Matthew 18:4). Meier cites Martin Luther, who calls humility “the supreme virtue” (p. 19). Luther goes on to disclose a potentially unsettling paradox that inheres in humility: “man never knows less about humility/ than when he is properly humble. ... Proper humility never knows that it is humble/ for whenever it were to know it/ so would it become arrogant by viewing the same beautiful virtue. ... Can a “virtue” that excludes self-knowledge be truly virtuous? Whatever the answer, humility holds the crucial position in Schmitt’s
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attitude toward history. The Christian has a duty humbly to comply with God’s will as expressed in history. But what God wills through history eludes all reason and all human foresight (pp. 19–20). No natural law can inform us about the counsel of divine Providence (p. 21). The commandment to act in history binds us unconditionally, and we can only obey with courage, hope, and above all humility, for ultimately we make our historical choices blindly in struggling to answer each individual’s unique call (pp. 20–21).

Schmitt’s moral-political stance is explicitly antihumanitarian. Those who speak of “mankind” wish to deceive us. They engage in an imperialism in the name of humanity, call their enemies the enemies of the human race, and consequently take their warfare to inhuman extremes. Here Schmitt aims his animosity not only at Marxism and the French Revolution but at all political actors who try to subvert God’s rule by absolutizing mankind in a new faith (pp. 22–23). The more the new pseudoreligion of humanitarianism resembles true religion, i.e. the more this false religion appeals to Christian “values,” and the more moral its convictions, the more dangerous it becomes (p. 23). This Satanic force poses the gravest threat in disguise, cloaked in amity or even brotherly love, as the conqueror of all enmity. The political theologian therefore has a moral obligation to unmask and destroy the pretender. But how? By making this Antichrist his enemy, the political theologian can expose the Satanic for what it is, the true foe of both God and man (pp. 24–25). “The Antichrist could establish his rule lastingly only if he succeeded in convincing men that the promise of peace and security has become reality, that war and politics definitively belong to the past, that men no longer need to distinguish between friend and enemy, and therefore no longer between Christ and Antichrist” (p. 25). In this way Schmitt “discovers” his own historical calling and his sacred, moral duty (ibid.): to defend the political with all his strength, with tooth and nail (see Jeremiah 14:13–16, Luke 12:51–52). Sic flamma assurgit totam furibunda per urbem. Thus the fire raged through the whole city.

POLITICS

You would first have to conquer the world. Then, to be sure, enmity will be serious. The Lord of the world . . . will try to exterminate you.

Carl Schmitt, Glossarium, p. 218

The first and best of all victories is the victory of oneself over oneself.

Plato Laws 626e

Meier’s treatment of politics and of political philosophy, taken at face value, defies the traditional norms and satisfies few of the conventional disciplinary expectations. Concentrating his attention on Carl Schmitt’s theological politics
and in particular on the difference between friend and enemy, Meier seems willfully to ignore most of the long-acknowledged, vital questions. Who should rule? What is the best regime? What is justice? What powers and prerogatives can the governors legitimately exercise, and what rights and liberties should remain in the hands of the people? Duly noting Meier's demonstrated intimacy with the great thinkers of the ages, we have to wonder why he knowingly breaks away from the beaten path. Does Meier wish to shift our attention away from the standard issues to an inquiry of still higher priority? Perhaps the subtitle of the chapter on politics identifies that query as the one Pontius Pilate put to Jesus of Nazareth shortly before the Crucifixion: What is truth? (John 18:38). Yet this question of truth could appear extremely abstract and unpolitical. Martin Luther's brief elucidation of Pilate's quizzical retort to Jesus reads, "Ironic est. If you want to speak of truth, you are lost." Politics concerns money, arms, and power, who gets what, when, where, and how. It revolves around not truth but "effectual truths." Now to this seemingly informed, worldly view of political affairs Schmitt's political theology offers a salutary corrective. For Schmitt explains the political as consisting "in a behavior determined by the real possibility of a war, in the clear knowledge of one's situation that is determined in this way, and in the task of rightly distinguishing between friend and enemy" (cited on p. 26). As Meier points out, the specified behavior presumes knowledge of enmity, and the task spoken of requires self-definition and thus self-knowledge. "The political seems not only to be based on knowledge and to promote knowledge but in a precise sense to be knowledge" (p. 27). Notwithstanding a dash of irony, Meier indicates in all seriousness that Schmitt's most profound contribution may lie in his conception of the political as essentially self-knowledge (ibid.).

Mindful of the foregoing, Meier painstakingly traces the metamorphoses of Schmitt's concept of the political through the three editions of the book with that title. In the first edition of Concept, Schmitt proffers the distinction between friend and enemy as a simple criterion to delineate and preserve the independent domain of politics. The friend-enemy distinction defines the political domain just as the distinction between beautiful and ugly defines the aesthetic domain; between good and evil, the moral domain; and between profitable and unprofitable, the economic domain. The enemy comprises a group of human beings that, as a unit, presents a potential threat in battle to another such totality. Schmitt's concept allows for public enemies only, not private ones. The enemy poses an objective threat of physical killing. Thus the concept protects the political as having its own autonomous domain (pp. 27–29). In the second edition, though, Schmitt drastically alters the original concept. He denies that the political occupies only one, autonomous domain. Now one can reach the political from any domain. The essence of the political has now become "the most extreme degree of intensity of a bond or separation" (p. 29). Far from according with a relativism of a "liberal philosophy of culture" with its separate domains,
the political can encompass all regions of human life. The political is authoritative. And far from involving only the alliances and enmities of nations in international relations, the political now includes civil as well as foreign wars. One finds the political not only between potentially hostile peoples but wherever two individuals join forces against an enemy (pp. 29–34). In particular, religious groups qualify as political actors, and holy wars, crusades, and religious persecutions have every claim to the designation "political" (p. 33). Schmitt’s new focus on the degree of intensity of an association or disassociation severs the connection of the political to the community and allows the concept to float freely. "But thereby the decisive step is taken to reveal that the political is the total for an 'ontological-existential' interpretation, as Schmitt has it in mind and as his political theology requires.23 Released from all natural standards, kept free of every substantial classification, the political is able to penetrate everything and to be present everywhere. It emerges as a power that can break into life anytime and anywhere" (p. 34). The political “grasps the whole man because it faces him with his most important decision, confronts him with the greatest evil, and compels him to make the most extreme identification” (p. 32). The decision as to who my friends and enemies shall be constitutes “the absolute decision” about my own life (p. 35). Continuing along this line in the third and final edition, Schmitt holds every grouping “determined by the dire emergency” to be political. The dire emergency makes the political association authoritative for the individual (pp. 35–36). “Politics is destiny,” Schmitt exclaims, rhetorically harnessing Napoleon’s horse to a very un-Napoleonic carriage. “It grasps men wholly. A good touchstone of the political character of a community therefore lies in the practice of the oath, the true sense of which consists in man’s committing himself wholly” (quoted at ibid.; cf. p. 113). The changes in the second and third editions of Concept culminate in the disclosure that the political attitude differs from the agonal. The soldier who sees war as a mere contest partakes of the agonal attitude, not of the political. So the life-and-death battle, the objective threat of physical killing, does not suffice for the political after all (pp. 37–38). The agonal actor wholeheartedly affirms war as the natural expression of coming to be and passing away. The political actor or political theologian, in contrast, regards war as a divine trial, as a necessary means to the higher ends of dominion, order, and peace (pp. 39–49). To the political thinker, the agonal fighter mindlessly traps and loses himself in brutal, meaningless hostilities, tales of sound and fury destined to end in self-ruin, whereas the political warrior’s dedication to a higher cause can result in the deepest self-understanding and personal fulfillment.

By crystallizing the superiority of the political to the agonal, Meier at once articulates the basis of Schmitt’s political theology and prepares the ground for a signal redefinition of political philosophy.24 The inferiority of the agonal to the political stems from the agonal actor’s ignorance of his acutely political role. For the dispute over the meaning of war is part and parcel of the struggle for
dominion, order, and peace. Like many other political altercations, the disagreement over the meaning of war is a quarrel over what is right. So the agonal position collapses out of a lack of self-knowledge (p. 40). Now this pivotal question of what is right applies to each human being. Each must find an answer. But one typically encounters ready answers in the form of clashing commandments, of God and of men. In this awkward situation one must somehow find one's way, "oriented toward the real possibility of the life-and-death battle." One urgently requires both self-knowledge and the capacity to distinguish rightly between friend and enemy (p. 41). "The sphere of the political thereby becomes the place of man's knowledge of himself, of the insight into what he is and what he ought to be, of the decision about what he wants to be and what he does not want to be, what he can become and what remains denied to him to become. Therein lies the rank of the political" (ibid.). Political theology and political philosophy agree in opposing all putatively "unpolitical" metaphysics. Socrates and Schmitt alike reject the "unpolitical," "natural" philosophy of Heraclitus. The Socratic turn involves a shift from "natural" philosophy to moral-political inquiries about virtue and right. Unlike the Pre-Socratics, the Socratic philosopher directly addresses the claims of political theology and elevates political philosophy to the peak of philosophy. For both political theology and political philosophy, the supreme human question is the right way to live. But their answers to this question remain unalterably opposed to one another, political theology appealing to divine revelation, political philosophy relying on man's natural capacities. In the context of this conflict the political philosopher can treat the question "how should I live?" as deeply and comprehensively as possible. Political philosophy makes the philosophic way of life itself the prime question. Only by challenging the philosophic life, only by becoming political, can the philosopher hope to achieve a truly philosophic justification for the philosophic enterprise. In one stroke political philosophy must supply both the political defense and the rational foundation of the philosopher's mode of existence. Success will establish a great divide between political philosophy on the one hand and unpolitical philosophy and political theology on the other. For unpolitical philosophy remains blind to the necessity for philosophy to justify itself, and political theology rules out the very possibility. Both rest in faith. The former trusts in the reliability of unaided human reason, while the latter trusts in the power of God Almighty. Measured by self-knowledge, political theology comes to sight as vastly outstripping unpolitical philosophy, for political theology knows itself to be grounded in faith and wants precisely this grounding. Convinced of the truth of his specific faith, the political theologian regards all competitors, including unpolitical and political philosophers alike, as false prophets to be defeated (pp. 41-43). They exemplify "false or dangerous, misled or proud" faith (p. 43). The Socratic denies this charge, of course, and maintains that political philosophy issues in the victory of knowledge over faith. Yet this claim would seem vain and empty unless the Socratic can demonstrate the un-
truth of political theology. But how on earth could one disprove the divine source of revelation or refute the sublime, insistent human longings that engender receptivity to it? On the contrary, could not the political theologian plausibly contend that answering the irrefutable call of God, understanding and following the highest impulses of one’s introspected heart, and meeting the deepest needs of society all form a salutary unity? Who, the political philosopher or the political theologian, really consummates the mandate of the Delphic oracle, “know yourself”?

When meditating on self-knowledge in *Ex Capitivitate Salus: Erfahrungen der Zeit 1945/47*, Schmitt does notice, and take pains to address, a mote in his own eye, i.e. the perplexing problem of self-deception. Left to myself alone, I can never overcome this danger, for self-deception inheres in solitude. Yet the objective enemy who grasps my identity and cannot be deceived can save me from self-deception. I know myself by knowing my enemy, for in defining my enemy I define myself. At this point Schmitt no longer means by “enemy” merely whoever threatens to kill me, but rather the one who, in mutual recognition, forces me into a confrontation that grasps me “wholly and existentially” (pp. 43–45). Who can qualify, under this conception, as having the objective power of the enemy? “[O]nly my brother can place me in question, and only my brother can be my enemy. Adam and Eve had two sons: Cain and Abel” (quoted on p. 46). Schmitt adds that Cain’s slaying of Abel sets the history of mankind into motion and that this history still continues. In other words, *Scriptural revelation and history* make the enemy the objective power that conquers self-deception. The political character of the collision with the enemy so understood remains crucial, reflecting Schmitt’s wholehearted conviction that “man achieves his destiny through action alone,” as opposed, for example, to skeptical inquiry and philosophic contemplation. The call and commandment of God must be answered and obeyed, the historical task must be fulfilled, without quibbling over distinctions between the most urgent and the most important or between the intrinsically good and utilitarian goods “that must be defended here and now” (pp. 46–48). Needless to say, these distinctions would have the utmost significance in the quest for self-knowledge on the level of human wisdom alone.

Schmitt’s faith in the guiding hand of God in history gives him confidence in the exalted status of the intensely political life. Intensity of commitment in the face of the objective enemy is automatically both most urgent and most important. Certainty in divine Providence elevates my own historical task to a high metaphysical rank. Meier complains that this account leaves both one’s individual nature and human nature unexplored, but through faith Schmitt has already arrived at a certitude about “one’s own” that cannot be shaken. Schmitt’s reluctance to subject the meaning of “truly one’s own” and “truly good for us” to rigorous investigation results in a disappointingly one-dimensional notion of friendship (pp. 48–51). The friend is “whoever affirms and
confirms me” (quoted on p. 51). Why not assert instead that the real friend gently exposes my dearest prejudices as untenable, unself-righteously compels me to endure the pain of perceiving my ignorance and my other vices as defects, and, for my own good, challenges me to reform mightily? At any rate the enemy appears to retain the key position for Schmitt. The enemy reveals himself, and thus my own identity, by attacking, while the friend has no significant function (pp. 51–52). I must negate the enemy, my negater, in order to be what I am. On the subject of negation, Cain’s ruthless murder of Abel bears witness to the power of evil that launches history. Yet exactly that ugly beginning bequeaths to us, via the struggle with the evil enemy, our most vital, uplifting task. The case of Cain and Abel, of fratricide or civil war, further shows that Schmitt’s concept of enmity respects no limits of law or of justice. This illustration also underlines the momentous role of hubristic rebellion against God, destined to animate the human story from the killing of Abel until the Last Judgment (pp. 53–57). The best clue of all to the identity of the “absolute enemy” in the intenstest possible, and hence most political, enmity is Genesis 3:15, where God punishes the serpent for corrupting the heart of Eve. This vignette puts us onto the trail of the ultimate source of evil, the fallen god Lucifer, the prime enemy of God and mankind alike. In more concrete political terms, the believer achieves the peak of “great politics” in the religious war against false faith. In the end Schmitt treats the political community as essentially a community of faith. The members of the truest political community share deeply in the blessings of a truth that transcends everything human, including human reason (pp. 58–65). “For political decisions even the mere possibility of rightly knowing and understanding, and therefore the entitlement to participate in discussion and to make judgments, is based only on existential sharing and participating.” (quoted on p. 61). The Schmittian political community will tolerate no havens for alien thinkers who might cool the flames of fanaticism with the salubrious waters of a detached sobriety or freshen a stultifying atmosphere with the invigorating psychic breezes that emanate from the love of wisdom.

REVELATION

It is of course no explanation of the coming into being of the world to say that it was created out of nothing. . . “Creation out of nothing” has no other meaning than to make the origin of the world incomprehensible.

Carl Schmitt, Glossarium, p. 212

He who says “God” wishes to deceive. For of God there is nothing to he said.

Glossarium, p. 176

“The mysteries,” says Gottfried von Leibniz on behalf of religious faith in his Theodicy, “allow of explanation to the extent necessary to believe them.”
To be sure, he qualifies this reassuring remark by adding, "but one cannot con-
ceive them and cannot render comprehensible how they happen." Speaking in
a similarly cautious vein, Socrates in Plato’s *Phaedrus* concedes that "we fash-
ion god without having either seen him or adequately perceived him in thought"
(246c–d) and admits that "as for the place above the heavens no poet . . . has
yet sung or ever will sing of it as it deserves" (247c). Daunted further by Machi-
avelli’s maxim to remain silent about things that “subsist by superior causes to
which the mind does not reach,” one might prefer to leave these topics to the
“presumptuous and foolhardy” (*Prince XI*). Bacon, finally, warns us that it is
worse to have an unworthy opinion of God than not to believe at all. Yet all
four great thinkers did summon the fortitude to deal with this difficult subject
matter, and Meier’s extensive, labyrinthine exploration of revelation in political
theology virtually forces us to emulate their worthy model.

To support the case for religion in the modern world, the advocate of political
theology can plausibly add to his arsenal by taking advantage of certain existen-
tialist theses or “insights” (albeit at the price of some scholarly precision for the
sake of the polemic). To put it mildly, in the eyes of the existentialist, life at its
core defies rational description or comprehension. Only poetry and religion can
begin to capture the beauty and horror, the self-immolation and self-renewal, of
becoming. Becoming, the essence of life and of all other cosmic things, is per-
verse, restive, elusive, contrary, self-contradictory. Reason inclines to view con-
tradiction as the definitive mark of invalidation, yet multifarious contradictions,
not least but not only in the psyche, are woven into the fabric of experience.
An existentialist might apply this criticism of incorrigible reason to modern
philosophy no less than to ancient. Apart from the natural sciences, modern
philosophy can be said largely to amount to whistling along the edge of reason’s
crowded graveyard. When Hegel made his heroic effort to subsume the whole
universe under philosophic logic, Kierkegaard sardonically objected that the
great thinker in Berlin had forgotten *existence*. The philosopher’s naive, anti-
empirical faith in the power of reason may give wings to grand speculations,
but that same faith also causes philosophy to take flight from reality. Or as
Nietzsche expressed it less politely, the philosopher’s will to render the world
intelligible to reason scarcely disguises a will to master the world, and the will
to construct a philosophic system betrays a lack of integrity. Here Schmitt would
endorse from the heart the remarks of Kierkegaard and, so circumscribed, even
the foe Nietzsche. In Schmitt’s view the honest philosopher would have to con-
fess to a hopeless lack of access to Being or the philosophic unintelligibility of
the whole, as well as to the grimness of the prospect of death, the isolation of
the self, and the dominant place of suffering in the human economy. Schmitt
understandably concludes, with Kierkegaard, that humanity has no viable option
other than to become totally receptive to the truth of God’s word as revealed in
both Scripture and experience. “Faith in revelation promises effective protection
against the danger of nihilism” (p. 88), but without accepting revelation human
beings can never gain a sound orientation for their individual and common lives.

The blessings of faith are wonderful, many, varied, and splendid. To political theology, belief in God offers cosmic order and meaning, support for morality, political directedness, self-knowledge, a sense of transcendence, access to a religious community, redemption from sin, and eternal life. With faith one can live in awareness of the highest truths and have hope, through God’s grace, of rising above petty selfishness and attaining one’s highest potential. Only through faith can one encounter the holy, only through faith can one anticipate bliss in the afterlife. Faith alone offers the security of a universe governed by the omnipotent God of boundless love and concern for each of us, a universe in which God’s love is the wellspring of the commandments and of the moral law and the bedrock-solid guarantee that righteousness will ultimately prevail. How can the unbeliever mount a remotely credible assault against this mighty fortress? If philosophy cannot disprove the existence of God or life after death, what can reasonably sustain a philosophic refusal to accept the truths of religion? Perhaps the skeptical philosopher will base intransigent unbelief not merely on confidence in the autonomous moral intelligibility of, and possibility of happiness in, the secular world but also on a series of challenging queries that the faithful cannot answer to the skeptic’s satisfaction. In another age, merely naming all these questions could have incriminated one of blasphemy, a capital crime; at all events, the somewhat reticent Meier does not spell them out: How can we know which revelation, or which interpretation of revelation, is true (Jeremiah 14:13 and 23:15, Matthew 24:5, 11, and 24)? How can belief in God yield cosmic order and meaning for me if, as a lowly mortal, I have no entry to or conception of the mind of God and his plan? How can faith support morality if God has the unlimited capacity at every moment to overrule every moral principle, including to preserve the innocent life of a child (Genesis 22:1–10)? How can religion provide a clear moral-political direction if, despite his power, God allows horrendous injustices and cruelties to occur without interference and remains ever silent about his political preferences (Jeremiah 12:1; cf. Isaiah 46:7)? How can I gain self-knowledge through faith if faith forbids me to take pride in my virtues? How, without indulging in escapist flights of fancy, can I benefit from the transcendence of a God whose being is so fundamentally different from mine that it reduces to an impenetrable mystery? How can I distinguish from a heavenly tyrant an almighty God who holds me entirely at his mercy and whose only principle in the end is to do his own unfathomable will (Exodus 33:19, Matthew 20:15–16, Romans 9:15–18)? (More tendentiously and with Schmitt specifically in mind, how can I distinguish a religious community that insists on universal participation in beliefs that have no direct empirical warrant or rigorous rational basis, from an intolerant, ideological camp? Less tendentiously, and recalling St. Augustine’s pleas for Christian tolerance just as Jesus tolerated Judas Iscariot, if I do not have to sacrifice any of my intellectual freedom to gain the bounties of the synagogue, church, or mosque, I can hardly
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Speak of faith as the precondition for those benefits.) How, even with the help of divine grace, can I hope for self-respect, much less for redemption from sin, if my very nature dooms me to fall back into sinfulness time and time again? Why would a God of love create an eternal hell of ghastly, excruciating torments to punish human beings forever for living seventy years or so according to their God-given nature? Finally, leaving aside the question whether emphasis on an unknown afterlife at the expense of the empirical world inherently partakes of nihilism (cf. Matthew 22:32), if not even the best human being merits eternal bliss, if indeed because of their sinful nature all earn purgatory or damnation (for “no one is without guilt before God,” Exodus 34:7, Luke 18:19), if even honest faith and heartfelt repentance only precede new episodes of sin, and if consequently I depend entirely on God’s inscrutable will for my fate after death, how much consolation or other net gain obtains from my dreadful awareness of the afterlife? Upon encountering this battery of skeptical questions, mature believers, knowing through long experience that religion does meet vital needs and embodies lofty, ineffable truths irrespective of the cleverest rationalistic objections, will perhaps generally remain, as political theology would have it, unshaken in their faith. Still, quite a few may wish, as Schmitt does, to censor or retaliate against the Socratic who engenders such potentially unsettling doubts and threatens to corrupt the youth with—to the faithful—misguided, unedifying, sophistical ruminations: not wonder, not dialectical inquiry, fear of the Lord is the beginning of wisdom (I Kings 3:7–12; Proverbs 9:10, 8:7, and 10:31; Psalms 53:1–6; I Corinthians 1:19–20).

The political theologian and the political philosopher may well agree that eventually the speculative controversy over revelation concludes with a clear winner and an unambiguous loser, with each party, however, triumphantly claiming the laurels of victory. Lest we take this grave contest at all lightly, Schmitt and Meier constantly remind us of the political nature of the battle. To say nothing of one’s own existence and identity, the hearts and minds of the youth, the future of humanity, hang in the balance. Political theology and political philosophy cannot rest content to stand upon the shore and see ships tossed on the sea or to peer from the window of a castle and behold the spectacle of clashing armies. With the truth of revelation at issue, the believer must lock horns with the “existential enemy,” the unbeliever and rebel against God, in mortal combat. For “whoever does not decide for the truth of faith decides against it” (p. 73, Matthew 12:30, Luke 11:23). This religious fight to the death embodies the peak of politics defined as “the most extreme degree of intensity of a bond or separation, of an association or dissociation” (quoted on p. 68). More precisely, for Schmitt this fight represents the political peak prior to the simultaneous fulfillment of faith and perfection of great politics that occurs in the parousia, when Christ confronts and defeats the Antichrist (pp. 66–68). Meier makes clear that Schmitt’s global declaration, “the political is the total,” implies the existence of a personal deity whose will imposes demands upon all
other, lesser persons and who intervenes in the affairs of the world. In “the only case that matters,” namely the choice between God and Satan, Christ and Antichrist, the political and the theological coincide, with both intellectual promise and deadly risk for philosophy (pp. 69–77).

Schmitt speaks of the potential ubiquity of the political versus the unqualified ubiquity of the theological. The political can make far-reaching life-and-death demands on a human being, but “the theological,” i.e. the almighty God of revelation, always does require absolute obedience down to the smallest detail. Thus when Schmitt insists on man’s natural wickedness, he does so not primarily as an anthropologist trying to explain human nature but as a political theologian promoting recognition of God’s sovereign authority and opposing those who resist it. Denial of original sin, for example by endorsing modern theories of evolution, undermines social order. Schmitt faces us with a stark choice between faith and disorder (pp. 77–84). Who, then, most personifies original sin and presents the worst threat to the social order? This villain is the philosopher, who “liven[s] his life based on his own resources, following natural reason and his own judgment alone” (p. 85). As Rudolf Bultmann puts it, “faith can judge the choice of the philosophic existence only as an act of the self-founding freedom of the man who denies his subordination to God” (quoted on ibid.). Schmitt follows Tertullian in sharply dividing between philosophers and Christians. To both political theologians, the Socratics of antiquity are but “patriarchs of the heretics” (pp. 94–95). Yet Schmitt reserves his strongest words for the “ego-armoring,” “atheism,” and “nihilism” of medieval and (a fortiori) modern philosophers, because though living in the Christian era they deviate from the revealed truth of Christ (pp. 96–97). In particular, Jean-Jacques Rousseau is Schmitt’s philosophic enemy par excellence when he pits the natural goodness of man against the ubiquity of the theological, the Fall, and original sin. Meier interprets this Rousseauan natural goodness as essentially the natural capacity to become self-sufficient, man’s “realization of his being himself in a self-centered whole.” In moral language, Rousseau’s natural goodness entails pursuing one’s benefit with as little damage to others as possible, an egocentric reversal, and impious repudiation, of Jesus’s commandment in the Sermon on the Mount (pp. 97–99). Notwithstanding these and other acute divergences between political theology and political philosophy, however, we should not overlook a common, elitist thread with profound implications: many may feel called, but few will be chosen, and only the truth can make one free.

HISTORY

God cannot be made into an object of our behavior. The unknowability of God is... the impossibility of really understanding the moment as God’s call; because his call is drowned out by the voice of one’s own willing and wishing, by Sin...
Within my human possibilities I cannot find God at all. . . . There can be talk of God only on the basis of revelation, and the revelation can be heard only in faith.

Rudolf Bultmann, Theologische Encyclopädie, Sections 8–9

The prophecy will not be clear until it has been fulfilled; until then it can only be held onto in faith and dimly sensed in hope.

Romano Guardini, Der Herr, p. 468

Religion, we learn from Friedrich Schleiermacher, begins and ends with history. "Faith in revelation . . . is oriented towards a particular event over which no power of the world has any control: in the case of Christianity it is oriented centrally and decisively towards the incarnation of God in Jesus, the Christ" (p. 88). In its religious manifestations, history places the sternest demands upon us and simultaneously beckons with the most extravagant promises. History so understood bears no resemblance to the cyclical views of world events espoused by ancient philosophers such as Empedocles or by moderns such as Nietzsche, because those perspectives have atheistic implications (pp. 159–60). Nor do the great tragedians of antiquity, not even Aeschylus, have much in common with theological history, for the Fates have more power and foresight than Zeus himself.³⁴ Absolutized religiously, history presupposes the almighty, omniscient, biblical God. It stands at a great distance from historiology, the scholarly study or science of history. Perhaps only a pedant would complain about the anachronism of basing the modern notion of history in a scriptural source that lacks both the term and the precise concept. Meier, who refrains from caviling against Schmitt on the point, readily grasps the multiple meanings of history on which political theology relies: (1) a unique, miraculous event, such as the provenance of God in man, that occurs at one time, or a series of miracles at specific times; (2) the continuing revelation of that event, or of those events, over a distinct span of time, e.g. from the Virgin Birth to the Second Coming; (3) Providence, God’s direction of the course of all things throughout all time, culminating in an eschatological grand finale; and (4) the swirl of contemporary events in which each human being, devoid of God’s overall wisdom and lacking clairvoyance into God’s special plans for a particular age, must choose a personal destiny. Political theology conceives morality, politics, and revelation as united in history. To the political theologian, everything essential is essentially historical. According to Schmitt, each human being’s actions, always performed in a historically unique situation, represent at best blind anticipations of commandments. Always tailored to the respective historical milieu, these commandments require our compliance even though at the time of decision we Epimethean creatures have to guess about their content and ramifications. Only long after the fact (if at all), with the wisdom of hindsight, can mere mortals weigh human doings judiciously and circumspectly (pp. 122–23).

Some implications of Schmitt’s peculiar historicism emerge in Meier’s expli-
cation of the 1938 book on the *Leviathan* and of Schmitt’s political activities during the Nazi era. Schmitt predictably criticizes Hobbes’s authoritarian politics as destined to collapse for lack of “metaphysical,” i.e. divine, support (p. 104). He describes, and deplores, the seventeenth-century movement led by Hobbes and others away from Christian theology toward systematic natural science as “the strongest and most consequential of all spiritual turns in European history” (p. 105). Yet Schmitt atypically honors Hobbes as a genuine teacher; indeed, he embraces the rationalist of Malmesbury as his brother and friend (p. 100). Why should Schmitt pay such tribute to Hobbes, and to him alone, among the philosophers? In Schmitt’s eyes, Hobbes’s greatest endowment as a political theorist is his advocacy of the restoration of the social and civil unity that existed in ancient times. While thus nurturing the misi. pression that he himself favors Hobbesian supremacy of political over religious authorities, at bottom Schmitt uses Hobbes to point quietly to Schmitt’s real desideratum, which is the reverse type of autocratic unity, namely theocracy (pp. 102–20 and 174). Schmitt even takes the liberty of declaring the most important “Hobbesian” sentence to be “Jesus is the Christ,” a confession of faith that, while dear to Schmitt, Hobbes does not subscribe to (pp. 121, 118 and nn. 151, 152). Schmitt tacitly identifies with his Christianized “Hobbes” as a man of unrecognized piety who, though surrounded by enemies, rises to the challenge of his age and answers the call for obedience to commandments that he can only blindly antici- pate. Hobbes’s incapacity to see the repercussions of his teachings, including even such terribly wayward errors that some believers could despise him as a proto-Antichrist, does not weaken but rather reinforces the case for looking to him as a model Christian, provided of course that he has faith. Concretely, the “call” of history to Hobbes is humanity’s need, and his desire, to avoid the barbaric bloodletting of religious wars, above all of confessional civil wars. His principal anticipation of the inarticulate commandment is his advocacy of the modern, political Leviathan in order to guarantee peace and security (pp. 123– 24). Schmitt assimilates the Hobbesian state into his Christian view of history by referring to the State as a “vehicle of secularization.” Regrettably, the cessation of feuding means “the end of the old peace of God” and the end of crusades, i.e. of forcible Christianization of other lands and peoples (pp. 124–25). Still, Hobbes’s specific political response to his “call” partakes of historical truth in that the Hobbesian state that guarantees peace protects the truth of Christianity without itself becoming truly Christian. Meier alerts us when Schmitt turns a deaf ear to Hobbes’s inconvenient claim that the sovereign has the right to ban the Christian religion and mandate its public denunciation. At any rate, for Schmitt the major defect in Hobbes’s politics consists in preparing the ground for bourgeois life (pp. 125–27). Hobbes wishes to restrain the forces of the Antichrist, however, not to accelerate them. Excused only by his good intentions in a spirit of ignorant, humble obedience, Hobbes inadvertently becomes a hastener of evil and a servant of the Antichrist (p. 128). Schmitt stretches his read-
ers' imaginations, and strains their credulity, by characterizing Hobbes's decision in favor of secularization as the completion of the Protestant reform of the Church, inasmuch as the *Leviathan* systematically put an end to the monopolistic ecclesiastical claims of the Roman papacy. With that tour de force, "Hobbes seems to have been definitively historicized and Christianized" (p. 129). Faith in history gives Schmitt confidence in his ability to ascertain Hobbes's historical "call" and to judge the suitability of his "answer" without really delving into the question of how Hobbes understands himself. In particular, Schmitt does not even bother to investigate what Hobbes considered his altogether crucial dispute with ancient philosophy (pp. 131–32).

A radical historicism that fancies it always understands past thinkers better than they understood themselves will easily summon the retrospective ingenuity to excuse collaboration with the National Socialists. True, shortly after World War II Schmitt does describe his behavior in general, not just from 1933 to 1945, as "bad, unworthy, and yet authentic." Aside from that brief comment, however, he never expresses public repentance. The words "and authentic," moreover, reveal how little repentance even this remark contains. By calling himself an authentic Christian Epimetheus, Schmitt reveals that he views his membership in the Nazi Party, participation in building the Third Reich, and anti-Jewish diatribes as harmonious with his political theology (pp. 133–34). He can "justify" his actions in part as arguably necessary to undermine bourgeois liberalism and thereby delay the reign of the Antichrist, and in part as inevitably uninformed by the superhuman perspicacity requisite for making unimpeachable moral choices. For how can anyone consistently respond admirably to inarticulate commandments that become lucid only long after the relevant choices have been made? Thus Schmitt has a handy, almost infinitely adaptable means of exonerating any kind of misbehavior. Yet what protects him against the obvious danger of self-deception? The problem is not only that all-purpose excuses quickly tend to lose their credibility. Far graver is the impossibility of ever discerning, except perhaps in hindsight, what the right decision is. For how can he live a good life? Also, he knows from the outset that his actions cannot in any way alter the ultimate, favorable outcome of history, namely Christ's victory over the Antichrist; so does not Schmitt's faith compel him to deceive himself about the utter insignificance of all his decisions throughout his life (pp. 122, 134–170, CSLS, pp. 88–92)? But let us not dwell too long on psychological perplexities further exacerbated by personality traits of Carl Schmitt. His idiosyncrasies could all too easily distract us from the larger theme of history and authenticity. If we approach the issue from the other side and try to abstract entirely from every divine call, nearly all of human existence can still reveal itself as inauthentic: our beliefs and customs, our modes of thought, speech, and behavior, typically occur at a superficial level that keeps us far out of touch with our humanity. Most of the time we enslave ourselves to the opinions others have of us and the world, opinions changeable from era to era and shaped and
driven by irrational forces as mighty as the tragic Fates, and we fail to ask what and who we are. Sometimes, though, individuals suddenly become dissatisfied with themselves and their lives. Introspection and reflection can then bring glimmers into the fragility and “thrownness” of their existence and the mystery of their being and of Being. Only while in touch with such insights do human beings escape the tyranny and banality of conventional life and achieve authenticity. Even the most authentic person must continue to live mainly in inauthenticity, however, and not only because the crops must be tended and the children must be fed. For Heideggerian authenticity alone cannot provide any basis for morality. In Heidegger’s understanding, standards of right and wrong derive from the ebb and flow of historic dispensations and allow of no ultimate rational justification. The variety of moralities finds a parallel in the variety of philosophies (cf. Aristotle Metaphysics 1009b33–1010a1). All thought has its ultimate source in irrepressible flux rather than in reason or eternal truth. If one accepts the soundness of the foregoing—a far from self-evident assumption—self-knowledge involves or amounts to awareness of precisely one’s rootedness in the largely irrational. Atheistic radical historicism casts moral obligation into the same darkness as does its theological cousin. Every type of political engagement can be defended, which in the end means that none can. Meier presses Heidegger for a justification of his way of life and hears only silence. From Meier’s perspective, Heidegger’s philosophizing, like that of the Pre-Socratics, naively and fatally rests on faith (p. 85 n. 48, DB, pp. 12–13, 31). Moreover, Heidegger misconstrues the history of philosophy because he fails to appreciate the pre-Kantian predominance of esotericism in philosophic writings for well over two millennia. Had he distinguished between the more visible teachings that historical circumstances always palpably affect and the partly hidden intentions that far transcend the limitations of the day, he might have rediscovered what lies mostly concealed under all the visible metamorphoses of philosophic thought: the essential constancy of philosophy (DB, pp. 33–34, 42–43).

Does radical history hover in the background of postmodern deconstructionism, too? If so, which history, Heidegger’s or Schmitt’s, or could the two be brought to converge? Meier includes in the second section of his Epilogue to the expanded edition of CSLS a brief treatment of Jacques Derrida’s interpretation of Schmitt in Politiques de l’amitié, Derrida’s substantial book on the politics of friendship. As Meier recognizes, Derrida’s willingness to expand on themes like politics and friendship sharply distinguishes him from Heidegger and suggests a certain attractive kinship to the Platonic Socrates. On the other hand, the very term “deconstruction,” which Derrida uses to describe his interpretive approach, derives from Heidegger and Husserl and implies the necessity to overcome all forms of Western metaphysics and especially Platonism. At all events, Derrida speaks of “the process of deconstructive (i.e. affirmative) interpretation” (S, p. 37). Deconstruction is affirmation. Taking him at his word, Meier inquires what it is that deconstruction affirms. Derrida predictably does
not answer directly but employs a somewhat inscrutable style to protect his meaning, preserve "the remote proximity ... that gives way to truth" (S, pp. 39, 51, italics added), and of course gleeingly to drive traditionalists to distraction. (Truth is like a woman, but woman has no essence and is unfathomable. Thus "the philosophical discourse, blinded, founders on these shoals and is hurled down to its ruin. There is no such thing as the truth of woman, but it is because of that abysmal detour of the truth [écart abyssal de la vérité] that untruth is 'truth.' Woman is but one name for that untruth of truth" [S, p. 51]. Cf. Aristotle Metaphysics 1009b11–12.) Undistracted, Meier attempts to re- and de-construct Derrida's understanding of himself. He pursues this aim by asking whether in the end Derrida's politics of friendship has a theological or a philosophical bent (CSLS, p. 171). In contradistinction to all previous politics of friendship, which limited the circle of friends, Derrida advocates a new democratic politics of friendship that overcomes past restrictions, including those of nationality. The future, deconstructive democracy will sport an "infinite heterogeneity" and exclude no one from its fraternity. Toward that end deconstruction must seek to separate convention from nature, an uncompletable task (ibid., pp. 172–73). The moral duty to strive for this unachievable democracy derives from justice, which entails the infinite obligation to the other (ibid., p. 174). Thus the deconstruction that strives for the democracy of the future is just, and indeed "is justice" (quoted on ibid.). The history of law and politics has always moved in this direction. "The singularity of the historical moment allows Derrida to know the moving principle of history, [namely] deconstruction" (ibid.). In the evidently most important respect, Athens and Jerusalem contribute to history as progress towards justice, towards a universalization of friendship. Justice takes priority even over truth (ibid.). Meier objects that the movement of history alone cannot establish any duty. To provide a ground for the duty, Derrida speaks of the "absolute law of hospitality" and the "holiness of the other" (ibid., p. 176). Yet what can warrant this "absoluteness" and this "holiness" other than the absoluteness and holiness of God almighty? Does Derrida's deconstructionism not require revelation to insure the progressive character of history towards a universal friendship that includes above all God's friendship for man? Meier does not rest content with these reflections. He notes that Derrida identifies his most important concern as "the question of philosophy" or the connection of friendship and philosophy (ibid., p. 178). Meier wonders whether deconstruction might perhaps be above all the handmaiden of philosophy. He also considers the separation of nature from convention as possibly part of a massive philosophic experiment intended to make visible the nature and limits of friendship (p. 179). Though noticing that in his version of "philosophic friendship" Derrida gives justice and duty priority over pleasure, Meier even goes so far as to imagine the deconstructionist actively sharing in the philosophic delights of conversation with Socrates and his friends. The two aspects of friendship vis-à-vis politics and the philosophic life correspond to the political community founded in Plato's Republic
and the dialogical community that accomplishes the founding of that city in speech. In other words, in his unforgettable closing image Meier intimates with a flourish, and not without a smile, that the truest deconstructionism might be not progressive history but political philosophy.

What, finally, of history in the oldest and most ordinary sense, history as narrative, inquiry, historiography? Suffice it to recall Leibniz’s sober judgment that “the main purpose of history, just as of poetry, should consist of teaching wisdom and virtue by examples, and further, to depict vice in such a way as to arouse repugnance” (Theodicy II. 148). A wag, and perhaps not only a wag, might well describe Meier’s two-volume tome as The Lamentable History and Tragedy of Carl Schmitt. Its goal could be regarded as the fulfillment of Leibniz’s aspirations on a variety of levels, all well worth pursuing in a much longer study of Meier. But, to conclude a first dip into deep waters, what should we now heed as the lesson of Carl Schmitt and Heinrich Meier? The cardinal political-philosophical theme—the conflict between reason and revelation—requires philosophic priority, even though that conflict does not exhaust philosophy’s proper concern, which remains the question of Being. The question of Being encompasses, among other things, pre-eminently the inquiry into what it means to be human and therewith into the political-philosophical justification of the philosophic life.38 So the question of Being does retain its status as the comprehensive question of philosophy. But philosophy can achieve clarity about that larger question and itself, and guard against self-destruction as a groundless faith, only by taking its bearings from the emphatically political issue of the Socratic insurrection.

NOTES


a former justice of the German Supreme Court privy to Schmitt’s most candid remarks, says, “in my opinion—and in view of many private conversations with Carl Schmitt—there are good reasons for adopting Heinrich Meier’s interpretation” (“Auf den Weg zum Klassiker. Carl Schmitt in der Diskussion: Politische Theologie als Fluchtpunkt seines Werks,” Frankfurter Allgemeine Zeitung, July 11, 1997, p. 35). John McCormick’s essay in Political Theory 26, no. 6 (December 1998): 830–54, reviewing among other things the English translation of the first edition of Meier’s Carl Schmitt, ignores the message writ large in the Glossarium and takes no notice whatever of Die Lehre Carl Schmitts, where Meier demonstrates that Schmitt’s book on Hobbes is a work of political theology (The Lesson of Carl Schmitt, pp. 100–121, 123–32, and 174). Cf. Mark Lilla’s article “The Enemy of Liberalism,” in New York Review of Books 44, no. 8 (May 15, 1997): 38–44. Lilla initially approached Meier’s exegesis mistrustfully, but found the evidence in its favor overwhelming. Note particularly the comment on page 43, “Standing far above the rest . . . is Heinrich Meier’s new study, Die Lehre Carl Schmitts, which covers all of Schmitt’s writings, including his Glossarium. It shows Meier to be a theologically ‘musical’ reader of Schmitt (Walter Benjamin was another) who hears the deep religious chords sounding beneath the surface of his seductive prose. Meier’s work has forced everyone to take a second look at the assumptions underlying Schmitt’s better-known writings and reconsider some that have been ignored.”


6. Ibid., p. 61. See, however, Joseph Cropsey, “On Descartes’ Discourse on Method” in Political Philosophy and the Issues of Politics (Chicago: University of Chicago Press, 1977), pp. 274–90, and Gerhard Krüger’s introduction to Gottfried Wilhelm Leibniz’s Hauptwerke (Stuttgart: Alfred Kröner Verlag, 1958), pp. viii–xvi. Note especially the following in Krüger’s Einleitung: “The ‘new’ thought [of Descartes] is a conquest of the given world that serves as material for the creative erection of one’s ‘own’ world-view. The ‘old’ thought received its tasks and yardsticks via the limits in which it found itself placed. The ‘new’ thought establishes its own new and immeasurable tasks itself, and it knows its only yardstick to be its own, sovereign being” (p. xii). “[The] disembodiment and privatization of the thinking self would not be possible unless at the same time its character as one of God’s creatures were put into question. The ‘radical’ philosophers of the sixteenth century were not permitted to voice that questioning entirely openly and on this point Descartes, especially, is famous for his diplomatic behavior” (ibid.); “The exceeding of human limits in toto . . . is borne by the exertion of a new self-reliance that can only be understood as a counter to Christian reliance on the mercy of God” (p. xiii); “Descartes has a theological grounding for his atheism itself: he thinks of God as so inconceivable, so inscrutable in his intentions, and so abysmally imperious in his decrees that the thinking human being cannot take his bearings by God, but is pushed away and thrown upon his own resources” (p. xiv). One would also have to consider Descartes’ confidence to Mersennes that the purpose of his Meditations is to establish a Cartesian, mathematical physics. Moreover, the Meditations advances certain arguments “on behalf of” belief in the divine that ancient writers had employed with a wholly contrary aim. What in Descartes appears to reinforce the theologians might well turn out to have the opposite implication. (For that matter, even in assessing the theologies of the aforementioned Milton and Kierkegaard, one could wonder about the implications of the Englishman’s description in Christian Doctrine of Socrates as the wisest human being and in the Seventh Prolusion of Plato’s life of philosophizing with his
friends as most happy and delightful, and about the full meaning of the Dane’s stress in the Concluding Unscientific Postscript on the radical subjectivity of religion and religious categories.


9. An elegant summary can be found in Karl Löwith, “Kierkegaards Sprung in den Glauben” in Sämtliche Schriften 3, Wissen, Glaube und Skepsis (Stuttgart: J. B. Metzlersche Verlagsbuchhandlung, 1985), pp. 239–55. “In the desperate leap into faith the human being as an individual comes, instead of standing before the nothing (boredom, fear, and desperation), to stand ‘before God,’ before God as the Creator of being out of nothing. Only before God can man’s isolated existence be annihilated in a positive way” (p. 245; cf. p. 255). Löwith’s discussion also takes note of Kierkegaard’s effort to transcend mere individualism (cf. Lesson, pp. 48–A9) and thoughtfully distinguishes respects in which Kierkegaard’s teaching is and is not political. The Danish theologian offers two versions of “the one thing needful”: government and eternity. Submission to the will of God seems to offer the best access to both (pp. 248–54).


13. Meier first reported this valuable discovery in CSLS, p. 84. He cites Bakunin’s La Théologie politique de Mazzini et l’Internationale (St. Imier, 1871).


15. Meier cites Politische Theologie; Römischer Katholizismus und politische Form (Hellerau, 1923); Die Geisterschichtliche Lage des heutigen Parlamentarismus, 2d ed. (Munich and Leipzig, 1926); Der Begriff des Politischen (Berlin, 1932, and Hamburg, 1933); and “Recht und Raum” in Tymbos für Wilhelm Ahlmann (Berlin, 1951).

16. Here Meier directly quotes Leo Strauss without citing him. See one of the most daring and provocative passages of Persecution and the Art of Writing (Glencoe, IL: Free Press, 1952), pp. 140–41.

Meier surely knows about religious infidels who with considerable warrant regard themselves as moral. We can only conjecture that he might in some sense endorse Schmitt’s judgment that their morality lacks a coherent foundation or Strauss’s that “there cannot be true justice if there is no divine rule or Providence” (Natural Right and History [Chicago: University of Chicago Press, 1953]. p. 150 n. 24). It may help to consider Plato’s Republic, where Adeimantus contends that the choice-worthiness of justice hinges on the existence of gods who punish injustice and reward justice (365d). Given that in the world of ordinary experience the rain falls on the good and the wicked alike, morality would even seem to require the support of divine judgment in an afterlife, as indicated in the myth of Er. True, in the bulk of the Republic and pointedly in the ninth book, Socrates argues that apart from divine rewards and punishments, the soul of the unjust man is disordered and therefore unhappy. Yet by that reasoning the choice-worthiness of justice consists in the gratification of the selfish desire of the individual for happiness. Is the moral person who remains moral as a means to selfish ends truly moral? See Xenophon Oeconomicus xx, 25–29. Or would it be fair to say that Plato’s Socrates tries to save morality by transforming it through greater self-understanding? “It . . . becomes a question . . . whether what Aristotle calls moral virtue is not, in fact, merely political or vulgar virtue” (Natural Right and History, p. 151). In any event, so long as one’s devotion to
morality remains consciously public spirited, one's underlying assumption may well be one of rewards to the morally good, rewards hard to guarantee without potent, divine dispensation. Or does the question remain whether noble self-respect (Nietzsche, Beyond Good and Evil 265 and 288) and the immediate pleasure the truly moral man repeatedly enjoys from doing what is right (Aristotle Nicomachean Ethics 1120a26–27) require any divine underpinning? (Fittingly, the word "noble" appears only once in Lesson, and then only in the negative as something not found in Schmitt. "Beautiful" never occurs in the book. Likewise, "phronesis" is never used, although "Besonnenheit," moderation, does appear once, in the negative. At all events, Schmitt might plausibly protest that in their self-reverence both Aristotelian and Nietzschean nobles divinize themselves without any cosmological justification, that atheistic nobility is baseless and self-contradictory.) Recall that Aristotle glaringly omits piety from his catalogue of virtues, conceivably because he knows that in principle an appeal to prophecy or divine revelation can nullify the most rational reflections about human virtue and the human good: We must follow not the rule of reason but, wherever it may lead, the commandment of God (Genesis 22: 1–10).


Meier understandably does not adddress Adam Smith. Nonetheless, the opening passage in The Theory of Moral Sentiments at i. i. 1 might deserve brief attention, for Smith seeks to explain morality without recurring to either a categorical imperative or revelation. "How selfish so ever man be supposed," Smith reflects, "there are evidently some principles in his nature, which interest him in the fortunes of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it." In reply Meier would probably join Jean-Jacques Rousseau in raising doubts about the adequacy of sympathy alone to sustain morality. See Meier's edition of Rousseau's Discours sur l'inégalité, p. 57 n. 65. Cf. ibid., pp. 146–48.


18. Cf. Nietzsche, The Case of Wagner, "Epilogue": "What alone should be resisted is that falseness, that deceitfulness of instinct that refuses to experience these opposites [noble morality versus Christian morality] as opposites—as Wagner, for example, refused. . . . [M]odern man . . . sits between two chairs, he says Yes and No in the same breath."

19. According to Ralph Lerner in Themen, vol. 63, Maimonides' Vorbilder menschlicher Vollkommenheit (Munich: Carl Friedrich von Siemens Stiftung, 1994), p. 9, no Hebrew equivalent of "virtue" or "vice" occurs in the Old Testament. Nevertheless, one might wonder whether humility has a somewhat analogous function in the Jewish faith (e.g. Psalms 119:71, Micah 6:8, Jeremiah 9: 23–24). Rudolf Bultmann sums up the heart of the Christian faith as follows: "It is primarily obedience" (Theologische Encyclopädie, ed. Eberhard Jüngel and Klaus W. Müller [Tübingen: J. C. B. Mohr, 1984], p. 131). Cf. Lesson, p. 67, n. 2. Would this observation not apply just as well to the Judaic and Muslim religions?

20. See, however, I Corinthians 13:1–13, Romans 13:8, and John 15:12. According to St. Thomas Aquinas, whoever has love (agape) necessarily possesses all the other virtues, and indeed love connects the simply perfect virtues (Disputed Question on the Cardinal Virtues, Article 2. "Whether the virtues are connected such that he who has one has all," trans. Ralph McNerny [South Bend, IN: St. Augustine's Press, 1999], pp. 118–19). Aquinas mentions that the source of love in man is divine infusion by the Holy Spirit (p. 118 and Romans 5:5).

21. Das Magnificat verdeutscht und ausgelegt, ed. Clemen, ii, 148, 150. Cited in Lesson, p. 19, n. 54. A light, British version of Luther's heavy German text occurs in C. S. Lewis' Screwtape Letters. Satan's nephew, beginning to despair, writes his uncle that he may never accomplish the corruption of the soul of his intended victim, for the man has a pure heart and exemplifies all the Christian virtues. The Devil, more experienced with such challenges, regards this exercise as a cakewalk. Just remind him a few times of his truly good qualities, recommends Satan, and the man is ours! Following this line of thought, would self-aware Christians have to deceive themselves in order to remain virtuous? Cf. Nietzsche, Beyond Good and Evil 46. An Aristotelian might suggest that well-founded self-regard, rather than humility, occupies the moral center of the human being of good character who would not even consider stooping to commit base actions. Consider, on a
lower level, Friedrich Schiller, Der Verbrecher aus verloren Ehere ("The Man Who Became a Criminal Because He Lost His Honor").


23. In CSLS Meier sheds light on Schmitt’s ground for obscuring his religious motives. Aware that his readership encompasses the faithless and the misguided, Schmitt wishes to avoid fruitless debates about the truth of the Christian revelation. For that revelation consists in absolute truth that far transcends all human discourse, and allows of neither refutation nor apodictic demonstration by unassisted human reason (p. 75).

24. In the preface to his Die Denkbewegung von Leo Strauss (cited below as DB), pp. 9–13, Meier spells out the “fourfold meaning” of political philosophy. The term refers to the political object, the mode of philosophical action, the task of justifying the philosophic life, and the achievement of self-knowledge on the part of the philosopher (pp. 9–10). Meier’s contribution in Lesson principally consists in a new accentuation of the third and fourth aspects and in his specific elaboration of them with a view to the challenge of political theology.

25. At a minimum, the necessity of the chapter on revelation stands beyond doubt. Meier, it seems, must carry a heavy burden there. By the standard of reason, a demonstration of untruth presumably means proof of either internal, conceptual contradictions or factual contradictions of experience.

Does not the political philosopher trust in the reliability of human reason just as does the unpolitical philosopher? Meier replies in the negative, for the political philosopher radically calls into question the way of life based on skeptical inquiry and dialectical reflection and considers all pertinent demands, arguments, and objections (p. 42). Yet what about the circularity of the political philosopher’s self-justification? Indicted by Revelation, Reason as defendant employs reasoning to gain a vindicatory ruling from itself, Reason, as judge. From the outset of the trial, though, Revelation asks to appeal to a tribunal superior to Reason, only to have Reason block access to this higher court. Or does Meier propose that we as it were visit this higher judiciary in the course of our investigations?

To take another approach, what if we went so far as to suppose—strictly for the sake of argument and contrary to the human experience of revelation as interpreted by those who have the experience (see, for instance, Friedrich Gogarten on Luther in Der Mensch zwischen Gott und Welt (Stuttgart: Friedrich Vorwerk Verlag, 1956), p. 218; also Strauss, “How to Begin to Study Medieval Political Philosophy” in The Rebirth of Classical Political Rationalism: An Introduction to the Thought of Leo Strauss (Chicago: University of Chicago Press, 1989), p. 215, and Persecution, p. 107)—that rejection of revelation allows of a cogent justification. Would no serious nonreligious critique of the philosophic life remain viable? Would the philosopher not still have to come to grips with mortality, perplexing, perhaps insuperable obstacles to knowledge of the whole or of Being, and even confounding limits on the knowability of one’s own self? Would these limitations cast a shadow of nihilism upon the philosopher’s whole enterprise? Or could the political philosopher come to regard nihilism as a byproduct of certain modes of religious thought and imagery, and to see the original decision in favor of the philosophic life as totally well founded notwithstanding its boundaries and handicaps, because that choice is the only way—given that the alternative is to sacrifice one’s autonomy, to bow to authority—to develop one’s independent faculties to the fullest, including to understand one’s capacities and incapacities? Does the animated self-affirmation of the political philosopher comprehend conscious, blanket affirmation of all the unavoidable frustrations and limitations of human existence, an affirmation of the whole that has cosmic implications? See David Bolotin, Plato’s Dialogue on Friendship: An Interpretation of the Lysis with a New Translation (Ithaca, NY: Cornell University Press, 1979), p. 159, Lesson, p. 85, and DB, p. 43.

On truth and the will to independence consult Tertullian Apologiegeticum 46–47 and Nietzsche, Antichrist 54 and context (48–62).

27. Aristotle *Nicomachean Ethics* 1172a11–12, Plato *Lysis* 210e, 213c, 214d. Cf. Plutarch *Moralia* "How to profit by one's enemies." See also *Lesson*, p. 51, n. 70.

28. See *Lesson*, p. 61 n. 100. Would Socrates have any place in the just city of Plato's *Republic*?

29. *Theodicy,* "Introductory Essay on the Agreement of Faith with Reason" 5. The paragraph concludes: "Vis-à-vis proofs of the truth of religion, proofs that can yield only a moral certainty, the scales would be balanced—indeed, they would be tipped—by [philosophic] objections that could yield an absolute certainty if they were really persuasive and entirely compelling." Leibniz maintains that the validity of faith depends on the successful defense of faith against attacks upon it. The unbeliever, on the other hand, evidently would have to leap a higher hurdle by mounting a crushing offense against religion in order to vindicate rejection of faith.

30. Essays, "Of Superstition."

On pp. 86–88 notice is taken of Simonides’ memorable hesitation to expatiate on the vexing question Hiero puts to him, "what is God?" Cicero *De natura deorum* i 60. Meier cites at length the commentary on Simonides in the Cruciger edition of Martin Luther's sermon on John 17: 1–3, considered by Luther his best and, next to the Bible, favorite book. Regarding knowledge of God and Jesus Christ, Luther urges us to be on guard against reason and human thought, which amount to temptations of the Devil. We must close our eyes and, without thinking or speculating, hold fast to the Bible; we must tell ourselves, "What Christ says, that shall and must be true whether I or any other human being can understand and grasp or know how it could be true" (quoted on p. 87).

Otherwise we shall fall into confusion and sin. "It is not possible to grasp the slightest article of faith by human reason or the senses," and consequently "no human being on earth has ever been able to have a right thought [or] a certain knowledge of God without God's Word" (quoted on pp. 87–88). Luther constructs Simonides' procrastination and confessed aporia regarding Hiero's question as confirmation that human reason has no access to "God's essence, work, will, and decision," so that reason eventually reaches the errant conclusion that God is nothing, and believes in nothing.

Cf. Romano Guardini, *Der Herr. Betrachtungen über die Person und das Leben Jesu Christi* (Würzburg: Werkbund Verlag, 1951), p. 466: "What is the Eucharist, then? Christ in his sacrifice. The suffering and death of the Lord in his eternal reality. . . . We are to leave it at that [formulation]. Every attempt to interpret it intellectually . . . has to destroy it. It is presumption and unbelief if the human being wants to determine what is possible here. God says what he wants; and what he wants, is" (trans. and italics supplied).


32. Augustine in his *Confessions* admonishes, "See to it that no one captures you by means of philosophy and inane deceptions, which are based on human traditions and on the elements of this world and not on Christ, in whom alone the whole plenitude of divinity lives incarnate" (iii, 4, 8).

"Get away, away, you profane men" (Vergil *Aeneid* vi. 258; cf. vi. 173).

Consider also Strauss, *Rebirth*, p. 196: "He. . . . is in no way perplexed. . . . His self-contradiction merely proves to him that he cannot say or express to Socrates what he thinks he has an awareness of. How indeed can one express [religious] experiences to someone who has never tasted the divine things? . . . He suffers as little change during the conversation as Socrates himself."

Eckermann reports Goethe's reaction to a painting of Jesus and Peter walking on the waves: "Through faith and courage man will triumph in the most difficult endeavors. . . . " See Mark 9:23 and *Conversations with Goethe*, February 12, 1831. Cf. *Lesson*, p 120; Goethe, *Maxims and Reflections*, "Religion and Christianity," sixth aphorism (on piety); and *Persecution*, p. 107 n. 35.

33. Francis Bacon, Essays, "Of Truth." When he speaks here of an unnamed poet "who beautified the sect that was otherwise inferior to the rest," Bacon of course means Lucretius, best of the Epicureans. The unidentified textual reference is *De Rerum Natura* ii. 1–10. After alluding to this passage in Lucretius, Bacon hastens "to pass from theological, and philosophical truth, to the truth of civil business."

34. For instance Aeschylus *Prometheus in Chains* 515–22. Schmitt, who voices his hearty approval of Karl Löwith's study of "the theological implications of the philosophy of history" in *Meaning in History*, shares Löwith's conviction "that paganism is not capable of historical thought because it thinks cyclically" (quoted at 159–60). Cf. p. 159 n. 99.
35. Der Leviathan in der Staatslehre des Thomas Hobbes. Sinn und Fehlschlag eines politischen Symbols (Hamburg: Hanseatische Verlagsanstalt, 1938; reprinted Cologne: Hohenheim Verlag, 1982). Meier does not exaggerate in classifying Schmitt as a historicist: “It exceeds human powers to free oneself from all atmospheric influences in reflecting on living questions” (Donoso Cortés, p. 8). Esoterically, Schmitt exhibits in these two works a breathtaking readiness to risk the extremest tyranny under a ruler or rulers believed, though of undemonstrated prudence, to enjoy heavenly sanction. Radical historicism and totalitarianism often make cozy bedfellows.


37. Politiques de l’amitié suivi de L’oreille de Heidegger (Paris: Galilée, 1994). I shall cite his Spur. Nietzsche’s Styles/Éperons. Les Styles de Nietzsche (Chicago: University of Chicago Press, 1979) simply as S. Derrida’s worldwide reputation as a master of irony could be said to inspire Meier, päpstlicher als der Papst [a better Pope than the Pope himself], to approach his subject matter in the Epilogue (subtitled “A Theological or a Philosophical Politics of Friendship?”) in much the same spirit. To quote Derrida, “there is evidence here to expose one . . . to the thunder and lightning of an enormous clap of laughter” (S, p. 135).

American Law and the Past, Present, and Future of the American Regime

HARRISON J. SHEPPARD


Most American studies begin, and properly so, with the Constitution. The Constitution does not define the regime, but it is the most public and visible expression of it.

Harry Jaffa, Conditions of Freedom (1973)

INTRODUCTION AND SUMMARY

Abraham Lincoln: A Constitutional Biography, by George Anastaplo, is a uniquely important book. It should interest all serious students of the political principles and aspirations that have formed the American regime and contributed to its long endurance. It could, by itself, provide the basis for a complete course on the essence of our constitution, that is, its soul. It also suggests to readers the character of civic leadership needed to perpetuate the success of the great republican “experiment” which is the United States of America and the changes in prevalent twentieth-century legal thinking that may now endanger it.1 Anastaplo makes these contributions through his analysis of the major influences upon Abraham Lincoln’s political thought and the significance of Lincoln’s own words and actions. I doubt whether there are any other books now in print which more luminously interweave the historic, philosophic, and legal origins of the American character or, in the compass of one relatively small volume, as clearly indicate, from an elevated perspective, the essential issues with which earnest students of American democracy should concern themselves as we begin the twenty-first century.2 While his text is lucid and engaging, the author makes demands upon his readers. The book’s voluminous footnotes (with labyrinthian cross references) are a treasure of insights, both profound and entertaining, but require more than usual intellectual diligence, in the spirit of “dialogue,” for readers fully to appreciate their content and the author’s intentions.

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I. THE REVIEWER’S BIAS

The claims made in this essay for the book under review require some disclosures by the reviewer to assist the reader’s evaluation of them. For the past thirty-three years, the example and writings of George Anastaplo have made it possible for me to continue practicing law without losing faith in the nobility of the legal profession or becoming a dyspeptic cynic about its place in the American regime. I have elsewhere referred to Professor Anastaplo as “a magnificent example of a person who is willing to be an American.” The reader may, therefore, properly infer that I regard Anastaplo as an American hero, a luminous bearer of this country’s heritage. The reasons for this high regard, and its influence on the character and objectivity of this review, are highly relevant, not only to consideration of my critical judgments about the book, but also to an appreciation of the genesis of the book itself.

In my view, to be “willing” to be an American means, first, having an appreciation of what this country’s essential political principles and aspirations are, and, second, being willing to stand up for them—even at some personal risk or cost—at least when attack upon them directly affects, or seriously threatens to affect, one’s own life.

The first criterion presupposes that this country’s principles and aspirations are discoverable. This presupposition is based upon consideration of the unique political genius of this country’s Founders and their faithful heir, Abraham Lincoln, and the intelligibility of the Declaration of Independence, the United States Constitution, and other seminal political documents examined in Abraham Lincoln: A Constitutional Biography. The second criterion proceeds from an appreciation of the political determination necessary from the first to secure the principles and aspirations of the American Revolution. Some fashionable historical revisionism notwithstanding, our revolutionary Founders risked their “lives, their fortunes, and their sacred honor” by subscribing to the Declaration of Independence, the first document publicly declaring this country to be “The United States of America,” and stating the principles upon which it was founded. One of those principles, “that all men are created equal,” was regarded by Abraham Lincoln as “the leading principle, the sheet anchor of American republicanism” (Lincoln-Douglas Debates, October 16, 1854). The significance of that principle is, of course, subject to interpretation. In the view expressed here, however, one is “willing” to be an American who is prepared, even at personal cost or risk, to defend the principle on a reasonable interpretation of it. Rosa Parks and Dr. Martin Luther King, Jr., for example, were also “willing” to be Americans, by risking the consequences of disobeying laws that violated the egalitarian principle.

What the Founders called the “self-evident” truth that all men are created equal was not the only fundamental political principle articulated in the Declaration. Indeed, in terms of how its signers put themselves at risk, it was not the
most critical one. The riskiest principle was the right of revolution itself. Assertion in the Declaration of our "inalienable" rights to "life, liberty, and the pursuit of happiness" was the antecedent for a more decisive claim:

That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government... 

Lincoln, reaffirming the importance of the right of revolution,

said repeatedly that the right of revolution, the "right of any people" to "throw off, to revolutionize, their existing form of government, and to establish such other in its stead as they may choose" was "a sacred right—a right, which we may hope and believe, is to liberate the world." The Declaration of Independence, he insisted often, was the great "charter of freedom" and in the example of the American Revolution "the world has found... the germ... to grow and expand into the universal liberty of mankind." (McPherson, chapter 1, "The Second American Revolution," p. 24)

George Anastaplo may first have demonstrated his willingness to defend the liberty of mankind when he was a very young man, by enlisting in the Army Air Corps to fight the threats to freedom posed by the Nazi regime and by serving with distinction. But, while still a young adult, he conspicuously demonstrated his willingness to be an American even more directly. When Anastaplo graduated (first in his class) from the University of Chicago Law School in 1951, Cold War paranoia was at its most intense. This was the McCarthy era, a time when the "Loyalty Oath" had become a widely accepted part of both federal and state public administration, and the mere suggestion in a public forum that a person had revolutionary Communist ties or leanings could ruin a career. Anastaplo refused to be intimidated by this atmosphere. While generally eschewing such classifications himself, Anastaplo's undogmatic political stance may, if anything, be characterized as "classically liberal," or perhaps even "conservative." He nevertheless declined to become a member of the Illinois State Bar when his admission was conditioned upon qualifying his acceptance of the right of revolution as articulated in the Declaration of Independence. To do so would, in his opinion, have been to join the Illinois Bar examiners in a conspiracy to violate the right of free speech guaranteed by the First Amendment to the United States Constitution.

For this principled adherence by Anastaplo to the letter and spirit of this country's founding documents, the bar examiners refused to admit him to practice law in Illinois. Anastaplo appealed this decision himself all the way to the United States Supreme Court. He lost his case in a 5–4 Supreme Court decision, In Re Anastaplo, 366 U.S. 82 (1961). Subsequent authority, effectively revers-
ing the Court’s ruling in Anastaplo, has vindicated his position and makes it unlikely that any political test may now be imposed as a condition of admission to practice law in any state of the United States: see Baird v. State Bar of Arizona, 401 U.S. 1 (1971), a 5–4 decision with the majority opinion by Mr. Justice Black, holding that “The First Amendment’s protection of association prohibits a State from excluding a person from a profession or punishing him solely because he is a member of a particular political organization or because he holds certain beliefs” (401 U.S. 1, 6, citing United States v. Robel, 389 U.S. 258, 266 [1967] and Keyishian v. Board of Regents, 385 U.S. 589, 607 [1967]).

Justice Hugo Black, author of the majority opinion in Baird, was one of the dissenters in the Anastaplo case. His dissenting opinion concludes with the following words (Black’s footnotes omitted):

This case illustrates to me the serious consequences to the Bar itself of not affording the full protection of the First Amendment to its applicants for admission. For this record shows that Anastaplo has many of the qualities that are needed in the American Bar. It shows, not only that Anastaplo has followed a high moral, ethical, and patriotic course in all of the activities of his life, but also that he combines these more common virtues with the uncommon virtue of courage to stand by his principles at any cost. It is such men as these who have most greatly honored the profession of the law. . . . The legal profession will lose much of its glory if it is not constantly replenished with lawyers like these. To force the bar to become a group of thoroughly orthodox, time-serving, government-fearing individuals is to humiliate and degrade it.

But that is the present trend, not only in the legal profession but in almost every walk of life. Too many men are being driven to become government-fearing and time-serving because the Government is being permitted to strike out at those who are fearless enough to think as they please and say what they think. This trend must be halted if we are to keep faith with the Founders of our Nation and pass on to future generations of Americans the great heritage of freedom which they sacrificed so much to leave to us. The choice is clear to me. If we are to pass on that great heritage of freedom, we must return to the original language of the Bill of Rights. We must not be afraid to be free. (366 U.S. 82, 115, emphases added)

The reader is invited to consider the fact that, in 1961, a United States Supreme Court Justice could speak of the “nobility” and “glory” of the legal profession without irony. Such characterizations are unlikely to be used today. As explained in detail below, this change in public regard for the legal profession is directly related to the practical abandonment, in prevalent American legal practice, of the moral and political principles illuminated in Abraham Lincoln: A Constitutional Biography.

Justice Black’s dissent in the Anastaplo case and his subsequent opinion for the majority in the Baird case demonstrate that, from time to time, a majority of the justices of the United States Supreme Court have chosen not to follow
the clear letter and spirit of our Declaration of Independence and federal Constitution, and their decisions have had to be judicially reversed or politically remedied. Consider in this connection, for further examples, Plessy v. Ferguson, 163 U.S. 537 (1896), reversed by Brown v. Board of Education, 347 U.S. 483 (1954); and Korematsu v. United States, 323 U.S. 214 (1944), partially remedied by an act of congressional reparation.

I first learned of the Anastaplo case in 1966, when I was a law student, in my Constitutional Law course. Reading Justice Black's dissent from the perspective of one who aspired to be an American lawyer was thrilling. It was nearly as inspiring as my first reading, as a student of philosophy, of Plato's Apology, dramatizing Socrates' speech to the Athenians who were prosecuting him for his philosophical inquiries. I therefore felt it to be a great privilege to meet Professor Anastaplo himself ten years later, at Ohio University's bicentennial celebration of the Declaration of Independence, in which we both participated. We have been friends ever since.

The ideas—and the skepticism—with which I approach review of this book are, therefore, very much influenced by what I have learned from Professor Anastaplo during the past quarter century about the philosophic enterprise in general and the particular origins and character of American political institutions. I have, however, unlike him, who has chosen not to be admitted to the bar, been a practicing lawyer for over thirty years. My approach to this book is, therefore, perhaps most influenced by my experiences as a lawyer in both public and private practice and by the conclusions I have reached about our legal and governmental institutions as a result of those experiences. With respect to the character of its author, however, I view this book as the work of a man who has demonstrated in his life choices a profound understanding, and heroic championship, of political principles and aspirations which I hold as expressive of the American character at its best. In matters most profoundly American, George Anastaplo, the author of Abraham Lincoln: A Constitutional Biography, has, in this reviewer's judgment, truly walked the walk.

II. THE CHOICE OF LINCOLN AS SUBJECT OF THE BOOK

Now he belongs to the Ages.

Edwin M. Stanton, at Lincoln's deathbed

When Anastaplo subtitles his book a "Constitutional Biography," he is not referring only to how Abraham Lincoln's political life was based upon his understanding of the written United States Constitution. He uses the term in an Aristotelian sense as well, to indicate that Lincoln's statesmanship was a reflection of the unique character of the American polity, as that character may be discerned in principles embodied in legislative and other documents composed
both before and after the Constitution, including, most importantly, the Declaration of Independence. The titles of the book’s principal chapters indicate the threads Anastaplo sees as forming the fabric of our American constitution, clothing Lincoln’s political thought, and taking renewed shape in Lincoln’s own words and deeds:

1. The Declaration of Independence: An Introduction
2. The Declaration of Independence: On Rights and Duties
3. The Northwest Ordinance
4. Slavery and the Federal Convention of 1787
5. The Common Law and the Organization of Government
6. Alexis de Tocqueville on Democracy in America
7. John C. Calhoun and Slavery
8. Southern Illinois’s Abraham Lincoln
9. The Poetry of Abraham Lincoln
10. The “House Divided” Speech
11. The Lincoln-Douglas Debates
12. The First Inaugural Address
13. The Fourth of July Message to Congress
14. The Emancipation Proclamation
15. The Gettysburg Address
16. The Second Inaugural Address
17. Abraham Lincoln’s Legacies

Anastaplo’s analyses and synthesis of these elements of Lincoln’s “Constitutional Biography” shape them into a coherent whole. He shows, in particular, how they helped to form Lincoln’s views on slavery in the United States, how they illuminate the precedence Lincoln gave to preservation of the Union, the prudence with which he moved toward abolition, and what we may yet have to learn from Lincoln’s statesmanship about what is most essential to preservation of our constitution. As other writers have also noted, the “new birth of freedom” for which Lincoln called in his Gettysburg Address significantly re-established, particularly in the popular mind, the meaning of the principle that “all men are created equal” as a cornerstone of the American constitution.

Along the way, in addition to explication of those elements of the “Biography” we would most expect to see (i.e., chapters 1, 2, 11, 14–16), Anastaplo offers a series of unusual insights. His analysis of the Northwest Ordinance of 1787, for example, shows how the ordinance decisively shaped this country as an authoritative indication of “the original constitutional stance . . . toward slavery” (p. 40), and how it may have expressed “the enduring good sense and moral judgment of the American community” (p. 278).

Anastaplo’s chapter on Tocqueville likewise provides original and edifying reflections on the possible limitations of Tocqueville’s analyses, particularly
insofar as they proceed from a shallow understanding of philosophy and education. His chapters on Calhoun and Lincoln’s poetry provide additional unexpected contributions. It would be difficult to read his chapter on Calhoun—whom Anastaplo calls “perhaps the most ominous counterpart thus far to Abraham Lincoln in American political thought” (p. 264)—without concluding that the rebel leadership not only betrayed the Founders’ American principles, but were disingenuous (if not hypocritical) in both the arguments they made for secession and the language they used in forming the southern confederacy. The analysis of Lincoln’s poetry in chapter 9 is deeply moving. In addition to the sensitive regard it demonstrates for Lincoln the man, it provides novel insights into Lincoln’s personal sensibilities and their possible effect on his deepest political aspirations. Anastaplo’s treatment of this subject may be a unique contribution to the Lincoln literature.

Although Abraham Lincoln’s political life, and the factors that influenced it, are the formal subjects of the book, its underlying themes are the moral and political principles that animated his statesmanship and the nature of the prudence needed to apply those principles to secure continued vitality in America’s future constitution. While assigning “to Lincoln a very high place in the pantheon of American constitutional heroes” (p. 344), Anastaplo declares that he “would prefer to see more made of the American regime, and less of Abraham Lincoln” (pp. 155–56). (This in specific response to the contrary views of Professor Harry Jaffa, as quoted at p. 198.)

III. THE AUTHOR’S TREATMENT OF HIS SUBJECT

Anastaplo terms this work a “book-length dialogue” (p. 8), and announces his

... attempt to follow in Lincoln’s tracks to this extent: all of the discussions collected here (adapted somewhat to this dialogic context) were prepared by me for specific occasions between 1961 and 1998. In them I address issues in American history, political philosophy, and constitutional law to which I have returned again and again. These issues are illuminated by, and in turn illuminate, observations about current affairs. ... [O]ne can proceed, as reader, in whatever order one prefers through this Collection, although my more or less chronological order is recommended. Considerable overlapping is to be found in the extensive notes, which tie the chapters together... [T]his Collection ... could well be subtitled A Dialogue on Prudence. (Prologue, pp. 1, 9, emphasis original)

Three points essential to an appreciation of the book’s treatment of its subject are here announced by Professor Anastaplo.

First, in the true Socratic tradition, Anastaplo invites readers actively to engage in “dialogue” with the text, to reflect carefully upon the many questions
he explicitly poses, as well as their philosophical and political implications. He encourages readers to reach their own conclusions on the critical issues he raises. Anastaplo’s own opinions may be inferred from the work as a whole, particularly in the most fundamental matters. But his views are not offered dogmatically. This gift to readers is not tendered out of intellectual timidity but follows from Anastaplo’s profound reverence for the process by which intelligent human beings pursue philosophy: the love of wisdom earned by deliberative inquiry enriched by one’s own personal experiences and insights. Anastaplo’s use of the Socratic method is in sharp contrast to the so-called Socratic method used in some law school instruction, in which a law school professor browbeats a student with questions to demonstrate the professor’s sophistical resourcefulness and to “toughen up” the student for the adversary role such law school training in effect advocates and promotes. The celebrated law school method is a vicious travesty of the search for truth. As explained further below, it follows a model of the legal profession inconsistent with Lincoln’s (and Anastaplo’s) view of what the profession should be and threatens foreseeable injury to perpetuation of the political institutions to which Lincoln devoted his statesmanship.7

Second, Anastaplo informs the reader that the book interweaves American history, political philosophy (broadly understood), and American constitutional law, partly with the end in view of helping to illuminate “current affairs.” The substance of this rare kind of synthesis may be the most important thing about the book.

Third, in the excerpts from the Prologue quoted above, the author advises the reader of the political virtue he holds in the highest regard: prudence. The concluding notes to his chapter on Lincoln’s Gettysburg Address go so far as to say that “A good constitution is, in a sense, prudence institutionalized” (p. 344). This is the virtue Anastaplo obviously admires most in Lincoln, whom he calls “a model of prudential judgment, or at least as fine a practitioner of it as we have perhaps had in government in this Country” (p. 203). Anastaplo’s understanding of prudence (and his observations about its presence or absence in the conduct of contemporary political affairs), is central to appreciation of this book and his political writings in general. It has given him an almost oracular foresight in the diagnosis and prognosis of controversial political matters as they arise. (See especially Anastaplo, The American Moralist: On Law, Ethics and Government [Athens: Ohio University Press, 1992].) His analysis of Lincoln’s approach to the most sensitive issues of his administration, in particular the abolition of slavery, is almost a mathematical demonstration of how Lincoln’s prudent advancement of this country’s highest political goals was the essence of his greatness.

There is another point about the book’s treatment of its subject which Anastaplo does not announce at its beginning. He declares in footnote 473 on page 331:
Rhetoric means, in practice, no footnotes: that is, qualifications, sustained substantiation, and documented evidence are neither necessary or useful; a "first reading" (and that often on the run) suffices for most people.

The text of Abraham Lincoln: A Constitutional Biography is both intellectually engaging and a pleasure to read. It rises at times to an almost poetic pitch that may deeply affect some readers (for example, in its examination of Lincoln's own poetry). But Anastaplo is most of all concerned with the "rhetoric" of reason and declines to strain for typical rhetorical effects. A full understanding of the author's thought, and the book's content, may therefore require its readers (perhaps at a second reading) to consider Anastaplo's "qualifications . . . substantiation, and documented evidence" in 533 footnotes.

IV. REVOLUTION, REASON, AND REVERENCE FOR THE LAW

Every State is a community of some kind,
and every community is established with a view to some good . . .
He who is unable to live in society, or who has no need
because he is sufficient for himself, must be either a beast or a god . . .
The determination of what is just is the principle of order in political society.
Excerpts from Aristotle, Politics, Bk I, Chaps. 1 and 2

If Anastaplo's dominant concern in this book is an understanding of the moral and political principles of the American constitution, his ultimate concern is the secure achievement of what he evidently considers the highest political (and personal) good: freedom. This is suggested by the content of the Epilogue (pp. 257-62), a reflection on the nature of slavery and human liberty. As Isaiah Berlin's famous essay Two Concepts of Liberty indicates, one may distinguish between the terms "liberty" and "freedom," with the former ("Negative Liberty") being more closely associated with release from external restraints, and the latter ("Positive Liberty") more nearly identified with achievement of the greatest possible self-realization. Anastaplo is, of course, concerned with both aspects of liberty in his consideration of the character and objects of the American regime and how the historic, philosophic, and constitutional issues he addresses "are illuminated by, and in turn illuminate" observations about these dimensions of current affairs.8

Perhaps the most basic and enduring question of political philosophy, dramatized 2400 years ago in Sophocles' Antigone, is the just relationship between the individual and the community. This question most commonly arises in democratic times and places in the course of assessing the balance to be struck between liberty and equality when conflicts between them arise in specific political, social, and economic contexts. On June 23, 2000, a public television chan-
nel broadcast an edition of a continuing program whose title, "Independent View," indicates its purpose. This particular program was an interview with two producers of a documentary film titled "Out: The Making of A Revolutionary." The film tells the story of a woman who was imprisoned for fourteen years for planting a bomb in the United States Capitol, in protest of United States military policies in Grenada and Lebanon. The "protester" was presented as a possible "role model" of dissent, a "revolutionary" whose former penal status was characterized as that of a "political prisoner." In the course of the interview, there was not the slightest suggestion by the show's host—except, possibly, for his twice asking the producers whether they considered their subject a "role model"—that the woman's actions were, if not simply criminal, at least inconsistent with a conscientious regard for individual human rights and a form of dissent far outside responsible political avenues available to her in this country, including, for example, civil disobedience. The "nonjudgmental" or "value-free" attitude of the broadcaster, the show's host, and the film producers, and the political notions of the documentary subject herself (who evidently sincerely believed in the martyred "heroism" of her acts) unfortunately no longer represent an isolated, or even a rare, contemporary American vignette.

In 1990, the National Institute for Dispute Resolution sponsored a six-month study of conflict in the United States and issued a report which concluded in part that

Conflicts will remain a kind of growth industry in the 1990's. . . . The U.S. will be more fragmented along lines of race, culture, nationality of origin, wealth, age and interests—so that the "melting pot" concept will be replaced by one of the "mosaic society," and increasing polarization may occur between various groups. . . Turbulence and rapid change is likely to characterize the 1990's decade. Madeleine Crohn, Address Before the U.S. House of Representatives Subcommittee on Intellectual Property and Judicial Administration (May 19, 1992). 9

The NIDR conclusions foreshadowed the activities of private militia groups, church bombings, burnings of abortion clinics, and other kinds of civic terrorism arising from different social, political, religious, racial, ethnic, and cultural viewpoints during the decade of the nineties.

Abraham Lincoln: A Constitutional Biography is an important book in part because it illuminates, directly and by implication, the bases for the kinds of misunderstandings of our American regime that lead to such episodes. Referring to Anastaplo's thought on this matter, John Murley has written:

Politics and morality cannot be separated in any political community. But a democratic republic, more than any other, depends on the character of its citizens. . . Republican government, even under a well crafted Constitution cannot be expected to
prosper when a people’s character and habits are no longer sound. It is the duty of
the government to promote such soundness. The American people, [Anastaplo] main-
tains, are truly self-governing and truly free “only when they know what they are
doing” which includes possessing a self-awareness grounded in the recognition that
competence, moderation, self-restraint and civility are necessary to decent and sus-
tained self-government. (Murley, pp. 172–73, emphasis added)

The critical implications of these propositions for contemporary affairs are
indicated by Anastaplo’s observation that “An emphasis upon the enduring prin-
ciples of right and wrong shared by Americans is not fashionable today among
legal scholars, especially those known as ‘legal realists’” (pp. 76–77).

Anastaplo’s tracing of Lincoln’s political career demonstrates Lincoln’s ac-
cceptance of the paramount importance of prudent moral reasoning, not dogma-
tism, as a guide to political life. For Lincoln, there was no deep division between
morality and politics, “however practical he could be in his political career” (p.
132). Lincoln, despite his own very strongly held personal antislavery views,
consistently exercised political restraint in order to advance the principles of our
American constitution and achieve abolition without sacrificing the Union. The
rootedness of Lincoln’s politics in his understanding of human nature (which
largely follows the Enlightenment understanding of the Founders) is in sharp
contrast to more “politically correct” postmodern notions of legal “realism,” and
nominalism, and the now dogmatic convention that, in law and politics, “there
are no absolutes.”

Anastaplo discusses throughout the book, and particularly in his notes, possi-
ble Classical and Enlightenment influences in the political thought of Lincoln
and the Founders. His extended discussion in note 492, page 348, points out,
for example, that “Lincoln seems to have been, in decisive respects, a child of
the Enlightenment, dedicated to the hope, if not the expectation, of continuous
and unlimited progress.” Referring to the text of a handbill published by Lincoln
in 1846 to rebut allegations of his lack of religious faith, Anastaplo suggests
that Lincoln’s statement in the handbill implies

that if a set of opinions . . . should be harmful to the morals of the community, they
should not be immune from criticism. Some doctrines, it would seem, should be
scoffed at. The most serious threat may be posed by any doctrine that insists there
are no enduring standards of good and bad. Such a doctrine, which can deny also
both the right and the ability of the government to identify and promote morality,
cuts at the root of community vitality. (P. 246)

One may agree or disagree with Anastaplo about ways in which it is the role
of the government “to identify and promote morality.” One may not as easily
dispute his account of the political principles that gave birth to the United States
of America and animated Lincoln’s statesmanship. Or his argument that the
documents examined in Abraham Lincoln: A Constitutional Biography demonstrate that our political institutions were understood by Lincoln and the Founders to depend for their vitality upon the necessity for "reason and nature [to] be looked to in establishing justice" and thereby determine the proper balance between liberty and equality in particular matters. In his discussion of the Lincoln-Douglas debates of 1858 (p. 171), Anastaplo identifies the underlying philosophical question that may divide those who understand the enlightened character of the American regime as conceived by its Founders (and as Lincoln understood them), and those who do not: "Indeed, one can say, the question of the status of natural right is today the key issue in legal education and jurisprudence, at least in this Country" (p. 171).

Anastaplo understandably views Lincoln's "conservative legacy . . . as a barrier against that massive assault by positivism, value-free social science, legal realism, existentialism, and relativism to which intellectuals have been routinely subjected in the twentieth century" (p. 255). It is worth noting that, in his criticism of legal realism, positivism, and moral relativism, Anastaplo appears to credit most ordinary Americans with more practical wisdom, and a more pervasive moral sense, than the more sophisticated, as when he says: "An emphasis upon the enduring principles of right and wrong shared by Americans is not fashionable today among legal scholars."

Responsibility for abandonment by American lawyers, in the twentieth century, of faith in the vitality of the principles which guided Lincoln is placed by Anastaplo partly at the door of Justice Oliver Wendell Holmes. In a famous dissenting opinion, Holmes rejected as a "fallacy and illusion" the idea that judges might be able to discern, through reason, enduring principles forming the substance of the common law:

"If there were such a transcendental body of law outside of any particular State but obligatory within it unless and until changed by statute, the Courts of the United States might be right in using their independent judgment as to what it was. But there is no such body of law." Black & White Taxicab Co. v. Brown & Yellow Taxicab Co., 276 U.S. 518, 533–34 (1928), as quoted and cited in note 154, page 283. (Emphasis added. See also Erie Railroad Co. v. Tompkins, 304 U.S. 64, 73f. [1938], also cited by Anastaplo, which proclaimed, in effect, that all law, written or unwritten, is positive law.)

Analyzing the philosophical implications of these views, Anastaplo argues that contemporary jurisprudence has looked to law "not as the product of reasoning with a view to justice, but rather as merely the exercise of sovereign power, and the States could be looked at as sufficient repositories of such power" (Murley, p. 168).

In contrast to the view of law implied in Holmes's dissent, Anastaplo regards the Court's role in expounding the common law as
a question about the very nature of law and how justice is to be arrived at by courts working on their own. . . It is a question about the way that reason and nature may be looked to in establishing justice, something that common-law courts have always been thought of as most adept in doing. . . The common law is a way of applying, case-by-case, the enduring standards of the community, and in such a way as to bring the community along, even as reforms are being made. It is salutary to emphasize here that common-law judges discover the law; they do not simply make it. Reason looks to nature (instead of will looking to desire) in declaring the rule that is to be followed. Anastaplo, The Constitution of 1787, pp. 128–33. (Murley, p. 168)

Holmes's dogmatic dissent is related to the modern dogma of "nominalism," enabling a Chief Justice of the United States Supreme Court to write that

Nothing is more certain in modern society than the principle that there are no absolutes, that a name, a phrase, a standard has meaning only when associated with the considerations which gave birth to the nomenclature. Dennis v. United States, 341 U.S. 494, 508 (1951). (P. 19)

Prefacing this quoted statement, Anastaplo observes that

It is curiously indicative of our own equivocal attitude toward the founding sentiments of this republic that the deservedly celebrated 1954 United States Supreme Court decision striking down public school desegregation in this Country failed to mention—assuming that such segregation represents a denial of the principle that all men are created equal—the Declaration of Independence, relying instead on the much more questionable and far less elevated findings of social science research. (Pp. 18–19).

Anastaplo is then so bold as to urge upon his readers the proposition that

The "principle that there are no absolutes" is not one to which men can pledge themselves in forming or reforming "a free People." It is as a reminder of absolutes, and indeed the nature of human beings, that the Declaration of Independence remains our founding instrument. (P. 19)

Considering the implications for the American polity of the potential harm done by legal realism and nominalism, Anastaplo goes on to suggest that

It may well be . . . that Americans have greater need to be explicitly reminded today of this principle [of the right of revolution as stated in the Declaration of Independence], and all that it implies, than at any other time in their history. (P. 19, emphasis added)
And, he quickly adds:

The right of revolution implies an insistence upon the supremacy of reason in human affairs. (P. 20)

There are, evidently, an increasing number of alienated but politically active citizens and politically motivated groups who fail to distinguish between responsible and irresponsible forms of political action to express their grievances. With some charity, one may consider these the victims of their own ignorance or lack of education. But such apologies cannot as reasonably be made—perhaps should not be made—for those who have taken upon themselves the duty of enacting, enforcing, administering, adjudicating, or practicing American law. To whom else are the people of this country reasonably, and likely, to look, to decide whether our form of government deserves their continued consent; whether the exercise of governmental powers remains just; or whether the administration of our government is becoming destructive of the ends for which it was established: to secure our rights to life, liberty, and the pursuit of happiness?

Abraham Lincoln was keenly aware of the necessity for justified public faith in the administration of our law to keep our liberties secure when he said:

We find ourselves under the government of a system of political institutions, conducting more essentially to the ends of civil and religious liberty, than any of which the history of former times tells us. . . . Let reverence for the laws . . . become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars. While ever a state of feeling, such as this, shall universally, or even, very generally prevail throughout the nation, vain will be every effort, and fruitless every attempt, to subvert our national freedom. ("The Perpetuation of Our Political Institutions," Address Before the Young Men's Lyceum of Springfield, Illinois, January 27, 1838, emphasis added)

Among a number of other references to this speech in his text, Anastaplo refers to it as "Lincoln's great speech of his Vandalia years" (p. 128) and relates it to Lincoln's guiding political objectives: "The perpetuation of our political institutions," Anastaplo writes, "was the task to which Abraham Lincoln, a devoted grandson of the Revolution, can be said to have dedicated himself from the days of his youth in Springfield—he was not yet thirty when he spoke on this subject to the Young Men's Lyceum—until the hour of his assassination on Good Friday, in the year 1865" (p. 230, note omitted).

As the following explains, it is potentially the most tragic consequence for our American constitution that the shift from an Enlightenment understanding of the law, to "legal realism," "nominalism," and like postmodern intellectual
fashions mentioned by Anastaplo, operating in conjunction with the economics of contemporary legal practice, has made it increasingly difficult for citizens who come into contact with our legal system to maintain that "reverence for the laws" of which Lincoln spoke as the foundation for perpetuation of the political institutions of a free people.

V. THE PRESENT STATE OF OUR AMERICAN CONSTITUTION

In his analysis of factors contributing to "Mitigations of the Tyranny of the Majority" in volume 1, chapter 16, of Democracy in America, Alexis de Tocqueville wrote:

Lawyers belong to the people by birth and interest, and to the aristocracy by habit and taste; they may be looked upon as the connecting link between the two great classes of society. The profession of the law is the only aristocratic element that can be amalgamated without violence with the natural elements of democracy and be advantageously and permanently combined with them. I am not ignorant of the defects inherent in the character of this body of men; but without this admixture of lawyer-like sobriety with the democratic principle, I question whether democratic institutions could long be maintained; and I cannot believe that a republic could hope to subsist if the influence of lawyers in public business did not increase in proportion to the power of the people... When the American people are intoxicated by passion or carried away by the impetuosity of their ideas, they are checked and stopped by the almost invisible influence of their legal counselors.

Tocqueville identifies additional factors in American political and social life which, in his opinion, may also operate to perpetuate democratic liberties by checking the "tyranny of the majority" and other potential excesses of democracy. These include: trial by jury, free press, voluntary private associations, and maintenance of the "spirit of religion" among the American people. But the deepest laid pillars of our American constitution, as surveyed and explicated in Abraham Lincoln: A Constitutional Biography, relate to the moral and political principles embodied in our fundamental laws; principles which made "The new nation on this continent...the wonder of the world..." (p. 232). Ours is the most enduring democratic republic ever to ripen into a major world power in all known history. Its peaceful transfers of power from one political faction to another for more than two centuries are is a political achievement without precedent. When it was less than half its present age, Lincoln himself wondered at our constitution's endurance:

I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. ... I have often inquired of myself, what
great principle or idea it was that kept this confederacy so long together. It was not
the mere matter of the separation of the colonies from the mother land; but some-
thing in the Declaration giving liberty, not alone to the people of this country, but
hope to the world for all future time. It was that which gave promise that in due
time the weights should be lifted from the shoulders of all men, and that all should
have an equal chance. This is the sentiment embodied in that Declaration of Inde-
pendence. *Speech* for Washington’s Birthday at Independence Hall, Philadelphia,
Pennsylvania, February 22, 1861. (Quoted by Anastaplo as his epigraph to chapter
1.)

Anastaplo follows Lincoln’s view that our written Constitution is, in essence,
the further embodiment of this principle into our government’s organic law.
Continued justified belief by the people of this country in our Constitutional
commitment “to establish Justice, insure domestic Tranquility    promote the
general Welfare . . . and secure the blessings of Liberty to ourselves and our
Posterity” remains the key to endurance of the America regime as we presently
think of it. Indeed, one may see such belief as the essence of the American
“constitution” in its broader sense. As Dr. James H. Rutherford has observed:

The future of American government still rests on public opinion. It rests on our un-
derstanding and support for the moral foundations of constitutional democracy and
our ability to communicate and preserve such an understanding effectively . . .
[The enjoyment of individual freedom and progress of human liberty are not inevi-
table. They are contingent, to a large degree, on our willingness and ability as moral
agents to place our free will within ethical constraints. It is indeed the self-imposed
ethical or moral foundations of government that change mere obedience to the coer-
cive powers of government into a sense of consensual responsibility for a moral
duty, a just order, the common good, or human rights. (Rutherford, *The Moral Foun-
dations of United States Constitutional Democracy* [Pittsburgh: Torrance Publishing
Co., 1992], p. 7)

Ronald Dworkin, another thoughtful analyst of our American constitution,
has fortified Anastaplo’s and Rutherford’s views with his assertion that

The American ideal of government not only under law but under principle as well is
the most important contribution our history has given to political theory. (Dworkin,
*Freedom’s Law: The Moral Reading of the American Constitution* [Cambridge,
MA: Harvard University Press, 1996], p. 6)

Dworkin directly relates the moral imperatives summarized by Rutherford to
judicial interpretation of our written Constitution:

There is nothing revolutionary about the moral reading [of the Constitution] in prac-
tice. So far as American lawyers and judges follow any coherent strategy of inter-
preting the Constitution at all, they already use the moral reading . . . Lawyers and
judges, in their day-to-day work, instinctively treat the Constitution as expressing abstract oral requirements that can only be applied to concrete cases through fresh moral judgments. . . . As I argue. . . they have no real option but to do so. (Pp. 2–3)

In the day-to-day affairs of the people of this country, we meet our government in the administration of our laws, most critically in situations that bring us in contact with public administrators, lawyers, and judges. The present reality is that “the more contact people have with lawyers, the less favorably they look upon the legal profession.”

Given the contrast between the nature of our American constitution as the Founders conceived it, as Lincoln followed it, and as most Americans sense it, this is wholly to be expected. The model of legal practice promoted in American law schools, and generally followed in the practices of most American lawyers, judges, and public executives today, makes it more difficult for Americans to maintain that “reverence for the laws” Lincoln evidently thought was practically indispensable to preservation of our democratic liberties. For the fact is, that the current prevalent model of legal practice constitutes an essential abandonment of the moral and political principles which have formed our constitution as explicated in Abraham Lincoln: A Constitutional Biography.

My experiences as a lawyer during the past thirty-three years have persuaded me that it is a model which is not only inappropriate to conditions of twenty-first-century American democracy, but one which now may threaten to tear apart the fabric of our American constitution. I have summarized part of the basis for this troubling conclusion as follows, in a widely published opinion editorial:

When I went to law school, I believed that being a lawyer was not only a good way to earn a living, but a good way to live. It seemed to me then—as now—that the main purpose of being a lawyer is to help advance justice, peace, and human freedom. But law school was a shock to me. Not once in my three years of study was there ever a discussion of how a practicing lawyer can help advance these great ideals. Instead, law school taught me how to argue aggressively, with no quarter given or taken, and how to fight an opposing point of view with uncompromising technical skill.

Like most law schools then and now, mine didn’t require that students learn how to negotiate. Even today, no law school aims to help students develop practical wisdom, human insight or the ability to deal empathetically with an opposing view.

American law schools are exactly the kinds of institutions you would create if you wanted to promote a kind of civil war instead of civil peace. Law schools are not schools for resolving conflict harmoniously; they are schools to help promote profitable conflict. It’s no wonder that American lawyers have become, in the eyes of most people, bad jokes.

The lawyer as counselor, conciliator, problem-solver and planner used to be the model of the profession in this country. This model has been replaced by the gun for hire, the mercenary warrior. This is no longer merely irritating; in our highly
individualistic, increasingly fragmented society, it has become downright dangerous.

The American legal profession and its most accomplished members have proven themselves to be among the most civilizing and progressive forces in history. American lawyers, going back at least to Thomas Jefferson, have helped to provide hope for a better life to all the world. To help increase the chances that our American future will be as bright as its promise, we need to do what we can to encourage restoration of the model of the American lawyer as a peacemaker.¹⁴

Abraham Lincoln was among the best of the kind of lawyer in whom Tocqueville placed his hopes for preservation of a healthy balance between liberty and equality in the American democracy. But he is not the kind of lawyer to whom most Americans have access today. The kind of lawyer of whom Tocqueville was writing has, traditionally, been considered the professional ideal. He is termed a “lawyer-statesman” by Anthony Kronman, Dean of Yale University Law School, in his thoughtful book, The Lost Lawyer: Failing Ideals of the Legal Profession (Cambridge, MA: Harvard University Press, 1993). In this book, Kronman describes and laments the progressive extinction of the lawyer-statesman in today’s legal “market”:

The decline of the lawyer-statesman ideal has [thrown] the professional identity of lawyers into doubt. (P. 354)
The lawyer-statesman ideal is an ideal of character. It calls upon the lawyer who adopts it not just to acquire a set of intellectual skills, but to develop certain character traits as well. It engages his affects along with his intellect and forces him to feel as well as think in certain ways. The lawyer-statesman ideal poses a challenge to the whole person, and this helps to explain why it is capable of offering such a deep personal meaning to those who view their professional responsibilities in its light. (P. 363)
But . . . the older ideal of the lawyer-statesman is today so besieged by hostile forces—in our schools and firms and courts—that its restoration now seems nearly hopeless. (P. 368)
[The likelihood that the profession as a whole will awaken to the emptiness of its condition and that there will be a great resurgence of support, at an institutional level, for the vanishing ideal of the lawyer-statesman seems to me quite low. (P. 380)

Ever since the United States Supreme Court struck down state bar prohibitions against lawyer advertising in Bates v. State Bar of Arizona, 433 U.S. 350 (1977), despite prophetic warnings of four dissenting Justices, the practice of law has moved increasingly from a professional to a business model.¹⁵ Long before this came about, its happening was seen as a potential threat to our constitution by American lawyer-statesmen:

Henry L. Stimson, the twentieth century doyen of the modern corporate attorney, who served in high government positions under six presidents, wrote passionately of
the necessity of the American lawyer to be a defender of the laws and Constitution. “I felt,” he wrote in . . . On Active Service in War and Peace, “that if the time should ever come when this tradition faded out and the members of the Bar had become merely servants of business the future of our liberties would be gloomy indeed.” (Ralph Nader and Wesley J. Smith, No Contest: Corporate Lawyers and The Perversion of Justice in America [New York: Random House, 1996], p. xvii)

Accelerating growth in size of law firms since the 1950’s has concomitantly increased law firm overhead and operated to subordinate efficient resolution of clients’ problems to the need for each firm member and associate to increase his and her “billable hours.” Particularly where third-party payment of attorneys’ fees is involved, almost all the lawyers’ economic incentives are on the side of protracted procedural wrangling. In contrast to the customs of legal practice that generally obtained as recently as thirty years ago, it is now relatively rare to find lawyers representing opposing parties who are willing to engage in candid, good faith discussions about the merits of the claims and defenses involved without first undertaking and completing protracted formal procedures. Instead of addressing client “situations” efficiently, in the light of economical reason and common sense, to determine quickly what the real issues in the matter are or might be, lawyers now generally rely upon costly legal techniques to “advance” their cases, in ostensible preparation for trial. (“Real people don’t find themselves in cases; they find themselves in situations. Lawyers don’t encounter their clients in cases; they encounter them in situations.” Sol M. Linowitz, The Betrayed Profession: Lawyering at the End of the Twentieth Century [New York: Charles Scribner’s Sons, 1994], p. 128.) The lack of intrinsic necessity for such legal practice, in terms of the parties’ interests, is indicated by the statistics for disposition of litigated cases. The great majority of all lawsuits are settled without a trial, commonly on the basis of factors ascertainable at an early stage of the procedures involved (see the statistics collected in Sheppard, “American Principles,” pp. 240–41, nn. 6 and 7). These unnecessarily litigious practices and abuse of the formal techniques of “discovery” are directly contrary to Abraham Lincoln’s own stated views on the prudent way to practice law. In a letter written on July 1, 1850, to a young lawyer seeking advice about the conduct of his practice, Lincoln wrote:

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expense, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough.

Lincoln’s prudent view of legal practice can help directly to illuminate our current legal affairs. As critics of our present legal system have accurately observed:
It is no secret that the legal system . . . is in disarray. Indeed, courts and government agencies are increasingly seen by the public, commentators, cultural observers, and lawyers alike as dysfunctional and in need of reform. (Nader and Smith, p.16)

Lawyers in every state of the United States are required to take an oath upon admission to the bar to uphold the United States Constitution (and their state constitution), commonly to “the best of their knowledge and ability.” The prescribed form of oath for California attorneys, for example, is: “I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counselor at law to the best of my knowledge and ability” (California, State Bar Act, art. 4, sec. 6067). The California State Bar Act makes it the first of the “Duties of Attorney” “To support the Constitution and laws of the United States and of this State” (Sec. 6068).

If the constitutional oaths lawyers take upon admission to the bar are still to be taken seriously, then the present condition of American legal education and practice may be seen as no less than a disaster to the letter and spirit of our Constitution as explicated in Abraham Lincoln: A Constitutional Biography. The general character of American legal education today fails to provide fledgling attorneys with the knowledge necessary to carry out their oaths. The generally accepted character of American legal practice today fatally impairs the ability of practicing lawyers to do so. The consequence is that, in our society of increasing diversity, members of the professional class who should, through the model of their practices, serve as the secular ministers of American democracy (promoting that “reverence for the laws” as our “political religion” Lincoln thought would secure our civil liberties) are, instead, habituated to help foment and exacerbate, rather than reasonably reconcile and harmonize, conflicts brought to them for resolution. The consequences for the character of our civic life are painfully visible. In terms of foreseeable consequences, is it, perhaps, not going too far to conclude that this threatens internal subversion of our constitution in a more immediate way than the dangers of the Communist menace to the security of our Republic as perceived during the Cold War?

In 1857, Lincoln stated his view of the meaning and objects of the implicit constitutional principle that “all men are created equal” expressly articulated in the Declaration of Independence:

The authors of that notable instrument did not mean to assert the obvious untruth, that all were then enjoying that equality, nor yet, that they were about to confer it immediately upon them. . . They meant simply to declare the right, so that the enforcement of it might follow as fast as circumstances should permit. They meant to set up a standard maxim for free society. . . Its authors meant it to be, thank God, it is now proving itself, a stumbling block to all those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the prone-
ness of prosperity to breed tyrants, and they meant when such should re-appear in this fair land and commence their vocation they should find left for them at least one hard nut to crack. Springfield Speech of June 26, 1857. (Quoted at p. 18)

"Tyranny" is the exercise of power without reason, or in disregard of it. In a free society, no one is supposed to be above the law or beneath its notice. This is to say that its members expect the law to serve as a generally reliable instrument of justice, guided by the light of reason, for the common good. Justice Holmes's dictum notwithstanding, an unreasonable law, not promulgated for the common good, is likely, over time, to be seen as a tyrannical edict serving the interests of the powerful, whether a powerful popular majority or an unduly influential elite. To the extent that members of the American legal profession content themselves with exercise of their power to enact, enforce, administer, interpret, advocate, or apply the law, not in the light of reason, and toward the common good, they adopt the stance of tyrants. And the more aware the people of a democratic republic becomes of the exercise of self-interested tyranny (ultimately at their expense), the more likely will be incentives to recall, and seek to enforce, the rights upon which our Constitution is founded, including the right to revolution. A powerful government, responding unjustly to legitimate grievances, may always increase domestic security at the expense of civil liberty. (This is, no doubt, why Lincoln thought that continued widespread "reverence for the laws" would secure our civil liberties.) But a government dedicated, as ours is, to the proposition that all men are created equal, to the establishment of justice, and to the security of our liberty as well, is bound also to promote measures that will avoid foreseeable dangers to the security of its objects. For the reasons just discussed, the prevalent model of legal education, and prevalent practices of American lawyers, may now be seen to pose such dangers.

VI. ANASTAPLO'S PRUDENCE IN THE PREMISES: A CRITIQUE

My reading of our American constitution is, in all major respects, the reading given to it by Anastaplo in Abraham Lincoln: A Constitutional Biography. Nor do I differ from his views concerning the central importance of the exercise of prudence to help ensure perpetuation of our constitution and best promote progressive achievement of its objectives. If, however, prudence can properly be understood to mean the practical application of intelligent principles in the light of observant common sense and the particular circumstances requiring political action, then I believe we may, in at least one important respect, differ about what prudence requires at present to help secure the future vitality of our constitution.

There is, in my opinion, no person writing today who can speak, both from
experience and study, with greater authority than George Anastaplo about the significance of our American constitution and the measures that may have to be taken from time to time to defend it. Anastaplo's publication of his knowledge seems to me, however, to be too much tempered by passion for the philosophic dialogic method; that is, too great a reluctance to state explicitly and unequivocally the starker conclusions that follow from his insights as to the present state of our constitution and the dangers to its continued vitality.

My own experiences as a lawyer persuade me that Anastaplo's constitutional analysis discloses, almost definitively, the root reasons for the present disarray of our legal system. Yet even well-motivated readers may find it daunting to discover his essential conclusions or understand their most momentous consequences. The book's very first footnote (p. 263) presents the reader with a labyrinthian labor of cross-references likely to discourage even generally reflective readers from wanting to go further along a path which is, in fact, richly rewarding. While mentioning, for example, (in footnote 154) the fact that "scholars are not apt to appreciate these days the "profound implications" of the difference between Chief Justice John Marshall's understanding of the common law and Justice Holmes's, it is uncertain whether intelligent lay readers who are not scholars are given appropriate access to how these profound implications may affect them.

An even more important illustration of unnecessary obscurity may be found in Anastaplo's references to the education of lawyers, to which he refers both obliquely and directly from time to time. Commenting on the high quality of the Lincoln-Douglas debates, Anastaplo remarks:

One cannot help but wonder, upon encountering such political discourse, what if anything can be done amongst us (in an age of supposed great communication) to begin to restore both our public speakers and their audiences to a level both worthy of our constitutional heritage and necessary for our political health. (P. 158)

And again, he points out:

The judgment Lincoln displayed with respect to both the formulation of policy and the use of rhetoric depended upon a sound understanding—that is, upon a proper education for political purposes... A proper political education (under which is subsumed legal education) presupposes, among other things, that there are (as we have seen), enduring standards by which one may be guided even as one is being "practical." (Pp. 170–71)

The character of legal education in America today is no longer simply an "academic" question. It is a political question of the highest order, now raising critical issues concerning the future security of our Constitution and healthy endurance of the American regime. With knowledge of what really takes place in our law schools, the inference from the statement just quoted is clear: Ameri-
can law schools do not presently prepare our future lawyers, judges, and public executives to exercise sound judgment in what they do as lawyers, judges, and public executives. But in a matter as important as this, one pregnant with consequences for Anastaplo's deepest concerns, why leave it to inference? The fact is, that unless American lawyers become well educated in the significance of our Constitution, their ignorant, narrow self-interests, fortified by other "hostile forces" Dean Kronman describes in his book, are likely to lead them to engage in practices that tend to subvert it.

As I have suggested, Anastaplo's obliquity may proceed from his belief in deliberative inquiry as the means for attaining what may be the highest human excellence and also in his faith in our nobler human intuitions. ("[P]erhaps we need to be reminded," Anastaplo suggests in another context, "that there may be in mankind an innate openness to the sublime;" p. 100.) But if it is the future of our Constitution with which we are concerned, and that Constitution, properly understood, is rightly perceived to be in significant jeopardy, does not prudence dictate some form of salutary political action by informed citizens as most needful, rather than sustained detachment?

Anastaplo has given so much, and continues to give so much, to exposition and defense of our American constitution, and, in his youth, sacrificed so much in its defense, that it may seem (or be) churlish of me to fault him for failing to compromise what may be his highest good by seeming to follow the model of Socrates in preference to Lincoln. Anastaplo's "dialogic" Socratic method, unlike its typical law school corruption, is authentic and potentially stimulating to philosophic spirits. The permissible conduct of such philosophic enterprise has been a guaranteed liberty of our constitutional system. Anastaplo's analyses show, however, that that system is jeopardized by abandonment of its most basic principles in the thought and actions of those directly responsible for maintaining them, our lawyers, judges, and public officials. Socrates abandoned politics when he concluded that the character of the Athenian democracy did not make it safe for him to remain politically active. Anastaplo, on the other hand, states his continued faith in the sound character of the American people. Moreover, as pointed out above, he asserts that "It may well be . . . that Americans have greater need to be explicitly reminded today" of the right of revolution as stated in the Declaration of Independence "and all that it implies, than at any other time in their history" (p. 19). Does not Anastaplo's own ultimate interest in human freedom therefore require him to write more politically and candidly advocate, rather than merely intimate, the critical need for reform in the education and practice of American lawyers? As Anastaplo shows us, Lincoln had an almost unerring sense of timing in the prudent pursuit of measures designed to secure and advance the principles and aspirations of our American constitution. Isn't now the critical and opportune time actively to promote, as persuasively as possible, reformation of American legal education and practice in the interest of preservation of our liberties?
At least this much is clear: Prevention of the escalation of domestic fractiousness into increasing violence through appropriate changes in the model of legal education and practice would be far more faithful to the spirit of our constitution, and far more likely to secure "the blessings of Liberty to ourselves and our Posterity," than having to depend upon the government to respond to such violence with police measures calculated to "ensure domestic Tranquility." Security measures already adopted in major federal facilities following the Oklahoma City bombing are now similar to those employed in major United States airports, risking further alienation between American citizens and their government. We no longer enjoy the easy access to government offices we once took for granted and must, in the interest of security, permit ourselves to be subjected to electronic searches before entering federal offices. While recently entering a federal office building myself, I overheard the security officer say to a man whose metal belt caused a security alarm to go off: "You should have known better than to dress that way if you were coming here." This is in itself a trivial incident, but does it not suggest a mentality subordinating individual liberties to the need for security that is likely to increase in scope and significance with increases in domestic violence?

VII. CONCLUSION: THE LIKELY FUTURE OF OUR AMERICAN REGIME

We Americans can be a feisty people. The phrases "There ought to be a law," and "I'll see you in court," may be peculiarly American in temperament:


Until relatively recently, members of the legal profession generally exercised prudent restraint upon American litigiousness. As Elihu Root, another twentieth-century lawyer-statesman put it, "About half the practice of any decent lawyer consists of telling would-be clients that they're damned fools, and should stop" (as quoted in Linowitz, p. 4). Serious consideration must now be given to the implications for the future of the American regime of the change that has now taken place, as professional legal practice has yielded progressively to a business model.
Is it not unreasonable to suppose that the success of our American experiment to date has been a mere accident of history? Is it not far more likely that the endurance of this democratic republic is attributable to a deep and accurate understanding by its Founders of human nature, in contemplation of the need both to advance our nation’s enduring aspirations and also to guard adequately against its weaknesses and vices?

As our Founders knew, the security of our American constitution is ultimately in the hands of the people of our democratic republic, in whom Anastaplo generally places great faith, as do I. But are not the measures we are likely to take to protect our rights to “life, liberty, and the pursuit of happiness” bound to be critically influenced by what we see in those to whom we must look, under our system of laws, for the enforcement and secure preservation of those rights? In our diverse society, are not members of the legal profession in the best position to help secure our liberties by prudently helping to harmonize increasing conflict among us?

Justice Black pointed out in his Anastaplo dissent that “The legal profession will lose much of its nobility and its glory if it is not constantly replenished with lawyers like [George Anastaplo].” In the judgment of most Americans, members of the American legal profession have already lost their nobility by their inglorious and narrow self-seeking and their tyranny of technique. Even though many students continue to enter law school with noble aspirations, American law schools in effect do what they can to discourage such aspirations as merely naive and “unprofessional,” disdaining to encourage replenishment of the profession with lawyers like Anastaplo. If lawyers as a class are still in any respects considered an “aristocracy,” it is probably as a powerful elite regarded with general opprobrium, even if they are also perceived as necessary and useful to protect or advance individual self-interests as legal advocates. Reprobated elites are not, over time, usually treated kindly by democratically inclined peoples awakened to the injuries such elites are causing to the common good.

Reading Abraham Lincoln: A Constitutional Biography (and other books written in the same spirit) could help inform those among us who are willing to be Americans that the disdain most Americans now have for lawyers has at its root their prevalent incapacity to understand and abide by their oaths to support the Constitution in what they do as lawyers and public officers. The wider promulgation of such knowledge could, in turn, better enable, perhaps even compel, future lawyers and public officials to do their constitutional duty. But is it not the model of Lincoln, rather than Socrates, that might better suggest how to bring that about? The chances are that if we do not find such Lincolnesque leadership to influence the character of our legal institutions before it is too late, we may find that we have adopted a new kind of constitution, one of which we may be unable to say: “vain will be every effort, and fruitless every attempt, to subvert our national freedom.”
1. Anastaplo’s epigraph to chapter 2, “The Declaration of Independence: On Rights and Duties,” includes quotation of the following words from George Washington’s First Inaugural Address (April 30, 1789): “The preservation of the sacred fire of liberty and the destiny of the Republican model of government, are justly considered as deeply, and perhaps as finally, staked on the experiment entrusted to the hands of the American people.” In his First Inaugural Address on March 4, 1801, Thomas Jefferson likewise said that the United States was then “in the full tide of successful experiment.” Abraham Lincoln, in the Gettysburg Address, affirmed that the Civil War was testing whether “this nation, or any nation conceived in liberty and dedicated to the proposition” that all men are created equal, could “long endure.”


3. Harrison Sheppard, “Positive Negatives: People Behind the Portraits,” The Hellenic Journal, June 21, 1990 (Brisbane, CA), describing an exhibit of photographs of Russians, Ukrainians, and Americans (including Professor Anastaplo) who championed human rights or world peace at some personal risk. Its motto was the last sentence of Justice Black’s dissent in the Anastaplo case (discussed in the body of this review): “We must not be afraid to be free.” The exhibit, produced in the U.S.S.R. in 1991, received national attention there.


5. Taking his leave of legal practice following the Court’s decision in In Re Anastaplo, Anastaplo wrote, in the final paragraph of his Petition for Rehearing: “Petitioner leaves in the hands of the profession—lawyers, law teachers and judges alike—the career he might have had. He trusts he will be forgiven if he retains for himself only the immortal lines of another exile (Inferno, xv, 121–124). ‘Then he turned back, and seemed like one of those who run for the green cloth at Verona through the open fields; and of them seemed he who triumphs, not he who loses.’” Quoted in Murley, p. 179.

6. See, e.g., Wills, at pp. 146–47: “The Gettysburg Address has become an authoritative expression of the American spirit—as authoritative as the Declaration [of Independence] itself, and perhaps even more influential, since it determines how we read the Declaration. For most people now, the Declaration means what Lincoln told us it means, as a way of correcting the Constitution itself without overthrowing it. . . . By accepting the Gettysburg Address, its concept of a single people dedicated to a proposition, we have been changed.” Lincoln’s conversion in his Gettysburg Address of the Declaration’s “self-evident” truth that “all men are created equal,” to a “proposition” is considered by Anastaplo in light, inter alia, of the assertion by John Pettit, a prominent Indiana senator of Lincoln’s time, that the “created equal” language in the Declaration was “a self-evident lie” (Anastaplo, p. 18). As to this heresy, Lincoln commented: “What would have happened if he had said it in old Independence Hall? The door-keeper would have taken him by the throat and stopped his rasply breath awhile, and then have hurled him into the street” (Anastaplo, n. 492, p. 344). Lincoln’s use of the term may also be expressive of what he considered to be the “axioms” of democracy: “He liked to talk of the theorems and axioms of democracy, comparing them to Euclid’s propositions” (Wills, p. 174).

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9. Cited and quoted in Sheppard, “American Principles,” p. 252, n. 37. The text of this note includes a list of items in the July 16, 1996, edition of the San Francisco Chronicle, selected by happenstance on the day the note was drafted, reporting incidents of violent expression of differences among diverse American groups.

10. See Tocqueville, Democracy in America volume 1, e.g., chapter 16 as to trial by jury, chapter 11 as to a free press; chapter 12 as to private voluntary associations, and the Author’s Introduction as to the spirit of religion (“[L]iberty cannot be established without morality, nor morality without faith”). See also, as to religion, volume 2, chapter 15.

11. The quoted phrases are from the Preamble to the U.S. Constitution, whose entire text is as follows: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” Anastaplo, who treats the Constitution as a coherent whole whose parts throw light on each other, attaches signal importance to the words of the Preamble. “The Preamble has usually been regarded as a rhetorical flourish that adds nothing to the enumerated powers found in the Constitution. Anastaplo . . . reads the Constitution by the light of the comprehensive ends found in the Preamble. For Anastaplo, the Preamble explains why ‘We the People’ ‘ordained and established’ the Constitution . . .” (Murley, p. 165, citing Anastaplo, The Amendments to the Constitution, pp. 125–34). See Anastaplo’s fuller treatment of the Preamble in The Constitution of 1787: A Commentary (Baltimore: Johns Hopkins University Press, 1989), chap. 2, “Preamble,” n. 13–25.


13. See the sources cited in Sheppard, “American Principles,” p. 246, n. 19, identifying, in addition to the Kronman and Linowitz books quoted in this review, recent authoritative writings on the decline, during the past thirty years or so, in professional standards of American legal practice.

14. “Cashing in on Conflict,” The Washington Post, June 5, 1996 (republished in the following national weekly edition of The Washington Post and in many newspapers throughout the United States). The written responses to “Cashing in on Conflict,” by readers, including many lawyers, judges, and law students throughout the United States (and a Justice of the United States Supreme Court), unanimously expressed agreement with the characterization of legal education and practice it summarized.

15. Justices Powell, Stewart, Rehnquist, and Chief Justice Burger dissented in part from the Court’s ruling. Justice Rehnquist’s dissent was based partly on the ground that the First Amendment protection the Court had given to lawyers’ commercial advertising was misplaced: “I continue to believe that the First Amendment speech provision, long regarded by this Court as a sanctuary for expressions of public importance or intellectual interest, is demeaned by invocation to protect advertisements of goods and services. I would hold quite simply that the appellants’ advertisement, however truthful or reasonable it may be, is not the sort of expression that the Amendment was adopted to protect” (433 U.S. 350, 406). Chief Justice Burger criticized the majority opinion as opting “for a Draconian ‘solution’ [to problems created by restraints on lawyer advertising] which I believe will only breed more problems than it can conceivably solve” (433 U.S. 350, 389). Justice Powell’s dissent, in which Justice Stewart joined, declared that “Although the Court appears to note some reservations . . . it is clear that within undefined limits today’s decision will effect profound changes in the practice of law, viewed for centuries as a learned profession. The supervisory power of the courts over members of the bar, as officers of the courts, and the authority of the respective States to oversee the regulation of the profession have been weakened” (433 U.S. 350, 390).

Since these concerns were expressed nearly a quarter of a century ago, their prescience has become increasingly evident. Consider, for example the opening paragraphs of an article written by Reynolds Holding, legal columnist for the San Francisco Chronicle, published in the Chronicle’s Sunday, May 21, 2000, edition (in its “Sunday” section, p. 3), and headlined: “State Bar Should
Crack Down on California Lawyers”: “I’m not sure,” Reynolds began, “what it takes for a lawyer to be disbarred in California. I suppose murder would do the trick, or perhaps bonking a judge on the head with a very heavy law book. It’s amazing, though,” he continued, “how many of the most blatant transgressions never result in a voided bar card. Lying to judges, filing frivolous appeals, endangering children, getting arrested for burglary—none of these or other absurdly irresponsible moves have been enough to propel [a named lawyer] out of the legal fraternity in California. His case, just decided by the State Bar Court’s review department, suggests that the system of disciplining California lawyers is not merely weak, it’s dangerous.” The column then recounted in detail the unethical actions by the lawyer just summarized, as found by the state bar judges. This evidence of what the judges themselves referred to as “moral turpitude” resulted in the lawyer’s suspension from the practice of law in California for two years.

16. Mr. Linowitz served as Chairman of Xerox Corporation and was formerly U.S. Ambassador to the Organization of American States. Speaking of the approach lawyers should take, at least initially, to serve the best interests of their clients, Louis D. Brandeis (who coined the term “lawyer for the situation” at his confirmation hearings on his nomination to the U.S. Supreme Court) said: “Rather than acting as a hired gun for the client, the lawyer should occupy a more judicious (and judicial) role, and become the ‘lawyer for the situation’”; as quoted by David Luban, “The Noblesse Oblige Tradition in the Practice of Law,” 41 Vanderbilt Law Review (1998): 717, 721.
Book Review


TRAVIS CURTRIGHT
University of Dallas

After eighteen novels, an illustrious teaching career, and a Nobel prize, Saul Bellow turns his artistic energies to fictionalize and elegize his deceased friend and colleague, Allan Bloom. Power from the memory of Bloom’s friendship, support from his wife, a promise made to write Bloom’s biography—all of these, maintains Bellow, enable him to write Ravelstein at the age of eighty-four. He owes more to Bloom than a great subject for his novel, though: In Bellow’s depiction of Bloom criticizing him, Bellow might also find the first, most perspicuous criticism of Ravelstein.

Saul Bellow is too introverted to understand politics; that is Allan Bloom’s assessment of the author whom he ostensibly asks to write his biography. Ironically, it is this assessment which shows why Bellow’s newest novel is unsuccessful as a memoir of Bloom. Bloom’s persona, Abe Ravelstein, elaborates why Bellow badly needs to be in touch with politics—“not local or machine politics, nor even national politics, but politics as Aristotle or Plato understood the term, rooted in our nature.” Bloom was a psychologist in the classical sense of the word; he thought Bellow needed a sharpened insight into his fellow men, and he hoped that if Bellow wrote a character sketch of his friend, he might be cured. “He thought I was stuck in privacy and should be restored to community,” Bellow writes. The subject of Bloom’s life might cure Bello of self-absorption, and, besides, Bellow might provide a lasting tribute to one of the most influential and insightful thinkers of our times.

But Bellow can’t get the politics right, or, more to the point, he misses what was great about Bloom—his ideas. To be sure, Bellow misses a delicious opportunity. As Erasmus pushed and portrayed Thomas More, or Boswell bothered and depicted Dr. Johnson, so, too, Bellow could have allowed himself the duty of a devoted friend who records the personality and ideas of a man whose fame looms over a generation of conservative scholars. Bellow won’t limit himself to recording the thoughts, dinner-table conversations, tantrums, and ruminations of Bloom though; he must write a novel, explain his own art, detail his own failed marriage and his presently successful love life, and, in short, miss the obviously important thing about the man for whom he writes his book.

In an important moment of self-consciousness about his approach to biogra-
phy, Bellow writes that he prefers Macaulay’s essay on Boswell’s Johnson rather than Boswell’s own approach to describing Johnson. “Macaulay exhilarated me with his version of the Life, with the ‘anfractuosity’ of Johnson’s mind. I have since read many sober criticisms of Macaulay’s Victorian excesses. But I have never been cured—never wanted to be cured of my weakness for Macaulay. Thanks to him I still see poor convulsive Johnson touching every lamppost on the street and eating spoiled meat and rancid puddings.” Thanks to Bellow, we may see Bloom in his idiosyncratic eating habits, overall decadence, and raw sexual appetite.

Ravelstein is divided into three parts. In the first, Bellow’s persona Chick accompanies Ravelstein to Paris. They are celebrating the wild international and financial success of Ravelstein’s book, in real life, Bloom’s The Closing of the American Mind. In the second, Bellow becomes controversial by revealing Bloom’s contraction of AIDS, his slow deterioration, and eventual death. The third part is probably meant as a tribute to the special friendship Bellow and Bloom shared, inasmuch as Bellow portrays his own bout with death, hospitals, and human love in overly dramatic parallelism. Bellow concludes with a much-lauded description of Bloom dressing himself in his favorite eccentricities before delivering an epitaph, “You don’t easily give up a creature like Ravelstein to death.” Throughout, Bellow emphasizes Bloom’s “magnanimity” and obsession with modernity’s “loss of eros,” or our transformation into what Bloom called “souls without longing.”

The difficulty with Bloom’s magnanimity and eros, however, is that Bellow never relates it to anything of intellectual substance. The result is that Bloom appears more like a Nietzschean rather than a follower of Strauss. I suspect that most readers, unfamiliar with Bloom’s scholarly works, will view him simply as the decadent, incontinent, obsessive-compulsive homosexual Bellow gives his readers. Where Bloom considers the great soul of such characters as Shakespeare’s Mark Antony in Love and Friendship, Bellow writes about Bloom’s penchant for the most beautiful and expensive European clothes. “What does this Lanvin jacket have that your twenty others haven’t,” Bellow’s persona Chick wants to ask Ravelstein, but does not. Chick knows “perfectly well that in Abe’s head there were all kinds of distinctions having to do with prodigality and illiberality, magnanimity and meanness. The attributes of the great-souled man.” Chick confesses: “I didn’t want to get him started.” One wishes he had gotten Ravelstein started. If he had, then Chick might have learned that Aristotle never included the qualities of our modern stereotype of homosexual dressing habits in his consideration of the magnanimous man: Flamboyant, primping and parading dress, bought by men to attract the “sexy mischief” to be found on the streets of Paris, is not the kind of example Bloom would have used in teaching Aristotle, but Bellow gives such an example in his depiction of Bloom. This confused fusion of Bloom’s ideas on magnanimity and eros with Bloom’s foibles and moral aberrations constitutes the most disappointing flaw of Bellow’s
book. Either the reader should believe that Bloom’s personal life is a statement of his ideas or that Bellow never grasped the message of Bloom’s writings even after all his years of teaching with him; both are too gross a contradiction for a coherent story.

Bellow continues his cartoonish depiction of Aristotle’s great-souled man concerned with eros. In distinguishing the high-mindedness of the great soul from the petty minded, Bellow takes up Bloom’s eating habits. “Faculty wives knew that when Ravelstein came to dinner they would face a big cleaning job afterward—the spilling, splashing, crumbling, the nastiness of the napkin after he had used it, the pieces of cooked meat scattered under the table, the wine sprayed out when he laughed at a wisecrack; courses rejected after one bite and pawed to the floor. . . . Objecting to Abe’s table manners would be a confession of pettiness” (pp. 37–38). Bellow’s caricature continues until he exhausts Bloom’s gossiping, personal grudges, excessive drinking and smoking, unprofessional relationships with his students, sexual ragings. Although Bellow asserts throughout that Bloom’s focus is magnanimity and eros in an ancient philosophical sense, the reader wonders what is great souled and loving about any of Bloom’s behavior.

Bellow writes that he is not interested in Bloom’s ideas. “But I am not interested in presenting his ideas. More than anything else, just now, I want to avoid them.” In the snippets of Bloom’s thought which Bellow does document, Bloom is shown as more of a romantic than a Straussian, less of a Socrates and more of an Alcibiades. Bellow records Bloom’s fascination with “eros” and “spiritedness”—young, spirited men who are erotically charged mean an incarnate, and defiant, statement of conservative philosophy for Bloom. These youths, like Bloom himself, refuse to give in to the bourgeois, flat personalities of modernity, which for the most part center on their own fears of death. In reading Bellow’s summaries of Bloom’s “most important preoccupations,” I could not help being reminded of Bloom’s essay on Romeo and Juliet in Love and Friendship. There he suggests two human solutions for death: transcendent experiences of eros through philosophy and sex, or the mitigation of human eros through sex within marriage, transmitting eros through the new life which marriage bestows in children. As in the essay, Bellow’s Bloom seems to favor the ecstasy over the ordinary.

The redeeming part of the novel is not Bellow’s depiction of Bloom, but the artistic style of Bellow’s writing. It is Bellow’s eye for detail, his ability to place the reader in Bloom’s apartment, which delights the reader. Bellow’s own ruminations on death prove far more poignant than anything he gives Ravelstein to muse on. Occasionally, too, Bellow the artist is able to capture something of what Bloom’s ideas meant better than anything Bloom himself had written. I have read Bloom’s critique of modern music in The Closing of the American Mind, studied Aristotle’s distinction between Phrygian and Mixed Lydian melody and their corresponding effects on the soul, and even perused Plato’s treat-
ment of music in the education of his guardians, but none of it has the poetic effect of Bellow's portrait of what music means to the soul of Bloom. In a vision of Bloom from beyond the grave, Bellow writes that

The cast and orchestra are pouring out the *Italian Maiden in Algiers*. This is dressing music, accessory or mood music, but Ravelstein takes a Nietzschean view, favorable to comedy and bandstands. Better Bizet and *Carmen* than Wagner and the *Ring*. He likes the volume of his powerful set turned to the maximum... And perhaps he relishes having so many instruments serenading him, so many musicians in attendance... He loses himself in sublime music, a music in which ideas are dissolved, reflecting these ideas in the form of feeling. He carries them down into the street with him. (Pp. 232–33)

As Ravelstein walks into a snow-covered street, Bellow adds the perfect sentimental symbol: the shrubs surrounding Ravelstein are full of parrots—brightly colored, laughing birds, who escaped captivity to nest where they would. Bellow's imagery brilliantly conveys that somehow Bloom is too bright for our world, and that he escapes it with his death; that Bloom is somewhere, carried away, bathing in the ecstasy his music once provided him.

Bellow's art will probably captivate followers of Bloom into reading his book even as he frustrates them by deconstructing and embarrassing a man they once admired. Unfortunately, the anecdotes, the scintillating conversations and trenchant observations—the ideas of Bloom given over an espresso for example—are now tucked away, like Bloom himself, into enigmatic mystery.
Was ist Politische Philosophie?

Heinrich Meier

Warum Politische Philosophie?

Ausgehend von der politischen Kritik, die Aristophanes in den »Wolken« am vorsokratischen Sokrates übt, gibt Heinrich Meiers Münchner Antrittsvorlesung eine Antwort auf die Frage, weshalb die Philosophie die Wendung zur Politischen Philosophie vollziehen muß. 

»Warum Politische Philosophie?« handelt von einer philosophischen Politik der Freundschaft und von der Notwendigkeit der Auseinandersetzung mit der anspruchsvollsten Alternative der Philosophie. Sowenig der Autor die Philosophie als eine Provinz im Reich der Kultur, sondern als eine Lebensweise begreift, sowenig versteht er die Politische Philosophie als ein Feld im Garten der Philosophie. Sie ist vielmehr, so lautet seine These, eine besondere Wendung, eine Änderung der Blick- und Fragerichtung, die für die Philosophie einen Unterschied im Ganzen begründet, da die Philosophie einzig in der Politischen Philosophie zur Vollendung ihrer Reflexivität zu gelangen vermag.
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