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Introduction: Hobbes between Enlightenment and Darkness

Luc Foisneau

Behind the problematic interpretation of the myth of Leviathan lies the no less problematic interpretation of the character of the modern state, and of its development *qua* totalitarian state in the period between the two world wars in Europe. It is of course no wonder that the symbol of Leviathan came to the forefront in political theory and iconography, as the structure and the ideological justification of the state underwent radical change in at least three major European countries from the early 1920s to the 1940s. After Mussolini, Hitler and Stalin (to say nothing of Franco) had come to power it could no longer be said that the state was at the service of the individuals taken to have authorized it, as those individuals were either considered as elements of a class, or as cells in an organism, to which they were contributing not as individuals endowed with rights, but as functional parts, to be sacrificed if needed. In such an illiberal atmosphere, the frontispiece of Hobbes's *Leviathan* could all too easily appear as a threatening anticipation of what was to become a reality in those political contexts; and it was all too tempting, as some authors did, to interpret the small men incorporated in the body of the Sovereign as the members of a Fascist, or a Nazi, or a Stalinist state. The difficulty with such an interpretation is, nevertheless, that it only picks up superficial aspects of the Hobbesian theory of the state, ignoring other aspects that are just as important, such as, for example, its understanding of civil society, its theory of natural law, and its definition of human nature. If it is true that Hobbes's *Leviathan* backs up absolute sovereignty, recommending a renunciation by the subjects of their right to all things, this does not by any means entail the renunciation by those subjects of all liberty, nor of their individual aims in life.

The terrifying image of Leviathan has sometimes given rise to a phantasmagorical historiography of twentieth-century totalitarian states, tracing them back to the origins of modern political thought, as if from Hobbes to Mussolini, Hitler and Stalin there were a regular and logical development, or, worse still, as if *Leviathan* were an exact anticipation of those later political catastrophes. The criticism of this historiographical illusion, which we might be tempted to call "the Leviathan illusion", would not be of much interest if it were not the occasion of a re-evaluation of distinctions that are central to contemporary political thinking. If Hobbes's *Leviathan* is not an anticipation of the totalitarian state, what did the modern commentators miss when they confused totalitarianism and authoritarianism? What meaning can we give to the Hobbesian absolute conception of the state, if it is not synonymous with a complete negation of citizens' liberty? Commentators on Hobbes between the

wars spent much discussion on these issues, which will also be addressed in the following articles.

One preliminary remark that needs to be made, though it is in no sense a direct answer to these questions, is that, although there are debates between them, there is no unity or agreement between European commentators on Hobbes during the three decades separating the two world wars. The first reason for this diversity is linked to the diversity of the political contexts in which those interpretations have emerged: whereas Germany and Italy were to undergo deep political transformations, and to experience directly what a totalitarian state means, France (until 1940) and Great Britain were developing different forms of parliamentary politics. It is therefore not a surprise if Germany appears to be at the centre of the *Leviathan* debate, at a time when it was already undergoing radical change, even before the Weimar Republic came to its tragic end. To be perfectly candid, Hobbes was not so important in English political discussions in the 1930s, as Oakeshott's interpretation, although related to the inter-war European debate, was only to appear in the 1950s, and Collingwood's *New Leviathan* came very much at the end of the period; as for the French discussions, they were rather less related to Hobbes himself than they were to his reinterpretation in the German political context, as Vialatoux's *La cité totalitaire de Hobbes* very clearly shows. The ignorance of Hobbes's theory of sovereignty on the part of Carré de Malberg is in itself a proof that Hobbes was not considered indispensable to constructing the foundations of the French Third Republic. As for Italy, Hobbes only plays a marginal role in the methodological discussions of Pareto.

A second reason to explain the diversity of interpretations is linked to the fact that very few of Hobbes's commentators were philosophers proper: Schmitt, Capitant, Malberg are jurists; Tönnies and Pareto are sociologists; and, among the philosophers, Collingwood and Oakeshott are latecomers to the debate, and Vialatoux a minor figure. There was only Strauss, very young at the time, who proved willing to suggest a new interpretation of Hobbes's political philosophy. No doubt the debate between Carl Schmitt and Leo Strauss played an important part in setting the scene, as the two authors presented a radical alternative in the interpretation of Hobbesian politics.

A third reason for the diversity of interpretations is thus due to a major conflict in the understanding of modern politics. Between the friend-enemy theory of Schmitt and the Enlightened Hobbes of Strauss there was more than a difference in interpretation; there was rather a complete reversal of perspective on modern politics. It is therefore no surprise if the present volume starts with an article on Strauss's conception of modernity, and goes on with three different views on Hobbes as a civilizing character, before considering three possible criticisms of Schmitt's reading of Hobbes, ending with two lessons to be drawn

both from the political upheavals of the 1930s and 1940s and from Hobbes's *Leviathan*.

A brief summary of the articles will help to comprehend a general perspective on Hobbes in what might be called, to quote the title of *Leviathan*'s last part, the Kingdom of Darkness.

What makes Strauss's reading of Hobbes so central for us today, looking back at the inter-war period, is, Martine Pécharman points out, the fact that he raises the author of *Leviathan* to the eminent dignity of a founding father of modern political thought, defining modernity as a new way of contrasting civilization with the more dangerous aspects of man's nature. Although much indebted to Dilthey's positivist reading, which itself depended much on Tönnies's interpretation of Hobbes, Strauss affirms, contrary to both Dilthey and Tönnies, that there is a fundamental duality of man's aims in life. This duality is not so much, or not only, the ontological difference between natural and artificial bodies, as the anthropological difference between a natural science, which aims at achieving technical control over nature, and a political science, which aims at protecting human life from violent death. The interesting thing about Strauss's approach to Hobbes in the 1930s is not so much his still-to-come definition of an art of writing in troubled times as his internal critique, which allows him to say that from Hobbes stems the entire essence of modernity. Contrary to Schmitt's reading of Hobbes, which focuses mainly on the state of nature as the manifestation of the essence of politics, Strauss strongly supports the view that Hobbes's state is there to defend civilization against the barbarous tendencies of human nature. To put it another way, there is clearly for Strauss a "civilizing character" of the state, inasmuch as the state must help man to fight against his dangerous nature. Thus it is this civilizing dimension of the state that allows Strauss to read Hobbes, not only as a forerunner of the Enlightenment, but also as a liberal thinker *in nuce*. This interpretation rests on the assumption that Hobbes's self-consciousness as a modern thinker proves that his moral theory *meant* the end of traditional natural law theory, which is of course a thesis that has been much questioned.

Among Strauss's predecessors, it is necessary to focus on a German sociologist, Ferdinand Tönnies, who contributed prominently both to *Hobbes-Forschungen* and to encouraging, although with a critical twist, a reading of Hobbes in line with the Enlightenment project. It is important not to forget that it was Tönnies who was responsible for a renewal of interest in Hobbes in late nineteenth-century Germany, thanks to his path-breaking edition of *The Elements of Law* (1889) and to his book entitled *Thomas Hobbes, Leben und Lehre* (1896). More concerned with a later period in Tönnies's interpretation of Hobbes, Jean-Christophe Merle's article deals with the relationship between the Hobbesian theory of the state and the famous distinction between Society (*Gesellschaft*) and Community (*Gemeinschaft*). Not surprisingly, it is the first

category that plays a prominent role in his reading of Hobbes, who is considered by him as the founder of the liberal theory of society. Among the various aspects of this founding role, it is worth noticing a feature that plays a very important part in Strauss's interpretation, too. The reversal of the traditional vision of the state of nature as a golden age into portraying it as a state of permanent violence is one of the most striking consequences of Hobbes's critique of religion. Nevertheless, Hobbes doesn't develop all the consequences of the civilizing character of the state, and notably stops short of a theory of justice, possibly based on his natural law theory, that would imply a critique of the existing distribution of property. The authoritarian dimension of his state would allow for such a welfarist development; but Hobbes seems to confine his constructivism closely within the bounds of actual society, not ignoring the demands of a growing merchant society, but unable to promote a coherent vision of the state's siding with the weaker against the stronger. The fault lies, for Tönnies, in the lack of community that characterizes Hobbesian society. But is this true of all aspects of Hobbes's political model? What about in particular his theory of the church, which he identifies with the commonwealth?

Pareto's criticism of Hobbesian political theory, and more generally of natural law and contractarian theorists, stands in sharp contrast to Tönnies's critique of Hobbes. Not only does he not praise Hobbes for his social construction of the state, but, in a methodological perspective, he even finds fault with the Hobbesian individualistic approach to society, which he might have considered an anticipation of his own methodological individualism. The main reason for that severe judgement – which also encompasses most of his classical predecessors in political philosophy – lies in the fact that Pareto, as Emmanuel Picavet explains, sees only methodological defects, not to say antiscientific prejudices, in Hobbesian approaches to social reality. The first defect consists in the use of a natural law theory, which tends to confuse social facts and feelings, presupposing a human nature that doesn't exist, except in the metaphysical imagination of natural law theorists, and of a notion of the well-being of society that has simply no meaning, as it is capable of corresponding to utterly mutually antithetical conceptions of the good. The second defect, which is still more general, is linked to the conception of politics on the basis of a social contract, which here again is being criticized as deriving its force of persuasion not so much from its analytical rigour as from the agreement of feelings. This criticism is related to the original definition of the collective action problem and its use in the refutation of familiar arguments aiming at persuading an individual that his own interest must prevent him from harming the society's collective interest. Concerned always to find the beneficiary of a social practice, Pareto rebuts as ideological all tentative determination of a collective good, and therefore, by anticipation, part of what would become

known as theories of justice. His individualistic methodology is such that there is no place in it for the consideration of solidarity, or collective goals. If unanimity plays a part in social theory, it is not with a view to defining political consensus, but as a theoretical condition of meaningful statements about aggregative actions. And because it has such a character, Pareto's contribution is without equivalent among the later rational choice theorists and economists, who consider him as their forerunner, but sometimes depart from him in their interpretation of the unanimity condition.

The French jurist Carré de Malberg develops an implicit critique of Hobbes's theory in the name of a Republican defence of the superior interests of the nation-state. Whereas Pareto criticized Hobbes for not having gone far enough in the consideration of individual sociological dynamics, Carré de Malberg expounds a criticism of a certain kind of representative government that is very close, according to Jean-Fabien Spitz's analysis, to the one propounded by Hobbes in *Leviathan*. If the jurist can be considered as Hobbes's heir when he asserts that there can be no political nation without representation, he departs from the founder of the theory of representation when it comes to defining what representing a people means. Although Hobbes conceives of representation as a means of liberating the will of the sovereign from any popular control, he still has it depend – even ideally – on the individual will of the citizen. Behind the sovereign will of the absolute monarch, there still lies, however silent, the innumerable wills of the obedient subjects, as can be seen in the case of punishment, where this individual will reappears in opposition to the sovereign condemnation. By dint of the famous distinction between popular and national sovereignty, Carré de Malberg wishes to distinguish clearly a conception of sovereignty based on the individual wills of the people from a conception that rests on the superior notion of general interest. Thus the state can punish its citizens without being exposed to the risk of rebellion, as the author of the punishment is not the individual himself, but the nation as a collective and supratemporal entity. What is indeed being represented by the sovereign body of the nation is not the totality of the currently existing citizens, but a moral entity that encompasses also, and therefore also represents, the citizens of the past and of the future. Criticizing the Hobbesian contractualist device thus appears as a means of having justice prevail over private interests.

René Capitant was not in the 1930s as famous a jurist as Carré de Malberg, but he contributed more than him to a clarification of the debate about Hobbes's relevance, or rather in his view irrelevance, to the new political situation of post-war Europe. The distinction between authoritarian and totalitarian states that he makes is a critical distinction, aiming to show the weaknesses of the interpretation of Hobbes of Joseph Vialatoux, who considered *Leviathan* as the perfect theoretical model of a totalitarian state. As a Catholic professor in Lyon, Vialatoux was mainly attacking Hobbes for a theological motive, that is for his

atheistic naturalism and materialism, but also praising him for his clear exposition of this very naturalist philosophy, which, he supposed, could supply the fundamental explanation of the deeper theoretical causes of totalitarian states. Hobbes's naturalism, which was very early condemned by the Catholic Church, was taken by Vialatoux as having logically led the author of *Leviathan* to prepare the way for the neo-pagan doctrines that inspired the totalitarian states. Capitant can therefore observe, Luc Foisneau remarks, that Vialatoux's Catholicism has in its turn led *him* into an ideological reading of Hobbes, wherein the latter is criticized as the protagonist not so much of the totalitarian state as of the rationalist state, as preparing the ground not for modern nationalist ideologies but for modern naturalist philosophy. When he criticizes those ideologies, Vialatoux's true target is indeed modern rationalism, which he attacks through its alleged political consequences. For this Catholic interpretation, Capitant wants to substitute a deeper consideration of Hobbes's achievement in the theory of the state, and the method he uses in order to achieve this aim is to be considered carefully, as it rests on his establishing an extremely useful distinction between totalitarian and authoritarian states.

This distinction, however, is not enough to understand Carl Schmitt's interpretation of Hobbes, and the use he made of *Leviathan* in his political thinking. Ulrich Steinvoth makes it clear that this interpretation is biased by a radical hostility to liberalism, which can be considered as the enduring core component of Schmitt's intellectual development. The shift from the adherence of Schmitt to von Schleicher's authoritarian challenge to the Weimar Republic before January 1933 to his allegiance to Hitler after doesn't mark a radical difference in the way he conceives of politics. The principles established in *The Concept of the Political* still accord with the 1933 Schmittian distinctions between a quantitative and a qualitative total state, as the latter remains capable of implementing the cardinal political distinction between friend and foe, whereas the former is unable to make any such distinction. As a matter of fact, Hobbes plays a central part in Schmitt's anti-liberal thinking, as he is referred to as the paradigmatic author who first became aware of the importance for politics of the link between protection and obedience. But this connection can be interpreted in very different ways. It was construed by Schmitt as if the state's duty of protection excluded individual liberties and implied a uniformity in the citizens' ways of life. Even though he became gradually aware that the administrative state machine, of which he was a great admirer, rests on the concepts of liberalism, he excluded any real form of pluralism, on the grounds that this would run contrary to the stability of the state. When he is considering what liberties should be maintained within a stable state, it appears that Schmitt's answers are not based on sound principles, but are informed by his own situation as an intellectual who finds himself subservient to a total state. The freedom of conscience that he allows is strictly limited by the objectives of

a nationalist state; and the developments of this principle in Spinoza and Moses Mendelssohn are rejected on the basis of anti-Semitic arguments. What Schmitt misses in Hobbes's theory is precisely the fact that the obligation to obey the sovereign – its authoritarian element – is connected to a conception of liberty – its liberal element – that can be considered as the first foundation of a human rights theory. In his *Rechtslehre* Kant may have approved of Hobbes's theory of original right; but it is all too clear that Schmitt's adherence to National Socialism gave him ample reasons to neglect the liberal traits of Hobbes's *Leviathan*.

Nevertheless, Schmitt's critique of liberalism cannot be dismissed on a purely historical basis, as some of the arguments that he put forward in the 1930s are now being used against the doctrine of the rule of law. Considering that disputes between individuals, or between individuals and the state, must be settled by the application of general laws, liberals and republicans are sometimes considered as incapable of answering some of Schmitt's critiques against the rule of law. Iain Hampsher-Monk and Keith Zimmerman present a defence of rule-of-law liberalism that starts with a reconstruction of Schmitt's critical arguments. If the rule of law is doomed to fail, according to Schmitt, it is because, firstly, law seen as a rule is never complete, and cannot therefore specify the circumstances of its own application; secondly, because there is not, as is supposed by Kelsen for example, a perfect neutrality and impersonality in the norms, but rather a substantive human will and interest always forms the basis for them; and lastly, because there are far more exceptions than are usually acknowledged by liberal thinkers. This last feature of the Schmittian critique is central to the whole argument, as the sovereign has to "decide on the exception" if he wants to be able to struggle for the survival of the state. In this perspective, the rule of law appears as a way of depriving the sovereign of his or her will, and thus of exposing the state to its enemies. Conceptually inadequate and practically flawed, the rule of law seems, in Schmitt's view, in desperate case. What can be said in its defence? That the liberal theorists have anticipated Schmitt's critiques, and that it is not necessary to establish a permanent state of exception in order to prevent or answer threats to national security. As Locke and Burke clearly saw, one can both respect the rule of law and allow for exceptional situations (resistance and revolution). As a matter of fact, indeterminacy is no proof of the failure of legal order, as Common Law and the separation of powers allow for indeterminacy in such a way that it remains compatible with predictability.

One of the elements that can explain Schmitt's positive reception in troubled times is the fact that, by contrast with the usual run of liberal thinkers, he takes seriously the political problems posed by emergencies. When laws seem to give out, the sovereign's personal decision can still meet critical

situations. The personal element in a political decision – present both in the one who takes it and in those who are affected by it – can thus account for Schmitt's persisting interest in the political philosophy of Hobbes. What Tom Sorell recognizes in Schmitt is the importance of the question of decision in emergencies – which he addresses through the example of the 11 September 2001 attacks on the Twin Towers, while criticizing the Schmittian definition of politics and the interpretation of Hobbes that goes with it. Schmitt's defence of democracy goes hand in hand with a rejection of the principles of parliamentarism and a defence of national homogeneity that condones arbitrariness in the pursuit of a people's enemies. The abandonment of individual legal protections in the name of security implies the preponderance of the existential evidence of the threat over the rule of law. In Schmitt's reading, Hobbes appears as someone who thinks that the sovereign is the maker of the law, and who thinks that there is no system of norms to which he must answer. Both claims are manifestly biased by Schmitt's own illiberal conception of politics. First of all, the unity of the polity is not so much the work of the sovereign as of the subjects who unite in the act of contracting. If the citizens renounce their right to rule themselves, it is not in order to be ruled arbitrarily, as slaves could be, but in order to be protected by the state better than they could be by themselves. There is therefore some kind of balancing act, according to which the sovereign is encouraged to make decisions for the *salus populi*, and the subjects to obey the decrees of the sovereign for their sakes, not his. As for the norms to which the sovereign must conform, it is clear enough that the laws of nature are there to establish the moral limits of political action. It thus appears that Schmitt's politics of emergency is more Schmittian than Hobbesian.

Collingwood's *New Leviathan*, published in 1942, is there to remind us that Hobbes's political philosophy can be construed in a very different perspective from the one illustrated by Schmitt's *Leviathan in der Staatslehre des Thomas Hobbes*, which was published four years earlier. In his critique of barbarian political regimes, Collingwood relies on Hobbes's understanding of the function of the state. Not only does he trust Hobbes with the will to define the conditions of a civilized society, but he also rebuts any identification of *Leviathan* with contemporary totalitarian regimes. In this picture, John Rogers explains, Hobbes is being described as the first representative of classical politics, that is, a political theory based, on the one side, on the facts of history, and, on the other side, on the laws of nature derived from abstraction. Along with his followers, Locke and Rousseau, Hobbes must be praised for having understood that the process of civilization cannot happen without the contribution of civilized men and women, who are 'already mature in mind, and possessed with free will'. The function of the state in establishing the rule of

law is to provide for the conditions of a civilized life, that is, a life in which individuals refrain from using force with each other. Collingwood's description of the process of civilization presupposes that men can have free will, and that society can maximize the opportunities given to individuals to exercise their own free will. In order to achieve the ideal of a civil life, members of society must search for agreement amongst themselves, and always prefer the use of discussion to the use of force. Whenever a decision is based on force, it encourages the development of barbarism, and servility replaces civility. Reference to Hobbes is mainly a reference to the Hobbesian laws of nature, which are clearly based on a fundamental peace-seeking endeavour. But it is far more difficult to reconcile Hobbes's doctrine of necessity with the neo-idealist doctrine of free will, to which Collingwood ceaselessly refers as to the benchmark of civilization. There is therefore quite a gap between the new and the old *Leviathan*.

Of a different nature is the gap that separates, in Oakeshott's thought, the politics of faith and the politics of scepticism. The divide is not to be found in the metaphysical foundations of politics, but in the aims that are being ascribed to politics as a human activity. Although framed relatively recently, and published after the Second World War, the distinction clearly relates to a type of politics that was amply exemplified in the 1920s and 1930s. The emphasis put on the politics of scepticism, which Oakeshott clearly favours, would be meaningless if it were severed from its critical counterpart, the politics of faith. If scepticism is important, it is because – although it can be understood on its own – it can also be construed as a reaction against any government that aims at achieving human perfection, be it under the form of the purity of the race or of a perfectly egalitarian society. The search for perfection through politics rests on several presuppositions the nature of which, as John Horton explains them, can help us to understand their rejection by the sceptics: that political actions can achieve a change for the better; that governments must contribute to this change; and that sovereigns are allowed to use as much power as they can muster to that end. On the contrary, the politics of scepticism rests on a conception of human nature – and of the uses of politics that this generates – that is far less optimistic. Government is not conceived of by the sceptics as a means of achieving a positive and unique aim, but as a means of avoiding evils that are often linked to the fallibility of human beings. This kind of approach is not meant to eschew any kind of social improvement, but to warn against the risks of utopianism. It is precisely here that Hobbes enters into the picture, not so much as the theorist of absolute sovereignty, but because of his understanding of the anthropological need for politics. Definitely a rationalist in natural philosophy, Hobbes is described by Oakeshott as a sceptic in politics, inasmuch as he conceives of human conflict as conducing to a poor, nasty and

very short life. It is this awareness that prevents him from encouraging a utopian use of sovereignty. Avoiding the worst, which in itself often requires social improvements on the current situation, can already be considered a major achievement of Hobbes's *Leviathan*.

Oxford, February 2005