That modern Western civilization is in crisis is a difficult observation to deny. Attempting to comprehend and subsequently resolve that crisis is, however, a different matter entirely. Whereas agreement can be reached on a general level regarding the presence of a crisis at the close of the twentieth century, a meeting of minds concerning solutions appears less imminent than ever before. It has been, from the beginning, the preserve of political philosophy to inquire into social and political phenomena in order to provide understanding of it, in this way preparing the way for the prudent, deliberate choice between options. The present crisis is intriguingly unique in this respect- a lack of clarity surrounds any attempt to even ascertain what the alternatives are, much less choose between them.

Heinrich Meier, in his recent book *Carl Schmitt And Leo Strauss: The Hidden Dialogue*, discloses an intellectual exchange (partly open and partly silent) between two minds of central, if not pivotal significance in our time. The exchange reveals in stunning detail both 1) the root causes of the crisis of modern liberalism, and 2) the basic alternatives which must be deliberated upon, selected,
and defended in post-modernity. In carefully and perspicaciously examining the written and implicit interchange between the German political theologian Carl Schmitt and the German-Jewish political philosopher Leo Strauss (which took place in the early 1930's when the latter wrote a critical review of the former's *The Concept of the Political*), Meier's work assists in the restoration of political philosophy and the resolution of the crisis we are experiencing.

The intention of this research is one of responding to the hope and call raised by Meier in the "Preface" to the American Edition of bringing "greater attention to Strauss and political philosophy" (HD xvi). This desire is derivative of the fact that since the original German publication scholarly attention has focused almost exclusively on Schmitt and political theology. Indeed, there is now, and has been for some time in America and internationally, a pronounced interest in Carl Schmitt's life and work (due in part to his involvement with the National Socialist party, but also as a result of the provocative and yet perplexing nature of his scholarship). The reactions to Schmitt have tended to be strongly divided resulting in the formation of at least two camps: his "morally indignant critics and his apologetic admirers." More recently, Schmitt's ideas have been increasingly utilized for the advancement of personal, political and/or ideological academic agendas.

Unfortunately, there are also individuals who have attempted to paint a less than favorable or accurate intellectual portrait of Strauss, perhaps in reaction to the ever growing impact of his work (Strauss has influenced several generations of students and scholars). The attacks upon Strauss can be likened to those of the accusers of Socrates (Meletus, Anytus, & associates): they are, almost without exception, without substantiation and quite remote from the truth. The following analysis of Meier's examination of the interchange between Schmitt and Strauss should direct renewed scholarly interest in, and bring greater intellectual clarity to the work of the individual whose perceptive critique of Schmitt was a precursor to the recovery of classical political philosophy and the resolution of the crisis of modern Western civilization.
The dialogue between Carl Schmitt and Leo Strauss began with Schmitt's publication of the work *The Concept of the Political* which first appeared in 1927. Leo Strauss, who through the course of his lifetime took little interest in the work of contemporaries, wrote a critical review of Schmitt's book. Schmitt revised his work in direct response to the review without acknowledging Strauss' contribution (Schmitt had written a favorable recommendation for Strauss which resulted in the latter's departure from Germany to Oxford University. Schmitt subsequently joined the National Socialist party thereby precluding any exchange between the two men).

What brought Strauss to evaluate Schmitt's work can be traced to an intellectual transition the former had recently undergone. Strauss had been, early in his life and professional career, an active proponent of political Zionism. At that time, he was driven by the questions of God and politics, but not having resolved these issues in his mind, he was zealous in his approach (he attempted, for example, to convert Jacob Klein while they studied at Marburg in 1920). While Strauss' main interest was then rooted in theology, Jacob Klein convinced him that a return to, and recovery of, classical philosophy was essential to a proper understanding and treatment of the questions which concerned him. Strauss, as a result of his youthful zeal, based upon self-acknowledged prejudice, initially considered a return to premodern philosophy impossible, but eventually completed that return and recovery. What inspired him to return to the Greeks (to "Athens"-Classical political philosophy, from "Jerusalem"- political Zionism) was his preoccupation with the theological-political predicament that was so closely associated with the failure of modern liberal democracy in Germany during the years 1925-1928. What then allured Strauss to Schmitt's treatise was its subject matter, the critique of modern liberalism. Strauss was motivated to review Schmitt's work as a result of his recent rediscovery of classical political philosophy and the concept of reason as it was originally understood. He had revitalized the ancient distinction between knowledge and opinion, and was in this way prepared to re-
examine the relationship between thinking and politics. Strauss' first expression of his change in orientation was his critical review of Schmitt's *Concept of the Political*. He had, by this time, discovered the transcendental nature of Classical philosophy, and had discarded his enthusiastic advocacy of political Zionism.

Meier's exploration of the Schmitt and Strauss interchange is novel in terms of its focal point. Unlike much contemporary academic commentary surrounding these two figures which tends to characterize Schmitt as either a simple existentialist or opportunist and portray Strauss as an ideological dogmatist or "right-wing" nihilist, Meier's analysis pays scrupulous attention to the writing of both men and in this way goes to the very core of the exchange between them. He demonstrates that the dialogue between Schmitt and Strauss is based upon their shared interest in a critique of modern liberalism, but occurs from the two opposing positions of modern political theology and classical political philosophy (HD 76-87). Schmitt's concern in *The Concept of the Political* is with "political" theology, whereas Strauss' critical review is animated by the directives of classical political "philosophy" (due to his change in intellectual orientation).

The "hidden dialogue" Meier discloses is an exchange between faith and reason, between belief and inquiry. Schmitt's treatise is fundamentally a critique of modern liberalism from the perspective of a believing political theologian whose rationale derives from his Catholic faith. Strauss' philosophical examination of Schmitt's work exposes this connection at numerous junctures as Meier's interpretation confirms. Strauss' critical review is centrally important since 1) it exposes with clarity the "faith" which gives meaning to the otherwise enigmatic definition of politics expounded in *The Concept of the Political* (HD 68), 2) elucidates the interrelation between political theology and political action (HD 68-69), and 3) points toward an understanding of how it is that Schmitt's perspective sequentially resulted in his affiliation with the National Socialists, a political action which irrevocably tainted his name and career."
In utilizing Heinrich Meier's *Hidden Dialogue* as a foundation, it is here appropriate to probe even more deeply into the exchange between Schmitt and Strauss in order to make evident its relevance to the present crisis of Western civilization.

Strauss, by Schmitt's own admission, was able to penetrate the surface of *The Concept of the Political*, thereby bringing into view its incompleteness and theological bent "as nobody else had" (HD vii). What did Strauss see through and why did Schmitt's work require such exacting analysis? Two initial observations can be made in response to this question. First, Schmitt painstakingly attempts to categorize the political sphere as an independent domain. He contends that "the political has its own criteria" which express themselves in a characteristic way" and that in the final analysis, can be reduced to the distinction between friend and enemy (emphasis added). Schmitt insists that the political can exist theoretically and practically without drawing upon moral, aesthetic, economic or other distinctions and conceptions. Second, Schmitt is intransigent in his effort to preclude abstractions and normative ideals in the elaboration of his concept of the political. Indeed, as Meier makes clear, Schmitt's own enemy is one "who would like to dissolve even metaphysical truth into a discussion" (HD 68). Schmitt insistently claims that his concept is grounded in inherent reality, placing it beyond discussion and question.

It is evident, upon consideration of Meier's textual interpretation, that Strauss' critique of Schmitt is grounded in the directives of classical political philosophy. Strauss approached Schmitt's work by putting the Socratic question "What is the Political?" first. From his point of view, it was incumbent upon the thinker to move from the sphere of "opinion" to the domain of "knowledge" by questioning opinion. Strauss was therefore especially suited to notice what the presupposing mind cannot in Schmitt's writing. Since Strauss' intention was singularly one of genuinely understanding the political, he was able to discern that Schmitt's text was not motivated by the same desire. On two occasions in his "Notes" Strauss points out
that Schmitt "expressly desists from providing, and expressly forgoes, providing an exhaustive definition of the political" (HD 94, 96). Strauss suggests that Schmitt "confronts the liberal negation of the political with the position of the political" (HD 103). He perceives that Schmitt is not interested in comprehending the political, but in the affirmation of his own political concept. Strauss punctuates this perception by noting that Schmitt's concept "cannot be evaluated at all, cannot be measured by an ideal" (HD 103, 107). Schmitt replaces the question of what the political is with his own normative prescription of what he desires it to be. Strauss exposes this ulterior motive by raising the pertinent question "why does Schmitt affirm the political?" (HD 107).

As Strauss' "Notes" make clear, Schmitt is incapable of transcending the modern liberalism he is so desirous of defeating (HD 119). This derives from the fact that his effort is based upon an act of faith (HD 68, 118). Schmitt bases his concept of the political upon the distinction between friend and enemy without providing evaluative criteria for determining who the friend or enemy is ought to be. He disallows inquiry into the fundamental purpose or meaning of the distinction which is central to his concept of the political. Schmitt's act of faith makes the raising of questions regarding his concept of the political unnecessary and intrusive.

"But what is that faith that puts the need for an enemy before the question of who ought properly to be an enemy?" Strauss at one point determined that the vitality of Western civilization is produced by the healthy tension between philosophy and theology, and he maintained that each of us ought to aspire to be either a philosopher or a theologian. Strauss' life work recommends that he was perpetually motivated by the important questions. He was a philosopher. But was Schmitt a theologian? Does his work focus primarily upon God, upon the Divine and Eternal? An operational theological definition of God will in this instance prove useful. The theologian Paul Tillich defined "God" as man's ultimate concern. This suggests that "whatever concerns a man ultimately become god for him." The pivotal question which necessarily follows regards Schmitt's ultimate concern:
Schmitt's *Political Theology* (which was published in 1922, five years prior to the completion of *The Concept of the Political*) provides insight into this matter. In Chapter four, Schmitt contrasts German Romantics such as Novalis and Adam Muller with the Catholic thinkers de Maistre, Bonald, and Donoso Cortes. In his estimation, the former held that "everlasting conversation constituted the true realization of the spirits," while the latter were "conservative or reactionary," and "would have considered everlasting conversation a product of a gruesomely comic fantasy." Here Schmitt differentiates at the level of political theology between contemplative political philosophy and active "political" philosophy:

What characterized their (de Maistre, Bonald, and Cortes) counterrevolutionary political philosophy was the recognition that *their times needed a decision... And with an enemy that rose to an extreme between the two revolutions of 1789 and 1848, they thrust the notion of the decision to the center of their thinking* (emphasis added).

What is perhaps most remarkable about Schmitt's distinction between discussion and decision is his concern with a tension of his own time between Catholicism and atheistic socialism. He stresses the point that Donoso Cortes' religious decision to speak of the natural evil of man was a political one. In Schmitt's view, Cortes "polemicized against atheist anarchism and it's axiom of the good man." What becomes evident upon careful examination of Schmitt's text is the "political" nature of his theology. Schmitt is desirous of forcing theological issues here and now and therefore places primary emphasis, not on what the questions are (contemplation), but on the practical, active politicization of them (the distinction between friend and enemy). Indeed, Schmitt refers to de Maistre favorably in stating that "as far as the most essential issues are concerned, *making a decision is more important* than how a decision is made" (emphasis added).

Schmitt's conceptions of political theology and the political are inseparable. His reduction of the political to the distinction between friend and enemy is theologically based and he raises few questions...
of a genuinely theological nature in the development of the concept of political theology. Raising authentic questions regarding the political or the theological would require self-examination, whereas Schmitt's interest is in the theological/practical affirmation of the political as he conceives it, which is, in the words of de Maistre (words Schmitt exhibits affection for):

a reduction of the state to the moment of decision, to a pure decision, not based on reason and discussion and not justifying itself, that is, to an absolute decision created out of nothingness (emphasis added).

In his "Notes" on The Concept of the Political, Strauss, at a critical juncture, refers to Schmitt's "earlier text" (Political Theology) in maintaining that Schmitt's affirmation of the political can only be his first word against modern liberalism (HD 117). Strauss in this way discloses the enigmatic rationale behind Schmitt's affirmation of the political. It is at this point that the question of what Strauss saw through in Schmitt's text resurfaces. Schmitt defines the political in such a way as to hold it beyond question or discussion. The political is "the most extreme possibility," and whereas Schmitt unequivocally refuses to qualify the substance of the political in normative terms, he places at the center of his concept not a reasonable justification, but willful action in the form of a practical distinction between friend and enemy. Strauss' rigorous inspection of Schmitt's concept reveals the latter's indifference toward critical inquiry into the political. What is repeatedly stressed by Schmitt is enmity. He asserts that what always matters is only the possibility of conflict."

Strauss' "Notes" expose the pragmatic character of Schmitt's concept. In disassociating his thesis from any normative or qualitative ideal, Schmitt produces an instrumental concept of the political in which emphasis is placed on the most extreme decisive action (the distinction between friend and enemy in the form of groups) of the will to battle, without referring to what such an extreme conflict will be fought for. Schmitt's concept is a tool, and the tool is, in this instance, an intellectual weapon (HD 76).
In his "Preface to Spinoza's Critique of Religion," Strauss concludes by discussing the doctrine of the will to power which he correlates with modern rationalism and the depreciation of classical political philosophy. He considers the contemporary relevance of a "final atheism" which "is a descendant of biblical morality" and is based upon "an act of will, of belief" and is in this way anti-philosophical. In a rare self-confession, he discusses his own philosophical transformation in conceding that he "began to wonder whether the self-destruction of reason was not the inevitable outcome of modern rationalism," and he subsequently states that the first expression of his change in orientation was the critique of Schmitt's Concept of the Political. The final sentence reads as follows: "I understood Spinoza (initially) too literally because I did not read him literally enough (emphasis added)." This would seem to suggest that his reading of Schmitt was literal enough. Strauss' change in orientation (the return to classical political philosophy) offered him the insight to perceive, for example, that Spinoza, in rejecting both Greek idealism and Christian spiritualism, lifted Machiavellianism to theological heights. Moreover, why does Strauss specifically refer to his critique of Schmitt at the conclusion of his critique of Spinoza? Is there any relation between his assessment of Spinoza within the context of the theological-political predicament and his perception of Schmitt? In a most revealing passage Strauss indicts Spinoza on grounds of intellectual/moral insincerity:

starting like all other sophists from the equation of right and might, he (Spinoza) conceives of the state entirely in terms of power politics, that is, as divorced from religion and morality, and he puts the state thus conceived above religion (emphasis added).

Remarkably, Schmitt's concept of the political equates might with right in the form of the distinction between friend and enemy, the most extreme expression of which is war. In as much as Strauss concludes his essay by referring to his "Notes" on Schmitt's work, and begins the piece by examining the
weaknesses of the German Weimar Republic of the 1920's, it would appear that his analysis of Spinoza is, at least indirectly, related to his critique of Schmitt. Directly, Schmitt's concept of the political is, on the basis of Strauss' own definition, rooted in intellectual sophistry. Schmitt writes:

It would be senseless to wage war for purely religious purely moral, purely juristic, or purely economic motives...war need be neither something religious nor something morally good nor something lucrative...the sole remaining question then is always whether such a friend-enemy grouping is really at hand, regardless of which human motives are sufficiently strong to have brought it about.

For Schmitt, the political sphere is the decisive entity, regardless of the sources from which it derives its last psychic motives. Since the political entity is animated by "psychic motives", of critical importance is their strength or weakness in terms of creating the extreme situation of group conflict. Schmitt's concept of the political cannot, by his own criteria, be explained normatively. Strauss suggests that Schmitt's concept conceals his own evaluative statement of moral judgment, a hidden agenda (HD 116). Schmitt's concept masks his actual intention and ultimate concern, while it simultaneously affirms it. Fascinatingly, Schmitt puts forth an argument which affirms the political (group enmity) and yet he disallows a questioning of it.

Schmitt's concept of the political must be understood literally if we are to take Strauss contention seriously. Heinrich Meier's Hidden Dialogue accomplishes this task in noting the extent to which Schmitt's political theology is an instrument in the political, secular battle of faith (HD 76). There appears to be a strong correlation between Schmitt's political theology and the most basic of human political motivations, the will to power. Schmitt's political theology defends "the primacy of action against knowledge" and in this way underscores the willful, divisive applications of his particular theological perspective. His Catholic theology provides the foundation upon which the most extreme group distinction between
friend and enemy can emerge in political practice on the basis of faith. Meier's careful (literal) analysis of Schmitt's writing and Strauss' critique of it elucidates the primacy Schmitt places on the political as he defines and affirms it, over and above genuinely theological considerations. Indeed, in both *The Concept of the Political* and *Political Theology*, Schmitt conspicuously avoids in-depth examination of concepts such as the Divine, God, Eternity, Charity (the pure love of Christ), or Nature. Theology is the means to Schmitt's end.

Recent scholarship recommends that Schmitt did not fully understand Christian theology and that he had difficulty reconciling his way of thinking with the biblical tradition. Furthermore, his disassociation of the political and law from the standard of nature results in the development of a legal/political theory based upon pure will, a "norm-less will." The universal transcendents of divine right and natural right are precluded from his political theology. Morality and reason are replaced by the will to power. For example, his theory of transcendence is "immanent" and "exclusively linked to the state" so that all right is determined by the political entity in practice.

Schmitt's attempt to divorce his concept of the political from reason and morality indicates the extent to which his affirmation of the political (the friend-enemy distinction, or enmity, in terms of faith) is his objective. His depreciation of inquiry, appreciation of decisive action, and the incongruity between his political theology and the biblical tradition suggest that he was predominantly interested in the practical political expressions of his concept. If "whatever concerns a man ultimately becomes God for him," then Carl Schmitt's ultimate concern was the politicization of his theology in his time.

In his essay "The Philosopher As Enemy" Heinrich Meier uncovers the "guiding thread" of Schmitt's endeavor in the latter's *Glossarium*. The following passage is worthy of citation:

*that is the secret keyword of my entire spiritual and public existence: the struggle for the peculiarly Catholic sharpening...*
(against the neutralizers, the aesthetic idlers, against the abortionists, body-burners, and pacifists). 37

Schmitt's "unoccupiable center was not an idea but rather an historical event: the incarnation of the son of God (emphasis added)." 38 His political theology is such that theological objectives are meant to be fulfilled in actual practical/political experience. The theological distinction between friend and enemy, operationalized in practice, provides the instrumental means for the affirmation of the political, for the most extreme decisive expression of enmity.

Carl Schmitt, as a result of his affiliation with the German National Socialists, was interrogated at Nuremburg. An excerpt from the proceedings will serve to substantiate Meier's findings:

Kempner: To the extent that it relates to audience, your reputation vacillates in history.

Schmitt: That will always be the case when someone takes a position in such situations. I am an intellectual adventurer.

Kempner: You have the blood of an intellectual adventurer?

Schmitt: Yes, that is how thoughts and knowledge develop. I assume risk. I have always accepted the consequences of my actions. I have never tried to avoid paying my bills.

Kempner: If, however, what you call pursuit of knowledge results in the murder of millions of people?

Schmitt: Christianity also resulted in the murder of millions of people...

III

The pragmatic temperament of Carl Schmitt's thought appears in the political nature of his theology. His intellectual disposition is
anti-philosophical since he relegates thinking to the status of a means to the affirmation of his concept of the political, the theologically based extreme distinction between friend and enemy. Schmitt precludes a questioning of the political and in this way grounds the concept in the quantitative criteria of the strength of group will to push causes to the extreme situation of war. The vitality of the political is determined by the intensity of group enmity. Normative factors such as reason and law are superfluous to the distinction.

The academic neo-pragmatist Richard Rorty bases his intellectual position on intersubjective (group) agreement. Rorty holds that:

insofar as pragmatists make a distinction between knowledge and opinion, it is simply the distinction between topics on which such agreement is relatively easy to get and topics on which agreement is relatively hard to get.

Rorty's pragmatism is, not unlike Schmitt's, grounded in group solidarity. He also bases his concept on the facility of agreement, a quantitative criteria, without discussing the merits of what is agreed to. Both preclude the distinction between opinion and knowledge that derives from philosophical inquiry, thereby emphasizing political action. Leo Strauss addressed the problem of affirming the political in disregard of qualitative standards in the critique of Schmitt's concept:

he who affirms the political as such respects all who want to fight; he is just as tolerant as the liberals—but with the opposite intention: whereas the liberal respects and tolerates all "honest" convictions so long as they merely acknowledge the legal order, peace, as sacrosanct, he who affirms the political as such respects and tolerates all serious convictions, that is, all decisions oriented to the real possibility of war (HD 117).

While Rorty argues that pragmatists "should in practice, privilege their own group," he also concedes that "there is no noncircular justification for their doing so" and rationalizes this shortcoming by maintaining that such groups do not have a duty to justify everything. To the extent that Rorty's neo-pragmatism excludes reason,
it resembles Schmitt's concept of the political. Both conceptions deny normative qualification, and both serve as instruments to group political action.

Hyper-groupism and the concomitant hyper-extension of the sphere of public conflict are symptomatic of the crisis of modern liberalism. How can this increasing politicization be understood? In this respect, pragmatic group solidarity can be seen as a symptom of the frailty of modern liberal democracy. Schmitt's political theology was an illiberal reaction to the atheistic socialism inherent in modern liberalism. Schmitt was repulsed by the disgusting aspects of a "definitively pacified globe" where entertainment and amusement (as opposed to seriousness) form the basis of existence (emphasis added). Schmitt's reaction to the ills of modern liberalism was the systematic development of a theoretical and practical anti-thesis of modern liberalism. His illiberal concept of the political counteracts at the level of motivation (emotion/passion as opposed to reason) the weaknesses of modern liberalism.

Much of the interchange between Strauss and Schmitt revolved around the founder of modern liberalism, Thomas Hobbes. Strauss noted Schmitt's intellectual admiration for Hobbes' development of the state of nature, which by definition is a state of war which cannot be qualified (there is no justice or injustice). There is a pronounced similarity between Hobbes' concept of the state of nature and Schmitt's concept of the political. As Strauss pointed out, however, Schmitt's intention is precisely the reverse of Hobbes'. Whereas Hobbes utilized his natural state of humanity to prepare the justification for a social contract between individuals, Schmitt developed the concept of the political to provide the basis of enmity (war) between groups. Schmitt's political theology is directed toward the reproduction of Hobbes' state of nature, where the political is defined and given meaning through enmity (albeit between groups as opposed to individuals). Hobbes' "pre-political bellum omnium contra omnes is turned into the essence of the political in general."

In direct response to what he perceived to be the neutralization and de-politicization of his time, Schmitt proposed a state of war wherein according to Hobbes:
men live without other security, than what their own strength, and their own invention shall furnish them withal. In such condition, there is...no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death. 47

Schmitt opposes the hedonistic frivolity of modern liberalism by superimposing the condition of war upon the political sphere, in this way forcing serious (life or death) decisive action. The following passage, taken from *Political Theology* is instructive on this point:

Just as liberalism discusses and negotiates every political detail, so it also wants to dissolve metaphysical truth in a discussion. The essence of liberalism is negotiation, a cautious half measure, in the hope that the definitive dispute, the decisive bloody battle, can be transformed into a parliamentary debate and permit the decision to be suspended forever in an everlasting discussion. 48

Schmitt's return to Hobbes' state of nature for the solution to the crisis of modern liberalism intriguingly anticipated the actual conditions of our time. 49 The crisis of Western civilization has produced a nearly comprehensive politicization of human existence. Is there any remaining aspect of modern life which is not a matter of political debate, discussion, and controversy?

The return to nature has produced various forms of group anarchy, and experience would suggest that such anarchy will inevitably be replaced by some form of tyranny. This predicament was well understood by the framers of the new science of constitutions (as written constitutions were intended to prevent both tyranny and anarchy). Indeed, James Madison held that "the latent causes of faction are...sown in the nature of man:" 50 From the vantage point of the *Federalist*, group activity constitutes the fundamental problem of democracy and constitutionalism is the proposed solution. Hyper-groupism and the associated over-extension of the political sphere in modernity indicate that the crisis of Western civilization is substantially a crisis of constitutionalism.
Carl Schmitt was decidedly opposed to constitutionalism. His elevation of group enmity to the position of a solution and his equation of might with State right can only be described as anti-constitutional. The central argument of the *Federalist* is based upon the understanding that groups pursue their own partial interests against the protection of the basic natural rights of individuals and the pursuit of the public good (the principled interest of society as a whole). Partially interested group behavior derives from the natural inferiority of reason to the passions. This fallibility of reason results in the production of various conflicting opinions upon which groups differentiate themselves and actively emerge. Madison observed that "a zeal for different opinions concerning religion, concerning government, and many other points divides individuals into separate divergent groups." It is worth reiterating that Schmitt's affirmation of the extreme group distinction between friend and enemy in the form of his concept of the political, presents as a solution what is in fact a genuine problem. Hyper-groupism actually facilitates growing anarchy and civil disorder which induces a perpetual augmentation of the State in response. The return to the state of nature occurs at the expense of both law and reason.

**IV**

In large measure, the crisis of constitutionalism is symptomatic of what Leo Strauss considered to be the crisis of our time- "the disintegration of the very idea of political philosophy (originated by Socrates and elaborated above all by Aristotle)." Political philosophy can in this respect be understood as philosophic-contemplative inquiry directed toward the acquisition of knowledge of the political. In what sense is the political/philosophical crisis of the West a crisis of law and reason?

The new science of constitutionalism initiated in the *Federalist* was, for the most part, a product of Enlightenment rationality. The basic intention of the framers was that of 1) developing a general theory of human nature in an effort to ascertain certain common denominators of political behavior, and 2) creating the appropriate institutional devices to anticipate that nature in practice. Human
nature was the standard upon which the political institution of a written constitution was based. James Madison highlighted this point in stating "but what is government but the greatest of all reflections on human nature?" In adopting what was originally David Hume's view of the human predominance of passion over reason, the framers were, as a general rule, anticipating the worst and guarding against it with constitutional mechanisms. Alexander Hamilton openly wondered whether men are capable of establishing good government through reflection (deliberation/reason) and choice (free-will), or whether they would forever be dependent upon accident (anarchy) and force (tyranny). The new science of constitutionalism was specifically designed to instrumentally preclude the perpetual fluctuation between tyranny and anarchy, in this way maintaining the public good and protecting the basic rights of individuals by regulating groups.

This theoretical and practical advance made by the American framers of constitutionalism was a remarkable achievement historically. And yet, approximately two centuries later, serious difficulties have arisen. Constitutional democracy is in decay and it would appear that we are no longer protected by the rule of law. The democratization of constitutions has resulted in the qualitative depreciation of constitutionalism. The law is insufficient without a transcendental foundation. Without a principled justification, the rule of law becomes meaningless and impotent. While the Federalist and the constitutionalism it articulates provides a forceful, practicable remedy for the pernicious aspects of human nature, it does not present an exhaustive, normative philosophy for the regime it recommends. The framers considered justice to be the purpose of government, but the view of justice they held was substantially negative, technical. Negative justice requires the prevention of injustice (i.e. tyranny and anarchy) as opposed to the delineation of what justice is or ought to be. This conception of justice is, arguably, sound but incomplete. And yet, upon what standard can a positive, philosophical justification of the rule law be established?

Carl Schmitt's concept of the political was intended to provide a remedy for the problem of establishing a firm foundation for rule
in modernity. He espoused "a neo-Kantian construction of the state compatible with his Catholic theology." However, as Leo Strauss made clear in his "Notes", Schmitt's concept of the political is not transcendental, but is bound within the horizon of the modern liberalism he despises. Schmitt's concept is hampered by its exclusion of transcendental, especially trans-political criteria. Whereas constitutional regimes absent transcendental moorings lapse into group based anarchy, Schmitt's norm-less political theology results in State based tyranny.

The problem at hand is one Leo Strauss spent nearly his entire life addressing—"political philosophy is in a state of decay and perhaps of putrefaction, if it has not vanished altogether." In what specific way is the decline of political philosophy related to the crisis of constitutionalism? The relation is essential as the law must be grounded in a transcendental standard if it is to be lasting and meaningful. Put differently, law, in and of itself, is insufficient. Law must have a purpose which transcends interest group based partiality which is expressed through mere convention or positive State action. The transcendental standard for the rule of law can only be ascertained by political philosophy. This derives from the necessary relation between natural reason and political right. The transcendental standard for the rule of law is natural right and the foundation of natural right is reason. Constitutionalism is given meaning by political philosophy as the justification of the rule of law is, and must be, philosophical. Strauss unraveled the modern problem of the relation between politics and philosophy, a problem "which even very good scholars sometimes fail to solve properly," by recognizing the "essential connection between the eidos, the form, the character of a city, and the end to which the city is dedicated." His nearly single-handed recovery of classical political philosophy resulted in his articulation of the understanding that "every political society derives its character from a specific public or political morality, from what it regards as publicly defensible." The crisis of our time is a crisis of public philosophy.

Strauss noted that the "modern project" was unlike the classical philosophical orientation in that it "implied that the improvement of
society depends decisively on institutions, political or economic, as distinguished from the formation of character. The modern approach separates the law from morality (the “is” and the “ought”) by shifting emphasis from comprehensive contemplation of the political and the development of human reason to technical manipulation of it for the purpose of increasing human power and control. James Madison's modern outlook led him to observe that "the passions of men will not conform to the dictates of reason and justice, without constraint" (an observation that is difficult to deny). He therefore concluded that "the passions ought to be controlled and regulated by the government." Madison's skeptical view of human nature logically inclined him to devise political institutions to anticipate and control for passionate human behavior. The institution of a written constitution is explained by the consideration that passion is, humanly speaking, stronger than reason. The main purpose of constitutional forms is in this way the external, institutional regulation of political passions in the creation of a free private sphere. The law limits and is limited institutionally.

The concept of limited government hinges upon the institutional control of human passions, the most predominant expression of which is "will". David Hume, whose thought significantly influenced the framers (particularly Madison and Hamilton), defined liberty as "a power of acting or not acting, according to the determinations of the will." The new science of constitutionalism was specifically oriented toward the limitation of will in the form of law. Constitutional justice, from this perspective, is the external, negative prevention of the rule of will by the rule of law. A written constitution prevents injustice (tyranny/anarchy) by creating a sphere of private freedom, thereby producing the opportunity for self-government. And yet, once freedom is obtained, questions remain. On what basis does a free individual live his life? How can an individual govern himself in freedom?

The constitutionalism of the American framers is a profound advance in the science of politics and government. However, the rule of law requires a normative, principled concept of justice that transcends the political sphere. What, for example, are the moral
and intellectual foundations of free-living? Once freedom is institutionally and externally procured, consideration of what Strauss referred to as "the formation of character" must of necessity follow. Neglect of the souls of individuals (a classical concept) along with the institutional creation of a sphere of freedom impervious to the law inevitably declines into what Strauss called "permissive egalitarianism" where what is secured and upheld is not conscience or reason, but the individual with his urges. Permissive egalitarian democracy protects the free, equal, and unrestrained pursuit and realization of the passions. Where the passions predominate, individuals engage in a seemingly infinite variety of sensually exciting activities: "having fun", "making contracts", "going places" (i.e., entertaining themselves). The production of a sphere of freedom absent moral and philosophical directives protects individuals in a quasi-animal condition where the emotions and instincts dictate behavior, unrestrained by either law or reason.

    The repugnant effects of modern permissive egalitarianism induced Carl Schmitt to develop his reactionary concept of the political, where individuals could not avoid the seriousness of human existence, and where, they would ultimately be forced to decide, fight, and even die for a cause. Leo Strauss provided a pertinent example of the immorality Schmitt detested in discussing conscientious objection:

    whatever you may think of conscientious objectors, there is no doubt that they are people who are perfectly willing to lay down their lives for something which they regard as right. The man who wants to indulge his urges does not have the slightest intention to sacrifice his life, and hence also his urges, to the satisfaction of his urges. This is the moral decline which has taken place.

Schmitt’s concept creates the conditions which would require decision, and inevitably war between friend and enemy. Nevertheless, possessing the resolve (will) to fight and die for what one regards as right does not address the question of what is right and therefore worth fighting and dying for.
This points to the tautological nature of Schmitt's position. His
decisionism, rooted as it is in group enmity and warfare, is as equally
based upon and inspired by passion as the life of the modern
pleasure-seeking hedonist. Neglect of the inner-self results in
external expressions of internal moral and psychological tyranny and
anarchy; of unreason.

In responding to Alexander Kojeve's essay "Tyranny and Wis-
dom", Strauss openly wondered whether "it is not war nor work but
thinking that constitutes the humanity of man" (emphasis added). Strauss shared Schmitt's concern over the impending development
of a global state where the satisfaction of the passions would be
paramount and where seriousness would be unnecessary due to
moral decline and technological progress. And yet, whereas Schmitt
reacts to the failures of modern liberalism with the affirmation of
group based enmity and conflict, Strauss takes up the cause of reason
and demonstrates how it provides the seriousness meaningful hu-
man life demands. Schmitt's political theology is a reaction to the
modern liberal sphere of action. Strauss' political philosophy is the
thoughtful attempt to revitalize thinking (moral/intellectual, specifi-
cally philosophic education) toward transcendence of the political.

If the formation of character is the remedy for the weaknesses
of modern permissive egalitarian democracy, how can such training
be rejuvenated and what would this philosophic education consist
of? Furthermore, what role would moral and intellectual education
of this kind play in society? The Aristotelian distinctions between
just and perverted regimes recommends that where the many rule,
the just form of that rule is constitutional, as opposed to democratic.
Constitutional rule is such that the citizens at large administer the
state for the common interest and good. The standard for a just
constitution is nature, and justice is by nature "the bond of men in
states; and the administration of justice, which is the determination
of what is just, is the principle of order in political society." These
principles are clearly evident in the Federalist. The constitution of
1787 was intended to create a more perfect union (bond) in this way
placing primacy upon the public good and the interest of society as
a whole. Moreover, the framers understood that the first object of
government would necessarily be the protection of the diversity in
the faculties of men, the most important of which are reason and
conscience.” Leo Strauss considered the *Federalist* to be inspired
by the classics since the constitutionalism it presents avoids the
perversions of pure democracy and radical egalitarianism by allow-
ing for the natural political ascendency of those who possess most
wisdom to discern, and most virtue to pursue, the common good of
society. Publius, in requiring that the law equally protect individu-
als in their natural inequality and differences, upholds the Aristote-
lian ruling principle which “exists in living creatures and originates
in the constitution of the universe.” But what category of individuals
are by nature best fitted to rule, and on what basis can they claim the
right to political ascendency?

Since the faculties of men are secured constitutionally, the
faculty of reason is likewise protected. Classical political philosophy
regards reason as a life ordering, directing, and governing principle.
Reason is the principle of just rule. Social justice is strongly associ-
ated with an assessment of the souls of individuals in the determina-
tion of the extent to which the principle of reason governs. From this
perspective, a distinction is made between a well-ordered soul and
a diseased and chaotic one. A well-ordered soul is one where “the
intellect rules the appetites with a constitutional or royal rule,”
where reason moderates the passions. A diseased soul would
present the opposite characteristics. The classics equated justice of
the soul with social justice. Justice of the individual soul writ-
large is justice of society. The character of individuals is in this way
intricately tied to the character of civil society. It logically follows that
those individuals who possess well-ordered souls (i.e., those who
utilize the ruling principle of reason to regulate their various
passions internally) are in this way those who should rightfully rule.
In a word, the philosopher(s) should rule. But aside from the problem
of the natural disinclination of philosophers to desire to rule, how
could philosophers potentially rule in a constitutional regime where
the many citizens share political power and equality is valued?

In a constitutional order, the faculty of reason is protected by
law. The activity of reasoning which is philosophy is the process of
thinking which Leo Strauss understood to be most humanly needful since “only by philosophy can man's soul become well-ordered.” Philosophic rule occurs, not primarily through the pursuit of political power, but by way of the cultivation of the human mind. "Conscientiousness can only be fostered by nonlegal means", that is, by the educational effects of political philosophy. Whereas the law in a constitutional regime creates a sphere of impenetrable freedom where individual natural rights are secured, political philosophy supplies the indispensable role of educating individual citizens in reason and responsibility.

In his essay "Liberal Education and Responsibility", Strauss examined the vital relationship between philosophic education and the formation of character and discussed the role that reason ought to play in political life. Strauss suggested that in a modern liberal age, the philosopher “is not obliged to engage in political activity,” he:

is responsible to the city only to the extent that by doing his own work, by his own well-being, he contributes to the well-being of the city: philosophy has necessarily a humanizing and civilizing effect.

Political philosophy serves to educate individual citizens regarding the importance of utilizing reason to limit the passions, and is in this way, education toward responsible self-governmen. The very strength of constitutional government is vitally dependent on the role of political philosophy in educating the citizenry in accordance with the principle of reason. The effect that this education will have will differ from individual to individual as it is unrealistic to expect that philosophic education will result in the majority of citizens becoming philosophers. Nonetheless, it is possible to conceive of a marked reduction in social crimes of passion (such as domestic violence, drug abuse and associated family disintegration, theft/vandalism, gang activity, graffiti, etc.) derivative of moral and intellectual education in reason. The objectives of philosophic education in a modern liberal regime might generally consist of the following:

1) Education toward enlightened citizenship (the understand
ing of the rights and responsibilities of free-living and self-government in terms of reason).

2) Education toward enlightened statesmanship (the understanding of ruling in accordance with the Aristotelian principle (the public interest must be given primacy over constituency interest and self-interest or re-election).

3) Education toward enlightened educators (the understanding of the importance of reason at each stage of the educational process. For example, teaching children and young adults the importance of thinking prior to acting. The educators of society are parents, adult role-models, school instructors, and university/college professors, etc.).

4) Education toward the cultivation of political philosophers (the education of those individuals who will pursue the objectives of political philosophy).

Political philosophy (quest for wisdom), while intrinsically worthwhile, does indeed have a "humanizing" and "civilizing" effect on individuals and society, thereby bridging the gap between barbarism and excellence. And whereas the constitutional protection of reason is necessary for the activity of political philosophy, political philosophy is essential to the existence of constitutional order.

V

Leo Strauss' endeavor to recover classical political philosophy in our time points toward the potential resolution of the crisis of modern liberalism. Perhaps the twenty-first century will produce a philosophical-practical transformation whereby relativistic permissive egalitarian democracy will be supplanted by a fulfilled constitutionalism. The new order would combine contraventional legal institutions which limit passionate human nature and are in turn limited, with a public philosophy (anti-dogmatic/anti-ideological) with a role for reason in public as well as private life.
Political philosophy provides the "independent force" which is critical to constitutional theory and practice. Since human beings are by nature inclined to speak and act politically on the basis of partial motives (passion), the role of political philosophy is one of questioning opinion. By questioning public opinion, the tyrannical effects of factions can be reduced and often prevented. James Madison introduced the concept of an extended republic as a solution to the problem of majoritarian tyranny, but considered the other remedy, an "independent force," impracticable since locating a detached, impartial group of individuals is extremely difficult. Indeed, Madison's skepticism regarding human nature and the fallibility of reason is symbolic of a very serious political problem. Skepticism has devolved into cynicism regarding the possibility of political philosophy in our time. Absent is the interest of reason. The need for political philosophy, for the questioning of public opinion from the detached perspective of reason is overwhelmingly great. Since opinion is the expression of partial motives or passions, the philosophical questioning of opinion results in the moderation of the passions and their inherent partiality. The "independent force" which Madison associated with "hereditary or self-appointed authority" must actually be located in the role and interest of political philosophy in a constitutional order. Constitutional democracy requires aristocracy, not based upon land ownership and genealogy, but upon reason. Political philosophers, in perpetually concerning themselves with the pursuit of knowledge and well-being, "found an aristocracy within democratic mass society.'

The resolution of the crisis of modern liberalism is contingent upon the possibility of political philosophy. Leo Strauss, in transcending the horizon of that liberalism and recovering the possibility of genuine thinking (reason), laid the foundation for the restoration of Western civilization. In On Tyranny, Strauss contrasted two ways of life, the tyrannical and the philosophical. The "hidden dialogue" between Carl Schmitt and Leo Strauss which Heinrich Meier has furnished presents the respective arguments for these two possibilities. The present dialogue within the "hidden dialogue" was prepared in the spirit of facilitating the serious, but deliberate, ultimate
existential decision between tyranny and philosophy in favor of the latter. The exchange between Schmitt and Strauss provides us with a clear understanding of the alternatives of our time. If tyranny is to prevail, the future of the rule of law and freedom is in grave doubt and the onset of a Dark Age could be expected. If philosophy is to flourish, a new renaissance is imaginable. The survival and well-being of constitutional democracy is contingent upon the natural right of reason, as reason is the transcendental standard which the rule of law requires for its justification. Furthermore, political philosophy is dependent upon the rule of law for its necessary protection and proliferation.

While political philosophers must pursue the interest of reason, where will the pursuit primarily originate? Where will the decision between reason and will be made and the subsequent battle be fought? As the ills of our time are primarily moral and intellectual, the deliberate decision must be a product of the private efforts of the heart, soul, and mind. The institutions which were specifically intended to protect and enhance human reflection are colleges and universities. Unhappily, the present state of the modern university is astonishingly poor as disciplines have become increasingly politicized, again, due to the missing role of political philosophy. The discipline which should conceivably be the guardian of the pursuit of knowledge has suffered from the disease that plagues the university generally, The "science" of the political has largely ceased to be genuinely inquisitorial by serving as a "shield to mask, and a tool to lend credence to ideology." If political scientists are not, as a general rule, engaged in the attempt to understand, comprehend, explain, transcend the political, what is their motive? Regrettably, the pursuit of knowledge is often replaced by academic political instrumentalism. Carl Schmitt's *Concept of the Political*, for example, can be seen as an intellectual attempt to reinforce a passionate theological opinion regarding the political. Schmitt's treatise is an act of will, a political act; and there is a direct connection between his anti-philosophical approach and his imprudent involvement in practical politics. Schmitt was not the only German academic of his time to have placed political action in higher regard than the pursuit
of knowledge, and this should serve as a lesson and a warning to intellectuals who inhabit the university (HD xvi-xvii).

In the essay "The Democratization of the University", Allan Bloom demonstrated the correlation between the condition of the university and the health of civil society. He accurately noted the manifestations of unreason within universities and therefore wondered whether it would not become necessary "for thinking men and women to return to the isolation of private life in order to be able to think freely." The irony of this circumstance was sufficient to cause Bloom to raise a larger question and to subsequently provide an answer:

Is liberal democracy conceivable in the absence of the liberal university? The liberal university, appears to be both the highest expression of liberal democracy and a condition of its perpetuation.  

The university, as the location in civil society expressly designated for the cultivation of the private and public mind, is the fortress for the "independent force" which is essential to the well-being of constitutional democracy. The time has perhaps arrived for those scholars who "are attached to detachment" and "therewith also to firm rejections," not to return to private life, but to take a stand against intellectual academic sophistry within the academy. Are not the causes of contemplative reason and constitutional justice quite literally worth living, fighting, and dying for?

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NOTES
3. See, for example, Myles Burnyeat, "Sphinx Without a Secret"


8. Ibid., 224.

9. Ibid., 257. Strauss, is at this time no longer an enthusiastic advocate for the cause of political Zionism as he has discovered the trans-political, trans-religious, (transcendental) nature of classical philosophic reason.


11. See Heinrich Meier, Die Lehre Carl Schmitts: Vier Kapitel zur Unterscheidung Politisher Theologie und Politischer Philosophie (Autumn, 1994), which has not yet been published in English for a thorough examination of the relation between Schmitt's political theology and his involvement with the Nazi regime.


15. Ibid., 28.


17. Susan Shell, "Meier on Strauss and Schmitt," The Review of
Politics 53 (Winter, 1991), 221-222.


21. Ibid., 53.

22. Ibid., 57.


24. Political Theology, 66 .

25. The Concept of the Political, 39.


27. Ibid., 257.

28. Ibid., 257.


31. The Concept of the Political, 36.

32. Ibid., 44-45.


38. Ibid., 329.
41. Ibid., 29.
42. Political Theology, 59.
43. The Concept of the Political, 53. Note the extent to which contemporary liberal democracy is associated with crimes of passion and hedonism.
47. Thomas Hobbes, Leviathan (Glasgow: William Collins Sons & Co., Ltd., 1983), (Chapter XIII), 143.
48. Political Theology, 63.
52. The Federalist, 46.
53. Ibid., 47.
55. The Federalist, 281.
56. Ibid., 1.
59. George Schwab, "Introduction," in *The Concept of the Political*, xii. Note Schmitt's ordering: right, state, individual. This order would appear to be congruent with the classical philosophical understanding (Platonic and Aristotelian). However, Schmitt's conception of right is not transcendental, it is not rooted in the "Divine" or "Nature."
60. What Is Political Philosophy?, 17.
63. Ibid., 242.
65. Leo Strauss, "Political Philosophy and the Crisis of Our Time," 221.
66. Ibid., 231-232.
67. The Federalist, 79.
68. Ibid., 276.
69. Ibid., 281.
71. Leo Strauss, "Political Philosophy and the Crisis of Our
73. Leo Strauss, "Political Philosophy and the Crisis of our Time," 222-223.
76. Ibid., 101.
77. The Federalist, 46-47.
78. Liberalism Ancient and Modern, 16; The Federalist, #s 10, 35, 36, 55, 57, 62, 68.
79. Classical Political Theories, 103.
80. Ibid., 103; See also Plato, *The Republic*, Books IV and IX.
81. Leo Strauss, "Restatement on Xenophon's Hiero," 201.
82. Leo Strauss, "Political Philosophy and the Crisis of Our Time," 222-223.
83. Liberalism Ancient and Modern, 15.
85. The Federalist, 283-284.
90. Ibid., 387.