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Above Good and Evil:

Thomas Hobbes and Carl Schmitt on the Pursuit of a Politics without Private Judgment

by

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I. Introduction

Thomas Hobbes's most devoted disciple doubles as his sharpest critic. The political philosophies of Hobbes and Carl Schmitt share an intent to deny men's opinions of good and bad a place in politics; the need to ensure civil peace as well as acknowledge man's fundamental evil apparently justifies, for both authors, such an approach. Yet Schmitt points out that the freedom of conscience granted by the Hobbesian sovereign state constitutes "the seed of death that destroyed the mighty leviathan from within."¹ That is, contrary to Hobbes's theory, only a state that places restrictions upon men's outward expressions of their beliefs *and* those inner beliefs themselves could ensure that subjective judgments of the political do not engender an eventual reemergence of civil conflict.

This paper seeks to demonstrate that Schmitt's critique of Hobbes exposes flaws not only in the means by which the latter suggests that men's private judgments of good and bad may be suppressed, but also in the pursuit of a politics that bypasses opinion itself. Drawing primarily from the *Leviathan*, I will first show that Hobbes's belief in natural human equality leads him to conclude that subjects' opinions—which amount to claims that certain individuals possess a superior capacity to rule—must not have political implications. Men institute government, rather, on the basis of the passions that underlie their opinions and thereby establish peace. I shall proceed to explain that Schmitt reappropriates Hobbes's thought in *The Concept of the Political* to advocate for suppressing men's private judgments in the context of his own civil conflict-ridden Weimar Republic. However, he ultimately criticizes his seventeenth-century English predecessor in *The Leviathan in the State Theory of Thomas Hobbes* for theorizing a sovereign state whose mechanisms for bypassing political opinion are inadequate. Schmitt appears to

¹ Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, trans. George Schwab and Erna Hilfstein (Chicago: The University of Chicago Press, 2008), 57.

affirm the importance of limiting both speech and belief in order to ensure that politics remains free of opinions of good and bad. But in falling short of presenting a positive vision of how he hopes the state may control men's consciences, he pushes his readers to conclude that its destruction as a consequence of subjective freedoms granted to individuals is inevitable more than it is an outcome that can and, indeed, must be prevented. Thus, Schmitt's reconsideration of Hobbes in light of the Nazi regime's ascendance does not amount to an endorsement of theocratic government that mandates its subjects' inner faith and outer confession, as some scholars contend, but instead lays bare the futility of attempting to secure civil peace by quieting political controversy.² Indeed, Schmitt's evaluation of his intellectual forefather may even impel its audience to devise ways in which man's unique ability to express his opinions of what is good and what is bad may be harnessed for politically productive rather than destructive ends.

² For an example of a reading of *The Leviathan in the State Theory of Thomas Hobbes* that argues that Schmitt critiques Hobbes from a theocratic standpoint, see Ronald Beiner, "Carl Schmitt's 'Theocratic' Critique of Hobbes," in *Civil Religion: A Dialogue in the History of Political Philosophy* (Cambridge: Cambridge University Press, 2010).

II. Hobbes and the Critique of Opinion

The introduction to the *Leviathan* sees Hobbes declare that “that great Leviathan called a Commonwealth, or State” is “but an artificial man.”³ This creation, of which man is both the matter and maker, can be understood not by the careful reading of books, but by that of men.⁴ Hobbes stipulates, though, that men may only truly learn to read one another if they take account of a saying that is commonly misunderstood in his time, “*nosce teipsum, read thy self.*”⁵ The saying is neither meant, as his contemporaries assume, to lend credence to the idea that the powerful may act barbarously toward their inferiors nor to inspire men of low stature to behave impertinently toward their betters. Instead, reading oneself consists of recognizing the truth of the following:

whosoever looketh into himself and considereth what he doth, when he does *think, opine, reason, hope, fear, &c.*, and upon what grounds, he shall thereby read and know, what are the thoughts and passions of all other men upon the like occasions.⁶

Hobbes claims that the reason for men’s being able to understand others and thereby the leviathan itself through introspection is “the similitude of the thoughts and passions of one man to the thoughts and passions of another.”⁷ Thus, he makes clear from the very outset of his masterwork that his belief in the existence of a basic similarity among men in certain crucial aspects of their being is essential to his political theory. Hobbes acknowledges that the objects of the passions—that is, “the things *desired, feared, hoped, &c.*”—do, in fact, differ among individuals; this may be due to variance in their particular constitutions or education. However, he stresses that the equality he is concerned with is that of the passions themselves: these “are the

³ Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett Publishing Company, 1994), Introduction, 1.

⁴ Hobbes, *Leviathan*, Introduction, 2-3.

⁵ Hobbes, *Leviathan*, Introduction, 3.

⁶ Hobbes, *Leviathan*, Introduction, 3.

⁷ Hobbes, *Leviathan*, Introduction, 3.

same in all men, *desire, fear, hope, &c,*” he writes.⁸ If one is to govern an entire nation, he “must read in himself, not this or that particular man, but mankind.”⁹ That is, accepting the premise that human beings are fundamentally the same as one another is a precondition for understanding the nature of and ultimately putting in place effective government.

Distinct but closely related to Hobbes’s case for a common identity among humans is his case for natural human equality, which comes in Part I of the *Leviathan*. Hobbes states that men are by nature so equal in the faculties of both their bodies and their minds that “when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he.”¹⁰ There are certainly some men who, in the state of nature, possess greater strength of body or quickness of mind than their peers. Inequalities also inevitably arise in the civilized state; virtue in any given subject, after all, “is somewhat that is valued for eminence, and consisteth in comparison. For if all things were equally in all men, nothing would be prized.”¹¹ However the more fundamental point, for Hobbes, is that men in their natural condition are equal in their capacity to be killed by others. “The weakest has strength enough to kill the strongest,” he says, “either by secret machination, or by confederacy with others that are in the same danger with himself.”¹² Equality among men in their vulnerability to being killed overrides, in terms of significance, all other relatively minor inequalities of body or mind that may exist in the natural state. It is also more noteworthy than the inequalities of strength, wit, beauty, or talent that are exposed in the civilized state, as, according to Hobbes, what is principally natural to man is his

⁸ Hobbes, *Leviathan*, Introduction, 3.

⁹ Hobbes, *Leviathan*, Introduction, 4.

¹⁰ Hobbes, *Leviathan*, I, 13, 1.

¹¹ Hobbes, *Leviathan*, I, 8, 1.

¹² Hobbes, *Leviathan*, I, 13, 1.

original condition rather than that which he may potentially achieve once he flourishes in society.

Political rule, it follows, should find its basis in the chiefly important natural equality rather than in the only secondarily significant societally-induced *inequality*. Hobbes is acutely aware of the fact that inequalities in society will cause men to deem one another to be of higher or lower value. He puts forth that “The *value* or Worth of a man is as of all other things, his price, that is to say, so much as would be given for the use of his power.”¹³ This power may take the form of “eminence of the faculties of body or mind, as extraordinary strength, form, prudence, arts, eloquence, liberality, [and] nobility” or of “means and instruments to acquire more, as riches, reputation, friends, and the secret working of God, which men call good luck.”¹⁴ He goes on to explain that “The manifestation of the value we set on one another is that which is commonly called honouring and dishonouring. To value a man at a high rate is to *honour* him; at a low rate is to *dishonour* him.”¹⁵ But despite all this, Hobbes does not believe that individuals who are held in high esteem and honored by others due to their excellence in any given area of human life should rule or govern their fellow men on this basis. Rather, they should be grateful to the sovereign for allowing them to reveal and eventually profit from their superiority at all and, therefore, remain obedient to him. In a state of war, Hobbes points out, “there is no place for industry, because the fruit thereof is uncertain, and consequently, no culture of the earth ... no arts, no letters, no society.”¹⁶ Only the security ensured by the sovereign allows for inequalities to develop and for individuals to be valued and honored to varying degrees because of them. As a result, those who are highly esteemed by others in the civilized state are in no position to stake

¹³ Hobbes, *Leviathan*, I, 10, 16.

¹⁴ Hobbes, *Leviathan*, I, 10, 2.

¹⁵ Hobbes, *Leviathan*, I, 10, 17.

¹⁶ Hobbes, *Leviathan*, I, 13, 9.

out a claim to rule; they are simply the beneficiaries of the sovereign's rule and should be thankful that the peace he provides has allowed them to achieve as great of a status as they have.

Hobbes's belief that political rule should be independent of inequalities revealed in society is further underlined by his account in Part II of the *Leviathan* of popular men who could potentially threaten the sovereign's authority. Hobbes discusses various diseases that commonwealths may suffer and states that "the popularity of a potent subject (unless the commonwealth have very good caution of his fidelity)" is one such infirmity.¹⁷ He claims that in cases of this disease, the people, "by the flattery and by the reputation of an ambitious man, are drawn away from their obedience to the laws, to follow a man of whose virtues and designs they have no knowledge."¹⁸ Men who are skilled at gaining a great reputation for themselves should not, according to Hobbes, be allowed to put in place their own political designs that counter those of the sovereign. Indeed, their very presence in the commonwealth is a sign of its weakness. He later states that the people should be taught that they "ought not to be led with admiration of the virtue of any of their fellow subjects, how high soever he stand, nor how conspicuously soever he shine in the commonwealth, nor of any assembly (except the sovereign assembly)."¹⁹ They should instead choose to defer obedience and honor only to the sovereign. Here, Hobbes again claims that those individuals who benefit from the disclosure of their superiority in the civilized state should not be made to rule others on account of the status and popularity they have achieved. Their fellow men may recognize their preeminence but must not deem them worthy of political power because of it.

¹⁷ Hobbes, *Leviathan*, II, 29, 20.

¹⁸ Hobbes, *Leviathan*, II, 29, 20.

¹⁹ Hobbes, *Leviathan*, II, 30, 8.

A government that is based on natural equality as opposed to the inequalities that arise in society, for Hobbes, amounts to one that bypasses political opinion. Hobbes, as I have shown, makes abundantly clear that rule should not be determined by any claim that some individuals are of higher value or worth than others and are, thus, fit to govern. Political opinion, by its very nature, however, constitutes exactly that—namely, a claim that some men should rule on the basis of their superiority in some capacity or another. Therefore, political opinion must not have a place in politics if equality in the state of nature is to be upheld as more fundamental and politically relevant than the inequalities that are revealed in due course. As Harvey Mansfield puts it, “To ask what is good in politics implies the search for a standard under which some men (one, few or many) would be qualified to rule others.”²⁰ Those who give opinions of what is good and what is bad in the realm of politics assume that certain individuals are more or less justified in taking up rule over others. These opinions ultimately become politically irrelevant, however, once the truth of natural human equality is acknowledged and men come to realize that no man is, in fact, naturally better than another or, more specifically, the natural ruler of another.

Although, according to Hobbes, opinions of good and bad must not have a place in politics, the passions that underlie those opinions certainly should. Hobbes begins to explain that this is the case in the *Leviathan*'s introduction, which, as I have demonstrated previously, puts forth that what men do when they opine is express this or that passion.²¹ He draws out his contention that men's opinions constitute objects of their passions even further in a chapter of the *Leviathan* entitled “Of the Interiour Beginnings of Voluntary Motions, Commonly Called the Passions, and the Speeches by Which They Are Expressed,” in which he argues that men's

²⁰ Harvey C. Mansfield, Jr., “Hobbes and the Science of Indirect Government,” *The American Political Science Review* 65, no. 1 (March 1971): 97-110, 99.

²¹ Hobbes, *Leviathan*, Introduction, 3.

declarations of what they deem to be good or evil, in particular, are just manifestations of their passions.²² He states that “But whatsoever is the object of any man’s appetite or desire that is it which he for his part calleth *good*; and the object of his hate and aversion, *evil*; and of his contempt, *vile* and *inconsiderable*.” The words good, evil, and contemptible are always “used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves.”²³ Men’s opinions of good and bad do not speak to the actual goodness or badness of the objects they concern, according to Hobbes. Rather, their opinions are simply expressions of their appetite, desire, hate, aversion, or contempt—that is, their passions.

It is these passions behind men’s political opinions, rather than the opinions themselves, that are what Hobbes believes provide the basis for government. In explaining the difference between times of war and peace, Hobbes states that “during the time men live without a common power to keep them all in awe, they are in that condition which is called war, and such a war as is of every man against every man.”²⁴ All other times, on the contrary, are known as times of peace. “The passions that incline men to peace are fear of death, desire of such things as are necessary to commodious living, and a hope by their industry to obtain them,” he continues.²⁵ Hobbes makes clear here that passions, not the opinions that may be their objects, drive men to establish peace through the installation of a government or common power.

Fear, a particular type of aversion, is especially significant for Hobbes, as it is the passion that most gives men to establish peace by creating a government.²⁶ He declares in the *Leviathan*

²² Hobbes, *Leviathan*, I, 6.

²³ Hobbes, *Leviathan*, I, 6, 7.

²⁴ Hobbes, *Leviathan*, I, 13, 8.

²⁵ Hobbes, *Leviathan*, I, 13, 14.

²⁶ Hobbes defines fear as “*Aversion* with opinion of *hurt* from the object.” Hobbes, *Leviathan*, I, 6, 16.

that “The passion to be reckoned upon is fear.”²⁷ In *De Cive*, he explains that “in the absence of fear, men would be more avidly attracted to domination than to society.”²⁸ As a result, it may be established “that the origin of large and lasting societies lay not in mutual human benevolence but in men’s mutual fear.”²⁹ He elaborates on how fear motivates men to leave the state of nature and enter into the civilized one in the *Leviathan*, explaining that men erect a common power that brings about peace by conferring “all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will.”³⁰ Men’s fear of each other’s strength and, ultimately, capacity to kill is what, according to Hobbes, leads them to submit their individual wills to a singular, sovereign will. This establishes peace and aids in their continued survival.

Hobbes’s understanding of fear as it relates to the establishment of peace further highlights how a government that finds its basis in the passions respects natural human equality while one that is based on individuals’ private judgments of good and bad does not. In describing the natural condition of mankind, Hobbes explains that from men’s equality of ability “ariseth equality of hope in the attaining of our ends. And therefore, if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and ... endeavour to destroy or subdue one another.”³¹ In acting out of fear and other secondary passions to form a government, men admit that in the state of nature they would be at constant risk of dying a violent death at the hands of their peers. Thus, the creation of a commonwealth amounts to an acknowledgement that all men are fundamentally equal in their vulnerability to being killed by

²⁷ Hobbes, *Leviathan*, I, 14, 31.

²⁸ Thomas Hobbes, *On the Citizen*, ed. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), I, 2.

²⁹ Hobbes, *On the Citizen*, I, 2.

³⁰ Hobbes, *Leviathan*, II, 17, 13.

³¹ Hobbes, *Leviathan*, I, 13, 3.

their fellow men. A government founded on men's opinions of good and bad, on the other hand, would be one that denies natural human equality by assuming that some men are naturally qualified to rule. It would fail to expose the aversion, appetite, and other passions behind these opinions and instead operate upon the false premise, in Hobbes's view, that men's judgments of the good and bad in politics may be taken at face value and evaluated through philosophic examination.³²

Hobbes not only pronounces that opinions should be bypassed in politics in favor of the passions that undergird them but also argues that when the former *are* permitted to be expressed freely, the result is civil conflict. In declaring the rights of sovereigns, Hobbes writes in the *Leviathan*:

It is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing, to peace; and consequently, on what occasions, how far, and what men are to be trusted withal, in speaking to multitudes of people, and who shall examine the doctrines of all books before they be published.³³

In *De Cive*, as well, he claims that "All *judgement* ... in a commonwealth belongs to the possessor of the swords, i.e. to the holder of sovereign power."³⁴ Hobbes hopes the sovereign may be able to override individuals' private judgments by declaring for his subjects what is true, false, good, and bad, and that he may accomplish this by placing restrictions on the doctrines that are permitted to be publicly expressed.³⁵ Hobbes continues his discussion of how the sovereign should govern his subjects in the *Leviathan*, explaining that "the actions of men proceed from their opinions, and in the well-governing of opinions consisteth the well-governing of men's

³² Mansfield, "Hobbes and the Science of Indirect Government," 99.

³³ Hobbes, *Leviathan*, II, 18, 9.

³⁴ Hobbes, *On the Citizen*, VI, 8.

³⁵ Notably, individuals living under a Hobbesian sovereign state retain their freedom of conscience. While the sovereign must regulate the *public expression* of his subjects' beliefs, he cannot regulate those beliefs themselves, as "belief and unbelief never follow men's commands." Hobbes, *Leviathan*, III, 42, 11. This point will be revisited more prominently in the discussion of Schmitt's criticism of Hobbes's allowance of free thought that is to follow.

actions, in order to their peace and concord.” He further states that “those men that are so remissly governed that they dare take up arms to defend or introduce an opinion are still in war, and their condition not peace, but only a cessation of arms for fear of one another.”³⁶ When subjects are given the freedom to judge good and bad for themselves, they are given to using violence to defend their judgments against those of their fellow men. Thus, a failure on the part of the sovereign to effectively suppress the political opinions of his subjects gives way to a reemergence of the war of all against all.

The English Civil War provides, for Hobbes, an acute example of the consequences of neglecting to deconstruct opinions so as to reveal the passions that lay beneath them. It is widely acknowledged that the destructive conflict Hobbes witnessed between Royalists and Parliamentarians in England from 1642 to 1651 inspired him to generate the absolutist political theory he put forth in his major works.³⁷ His book *Behemoth, or The Long Parliament*, also discusses the Civil War directly in order to illustrate the repercussions of a government that fails to operate in the ideal way he envisions in the *Leviathan*.³⁸ According to Stephen Holmes, it is Hobbes’s view that the civil conflict he experienced “was driven by ideas that vexed the mind and distorted people’s perception of their own advantage.” Among these pernicious ideas are that “private men can judge if laws are just or unjust” and “private conscience justifies resistance.”³⁹ Men were given license to make their own judgments of the good and bad in politics and were eventually moved to violence when they wished to defend these judgments against those of the sovereign as well as of other individuals. Passions and their political relevance had been made

³⁶ Hobbes, *Leviathan*, II, 18, 9.

³⁷ Richard Tuck, *Hobbes: A Very Short Introduction* (Oxford: Oxford University Press, 2002).

³⁸ Thomas Hobbes, *Behemoth or The Long Parliament*, ed. Ferdinand Tönnies (Chicago: The University of Chicago Press, 1990).

³⁹ Stephen Holmes, “Introduction,” in Hobbes, *Behemoth*, xxv-xxvi.

subordinate to opinions and theirs; as a result, peace and stable government remained out of reach.

III. Hobbesianism for the Twentieth Century

Writing in the context of the late Weimar Republic, Schmitt seeks to revive Hobbes's political theory due to the similarities he sees between the sociopolitical conditions of his own twentieth-century Germany and his predecessor's seventeenth-century England. In *The Concept of the Political*, Schmitt notes that Hobbes had come to understand the truth that any type of order must be predicated upon an understanding of the mutual relationship between protection and obedience "in the terrible times of civil war."⁴⁰ During times of civil war, Schmitt explains, "all legitimate and normative illusions with which men like to deceive themselves regarding political realities in periods of untroubled security vanish." Experiencing the English Civil War firsthand, in Schmitt's view, had allowed Hobbes to develop a meaningful and perennially applicable state theory. Describing the conditions of civil war further, Schmitt writes, "If within the state there are organized parties capable of according their members more protection than the state, then the latter becomes at best an annex of such parties, and the individual citizen knows whom he has to obey."⁴¹ As John McCormick points out, the breakdown of the state's authority and monopoly on violence that Schmitt describes as being a consequence of civil war is also what he is witnessing occur in Weimar Germany.⁴² Accordingly, he hopes that Hobbes may once again prove useful in aiding in the development of a political theory aimed at mitigating civil conflict.

Schmitt also has a conception of human nature that is similar to that of Hobbes, which further impels him to employ the English philosopher's thought to solve the sociopolitical

⁴⁰ Carl Schmitt, *The Concept of the Political: Expanded Edition*, trans. George Schwab (Chicago: The University of Chicago Press, 2007), 52.

⁴¹ Schmitt, *The Concept of the Political*, 52.

⁴² John P. McCormick, "Fear, Technology, and the State: Carl Schmitt, Leo Strauss, and the Revival of Hobbes in Weimar and National Socialist Germany," *Political Theory* 22, no. 4 (November 1994): 619-652, 622. See also Detlev Peukert, *The Weimar Republic: The Crisis of Classical Modernity*, trans. Richard Deveson (New York: Hill and Wang, 1992).

problems of his day. He states in *The Concept of the Political* that in Hobbes's theorized state of nature, "states exist among themselves in a condition of continual danger, and their acting subjects are evil for precisely the same reasons as animals who are stirred by their drives (hunger, greediness, fear, jealousy)."⁴³ In Hobbes's political anthropology, according to Schmitt, men are basically evil and act on their passions. Schmitt later underscores his agreement with Hobbes's understanding of human nature when he remarks that "all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being."⁴⁴ He further states that "For Hobbes, truly a powerful and systematic political thinker, the pessimistic conception of man is the elementary presupposition of a specific system of political thought."⁴⁵ What makes Hobbes's thought so relevant for Schmitt as he attempts to put an end to the near civil war circumstances he is experiencing in his own context is not just that the English philosopher conceived of his state theory in times of similarly destructive civil conflict but also that he acknowledged the "disquieting" reality of man's fundamental evil.⁴⁶

Despite sharing with Hobbes both a similar political anthropology and comparable sociopolitical troubles with which to contend, Schmitt does not wish to resuscitate his predecessor's state theory exactly as it was formulated in the seventeenth century. In *Political Theology*, Schmitt writes of Hobbes, "It is striking that one of the most consequential representatives of this abstract scientific orientation of the seventeenth century became so personalistic."⁴⁷ Hobbes, according to Schmitt, was at once a juristic thinker who "wanted to grasp the reality of societal life" and a philosopher and natural scientist who "wanted to grasp the

⁴³ Schmitt, *The Concept of the Political*, 59.

⁴⁴ Schmitt, *The Concept of the Political*, 61.

⁴⁵ Schmitt, *The Concept of the Political*, 65.

⁴⁶ Schmitt, *The Concept of the Political*, 61.

⁴⁷ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: The University of Chicago Press, 2005), 34.

reality of nature.” In Schmitt’s view, however, only Hobbes’s juristic thought with its personalism is able to acknowledge “the specific reality of legal life inherent in the legal form.” Schmitt elaborates that the legal form Hobbes sought “lies in the concrete decision, one that emanates from a particular authority. ... What matters for the reality of legal life is who decides.”⁴⁸ For Hobbes to provide solutions to the political crises of twentieth-century European nations, Schmitt argues in his Weimar writings, his overarching theory of political life may be maintained, but serious modifications to it must be made so as to preserve its “human” elements and diminish its scientific ones.

⁴⁸ Schmitt, *Political Theology*, 34.

IV. On Private Judgments of the Political

In *The Concept of the Political*, Schmitt advocates for the suppression of men's private judgments, just as Hobbes does in his major political works. However, in this text, Schmitt claims that what he believes must be bypassed are not men's opinions regarding the moral distinction between good and bad per se, but their subjective judgments of what he calls "the political." His explanation of the friend-enemy distinction brings to light what, in more specific terms, he means by the political, as well as how his theory draws from Hobbes's.

Schmitt claims near the start of *The Concept of the Political* that "A definition of the political can be obtained only by discovering and defining the specifically political categories."⁴⁹ He proceeds to state his famous proposition that "The specific political distinction to which political actions and motives can be reduced is that between friend and enemy." At the heart of the political, according to Schmitt, is the distinction between those one associates with, friends, and those one dissociates from, enemies, at the greatest "degree of intensity"—namely, that which correlates to the use or potential use of deadly force against members of the opposing group.⁵⁰ The influence of Hobbes upon Schmitt becomes clear immediately, as the former likewise makes human enmity a focal point of his theorized state of nature. In the *Leviathan*, Hobbes writes that:

in a condition of war wherein every man to every man (for want of a common power to keep them all in awe) is an enemy, there is no man can hope by his own strength or wit to defend himself from destruction without the help of confederates.⁵¹

⁴⁹ Schmitt, *The Concept of the Political*, 25.

⁵⁰ Schmitt, *The Concept of the Political*, 26. Schmitt states in clear terms that the potential use of deadly force against the opposing party is crucial to his understanding of the friend-enemy distinction, writing, "The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing." Schmitt, *The Concept of the Political*, 33.

⁵¹ Hobbes, *Leviathan*, I, 15, 5.

He similarly uses the language of political friends and enemies in describing how men who are only “governed and directed by one judgment for a limited time” may fall back into a state of war, stating that when they “have no common enemy, or he that by one part is held for an enemy is by another part held for a friend, they must needs by the difference of their interests dissolve.”⁵² Divisions between individuals or groups of individuals—particularly those that may lead to the physical killing of rival groups or individuals—are central to political life for Hobbes, just as they are for his twentieth-century devotee.

The friend-enemy distinction also exists independently of distinctions that are characteristic of “the various relatively independent endeavors of human thought and action,” for Schmitt.⁵³ The other realms of the human experience Schmitt deems relevant to his discussion are the moral, aesthetic, and economic. He explains that “the antithesis of friend and enemy corresponds to the relatively independent criteria of other antitheses: good and evil in the moral sphere, beautiful and ugly in the aesthetic sphere,” and profitable and unprofitable in the economic sphere. Nevertheless, the antithesis at the core of the political “is independent, not in the sense of a distinct new domain, but in that it can neither be based on any one antithesis or any combination of other antitheses, nor can it be traced to these.”⁵⁴ Schmitt further underlines how the distinction between friend and enemy and, therefore, the political, cannot be reduced to any other distinction or when he writes, “the political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor. ... But he is, nevertheless, the other, the stranger.”⁵⁵ By the same token, for Hobbes, the enmity that is specific to “the ill condition which man by mere nature is actually placed in” is independent of the moral, aesthetic, economic, or

⁵² Hobbes, *Leviathan*, II, 17, 5.

⁵³ Schmitt, *The Concept of the Political*, 25-26.

⁵⁴ Schmitt, *The Concept of the Political*, 26.

⁵⁵ Schmitt, *The Concept of the Political*, 27.

other sorts of inequalities that reveal themselves in the civilized state.⁵⁶ That enmity, being the consequence of fundamental human equality, can only be understood on its own terms.

The distinction between friend and enemy is ultimately so foundational, in Schmitt's view, that comprehending it is a precondition for understanding the concept of government itself. Indeed, the first line of his text reads, "The concept of the state presupposes the concept of the political."⁵⁷ One must examine the political and the friend-enemy distinction that defines it, according to Schmitt, before inquiring about the state. He elaborates, stating, "what the state is in its essence—a machine or an organism, a person or an institution, a society or a community, an enterprise or a beehive, or perhaps even a basic procedural order," is only a secondary concern. Schmitt's contention that an investigation of the nature of the political is the "appropriate point of departure" for an inquiry into the state reflects, once again, his indebtedness to Hobbes.⁵⁸ For the English philosopher, too, one may only understand the nature of government upon first considering what he believes to be more elementary: the natural condition of mankind. The "solitary, poor, nasty, brutish, and short" life of man in the state of nature is, in fact, what brings men to recognize the need for government in the first place.⁵⁹

Schmitt's discussion of the political and its significance reveals that privately judging it entails deciding for oneself who is a friend and who is an enemy. In an "extreme case of conflict," Schmitt explains, "Only the actual participants can correctly recognize, understand, and judge the concrete situation."⁶⁰ If there is no common power capable of making pronouncements concerning the political that all must conform to, men are free to form their own

⁵⁶ Hobbes, *Leviathan*, I, 13, 13.

⁵⁷ Schmitt, *The Concept of the Political*, 19.

⁵⁸ Schmitt, *The Concept of the Political*, 19.

⁵⁹ Hobbes, *Leviathan*, I, 13, 9.

⁶⁰ Schmitt, *The Concept of the Political*, 27.

opinions of which individuals or groups are allies and which are adversaries. That is, “Each participant is in a position to judge whether the adversary intends to negate his opponent’s way of life and therefore must be repulsed or fought in order to preserve one’s own form of existence.” Schmitt makes clear that judgments of the political are not equivalent to judgments of what is morally good, aesthetically beautiful, or economically profitable and what is morally evil, aesthetically ugly, or economically damaging. It may be true, he acknowledges, that “Emotionally the enemy is easily treated as being evil and ugly”—this is because “every distinction, most of all the political, as the strongest and most intense of the distinctions and categorizations, draws upon other distinctions for support.” However, the political is still independent of the moral, aesthetic, and economic realms. He goes on to clarify that “the reverse is also true: the morally evil, aesthetically ugly or economically damaging need not necessarily be the enemy; the morally good, aesthetically beautiful, and economically profitable need not necessarily become the friend in the specifically political sense.”⁶¹ Private judgments of the political concern the friend-enemy antithesis alone, in Schmitt’s view, even as they may tend to correspond to particular judgments that directly concern the other antitheses.

When private individuals and groups claim the right to judge the political, Schmitt argues, they weaken the state and, in some cases, even threaten its very existence. “The intensification of internal antagonisms has the effect of weakening the common identity vis-à-vis another state,” he writes.⁶² If men are given license to judge the political in any way they wish, they may deem other members of the political community to which they belong to be their enemies and come into conflict with them as a result. This decline in the nation’s unity diminishes its overall strength, making it vulnerable to foreign adversaries. “If domestic conflicts

⁶¹ Schmitt, *The Concept of the Political*, 27.

⁶² Schmitt, *The Concept of the Political*, 32.

among political parties have become the sole political difference, the most extreme degree of internal political tension is thereby reached; i.e., the domestic, not the foreign friend-and-enemy groupings are decisive for armed conflict,” Schmitt continues. “If one wants to speak of politics in the context of the primacy of internal politics, then this conflict no longer refers to war between organized nations but to civil war.”⁶³ The proliferation of private judgments of the political, in his view, puts the state at risk of having its monopoly on violence—its defining mark of power—challenged by domestic entities, as well. Private groups, according to Schmitt, may even be so strong as to be able to “hinder a war desired by the state that was contrary to their interests or principles.”⁶⁴ In such cases, he declares, the state would not only be weakened but “would no longer exist.” He explains that for a political entity to be sovereign, it must be “the decisive entity for the friend-or-enemy grouping. ... Otherwise the political entity is nonexistent.”⁶⁵ If private judgments regarding who is a friend and who is an enemy carry more weight when determining a declaration of war than do judgments made by the state, then the former will have effectively extinguished the state altogether.

The aforementioned consequences of allowing men to make subjective judgments of the political reveal, for Schmitt, the need for the state to suppress these judgments and reassert its sole authority in making decisions pertaining to the friend/enemy distinction. He holds that “To the state as an essentially political entity belongs the *jus belli*, i.e., the real possibility of deciding in a concrete situation upon the enemy and the ability to fight him with the power emanating from the entity.”⁶⁶ Only the sovereign should be able to separate political friends from enemies and, if necessary, resort to violence to defend his judgments. In order to maintain the strength of

⁶³ Schmitt, *The Concept of the Political*, 32.

⁶⁴ Schmitt, *The Concept of the Political*, 39.

⁶⁵ Schmitt, *The Concept of the Political*, 39.

⁶⁶ Schmitt, *The Concept of the Political*, 45.

the state and ensure that it alone “as the decisive political entity possesses an enormous power: the possibility of waging war,” judgments of the political made by private groups and individuals must be subdued.⁶⁷ Additionally, Schmitt hopes that men’s fear of one another and, in particular, of others’ capacity for physical violence may be revived so that they recognize for themselves the necessity of surrendering their judgments of the political to the state. When men may privately judge the political, any individual may judge any other to be his enemy and enact life-threatening violence upon him on this basis. Schmitt wishes to remind men of the preceding fact so that they become fearful of their compatriots and come to see that it is reasonable, as McCormick puts it, to exchange “their fear of everything and everyone at every moment ... for the more tolerable knowledge that it is only the state that is to be feared, and then only under certain conditions.”⁶⁸ That is, Schmitt desires that human beings be made to recognize their own dangerousness so that they are effectively frightened into accepting an authority that monopolizes judgments of the political.⁶⁹

Schmitt’s teaching with regard to the nature of private judgment, the consequences of allowing it to proliferate within the polity, and, ultimately, the need to suppress it clearly mirrors that of Hobbes. The English philosopher, too, argues that giving men the freedom to express their subjective judgments results in civil conflict and a weakened commonwealth. In the *Leviathan*, he claims that it is only in a diseased commonwealth that individuals subscribe to the doctrine that “*every private man is judge of good and evil actions.*”⁷⁰ “From this false doctrine,” he explains, “men are disposed to debate with themselves, and dispute the commands of the commonwealth, and afterwards to obey or disobey them, as in their private judgments they shall

⁶⁷ Schmitt, *The Concept of the Political*, 46.

⁶⁸ McCormick, “Fear, Technology, and the State,” 626.

⁶⁹ McCormick, “Fear, Technology, and the State,” 622.

⁷⁰ Hobbes, *Leviathan*, II, 29, 6.

think fit. Whereby the commonwealth is distracted and *weakened*.”⁷¹ Moreover, Hobbes, like Schmitt, also thinks that men’s passions, especially their fear of being killed by their fellow men, should bring them to form a government that keeps peace by suppressing private judgment. Indeed, he cites fear of death as the foremost of the passions that drive men to create a commonwealth and states that “it is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing, to peace.”⁷² Hobbes proves, on the whole, to be a great resource for Schmitt as he attempts to formulate a political theory that takes seriously mankind’s fundamental evil amidst a republic rife with armed conflicts among groups possessing diverging economic, ideological, and political interests.⁷³ However, as noted previously, Schmitt seeks to remake rather than simply recapitulate Hobbes’s philosophy. He demonstrates in *The Concept of the Political* that in order for his neo-Hobbesian project of suppressing private judgment of the political to succeed, the essential and advantageous personalistic aspects of Hobbes’s thought must be elevated above the more problematic natural-scientific ones.

Natural science and technology—elements with which Hobbes’s philosophy is closely associated—have intensified, not diminished, the subjectivity of judgments regarding the political, according to Schmitt. He comments in *The Concept of the Political* that a “technical” approach to understanding human nature is one that takes an “interest in the tactical manipulation of instinctive drives.”⁷⁴ Rather than bolstering the view that mankind is intrinsically evil, scientific and technical thinking leads men to believe that they may become less “dangerous and dynamic” as the sociological conditions that inform their existences improve.⁷⁵ Schmitt also

⁷¹ Hobbes, *Leviathan*, II, 29, 6.

⁷² Hobbes, *Leviathan*, I, 13, 14; II, 18, 9.

⁷³ McCormick, “Fear, Technology, and the State,” 624.

⁷⁴ Schmitt, *The Concept of the Political*, 59.

⁷⁵ Schmitt, *The Concept of the Political*, 61.

explains in “The Age of Neutralizations and Depoliticizations” that technology obscures the ever-present nature of the possibility for conflict. This is because technology, since it serves everyone, is able to present itself as an “ultimate neutral ground,” a “domain of peace, understanding, and reconciliation.”⁷⁶ In concealing the ineradicability of human evil and the enmity that proceeds from it, science and technology prevent men from seeing the need for a sovereign state that ensures civil peace by suppressing private judgment. They do not bolster the Hobbesian political project, Schmitt argues, but instead aid in its subversion.

Schmitt believes that amplifying the personalistic elements of Hobbes’s thought will help secure the state’s monopoly on judgments of the political—and suggests that this amplification may be achieved by substituting Hobbes’s individualism with identitarian collectivism. He argues that inherent to individualism is the “negation of the political,” which “leads necessarily to a political practice of distrust toward all conceivable political forces and forms of state and government.”⁷⁷ The state must, if necessary, “demand the sacrifice of life. Such a demand is in no way justifiable by the individualism of liberal thought.”⁷⁸ The rights-bearing individual cannot constitute the primary unit of an organized political body, according to Schmitt.⁷⁹ Instead, a people group, defining itself in concrete terms—that is, against a “real enemy” that threatens its way of life rather than on the basis of shared ideals or norms of justice—should form the polity’s basis.⁸⁰ When a people as a collective with a shared identity chooses an executive to make political decisions on its behalf, the group ascribes to government greater vitality and

⁷⁶ Carl Schmitt, “The Age of Neutralizations and Depoliticizations (1929),” in Schmitt, *The Concept of the Political*, 90-91.

⁷⁷ Schmitt, *The Concept of the Political*, 70.

⁷⁸ Schmitt, *The Concept of the Political*, 71.

⁷⁹ Hobbes, on the contrary, asserts that “The Right of Nature, which writers commonly call *jus naturale*, is the liberty each man hath to use his own power, as he will himself, for the preservation of his own nature, that is to say, of his own life, and consequently of doing anything which, in his own judgment and reason, he shall conceive to be the aptest means thereunto.” Hobbes, *Leviathan*, I, 14, 1.

⁸⁰ Schmitt, *The Concept of the Political*, 49.

personalistic authority than it would have had if it were imagined to be the product of contracts made among individuals.⁸¹ Being imbued with a representative or even mythic quality, in Schmitt's view, makes the state better at keeping private judgments of the political suppressed long term and thereby at ensuring its own continued strength and stability.

⁸¹ Hobbes's individualist perspective leads him to conclude that "A *commonwealth* is said to be *instituted*, when a *multitude* of men do agree and *covenant, every one with every one.*" Hobbes, *Leviathan*, II, 18, 1.

V. The Death of the Mortal God

By the time he writes *The Leviathan in the State Theory of Thomas Hobbes*, Schmitt is far more pessimistic concerning the possibility that the personalistic elements of Hobbes's philosophy may be elevated above the natural-scientific ones. Indeed, his reevaluation of his intellectual forebear upon having witnessed and, of course, taken an active role in Nazi rule seeks to show that history has proven a project such as that of his own in *The Concept of the Political* to be untenable. Schmitt argues that the leviathan was doomed to undergo a process of mechanization from the moment of its inception, and that the reason for this was that Hobbes did not provide his brainchild with sufficient means of suppressing private judgment.

There was not just one leviathan in the English philosopher's masterwork *Leviathan*, but three, Schmitt explains early on in his text devoted exclusively to the author. The first representation of the "mortal god"—another name Hobbes gave his theorized state—that Schmitt calls attention to is that of "the notorious mythical *leviathan*, that has assimilated god, man, animal, and machine."⁸² Next to leviathan as mythical sea-monster "serves a juristically constructed covenant to explain the appearance of one sovereign *person* brought about by representation." And, finally, Schmitt writes, "Hobbes transfers ... the Cartesian conception of man as a mechanism with a soul onto the 'huge man,' the state, made by him into a machine animated by the sovereign-representative person."⁸³ This third leviathan, leviathan as machine, was destined to supplant both leviathan as myth and leviathan as representative person from the very beginning, according to Schmitt. In Hobbes's political philosophy, he states:

the state is not in its entirety a person. The sovereign-representative person is only the soul of the "huge man" state. The process of mechanization is not, however, arrested but

⁸² Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 32.

⁸³ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 32.

completed by this personification. This personalistic element too is drawn into the mechanization process and becomes absorbed by it.⁸⁴

The body and soul of the leviathan, as Hobbes conceived of it, were man-made; as such, it was always, despite possessing substantive mythical and juristically representative qualities, a machine at its most basic level. In undergoing mechanization, the leviathan simply became what it was, so to speak. Schmitt concludes that “The ‘huge man’ as the sovereign-representative person could not prevail in history, for he himself was nothing but a product of human art and intelligence.”⁸⁵ Hobbes’s own state theory required that the leviathan eventually become nothing more than “a gigantic mechanism in the service of ensuring the physical protection of those governed.”⁸⁶

The mortal god’s degeneration from myth to machine began the moment Hobbes carved out a distinction between men’s inward faith and outward confession. Schmitt states that the sovereign power Hobbes theorized was originally “God’s highest representative on earth. ... The mortal god has power also over miracles as well as confession.”⁸⁷ However, at this juncture, “at the zenith of the sovereign power that brings about the unity of religion and politics, occurs the rupture of the otherwise so complete, so overpowering unity, the decisive point, concerning miracle and belief, that Hobbes evades.”⁸⁸ Hobbes, Schmitt notes, stated that the issues of wonder and miracle were to be matters of public rather than private reason. “But on the basis of universal freedom of thought—*quia cogitatio omnis libera est*—he leaves to the individual’s private reason whether to believe or not to believe and to preserve his own *judicium* in his heart, *intra pectus suum*.”⁸⁹ In differentiating between “private and public, faith and confession, *fides*

⁸⁴ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 34.

⁸⁵ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 34.

⁸⁶ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 35.

⁸⁷ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 55.

⁸⁸ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 55-56.

⁸⁹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

and *confessio*,” and arguing that only public confessions of faith were to be subject to the sovereign’s dictums regarding truth and falsehood, Hobbes left room in his system for subjective judgments to persist within the privacy of individuals’ hearts and minds.⁹⁰ Freedom of conscience, as harmless as it may have initially seemed, ultimately “brought about the end of the mortal god,” according to Schmitt.⁹¹

Hobbes’s granting that men may maintain their opinions of good and bad in private paved the way for the philosophy of liberalism, Schmitt explains.⁹² He cites a section of the *Leviathan* in which Hobbes gives recommendations to Christians regarding what they must do if a sovereign person forbids them to believe in Christ in order to demonstrate that, more than anything else, Hobbes “focuses attention on the distinction between inner and outer.”⁹³ Indeed, in that passage, Hobbes declares that “such forbidding [of belief in Christ] is of no effect, because belief and unbelief never follow men’s commands.”⁹⁴ Christians may even be forced to express their disbelief outwardly, Hobbes says, but they would still be able to hold firmly within their hearts the faith of Christ. “Profession with the tongue is but an external thing, and no more than any other gesture whereby we signify our obedience,” he writes.⁹⁵ Schmitt correctly states that Hobbes’s position with regard to confession and faith implies that the state only has a “right to demand ‘lip-service confession’ of Christendom,” and the individual has a “right to observe his ‘inner faith’ beyond any compulsory encumbrance.”⁹⁶ The absorption of the right to private freedom of thought into the political system, which Hobbes set in motion, was the starting point

⁹⁰ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

⁹¹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 57.

⁹² Here, in his discussion of religious belief, Schmitt is concerned directly with moral questions and, thus, opinions of good and bad. This is in contradistinction to his discussion of private judgment within *The Concept of the Political*, which concerned judgments of the political—that is, judgments of who is a friend and who is an enemy.

⁹³ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

⁹⁴ Hobbes, *Leviathan*, III, 42, 11.

⁹⁵ Hobbes, *Leviathan*, III, 42, 11.

⁹⁶ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

from which “everything else was logically derived in the century that ensued until the rise of the liberal constitutional state,” Schmitt claims.⁹⁷ The whole host of other individual freedoms typically granted to subjects by liberal constitutions and the modern “neutral” state as a whole can be traced back to precisely the moment that a public-private distinction was introduced.

Schmitt proceeds to blame the “liberal Jew” Spinoza for hastening the mechanization of the leviathan.⁹⁸ Soon after Hobbes published the *Leviathan*, in Schmitt’s account, Spinoza “noticed the barely visible crack in the theoretical justification of the sovereign state.”⁹⁹ Recognizing immediately how Hobbes’s philosophy might go on to justify liberalism, he eagerly inverted the postulation of the relationship between public and private that the Englishman had put forth into its converse so as to accelerate the pernicious progression. Hobbes, Schmitt says, “focused on public peace and the right of sovereign power; individual freedom of thought was an implicit right open only as long as it remained private.”¹⁰⁰ For Spinoza, on the other hand, “it is the inverse: Individual freedom of thought is the form-giving principle, the necessities of public peace as well as the right of the sovereign power having been transformed into mere provisos.” By prioritizing individual freedom above the stability and security of the sovereign power, Spinoza opened the door for men’s private judgments to gain supremacy over the judgments of the state. Thus, Schmitt says, “A small intellectual switch emanating from the nature of Jewish life accomplished ... the decisive turn in the fate of the leviathan.”¹⁰¹

But it is ultimately Hobbes’s own failure to theorize a sovereign state that could sufficiently suppress subjective judgments of good and bad that Schmitt must hold responsible

⁹⁷ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

⁹⁸ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 57.

⁹⁹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 57.

¹⁰⁰ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 58.

¹⁰¹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 58.

for the leviathan's demise. Schmitt, in his anti-Semitic screed, certainly condemns the "restless spirit of the Jew" for exploiting the weakness in Hobbes's thought pertaining to faith and confession.¹⁰² However, he maintains that what was of utmost significance to the leviathan's gradual loss of its quasi-theological qualities was "the seed planted by Hobbes regarding his reservation about private belief and his distinction between inner belief and outer confession."¹⁰³ As that seed unfolded, he writes, "it became an irresistible and all-governing conviction."¹⁰⁴ Once Hobbes posited a right to freedom of conscience, it was only a matter of time before men began ascribing greater importance to their own opinions of good and bad and, in turn, ceased to conform to the judgments of the sovereign. "At precisely the moment when the distinction between inner and outer is recognized, the superiority of the inner over the outer and thereby that of the private over the public is resolved," Schmitt explains.¹⁰⁵ In maintaining that men must remain completely obedient to the sovereign power, "but *only* as a public and *only* an external power," Hobbes effectively sapped the leviathan of its life-giving force.¹⁰⁶ Or rather, he ensured that it was "hollow and already dead from within."¹⁰⁷

It would seem that opinions of good and bad reached the pinnacle of their capacity for political destruction when they brought about the death of the mortal god. However, Schmitt explains, the leviathan's reduction from godlike sovereign-representative person to mere machine only made it vulnerable to the harmful effects of subjectivity once more. Indeed, he claims, the freedom of conscience granted by Hobbes gave way not only to the death of leviathan the "huge man" but also to the destruction of leviathan the "huge machine."¹⁰⁸

¹⁰² Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 60.

¹⁰³ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 59.

¹⁰⁴ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 59.

¹⁰⁵ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 61.

¹⁰⁶ Emphasis my own.

¹⁰⁷ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 61.

¹⁰⁸ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

Schmitt points out that although the neutral state that outlasted the mythical and personalistic one was devoid of moral content, it was incredibly technically efficient. “The distinction of inner and outer became for the mortal god a sickness unto death,” he reiterates.¹⁰⁹ “But his work, the state, survived him in the form of a well-organized executive, army, and police as well as administrative and judicial apparatuses and a well-working, professionally trained bureaucracy.”¹¹⁰ The leviathan as a mechanism and a machine was clean and exact in its workings; its truth and justice lay not its grounding in any religious or metaphysical framework but in its technical perfection. Schmitt again calls attention to the “admirably perfected armature of a modern state and the complicated command mechanism of its administrative apparatus—the result of incredible technical inventions.”¹¹¹ While he no doubt mourns the loss of the sovereign power’s vital and substantively moral qualities, Schmitt acknowledges that the modern state lived up to its ideals of efficiency and orderliness and even commends it for that reason and that reason alone.

This technically perfect yet spiritually empty state was ripe for being taken up by the “forces of society” as a tool that they may use to further non-neutral ends.¹¹² Civil society organizations, such as political parties and trade unions, had utilized the freedom of conscience granted to them in the private sphere to form their own subjective moral judgments. These social groups, hoping to use state power to pursue objectives in line with their private opinions of good and bad, “seized the legislative arm of parliament and the law state,” Schmitt states. “Their ascendancy was facilitated by a constitutional system that enshrined a catalogue of individual

¹⁰⁹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 65.

¹¹⁰ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 65.

¹¹¹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 67.

¹¹² Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 73.

rights.”¹¹³ Moreover, Schmitt explains, these societal forces not only appropriated state power but exerted their political influence in a uniquely irresponsible manner. Civil society groups exercised their power “indirectly,” according to Schmitt, and, as a result, they were able to “enjoy all the advantages and suffer none of the risks entailed in the possession of political power.”¹¹⁴ Insofar as they pushed the government to advance their particular interests, they derived “all the advantages of the state.” But in carrying out their actions “under the guise of something other than politics—namely, religion, culture, economy, or private matter,” they could shirk all responsibility associated with political rule. Thus, even as groups asserting their right to privately judge what is good and what is bad combatted the leviathan, they still “avail[ed] themselves of the animal.”¹¹⁵

Ultimately, the subjective societal forces did destroy the “big machine” altogether.¹¹⁶ “The wonderful armature of a modern state organization requires uniformity of will and uniformity of spirit,” Schmitt says. “When a variety of different spirits quarrel with one another and shake up the armature, the machine and its system of legality will soon break down.” The leviathan was greatly weakened by the struggle among numerous social groups to indirectly exert influence upon it in various different directions. This laid the groundwork, according to Schmitt, for “the most illiberal forces” to seize the state apparatus and use liberal institutions and concepts as “weapons and power positions” against the people themselves.¹¹⁷ In exercising both their capacity to make subjective moral judgments and their ability to utilize directly the technically efficient machinery of the state, these “anti-individualistic forces” produced

¹¹³ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 73.

¹¹⁴ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

¹¹⁵ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

¹¹⁶ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

¹¹⁷ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

catastrophic conditions akin to a Hobbesian “state of nature where all are not equal in their ability to kill and be killed,” as McCormick puts it.¹¹⁸ They effectively used the organizations of individual freedom “like knives ... to cut up the leviathan and divide his flesh among themselves,” Schmitt writes. “Thus did the mortal god die for the second time.”¹¹⁹

In describing the leviathan’s second death, Schmitt clearly intimates that the rise of the Third Reich was, in fact, an instance of an illiberal social force taking hold of the state apparatus and bringing about circumstances even more appalling than those of the state of nature Hobbes imagined. Under National Socialism, all were in perpetual fear of their fellow men, as was the case in the Hobbesian state of nature, but they were *also* in fear of the regime itself, which possessed an outsized capacity to kill as a result of having control over the state apparatus. The demarcation between the state and its subjects ceased to exist as the former became an active participant in the conflicts already raging among the latter. Schmitt, it seems, had previously maintained hope that the state could stand above society, governing it as a distinct, neutral entity rather than permeating all of its elements and engaging in its disputes in partisan fashion. For example, in a 1932 address entitled “Strong State and Sound Economy,” he laid out the distinction between a strong, qualitative total state that can distinguish between friends and enemies and “does not allow forces inimical to it, or those that limit or divide it, to develop within in its interior” and a weak, quantitative one that “penetrates all domains and all spheres of human existence.”¹²⁰ He concluded that the German people may, “over and above party divisions and particularisms, gain its political unity and a strong state,” indicating that he

¹¹⁸ McCormick, “Fear, Technology, and the State,” 639.

¹¹⁹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 74.

¹²⁰ Carl Schmitt, “Strong State and Sound Economy: An Address to Business Leaders,” in Renato Cristi, *Carl Schmitt and Authoritarian Liberalism: Strong State, Free Economy* (Cardiff: University of Wales Press, 1998), 217-218.

believed that establishing a qualitative total state was a feasible goal.¹²¹ However, by the time he composed *The Leviathan in the State Theory of Thomas Hobbes*, he had apparently become less optimistic: there, he presented the ascent of the Nazis and the quantitative total state they administered as a natural outgrowth of Hobbes's original mistake of allowing men to maintain their subjective judgments of good and bad in the privacy of their hearts and minds.¹²²

¹²¹ Schmitt, "Strong State and Sound Economy," 232.

¹²² It should be noted that, from the viewpoint Schmitt presents in *The Leviathan in the State Theory of Thomas Hobbes*, the quantitative total state is really not a state at all but rather an incarnation of the Hobbesian state of nature, as was explained previously. Also relevant here is the fact that although Schmitt, in this text, depicts the rise of the Nazis as an inevitable consequence of the introduction of a distinction between inner and outer, so to speak, he himself helped bring them to power.

VI. Beyond Theocracy and Continual Crisis

Schmitt's evaluation of Hobbes's teaching with regard to opinion certainly contradicts multiple scholarly views on the topic. Firstly, Schmitt differs markedly from scholars such as Eric Voegelin and Hannah Arendt, who understand the English philosopher's project of suppressing private judgment to be unacceptably authoritarian. Voegelin claims that Hobbes's justification for making the sovereign the sole judge of which opinions and teachings are acceptable might as well have been "written by a modern minister of propaganda."¹²³ Arendt similarly disparages Hobbes's aim of creating a political system in which "the sovereign decides about the true and the false," in Schmitt's words.¹²⁴ She claims that if Hobbes's proposals had been implemented, "the whole modern scientific development from Galileo to Einstein might not have come to pass."¹²⁵ Schmitt's critique of Hobbes is precisely the opposite of Voegelin's and Arendt's: he does not criticize the philosopher's teaching for being too oppressive but for being too liberal. Secondly, Schmitt's interpretation of Hobbes stands in sharp contrast to the accounts of scholars like Sharon Lloyd and Richard Tuck, who view Hobbes as being more liberal than is commonly thought. Lloyd argues that Hobbes is not only concerned with ensuring civil peace but with justifying rule to the ruled, making him not so strictly authoritarian, and Tuck takes his reading of Hobbes's liberality a step further, claiming that he leaves room for free inquiry to persist within particular institutions like universities.¹²⁶ Although Schmitt likewise emphasizes the liberal aspects of Hobbes's political philosophy, the similarities between his reading of

¹²³ Eric Voegelin, "The Political Religions," in *Modernity Without Restraint*, ed. Manfred Henningsen (Columbia: University of Missouri Press, 2000), 55.

¹²⁴ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

¹²⁵ Hannah Arendt, "Truth and Politics," *The New Yorker*, February 25, 1967.

¹²⁶ Sharon A. Lloyd, "Coercion, Ideology, and Education in Hobbes's *Leviathan*," in *Reclaiming the History of Ethics: Essays for John Rawls*, ed. Andrews Reath, Barbara Herman, and Christine M. Korsgaard (Cambridge: Cambridge University Press, 1997), 32-65; and Richard Tuck, "Hobbes on Education," in *Philosophers on Education: Historical Perspectives*, ed. A. Oksenberg Rorty (London: Routledge, 1998), 148-156.

Hobbes and the readings of Lloyd and Tuck end there. Hobbes, Schmitt argues, did not advance liberalism by intent, but by accident.

Hobbes did, indeed, wish for the state to be able to govern and direct men under one judgment in the full completeness of their beings, making his intentions strictly authoritarian. But, as Reinhart Koselleck's analysis in *Critique and Crisis* makes clear, he nonetheless laid the groundwork for the development of philosophical liberalism in the burgeoning social sphere and thereby set the stage for society to challenge the sovereign power's authority. Thus, Hobbes was, in fact, neither a pure authoritarian nor a proto-liberal, but instead an authoritarian who unwittingly advanced liberal ends, just as Schmitt claims.

Despite advocating for freedom of conscience, Hobbes hoped men would conform to the sovereign's judgments both in public and in private. In discussing the distinction between public and private worship in the *Leviathan*, Hobbes claims that "Private is in secret free."¹²⁷ And in his discourse on what Christians may do to avoid persecution, which was discussed earlier in this paper, he asserts that "belief and unbelief never follow men's commands. Faith is a gift of God, which man can neither give nor take away by promise of rewards or menaces of torture."¹²⁸ Hobbes's positing of a right to private freedom of thought, as these passages make clear, is not rooted in his belief that men should be allowed to hold views in secret that challenge the sovereign's dictums; rather, it is grounded in his understanding that men's consciences simply cannot be controlled. He writes in *Behemoth* that "the power of the mighty hath no foundation but in the opinion and belief of the people."¹²⁹ For the sovereign to be truly secure in his power, his subjects would need to adhere to his judgments both inwardly and outwardly. As Holmes

¹²⁷ Hobbes, *Leviathan*, II, 31, 12.

¹²⁸ Hobbes, *Leviathan*, III, 42, 11.

¹²⁹ Hobbes, *Behemoth*, 16.

explains, “The ultimate source of political authority is not coercion of the body, but captivation of the mind. The subjective or psychological basis of authority provides the core of Hobbes’s political science.”¹³⁰ Obedience to the sovereign, in Hobbes’s view, *should* extend all the way from the external actions of subjects’ bodies to the internal workings of their minds.

But Hobbes did ultimately make a distinction between the individual as a public citizen and the individual as a private human being. “Hobbes’s man is fractured, split into private and public halves: his actions are totally subject to the law of the land while his mind remains free, ‘in secret free,’” Koselleck writes.¹³¹ Man as citizen, for Hobbes, should subscribe to a political morality that says that what is ethical is that which furthers the state’s ability to maintain civil peace. “However, for man as human being it is his frame of mind, his individual conscience, that remains the ultimate criterion of morality.” While Hobbes may have wished that men would subscribe to the political morality set down by the sovereign both externally and internally, he did not provide the state with any tools with which to guarantee that this would be the case. As Koselleck puts it, it is, in the end, “just a hope” for Hobbes that the morality men adhere to within the confines of their private consciences “will take its bearings from political necessity.”¹³² The separation between men’s inner and outer beings that Hobbes introduced set the stage for further developments that definitively undermined his authoritarian political project.

The morality of men’s private consciences that Hobbes allowed to persist within the sovereign state he theorized eventually expanded into the public domain with the rise of society. The emergence of the bourgeoisie, Koselleck explains, saw the development of “‘society,’ a structure taking shape in the ‘clubs’ in which philosophers, for instance, devote themselves

¹³⁰ Holmes, “Introduction,” in Hobbes, *Behemoth*, xi.

¹³¹ Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge: The MIT Press, 1988), 37.

¹³² Koselleck, *Critique and Crisis*, 37.

especially to the investigation of the moral laws.”¹³³ It was in society that men began publicly expressing their private judgments of good and bad that had, up until then, been restricted to their individual consciences. Because the social sphere “remained inevitably shrouded in a veil of secrecy,” it was not subject to the regulation of public expression imposed by the state.¹³⁴

Koselleck explains further that “The citizens no longer defer to the State power alone; jointly, they form a society that develops its own moral laws, laws which take their place beside those of the State.”¹³⁵ The moral judgments that had previously been subordinate to the judgments of the state were elevated such that they came to be on somewhat equal footing with them, even if only in secret. In his late seventeenth-century work *An Essay Concerning Human Understanding*, John Locke posited alongside the divine law of God and the civil law of the state a third type of law, the “Law of Opinion or Reputation.”¹³⁶ This law, according to Locke, measures virtue and vice, terms which are “constantly attributed only to such actions as in each country and society are in reputation or discredit.”¹³⁷ That Locke placed these “bourgeois moral laws,” as Koselleck calls them, alongside the laws of God and state provides further evidence that subjective moral judgments had not remained within the confines of men’s consciences, as Hobbes hoped they would.¹³⁸ Rather, with the emergence of new social classes and spaces, a development which Hobbes could not have foreseen, men’s previously private moral judgments became powerful “laws” in their own right.

Society became the epicenter of the Enlightenment and its characteristic philosophical liberalism and eventually began to antagonize the state through its moral critique. The members

¹³³ Koselleck, *Critique and Crisis*, 55.

¹³⁴ Koselleck, *Critique and Crisis*, 38.

¹³⁵ Koselleck, *Critique and Crisis*, 55.

¹³⁶ John Locke, *An Essay Concerning Human Understanding* (Indianapolis: Hackett Publishing Company, 1996), II, 28, 8-10.

¹³⁷ Locke, *An Essay Concerning Human Understanding*, II, 28, 10.

¹³⁸ Koselleck, *Critique and Crisis*, 54.

of society were barred from participating in politics directly and, as a result, were forced to convene in “non-political” spaces:

at the exchanges, in coffee-houses or at the academies, where the new sciences were studied without succumbing to the State-religious authority of a Sorbonne ... or in the libraries and literary societies where one talked about arts and letters, not about the policies of the State.¹³⁹

These social spaces and institutions, however, were, in fact, political insofar as they fostered communication among Enlightenment intellectuals and “The act of social self-constitution was always simultaneously an act of passing moral judgement on the State,” Koselleck explains.¹⁴⁰ By remaining outside of politics, society could present itself and the philosophical liberalism adhered to by its members as being morally virtuous and the state as being morally corrupt. Eventually, though, society did start to intervene in politics—albeit, in a veiled and indirect fashion—so as to make virtue triumph over evil. “The phase in which the secret society appeared not only as the potential but as the actual opponent of the Absolutist State ... had been reached.”¹⁴¹ Immanuel Kant’s *Critique of Pure Reason* serves as evidence of society’s increasing hostility toward the state in the late eighteenth century, as it begins by setting out that “Our age is the age of criticism, to which everything must be subjected.”¹⁴² While law-giving may seek to exempt itself from society’s moral criticisms of it, according to Kant, the state will only awaken “just suspicion” if it does so, and “cannot lay claim to sincere respect, which reason accords only to that which has stood the test of a free and public examination.”¹⁴³ The challenge to state power posed by Enlightenment liberal critique was, indeed, another outcome of granting men the right to freedom of thought that Hobbes did not predict.

¹³⁹ Koselleck, *Critique and Crisis*, 66.

¹⁴⁰ Koselleck, *Critique and Crisis*, 82.

¹⁴¹ Koselleck, *Critique and Crisis*, 93.

¹⁴² Immanuel Kant, *Critique of Pure Reason*, trans. J. M. D. Meiklejohn (New York: P. F. Collier & Son, 1902), 15n1.

¹⁴³ Kant, *Critique of Pure Reason*, 15n1.

Society's assault on the state did not remain solely intellectual but rather gave rise to a full-blown political crisis that toppled the sovereign power altogether. "The unpolitical or indirect political attitude of the new elite toward the State ... reached the stage of autonomous political consciousness," Koselleck states.¹⁴⁴ Once social groups started to antagonize the state with their moral criticisms, it was only a matter of time before they sought to enter the political arena directly in order to make their visions of the moral good a reality. Society's antagonism of the state took the form of a "revolution"—that is, a civil war cloaked under the guise of moral righteousness—that resulted in the sovereign power's ultimate demise.¹⁴⁵ Moreover, society's political project was utopian and, thus, not politically pragmatic in nature: the critical judges who made it up "maintained an indirect relationship to the dualistically excluded politics" and "blinded themselves to the challenge and risk of all political actions and decisions."¹⁴⁶ As a result, the revolution it launched in the name of Enlightenment liberal ideals was doomed to be incapable of reinstating peace and stable government from the start. Koselleck remarks that "the indirect relationship to politics ... changed in the hands of modern man into a politically unsecured loan. The French Revolution was the first instance of that loan being called in."¹⁴⁷ Taking the French Revolution as a prime example of the sort of civil conflict that results from splitting man into public and private halves, as Hobbes did, we may conclude that the English philosopher's attempt to secure state authority by suppressing private moral judgments was unsuccessful. Indeed, it ironically gave rise to a political crisis that was eerily similar to that which spurred him to theorize the absolutist state as a safeguard against in the first place.

¹⁴⁴ Koselleck, *Critique and Crisis*, 170.

¹⁴⁵ Koselleck, *Critique and Crisis*, 185.

¹⁴⁶ Koselleck, *Critique and Crisis*, 185.

¹⁴⁷ Koselleck, *Critique and Crisis*, 186.

Schmitt is, therefore, correct to point out that granting men even the slightest bit of subjective freedom can result in the most catastrophic political outcomes as far as the preservation of civil peace and sovereign power is concerned. What are the implications of this? Schmitt himself seems to suggest that the state must possess control over both men's outward expressions and their inner beliefs if it is to ensure its own survival. Indeed, he states in *The Leviathan in the State Theory of Thomas Hobbes* that it is Hobbes's evasion of "the decisive point, concerning miracle and belief" that is the root cause of the leviathan's not one, but two deaths.¹⁴⁸ Surely, it follows that Schmitt thinks the state could preclude its eventual destruction by taking a theocratic approach to governance and not creating a "distinction between private and public, faith and confession, *fides* and *confessio*" to begin with.¹⁴⁹ This is the perspective taken, for example, by Ronald Beiner, who states that Schmitt's interpretation of Hobbes reveals that the German jurist was a "radical theocrat" who criticized his intellectual predecessor for betraying his own theocratic political philosophy.¹⁵⁰

But Schmitt provides little in the way of proposals, practical or otherwise, for how the calamitous chain of events that culminates in the Hobbesian leviathan's demise can be prevented. He does not, like Leo Strauss, for example, call for the revival of elements of classical and medieval philosophy in service of creating a political order that strips men of their ability to judge good and bad for themselves in public and in private.¹⁵¹ Instead, he continues to praise Hobbes's leviathan as a noble vision of the state upon arguing that it was fundamentally flawed and even declares that its death was a "tragedy."¹⁵² Perhaps, he, like Hobbes, is doubtful that any

¹⁴⁸ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

¹⁴⁹ Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 56.

¹⁵⁰ Beiner, "Carl Schmitt's 'Theocratic' Critique of Hobbes," 368.

¹⁵¹ Leo Strauss, *Philosophy and Law: Contributions to the Understanding of Maimonides and His Predecessors*, trans. Eve Adler (Albany: SUNY Press, 1995).

¹⁵² Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, 82.

sovereign power is truly capable of controlling belief and unbelief. As such, he may be forced to conclude that the leviathan remains a better form of government as far as suppressing private moral judgment goes than any imaginable alternative. In any case, Schmitt's apt demonstration that even the authoritarian project of Hobbes could not succeed at bypassing opinion in politics indefinitely, combined with his failure to explain how he wishes for the state to fix Hobbes's mistake, so to speak, leads one to question whether suppressing private judgment of good and bad may not be altogether the wrong approach to ensuring a well-functioning commonwealth. That is, if the remainder of even the smallest amount of subjectivity has the potential to breed civil conflict and chaos down the line, and it is unclear how that slightest inkling of subjectivity can be stamped out, allowing rather than denying men's opinions of good and bad a place within politics starts to look like a much more preferable alternative. After all, only once opinions reclaim their right to belong in politics in the first place can men begin to construct modes in which their destructive effects may be minimized and their potentially constructive ones may be utilized for the benefit of the polity.

VII. Conclusion

In this paper, I have sought to demonstrate how Schmitt's teaching with regard to private judgment both emulates and markedly differs from that of Hobbes. The seventeenth-century English philosopher, for his part, advocates for a politics that bypasses men's opinions of good and bad and seeks to show how these opinions are really just objects of men's passions. It is the latter—that is, the passions—that bring men to institute a government that brings about peace. Schmitt, in similar fashion, teaches in *The Concept of the Political* that men's private judgments of what he calls "the political" must be suppressed. Only the sovereign state, and not private individuals and groups, should have the right to judge the political by means of distinguishing who is an enemy and who is a friend, he claims. However, by the time Schmitt writes *The Leviathan in the State Theory of Thomas Hobbes*, he is far more pessimistic about the Hobbesian approach toward private judgment. There, he critiques Hobbes for not theorizing a state that could ensure that men's inner moral beliefs as well as their outward expressions remain in line with the sovereign's judgments.

To a large extent, the political philosophies of both Hobbes and Schmitt were products of the civil war-like conditions in which they were composed. In times of civil conflict, it is tempting to conclude, as both authors did, that a singular sovereign authority, rather than private men, should be the one making judgments of the good, bad, friend, and enemy in order to ensure civil peace. But Schmitt unwittingly demonstrates why this need not be the case. He shows through his critique of Hobbes that it is virtually inevitable that some trace of subjectivity will remain within the political community, no matter how authoritarian its government may be. That small trace will likely expand to the point that it eventually produces civil conflict not unlike that which impelled the creation of the authoritarian government in the first place. Men may choose

to continue repeating the never-ending cycle of political crisis, in which one oppressive government that seeks to deprive men of their right to make subjective moral judgments is traded for the next. Or they may choose to disrupt that cycle, creating mechanisms by which men's opinions of good and bad are not forced to find their political expression in the form of violent and destructive outbursts but are instead harnessed for productive ends. In our own times of civil conflict, we should certainly hope to do the latter.

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