

*Interpretation and Critique: Jacob Taubes, Julien Freund, and the Interpretation of Hobbes**

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Anniversaries, birthdays, and jubilees, even those celebrating long-dead poets and philosophers, were not without significance in the public culture of twentieth-century Europe. Such celebrations, in the form of conferences, lectures, and broadsheet tributes on the pages of the feuilleton or culture pages of newspapers took their place in the rites and rituals, as well as debates and contestations, of the life of both intellectual engagement and the broader culture as a whole. Such rituals were not wholly without their reasons, as to celebrate a composer, a scientist, or a literary writer centuries after their passing is, in part, to celebrate an intellectual and cultural achievement that has endured.

In the week leading up to the three hundredth anniversary of his passing, the *Neue Zürcher Zeitung* (NZZ) made the philosopher Thomas Hobbes (1588–1679), author of *Leviathan* (1651), *De cive* (1642), and *The Elements of Law* (1640), the subject of one such tribute. Lavishly spread across two full broadsheet pages, the tribute to Hobbes paid by two prominent professors in the NZZ was large enough to cover a breakfast table.¹ On the first page, there appeared a sizeable reproduction of the famed frontispiece to Hobbes's *Leviathan*, depicting the elevated body

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1. Jacob Taubes, "Leviathan als Sterblicher Gott: Zum 300. Todestag von Thomas Hobbes (4. Dezember)," *Neue Zürcher Zeitung*, November 30, 1979, Fernausgabe Nr. 278,

of a sovereign, armed with sword and crozier, composed of the myriad smaller bodies of his subjects. In the frontispiece, the sovereign's shadow looms over the landscape of a countryside and a peaceful town.

A tribute of this kind was hardly unusual. None other than the National Socialist jurist Carl Schmitt published just such an article about Machiavelli on the four hundredth anniversary of his death,² and another about Rousseau on the two hundred fiftieth anniversary of his birth.³ Yet both authors of the tribute to Hobbes, published on November 30, 1979 (in anticipation of the anniversary of Hobbes's death on December 4, 1979), chose not to emphasize the historic achievement or contextual significance of the *Leviathan* or the other works of Hobbes's philosophic corpus. Rather, both the rabbi Jacob Taubes (1923–1987) and the sociologist Julien Freund (1921–1993) chose in their articles to praise Hobbes for his actuality or contemporaneity for understanding the politics and government of the late twentieth century. Such praise was not without a context of its own, as both authors took the occasion both to praise Hobbes and to tacitly critique a National Socialist jurist as well.

Taubes and Freund were in long-standing correspondence with Schmitt, as well as champions, if not of Schmitt's political positions, of the notion that Schmitt's oeuvre merits scholarly study and attention.⁴ Their contributions to the anniversary symposium on Hobbes, published here in English translation for the first time, confront Schmitt both in his interpretation of the seventeenth-century philosopher and his political thought more broadly. These pieces allow the reader to examine the thought and hermeneutics of Taubes and Freund anew: where both thinkers are often assimilated to Schmittian thought, their divergent interpretations of

pp. 35–36; Julien Freund, "Die Aktualität des Thomas Hobbes," *Neue Zürcher Zeitung*, 30 November 30, 1979, Fernausgabe Nr. 278, p. 36.

2. Carl Schmitt, "Machiavelli. Zum 22. Juni 1927," *Kölnische Volkszeitung*, June 21, 1927, front page. Machiavelli's name in German writing in the period was often spelled with a second "c," as was the case in the title of Schmitt's article.

3. Carl Schmitt, "Dem wahren Johann Jakob Rousseau. Zum 28. Juni 1962," *Zürcher Woche*, June 29, 1962, front page.

4. Julien Freund, "Choix de quelques lettres de la correspondance de Carl Schmitt," in Piet Tommissen, ed., *Schmittiana—II* (Brussels: 1990), pp. 31–71; Julien Freund, "Choix de quelques lettres de la correspondance de Carl Schmitt (II)," in Piet Tommissen, ed., *Schmittiana: Beiträge zu Leben und Werk Carl Schmitts*, vol. 4 (Berlin: Duncker & Humblot, 1994), pp. 53–91; Jacob Taubes–Carl Schmitt, *Briefwechsel mit Materialien*, ed. Herbert Kopp-Oberstebrink, Thorsten Palzhoff, and Martin Tremml (Munich: Wilhelm Fink: 2012).

Hobbes allow one to see both where they dovetail and where they differ with Schmitt. Moreover, each of their critiques, conducted via the interpretation of Hobbes, occasions a reassessment of the status of hermeneutics and of the role of the history of political thought in late twentieth-century political philosophy. Let us briefly examine each of their contributions in turn, beginning with the work of Freund before preceding to the more elaborate argument of Taubes.

Contemporaneity and Critique: Julien Freund on Hobbes

Julien Freund was keen to present himself pugnaciously as someone who assassinated Nazis, if not for a living then at least vocationally.⁵ In his autobiography, Freund depicts himself joining the French Resistance in World War II prior to giving his date and place of birth.⁶ Who, then, was Julien Freund?

A partisan fighter against Nazism and Vichy in the resistance groups Libération, Combat, and the Francs-Tireurs et Partisans (FTP), Freund knew the terror of Nazi camps and jails, above all from surviving within them.⁷ In the aftermath of the Second World War, Freund pursued doctoral studies at the Sorbonne, under the direction first of Jean Hyppolite and later of Raymond Aron, with whose support Freund successfully defended his thesis, *L'Essence du politique* in 1965.⁸ Freund assumed a professorship in sociology at the University of Strasbourg, which he held until taking early retirement in 1979.⁹ Born in the village of Henridorff in

5. Julien Freund, "Ébauche d'une autobiographie intellectuelle," *Revue européenne des sciences sociales*, 19:54/55 (1981): 7–47, at p. 8: "Il suffira d'énumérer les faits sailants. En janvier 1942 je faisais partie des Groupes Francs de «Combat», animés par cet homme extraordinaire que fut J. Renouvin. Ce fut par la suite une série d'attentats, avec les moyens de l'époque, dont l'issue a été en juin 1942 la prison de Clermont-Ferrand, puis celle de Lyon, où j'ai rencontré Emmanuel Mounier comme co-accusé dans le procès «Combat»."

6. *Ibid.*, pp. 7–8.

7. Julien Freund, *L'aventure du politique: Entretiens avec Charles Blanchet* (Paris: Criterion, 1991), pp. 27–33; Freund, "Ébauche d'une autobiographie intellectuelle," p. 8; Julien Freund, *Georges Sorel (1847–1922): Geistige Biographie* (Munich: Carl Friedrich von Siemens Stiftung, 1977), p. 39.

8. Pierre-André Taguieff, *Julien Freund: Au coeur du politique* (Paris: La Table Ronde, 2008), p. 12; Julien Freund, "Raymond Aron, directeur de thèse," *Commentaire* 28–29 (1985): 55–58.

9. Sébastien de la Touanne, *Julien Freund: Penseur «machivélien» de la politique* (Paris: L'Harmattan, 2004), p. 22. De la Touanne gives the date of Freund's election as a professor at Strasbourg as 1953, twelve years prior to the completion of his doctorate.

Lorraine, Freund grew up bilingual in German and French, and he composed books, articles, and reviews in both languages, along with several translations of Max Weber into French, which remain in print decades later, as well as French editions of Simmel and Schmitt, which he introduced to a Francophone readership.¹⁰ Freund's relation to Schmitt studies in France might be described as analogous to that of George Schwab's relation to Schmitt studies in English: both commentators were instrumental in presenting Schmitt to readers of French and English, respectively, and both presented full versions of *The Concept of the Political* to readers in their respective linguistic communities.¹¹ In his 1972 preface to the first complete translation of *The Concept of the Political* to appear in French,¹² Freund emphasized that Schmitt's association with Nazism could not be argued away. "An argument," Freund stressed in his preface, "does not efface that which has been."¹³ Yet Freund's correspondence with Schmitt and his introductions to the works of the Nazi jurist in French translation have often led Freund to be assimilated to the political and theoretical positions of the latter, positions that the ex-resistance fighter may not fully have shared. One commentator recently claimed that

10. Freund, "Ébauche d'une autobiographie intellectuelle," p. 8; Max Weber, *Le savant et le politique*, trans. Julien Freund (Paris: Plon, 1959); Max Weber, *Essais sur la théorie de la science*, trans. Julien Freund (Paris: Plon, 1965); Julien Freund, "Préface," in Georg Simmel, *Le conflit*, trans. Sibylle Muller (Paris: Circé, 2015 [1992]), pp. 7–17; Julien Freund, "Préface," in Carl Schmitt, *La notion du politique, Théorie du Partisan*, trans. Marie-Louise Steinhauser (Paris: Flammarion, 1992 [1972]), pp. 7–38; Julien Freund, "Introduction," in Carl Schmitt, *Terre et mer: Un point de vue sur l'histoire mondiale*, trans. Jean-Louis Pesteil (Paris: Labyrinth, 1985), pp. 9–16; Julien Freund, "Postface: La thalassopolitique," in *ibid.*, pp. 91–121.

11. Daniel Steinmetz-Jenkins, "Why Did Raymond Aron Write That Carl Schmitt Was Not a Nazi? An Alternative Genealogy of French Liberalism," *Modern Intellectual History* 11, no. 3 (2014): 549–74, at p. 559: "The blame for introducing Schmitt into mainstream French thought has often been directed at Freund". de la Touanne, *Julien Freund*, p. 67: "When one evokes the name of Freund, that of Schmitt immediately comes to mind." See also David Cumin, "Le concept du politique: Carl Schmitt et Julien Freund comparés," in Gil Delannoi, Pascal Hintermeyer, Philippe Raynaud, and Pierre-André Taguieff, eds., *Julien Freund, la dynamique des conflits* (Paris: Berg, 2010), pp. 203–16.

12. Freund, "Préface," in Schmitt, *La notion de politique*, pp. 7–38. On the prior publication of partial French translations of *The Concept of the Political* in 1936 and 1942, see Alain de Benoist, *Carl Schmitt: Internationale Bibliographie der Primär- und Sekundärliteratur* (Graz: Ares Verlag, 2010), pp. 39–40.

13. Freund, "Préface," in Schmitt, *La notion de politique*, p. 12: "Un argument n'efface pas ce qui a été."

“Freund’s intellectual loyalties lay ultimately in Plettenberg and not in Paris,”¹⁴ stressing Freund’s allegiance to Schmitt’s hometown over the place in which Freund received his doctorate. Not least, this presentation of Freund’s political thought ignores Freund’s strongly held commitment to French, rather than German, control of Henridorff and Strasbourg, to say nothing of Freund’s sometime professions of Gaullist political sympathies.¹⁵ Even more substantively, it ignores the ways in which Freund’s political theory sets out conscientiously to offer a pluralist modification of Schmitt’s political thought. A consideration of Freund’s interpretation of Hobbes illustrates the ways in which Freund understood Hobbes to be a contemporary author in the 1970s, how his interpretation differed from other commentators in the period, and how his political thought may be illuminatingly contrasted with that of Schmitt.

Already in 1969, Freund was insisting in print in relation to Hobbes that “the book which will give him his true place in the history of ideas has not yet been written.”¹⁶ In this regard, Freund is explicitly asserting that Schmitt’s 1938 work *Der Leviathan in der Staatslehre des Thomas Hobbes* did *not* assign Hobbes “his true place in the history of ideas.”¹⁷ How then did Freund interpret Hobbes, and in what did he take Hobbes’s contemporaneity to consist?

Freund reads Hobbes above all as a thinker concerned with avoiding civil war and fratricidal conflict. It is for this reason that Freund so emphatically asserts Hobbes’s contemporaneity. The world situation in 1979 amidst détente and the Cold War is best characterized, in Freund’s estimation, as threatened by a latent civil war (*latenter Bürgerkrieg*) that is ideological in character.¹⁸ “Today’s latent civil war nourishes itself

14. Steinmetz-Jenkins, “Why Did Raymond Aron Write,” p. 561.

15. Freund, *L’aventure du politique*, p. 68: “Voilà, je suis français, gaulliste, européen, régionaliste.” Cf. Julien Freund, *Europa ohne Schminke* (Goslar: Stadt Goslar/ Druckerei Winkelhagen, 1967), pp. 7–8.

16. Julien Freund, “Le Dieu Mortel,” in *Hobbes-Forschungen*, Reinhart Koselleck and Roman Schnur eds. (Berlin: Duncker & Humblot, 1969), pp. 33–52, at p. 33: “mais le livre qui lui donnera sa vraie place dans l’histoire des idées n’est pas encore écrit.”

17. Carl Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes: Sinn und Fehlschlag eines politischen Symbols* (Stuttgart: Klett-Cotta, 2012 [1938]). Freund would make explicit Schmitt’s inclusion within these scope conditions by citing this work several times in the course of the same article. Cf. Freund, “Le Dieu Mortel,” pp. 40n5, 41n8, 41n9.

18. Sébastien de la Touanne notes in a fine article on Freund as a reader of Hobbes, to which the present article is indebted, that “on many occasions, Freund drew a parallel between the situation lived historically by Hobbes and the context of the 1960s–70s,

namely from the conflict of ideologies striving against one another,” Freund avows, “as earlier the Wars of Religion had their ground in the different religious confessions.”¹⁹ This is Freund’s first explicit motivation for regarding Hobbes as a contemporary thinker. “There is, to start with,” Freund writes in 1979, “the crisis of Western societies, which are threatened by a latent civil war, by a Third World War, for example, which would be a worldwide civil war [*Weltbürgerkrieg*].”²⁰

Freund’s valorization of Hobbes as a figure who sought the best theoretical means for resolving the English civil wars of the seventeenth century parallels his praise elsewhere for the *politiques* who sought to mitigate the French religious wars of the sixteenth century through religious toleration and the negotiated settlement of religious conflict.²¹ In his assessment of that earlier conflict, Freund claims that “Only the *politiques* tried to find, despite repeated failures, the efficacious means of putting an end to the fratricidal battle and of safeguarding the unity of the realm.”²² Freund casts the goal of Hobbes’s work as identical to the aim of the *politiques* in sixteenth-century France: “Indeed, the political work of Hobbes is founded upon the erection of that state which is capable

marked by a crisis of State and of authority and by the confrontation of the ideologies. He had the sentiment of living in a situation of latent civil war, save that the ideological battle had taken the place of the religious battle.” Sébastien de la Touanne, “Lecteurs conservatrices de Hobbes: Julien Freund, entre Carl Schmitt, Michel Villey et Leo Strauss,” *Droits: Revue française de théorie, de philosophie et de culture juridiques* 41 (2005): 163–77, at p. 169.

19. Freund, “Die Aktualität des Thomas Hobbes,” p. 36: “Der latente Bürgerkrieg von heute nährt sich nämlich vom Konflikt widerstreitender Ideologien, wie früher die Glaubenskriege ihren Grund in den differenten religiösen Bekenntnissen hatten.”

20. Ibid.: “Da ist einmal die Krise der westlichen Gesellschaften, die von einem latenten Bürgerkrieg bedroht sind, von einem dritten Weltkrieg beispielsweise, der ein Weltbürgerkrieg wäre.” As de la Touanne notes, in a 1972 review of François Tricaud’s translation of Hobbes’s *Leviathan* into French, Freund writes that “Whoever reads this book will affirm how much Hobbes is a contemporary author, by the fact that we live in a situation of latent civil war [*guerre civile larvée*], the citizens are uneasy with respect to their security and their protection. These are precisely the grand themes of Hobbes.” Julien Freund, “Recherche de philosophie et de sociologie politiques: théories, doctrines, faits, organisations et comportements,” *L’Année sociologique*, Troisième série, 23 (1972): 207–10, at pp. 207–8. Cf. de la Touanne, “Lecteurs conservatrices de Hobbes,” p. 169n5.

21. Julien Freund, “Guerre civile et absolutisme: contribution historique à une sociologie de la politique,” *Archives européennes de sociologie*, 9, no. 2 (1968): 307–22.

22. Ibid., p. 310: “Seuls les politiques ont essayé de trouver, en dépit d’échecs répétés, les moyens efficaces de mettre fin à la lutte fratricide et de sauvegarder l’unité du royaume.”

of ending the confessional civil wars, which at that time laid waste to the whole of Europe.”²³ In Freund’s assessment Hobbes achieved what the *politiques* had earlier sought in avoiding internal armed conflict, as in Freund’s estimation, “Hobbes is the first significant theorist of the state as an instrument of hindering civil war.”²⁴

It may come as no surprise that the aim which Freund ascribes to Hobbes and the *politiques* in his hermeneutic and historical work is identical to that which Freund ascribes to the political in his own political theory: the prevention of external war and the maintenance of internal concord and prosperity through the avoidance of internecine conflict.²⁵

If Hobbes is our contemporary, for Freund, it has something to do with his singular focus on the problem of civil war. But Freund credits Hobbes with a second, equally important discovery, this one at the level of method: “the contemporaneity of Hobbes is attested by his anthropology. Hobbes was the first philosopher who gave his political theory an anthropological foundation and thus paved the way for modern sociology and political science beyond theology and metaphysics.”²⁶ Third, it is Hobbes’s influence on the present, via landmark figures of political and social thought, that makes him actual. “What’s more interesting in all of this here is the contemporaneity of Hobbes; i.e., the knowledge of the grounds, which are responsible for the influence of his thought upon many thinkers of the present,” Freund reflects. “Hobbes was in some way definitive for the development of the political theory of Carl Schmitt, and simultaneously he had influence upon revolutionary ideologies.”²⁷

23. Freund, “Die Aktualität des Thomas Hobbes,” p. 36: “Denn das politische Werk von Hobbes ist gegründet auf der Einrichtung jenes Staates, der fähig ist, die konfessionellen Bürgerkriege zu beenden, die damals ganz Europa verwüsteten.”

24. Ibid.: “So ist Hobbes der erste bedeutende Theoretiker des Staates als Instrument zur Verhinderung des Bürgerkrieges.”

25. Julien Freund, *L’Essence du politique*, 3rd ed. (Paris: Dalloz, 2004 [1965]), pp. 650–65.

26. Freund, “Die Aktualität des Thomas Hobbes,” p. 36: “Schliesslich wird die Aktualität des Hobbes durch seine Anthropologie bezeugt. Hobbes war der erste Philosoph, der seiner politischen Theorie eine anthropologische Grundlage gab und so den Weg für die moderne Soziologie und Politologie jenseits von Theologie und Metaphysik ebnete.”

27. Ibid.: “Was indessen hier mehr interessiert, ist die Aktualität von Hobbes; das heisst die Kenntnis der Gründe, die verantwortlich sind für den Einfluss seines Denkens auf viele Denker von heute. Hobbes war bestimmend etwa für die Entwicklung der politischen Theorie von *Carl Schmitt*, und gleichzeitig hat er Einfluss genommen auf revolutionäre Ideologien.”

Freund's approach to interpreting Hobbes's political philosophy is visible, in part, in his assessments of alternate interpretative approaches. In the first instance, Freund's Hobbes differs from the interpretation of Leo Strauss on the question of Hobbes's adherence to received religious forms. Where Freund notes that other interpreters "have latched on to his purported atheism,"²⁸ Freund's Hobbes is markedly a Christian materialist, but not an atheist.²⁹

No less, in a later article entitled "Karl Marx, A Discrete Admirer of Thomas Hobbes," Freund sought to invert Marxian readings of Hobbes (notably that of C. B. Macpherson) by recourse both to Marx's scattered utterances on Hobbes and Hobbesian philosophy, on the one hand, and to Marx's remarks on Hobbes's seventeenth-century milieu on the other.³⁰ In this essay from 1982, which interrogates the work of the Canadian political theorist C. B. Macpherson in *The Political Theory of Possessive Individualism*, Freund sharply critiqued Macpherson for imposing

28. Ibid.: "Andere haben sich auf seinen angeblichen Atheismus, und viele haben sich seiner Aufteilung in Oeffentliches und Privates und seiner Religionskonzeption angeschlossen." Cf. Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Genesis*, trans. E. Sinclair (Chicago: Univ. of Chicago Press, 1952 [1936]), p. 75: "The fact that Hobbes accommodated not his unbelief but his utterances of that unbelief to what was permissible in a good, and, in addition, prudent subject justifies the assumption that in the decades before the Civil War, and particularly in his humanist period, Hobbes for political reasons hid his true opinions and was mindful of the maintenance of theological convention, even more than in the *Elements*." See further Leo Strauss, *Persecution and the Art of Writing* (Chicago: Univ. of Chicago Press, 1988 [1952]), pp. 184, 184n82; Leo Strauss, *Natural Right and History* (Chicago: Univ. of Chicago Press, 1953), p. 198: "Hobbes's is the first doctrine that necessarily and unmistakably points to a thoroughly 'enlightened,' i.e., a-religious or atheistic society as the solution of the social or political problem. This most important implication of Hobbes's doctrine was made explicit not many years after his death by Pierre Bayle, who attempted to prove that an atheistic society is possible." Cf. Hans Blumenberg, *Die Legitimität der Neuzeit*, exp. ed. (Frankfurt am Main: Suhrkamp, 2012 [1966]), pp. 99–100.

29. Freund, "Guerre civile et absolutisme," p. 316: "Hobbes était chrétien, main un chrétien matérialiste, comme le fut en son temps par exemple Tertullien." Ibid., p. 314: "soit qu'ils considéraient comme L. Strauss qu'il était athée". Freund would later review the French translation of *Liberalism, Ancient and Modern* in *L'Année sociologique* 42 (1992): 403–7. See also Freund, "Le Dieu Mortel," p. 34: "L'originalité de Hobbes est d'avoir été un *chrétien matérialiste*." (italics in original).

30. Julien Freund, "Karl Marx, un admirateur discret de Thomas Hobbes," *Revue européenne des sciences sociales* 20, no. 61 (1982): 349–59. Cf. C. B. Macpherson, *The Political Theory of Possessive Individualism, Hobbes to Locke* (Oxford: Oxford UP, 2011 [1962]).

an external criterion of class warfare upon the interpretation of Hobbes's political philosophy. "Reasoning from the Marxist *a priori* of class warfare," Freund rebuked, "Macpherson made competition a battle of each against all, which is to say he reintroduces into civil society the *bellum omnium contra omnes* of the state of nature that civil society had, according to Hobbes, precisely overcome, substituting for it internal peace and justice. By consequence, Hobbes is no longer interpreted by function of his own system, but one denatures this system by beginning with an external criterion of class warfare. Put otherwise, in virtue of a dogmatic method, one distorts the authentic thought of Hobbes."³¹ Moreover, Freund contrasted Macpherson's reading of Hobbes with the reading present in the texts of Marx himself, which Freund judged more favorably. Freund's critique of Macpherson as a Marxian interpreter of Hobbes is thus an eminent instance of immanent critique: without himself endorsing Marxian premises or practices of reading, Freund rebukes Macpherson for insufficient attention to Marx's own historicism, which distinguished bourgeois thought in the seventeenth century from that of the nineteenth. Freund, following Bernard Willms, thus charged Macpherson with reading Hobbes as if Marx had never existed.³² By contrast, Freund preferred to valorize internalist approaches to Hobbesian political philosophy, notably that of Raymond Polin, while also emphasizing that Hobbes must be read through the lens of the civil wars he lived through and observed.

Freund does not wholly discount the arguments concerning covenant and contract in his interpretation of Hobbes. In a 1972 review of François Tricaud's translation of *Leviathan* into French, Freund stressed that in reading Hobbes in Tricaud's edition, "One will see with what precision he developed his theory of natural law, his theory of the contract, which were determinative for all the political thought of the following century."³³

31. Ibid., p. 358: "Raisonnant à partir de l'*a priori* marxiste de la lutte des classes, Macpherson fait de la concurrence une lutte de chacun contre tous, c'est-à-dire il réintroduit dans la société civile le *bellum omnium contra omnes* de l'état de nature que la société civile a, selon Hobbes, précisément dépassé, pour y substituer la paix intérieure et la justice. Par conséquent, Hobbes n'est plus interprété en fonction de son propre système à partir du critère extérieur de la lutte de classes. Autrement dit, en vertu d'une méthode dogmatique, on détourne la pensée authentique de Hobbes."

32. Ibid. See also Bernard Willms, *Die Antwort des Leviathan—Thomas Hobbes' politische Theorie* (Neuwied: Luchterhand, 1970), p. 43 (cited by Freund in the precedent article).

33. Freund, "Recherche de philosophie et de sociologie politiques," p. 208: "On verra avec quelle précision il développe sa théorie du droit naturel, celle du contrat, qui

Reconstructing Hobbes's argument for sovereignty by institution in *Leviathan*, Freund writes that "sovereignty is transferred to the state via a contract of its citizens in exchange for protection from arbitrary violence. Through the contract the individuals give up their natural liberty, which had allowed some to subject others to themselves with impunity."³⁴ Still, like other twentieth-century interpreters, including Schmitt, Freund appears to downplay the contractarian elements in Hobbes's thought.³⁵ A closer examination of his exegesis explains why. Discussing Hobbes's contractarian arguments in the *Neue Zürcher Zeitung*, Freund stressed that "An agreement can always be set against another agreement. . . . Hobbes could only save the validity of the contract, which is mere stipulation, through the artifice of conventional measures."³⁶ Where contract is mere stipulation or bare agreement (*bloße Übereinkunft*), those who stand in revolutionary opposition to the established order can easily dissolve the contract by reserving their stipulations and withholding their agreement. On artificial contracts in Hobbesian thought, Freund notes, "The revolutionary ideologies have drawn the logical consequences of the logic of the artificial."³⁷ Stressing the contractual, as opposed to natural or essential derivation of sovereignty, for Freund, is not only a matter of hermeneutics—for him such an emphasis would be politically dangerous as well.

Juxtaposing Hobbes with Kant, Freund was keen to assert that Hobbes was no believer in perpetual peace.³⁸ Freund's late interpretations of *Leviathan* and Hobbes's other political writings stress that for Hobbes peace

furent déterminantes pour toute la pensée politique du siècle suivant."

34. Freund, "Die Aktualität des Thomas Hobbes," p. 36: "Diese Souveränität ist dem Staat durch einen Vertrag seiner Bürger im Austausch gegen Schutz vor willkürlicher Gewalt übertragen worden. Durch den Vertrag geben die Individuen ihre natürlichen Freiheiten auf, die es dem einen strafflos gestattet hatten, den andern sich zu unterwerfen."

35. For a comparison with Schmitt and Michael Oakeshott on this point, see Jan-Werner Müller, "Re-Imagining Leviathan: Schmitt and Oakeshott on Hobbes and the Problem of Political Order," *Critical Review of International Social and Political Philosophy* 13, nos. 2/3 (2010): 317–36, at p. 319.

36. Freund, "Die Aktualität des Thomas Hobbes," p. 36: "Einer Vereinbarung kann man immer eine andere Vereinbarung entgegensetzen, einer Entscheidung immer eine andere. Hobbes konnte die Gültigkeit des Vertrages, der bloße Übereinkunft ist, nur retten durch das Kunstwerk konventioneller Maßnahmen."

37. Ibid.: "Die revolutionären Ideologien haben die logischen Konsequenzen der Logik des Künstlichen gezogen."

38. Freund, *L'aventure du politique*, p. 20: "On ne peut rien faire avec Kant." (Trans.: "One can do nothing with Kant.")

is neither an ultimate aim nor a sovereign good.³⁹ In so doing, Freund de-emphasizes Hobbes's first law of nature, enjoining the pursuit of peace above all else.⁴⁰ The pursuit of peace, for Hobbes, is the first of the natural and moral laws, yet this pursuit, in Freund's rendering, retreats into the distance. Freund also differs from Hobbes in his understanding of law. Whereas for Hobbes the laws of nature (not least the first two such laws) persist in the absence of civil society,⁴¹ for Freund law is a "dialectic between the moral and the political," and thus in the absence of politics there is no law.⁴² The laws of nature and the architecture of covenants and contracts that accompany them, pivotal to the interpretations of numerous commentators, are thus decentered from Freund's interpretation of Hobbes, but so, significantly, is the notion of pursuing peace.

For Freund, unlike for Hobbes, peace is not necessarily best achieved by willing it. For Hobbes, war is the time within which the will to contend by battle is sufficiently known.⁴³ "All other time," Hobbes writes, "is

39. Julien Freund, "Le thème de la peur chez Hobbes," *Revue européenne des sciences sociales* 18, no. 49 (1980): 15–32, at p. 29: "De toute façon, Hobbes ne croit pas à la paix perpétuelle. Toute son anthropologie s'y oppose, en particulier sa théorie du désir qui rejette aussi bien l'idée eschatologique de la fin ultime que l'idée éthique d'un souverain bien. La paix ne saurait être ni l'une ni l'autre, parce qu'elle consiste simplement dans le temps où les hommes vivent dans une relative sécurité." In an earlier essay from 1968, Freund had asserted that Hobbes "knocked over by the consequences of the civil wars, he considered that finally peace is the supreme good and that it is more precious than all the rest." Freund, "Guerre civile et absolutisme," p. 317: "Mais, bouleversé par les conséquences des guerres civiles, il considérait que finalement la paix est le bien suprême et qu'elle est plus précieuse que tout le reste." Here, in the later essay of 1980, Freund may seem to revise his earlier judgment from 1968 on whether peace was a supreme or sovereign good for Hobbes.

40. See Hobbes, *Leviathan*, ch. XIV, where Hobbes articulates "the first, and Fundamental Law of Nature; which is, 'To seek Peace, and follow it.'"

41. Hobbes, *Elements of Law*, I.xix.2; Hobbes, *De Cive*, III.27.

42. Freund, *L'aventure du politique*, pp. 74–75: "Je puis dire que le droit est la dialectique entre la politique et la morale. Les dialectiques ne répondent pas à une donnée de la nature comme les essences, mais elles présupposent les activités primaires ou essences parce qu'elles résultent de leur mise en relation. Ainsi le droit est une mise en relation de la politique et la morale." This passage is cited in the discussion of Freund's theory of law in Taguieff, *Julien Freund*, p. 84n3.

43. Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994), XIII.[8], p. 74: "WAR consisteth not in battle only, or the act of fighting, but in a tract of time wherein the will to contend by battle is sufficiently known. And therefore, the notion of *time* is to be considered in the nature of war, as it is in the nature of weather."

peace.”⁴⁴ Hobbes’s account of peace is importantly, in part, volitional and, in part, epistemological. Where two parties both mutually know that the other side does not wish to contend by battle, there, for Hobbes, peace can be had by willing it.

Summarizing the views of the *politiques* whom he valorizes, Freund writes that “the solution to a civil war would not be the same as that of a foreign war. In the second case, there is only the victory of one of the parties that puts an end to the conflict”⁴⁵—a view with which Freund appears to sympathize in his own writings on war: it is victory, not a mere will to peace, that best alleviates enmity in Freund’s judgment.⁴⁶ Writing in his own voice, Freund would later assert that “Peace is naturally always an armed peace, because it is always based upon a relation of power.”⁴⁷ It is the relation of power, not the will to peace, that is basis of peace for Freund in contradistinction to Hobbes. Thus, while for Freund’s Hobbes peace remains important, the pursuit of or the endeavor for peace is downplayed: the easiest path to peace, in Freund’s view, is often to be had by military victories. “Victory,” Freund would write in a preface to Simmel, “is the most radical way of putting an end to combat and inaugurating a peace imposed by one of the parties, anticipating that they will later reprise their battles.”⁴⁸ In accord with his own political theory, Freund reads his martial preferences and strategic assumptions back into Hobbes, with the result that Freund’s Hobbes is less interested in the first law of nature (and the laws of nature more generally).

Freund’s Hobbes, in the context of the 1970s, may thus be read as constructing an interpretative argument from authority (the authority of Freund’s Hobbes) against a posture of pursuing peace on voluntarist

44. Ibid., XIII.[8], p. 74.

45. Freund, “Guerre civile et absolutisme,” p. 311: “La solution d’une guerre civile ne saurait être la même que celle d’une guerre étrangère. Dans le second cas, il n’y a que la victoire de l’une des parties qui puisse mettre fin au conflit, dans l’autre il faut œuvrer dans le sens d’une pacification intérieure, au sens d’une tolérance réciproque des partis en lutte.”

46. Freund, *L’Essence du politique*, pp. 650–703.

47. Julien Freund, “Der Partisan oder der kriegerische Friede,” in *Complexio Oppositorum: Über Carl Schmitt, Vorträge und Diskussionsbeiträge des 28. Sonderseminars 1986 der Hochschule für Verwaltungswissenschaften Speyer*, ed. Helmut Quaritsch (Berlin: Duncker & Humblot, 1988), pp. 387–91, at p. 387.

48. Freund, “Préface,” in Simmel, *Le conflit*, p. 16: “La victoire est la voie la plus radicale pour mettre fin aux combats et instaurer une paix imposée par l’une des parties, en attendant qu’ils reprennent plus tard leurs luttes.”

assumptions, which may double as Freund's tacit critique, conveyed via hermeneutic means, of *détente* with the Soviet Union.

Strikingly, a close reading reveals that Freund found the resources in Hobbes for a searching critique of Schmitt on the question of the private sphere. Describing the proper activities of the Hobbesian state, Freund writes that "First, the political power must administer the law of violence and enforcement. Second, from this it follows that only external enemies remain."⁴⁹ Freund's Hobbes differs from Schmitt's in disavowing *internal* enmity—an explicit point of departure from the Nazi jurist. Freund thereby explicitly pluralizes the conditions of political life to include privacy, thereby *excluding* totalitarian regimes (whether Nazi Germany or the Soviet Union or the reign of Mao⁵⁰) that eviscerate the private from holding the status of properly *political* governments.⁵¹ Freund's conceptual construction is equally directed at both Nazism and later totalitarian governments. No less, for Freund, unlike for Schmitt, ecclesiastical organizations are properly private, rather than public, institutions: they are to be respected and granted freedom of worship but are not to dictate policy. Schmitt himself was well aware of this, rebuking Freund in *Political Theology II* for elevating the "conceptual pairing" of private and public to the same status as friend and enemy.⁵²

49. Freund, "Die Aktualität des Thomas Hobbes," p. 36: "Erstens muss die politische Gewalt das Recht auf Gewalt verwalten. Zweitens folgt dann daraus, dass es nur noch äussere Feinde gibt."

50. For Schmitt's terms of praise for Mao, see Carl Schmitt, *Theory of the Partisan: Intermediate Commentary on the Concept of the Political*, trans. G. L. Ulmen (New York: Telos Press Publishing, 2007 [1963]), pp. 55–61; Joachim Schickel, *Gespräche mit Carl Schmitt* (Berlin: Merve Verlag, 1993), pp. 10–30.

51. Taguieff, *Julien Freund*, pp. 12–27, 79–86. For a further account of Freund as endowed with a "pluralistic philosophical worldview," see Daniel Rosenberg, "War and Peace in the Political Philosophy of Julien Freund," *Peace Review: A Journal of Social Justice* 26, no. 3 (2014): 334–41, at p. 336.

52. Carl Schmitt, *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 2008 [1970]), p. 93n4: "*Julien Freund*, *L'Essence du Politique*, Paris, Ed. Sirey, 1965, verwendet die Unterscheidung von Freund und Feind nicht (wie das bei mir geschieht) als Kriterium, sondern als eines der drei *présupposés* (drei Begriffspaare: Befehl-Gehorsam, Privat-Öffentlich, Freund-Feind), diese als wesenhafte Voraussetzungen für eine systematisch strukturierte Theorie des Politischen betrachtet" ("*Julien Freund*, *L'Essence du Politique*, Paris, Ed. Sirey, 1965, does not deploy the distinction between friend and enemy (as I do) as a criterion, but rather as one of the three *présupposés* (three conceptual pairings: command-obedience, private-public, friend-enemy), regarding these as essential presuppositions for a systematically structured theory of the political"). In the 2008 Polity translation of this passage, "command" (*Befehl*),

No less, Freund's analysis of Hobbes differs further from Schmitt's interpretation in emphasizing the right of resistance⁵³ and the limitation of religious authority by civil power. In these respects, Freund's Hobbesian hermeneutics parallel the tendency of his political thought as a whole: Freund is a resistance fighter rather than an adherent of the total state, an advocate of the private sphere as being essential to proper political life, and a secularist on the question of the relation between church and state. To this extent, those scholars who have described Freund as a pluralist of some description seem to have been closer to the mark than those who associate him with positions, ideologies, and movements that Freund himself did not avow.⁵⁴

While retaining Schmitt's notion of the post-World War II order as riven with latent (and ideologically clefted) civil conflict, Freund's solution of an order of the secular state that preserves privacy and the private realm departs significantly from Schmitt's preferred political solutions, whether those are an assertion of a total state that obviates the public/private dichotomy or an increased political role for the Church as a political institution. Freund rejects both of these alternatives—the former for destroying privacy as an essential structure of proper political life and the latter for elevating what is properly a private institution (a religious organization) over the public (and the state, which ought to represent and protect all citizens). In these respects, Freund both pluralizes and secularizes Schmitt's political theory.⁵⁵

Schmitt's rendering Freund's *commandement*, is misleadingly rendered as "order." The translators also mistake the title of Freund's work as "*Le Sens du politique*," changing "*Essence*" to "*Sens*." See Carl Schmitt, *Political Theology II: The Myth of the Closure of any Political Theology*, trans. Michael Hoelzl and Graham Ward (Cambridge: Polity Press, 2008), p. 150n4. This quote from Schmitt's *Political Theology II* stands as an epigraph to Pierre-André Taguieff's 2008 intellectual biography of Freund. See Taguieff, *Julien Freund*, p. 9; de la Touanne, *Julien Freund*, pp. 67–68.

53. Freund, "Le thème de la peur chez Hobbes," p. 27. For Schmitt's views on the right and duty of resistance, see Carl Schmitt, *Glossarium: Aufzeichnungen aus den Jahren 1947 bis 1958*, ed. Gerd Giesler and Martin Tielke (Berlin: Duncker & Humblot, 2015), pp. 33–34, 40, 125–26, 129, 178.

54. For an historical assessment of Freund's relations to various political movements, see Taguieff, *Julien Freund*, esp. pp. 102–15. Cf. Daniel Steinmetz-Jenkins, "Between Two Rights: Julien Freund and the Origins of Political Realism in France," *Patterns of Prejudice* 48, no. 3 (2014): 248–64; Steinmetz-Jenkins, "Why did Raymond Aron Write," pp. 549–74.

55. As Sébastien de la Touanne aptly notes: "Freund effectue une sorte de sécularisation des concepts schmittiens. Il n'y a en effet aucune ambition théologique dans

For these reasons, Freund's 1979 essay "The Contemporaneity of Thomas Hobbes" serves not only to introduce him as an interpreter of Hobbes to an English readership, but also serves to show his critical distance from (and genuine criticisms of) Schmitt's political thought, to which his own positions are often too readily assimilated.

Hermeneutics and Judgment:

Jacob Taubes and the Critique of Carl Schmitt

In a letter to Carl Schmitt dated November 11, 1979, Jacob Taubes sent an accompanying draft of his article "Leviathan as Mortal God," which was to appear later that month in the *Neue Zürcher Zeitung*. "Not without fear and trembling I send you a copy of an article on Hobbes for his '300th Jubilee,' as the paper tells me," Taubes wrote to the aging Nazi jurist, then in his ninety-first year. "I have attempted to make something reasonable out of it," Taubes concluded.⁵⁶ Leaving aside the reference to Kierkegaard's *Fear and Trembling*, why would the rabbi tremble at sending an article on Hobbes to the former head of the Union of National Socialist Jurists? While most secondary literature in English ignores Taubes's essay on *Leviathan*, in considering Taubes's critique of Schmitt,⁵⁷ this introduction

la politique de Freund, mais plutôt une volonté de donner une explication rationnelle et sociologique aux phénomènes" ("Freund effectuates a sort of secularization of Schmittian concepts. There is, in effect, no theological ambition in Freund's politics, but rather a will to give a rational and sociological explanation to phenomena"). de la Touanne, "Lecteurs conservatrices de Hobbes," p. 171; de la Touanne, *Julien Freund*, pp. 141–53.

56. Taubes–Schmitt, *Briefwechsel*, p. 100: "Lieber Herr Schmitt, nicht ohne Furcht und Zittern sende ich Ihnen eine Copie eines Aufsatzes ad Hobbes zum '300 Jubiläum' wie mir die Zeitung schrieb. Ich habe versucht, 'was Vernünftiges daraus zu machen, zwischen Tür und Angel."

57. For treatments of Taubes's relation to Schmitt, and Taubes's thought more broadly, which omit mention of this piece, see Jamie Martin, "Liberalism and History After the Second World War: The Case of Jacob Taubes," *Modern Intellectual History* 14, no. 1 (2017): 131–52; Bruce Rosenstock, "Palintropos Harmonië: Jacob Taubes and Carl Schmitt 'im liebenden Streit,'" *New German Critique* 41, no. 1 (2014): 55–92; Jerry Z. Muller, "Reisender in Ideen: Jacob Taubes zwischen New York, Jerusalem, Berlin, und Paris," in »Ich staune, dass Sie in dieser Luft atmen können«, *Jüdische Intellektuelle in Deutschland nach 1945*, ed. Monika Boll and Raphael Gross (Frankfurt am Main: Fischer Verlag, 2013), pp. 40–61; Martin Tremml, "Jacob Taubes und seine Lektüre der Paulinischen Briefe," in *Mitteilungen: Zur Erneuerung evangelischer Predigtkultur*, ed. Kathrin Oxen and Dietrich Sagert (Leipzig: Evangelische Verlagsanstalt, 2013), pp. 121–28; Marin Terpstra, "'God's Love for his Enemies': Jacob Taubes' Conversation with Carl Schmitt on Paul," *Bijdragen, International Journal in Philosophy and Theology* 70, no. 2 (2009): 185–206; Benjamin

will contend that it is the most significant part of that critique published while both figures were alive, for which a step back toward Taubes's broader critique of Schmitt and its context is necessary.

In his posthumously published *Contrapuntal Harmony* (*Gegenstrebige Fügung*), the rabbi, intellectual historian, and Professor for Philosophy and Jewish Studies at the Free University of Berlin, Jacob Taubes offered the following explanation of his conception of the relation between history and philosophy:

I am skeptical toward all philosophy, which does not concretely engage itself with history. Without history, there's no verification, even of the most abstract metaphysical principles. So, too, I am only interested in history as a philosophy professor.⁵⁸

Taubes thought that history could serve as an evidentiary check on metaphysical speculation and that philosophic questioning could illuminate concrete historical cases. A particular speculation and a particular historical question formed one theme of Taubes's research: what made National Socialism intellectually attractive to philosophers, such as Martin Heidegger,

Lazier, "On the Origins of 'Political Theology': Judaism and Heresy between the World Wars," *New German Critique* 35, no. 3 (2008): 143–64; Arnd Wedemeyer, "Herrschaftszeiten! Theological Profanities in the Face of Secularization," *New German Critique* 35, no. 3 (2008): 121–41; Joshua Robert Gold, "Jacob Taubes: 'Apocalypse From Below,'" *Telos* 134 (2006): 140–56. In another study, Marin Terpstra and Theo de Wit do make mention of Taubes's *Leviathan* essay but note that the piece is remarkable only to the extent that it shows "Taubes's appreciation of Hobbes." Marin Terpstra and Theo de Wit, "'No Spiritual Investment in the World As It Is': Jacob Taubes's Negative Political Theology," in *Flight of the Gods: Philosophical Perspectives on Negative Theology*, ed. Ilse N. Bulhof and Laurens ten Kate (New York: Fordham UP, 2000), pp. 320–53, at p. 341n72. The article is the subject of Thomas Schneider's study "Der Paulinismus und sein Preis. Jacob Taubes über Thomas Hobbes," in Richard Faber, Eveline Goodman-Thau, and Thomas Macho, eds., *Abendländische Eschatologie: Ad Jacob Taubes* (Würzburg: Königshausen & Neumann, 2001), pp. 265–75.

58. Jacob Taubes, *Ad Carl Schmitt: Gegenstrebige Fügung* (Berlin: Merve Verlag, 1987), pp. 10–11: "Bis heute stehe ich jeder Philosophie, die nicht konkret sich auf Geschichte einläßt, skeptisch gegenüber. Ohne Geschichte keine Verifikation auch der abstraktesten metaphysischen Prinzipien. Ich bin auch als Philosophieprofessor nur an Geschichte interessiert". For details of Taubes's academic appointment at the FU Berlin, see Martin Trembl, "Reinventing the Canonical: The Radical Thinking of Jacob Taubes," in *'Escape to Life', German Intellectuals in New York: A Compendium on Exile After 1933*, ed. Eckart Goebel and Sigrid Weigel (Berlin: Walter de Gruyter, 2013 [2012]), pp. 457–78, at p. 464; Muller, "Reisender in Ideen," p. 40.

and legal theorists of the rank of Carl Schmitt? This question, for Taubes, was both theoretical and practical. What was it that made Nazism intellectually attractive to its academic supporters, and what was it about National Socialism that secured practical party membership and public propagandizing from prominent intellectuals?

To answer these complex historico-theoretical questions, Taubes engaged in the practice of opening correspondences with former Nazi officials (Schmitt) and persistent Nazi sympathizers (Armin Mohler) to pose the question of their allegiance to National Socialism and the relation between their political thought and their concrete political engagements.⁵⁹

What was Taubes doing? In his correspondence with Schmitt, and in his subsequent narration of that correspondence, Taubes developed a religious and sociological narrative of support for National Socialism by prominent intellectuals in the Weimar Republic,⁶⁰ a tactical approach to

59. Taubes–Schmitt, *Briefwechsel*, pp. 9–264. For other treatments of Taubes's relation to Schmitt, see Johannes Reipen, "«Gegenstrebige Fügung»!—Jacob Taubes ad Carl Schmitt," in Faber, Goodman-Thau, and Macho eds., *Abendländische Eschatologie*, pp. 509–29; Gold, "Jacob Taubes: Apocalypse from Below," pp. 140–56; Martin Tremml, "Paulinische Feindschaft: Korrespondenzen von Jacob Taubes und Carl Schmitt," in Taubes–Schmitt, *Briefwechsel*, pp. 273–304.

60. Taubes, *Ad Carl Schmitt*, pp. 73–74. Trans: "I have reflected on the problem for a very long time, and have found a commonality—indeed, you should take this *cum grano salis*, but it is meant very earnestly—a commonality between Carl Schmitt, Heidegger, and Hitler. Are you able to think something out? Then I shall pose it as a riddle. There is a very deep commonality. What is the commonality between Adolf Hitler as a person, Heidegger as a person, and Schmitt as a person? I shall tell you, without any ifs and buts, what I think. In this, I am very concrete. My first thesis is: German culture of the Weimar Republic and the Wilhelmine period was Protestant with a little Jewish tinge [*ein wenig jüdisch gefärbt*]. That is a *factum brutum*. The Universities were Protestant. I mean, there were Catholic reserves, there somewhere in Munich a sort of counter-university, and then, what do I know: Bonn and so forth, but that didn't really count, not at all in exegesis. *Catholica non sunt legenda*. My second thesis is: all three are lapsed Catholics. That is not insignificant. Now to speak of the two intellectuals: they were not sure upon the parquet of the German University, and they got their positions with a gesture of destruction and annihilation of that which preceded them, namely, of the Protestant-Jewish liberal consensus. . . . These were men who were led by *ressentiment*, who also, however, read the sources anew with the genius of *ressentiment*. Heidegger, the pupil of Jesuits, had read anew. He had read Calvin, he had read Luther, he had read Kierkegaard. For us—I now mean: you and me—that was an educational accoutrement, we had, so to speak, already received it. One fretted a bit over Karl Barth's *Römerbrief*, but in principle these were matters which belonged to educational accoutrements of cultural Protestantism. That was something of a frisson, it was no longer the old Troeltsch—spoken from the 1920s—the boring liberal synthesis, but rather something was happening! But that too was taken as given, one could talk about that

hermeneutics, and a political theory of judgment, which reverse the self-derived narratives, justificatory maneuvers, and exculpatory rhetoric of the intellectuals of National Socialism.

According to the French scholar and translator Raphaël Lellouche, Taubes practices hermeneutic guerilla tactics through strategic discursive interventions in his own linguistic and political contexts and in the contexts of his political opponents.⁶¹ To illustrate this practice of argumentative strategy, let us take a single example, one not taken from Lellouche: Taubes's tactical practice of reading Romans XI, verse 28.

In his reading practice, Taubes performs a kind of hermeneutic guerilla operation against Schmitt's view of enmity by deploying Schmitt's biblical sources in conjunction with Schmitt's overt view of political enmity as expressed in his political writings *against* Schmitt's overt political statements on behalf of National Socialism.

Schmitt had deployed the language of revealed theology—"battling for the Lord's work"—to advance an anti-Jewish politics while head of the Union of German Jurists in his 1936 text *Die Deutsche Rechtswissenschaft im Kampf gegen den jüdischen Geist* (*German Legal Science in Battle against the Jewish Spirit*). Schmitt claimed, "Wherein I battle in resistance against the Jews, I fight for the work of the Lord."⁶²

over tea, as all of that was sedimented in that which one was. For him—Heidegger, all of that, however, was new. And he read it with wholly other eyes, namely, with Aristotelian eyes. And from there something wholly fantastic came out, whether correct or false, in any case he read otherwise. And the cultural-Protestant, a bit Jewish, in principle, however, unbelieving chic intelligentsia, the Professors of Philosophy, shut their mouth."

61. Raphaël Lellouche, "La guérilla herméneutique de Jacob Taubes," in Jacob Taubes, *Eschatologie occidentale*, trans. Raphaël Lellouche and Michel Penetier (Paris: Éditions de l'éclat, 2009), pp. vii–xlvi.

62. See Carl Schmitt, "Eröffnung der wissenschaftlichen Vorträge durch den Reichsgruppenwalter Staatsrat Prof. Dr. Carl Schmitt," in *Das Judentum in der Rechtswissenschaft, Ansprachen, Vorträge und Ergebnisse der Tagung der Reichsgruppe Hochschullehrer des NSRB. am 3. und 4. Oktober 1936, 1. Die deutsche Rechtswissenschaft im Kampf gegen den jüdischen Geist* (Berlin: Deutscher Rechtsverlag, 1936), pp. 14–17; p. 14: "Die großen Reden des Führers und seiner Mitkämpfer auf dem Parteitag der Ehre in Nürnberg haben uns die heutige Kampflage in der weltanschaulichen Auseinandersetzung mit Judentum und Bolschewismus in aufrüttelnder Klarheit zum Bewußtsein gebracht. In diesem entscheidenden Geisteskampf steht auch unsere wissenschaftliche Arbeit. Der tiefste und letzte Sinn dieses Kampfes und damit auch unserer heutigen Arbeit aber liegt in dem Satz des Führers ausgesprochen: 'Indem ich mich des Juden erwehre, kämpfe ich für das Werk des Herrn.'" (Trans: "The great discourses of the Führer and his co-combatants on the Party Day of Honor in Nuremberg have brought into our consciousness with jolting clarity

One New Testament source of which Schmitt was especially fond was Romans XI, in the twenty-eighth verse of which Paul (in the King James edition) speaks of the people of Israel and says, “As concerning the gospel, they are enemies for your sakes.”

In Martin Luther’s 1545 vernacular edition of the New Testament, made canonical in the Lutheran Church, Romans 11:28 reads: “Nach dem Evangelium sind sie zwar Feinde um eurer willen.” Luther has deployed the term *Feinde* (“enemies” in the King James rendition of Romans 11:28) in German to render what in the New Testament Greek had read *echthros*. In his *Concept of the Political* (1927/1928/1932/1933), Schmitt had importantly distinguished public from private enmity—deploying a passage from Plato’s *Republic* (V, 470) to his own purposes. By claiming that the Greek and Latin terms for public enmity (*hostis* in Latin and *polemios* in Greek) satisfy his definition of what full enmity is, Schmitt felt that he could conclude that “the enemy is solely the public enemy.”⁶³

the contemporary battle situation in the confrontation of worldviews against Judaism and Bolshevism. In this decisive spiritual battle, our scholarly work takes its stand as well. The deepest and last sense of this battle and therewith also our contemporary work, however, lies in the articulated proposition of the Führer: ‘Wherein I battle in resistance against the Jews, I fight for the work of the Lord.’”) This passage is quoted partially in Taubes, *Ad Carl Schmitt*, p. 8: “In *Die Deutsche Rechtswissenschaft im Kampf gegen den jüdischen Geist*, 1936, schwor er die Juristen auf die Führer Adolf Hitler ein: ‘Indem ich mich des Juden erwehre, kämpfe ich für das Werk des Herrn’. Es ist fraglich, ob Carl Schmitt auch damals schon wußte, welcher ‘Herr’ es war, für dessen Werk der Führer damals kämpfte.” (Trans.: “In *German Legal Science in Battle against the Jewish Spirit*, 1936, he pledged the Jurists to the Führer Adolf Hitler: ‘Wherein I battle in resistance against the Jews, I fight for the work of the Lord.’ It is questionable whether Carl Schmitt already knew then which ‘Lord’ it was for whose work the Führer then fought.”) See further Yves Charles Zarka, *Un détail nazi dans la pensée de Carl Schmitt* (Paris: Presses Universitaires de France, 2005); Raphael Gross, *Carl Schmitt und die Juden* (Frankfurt am Main: Suhrkamp, 2005 [2000]); Victoria Kahn, *Future of Illusion* (Chicago: Univ. of Chicago Press, 2014), ch. 1; Samuel Garrett Zeitlin, “Propaganda and Critique: An Introduction to *Land and Sea*,” in Carl Schmitt, *Land and Sea: A World-Historical Meditation*, ed. Russell A. Berman and Samuel Garrett Zeitlin (Cantor, NY: Telos Press Publishing, 2015), pp. xxxi–lxix.

63. Carl Schmitt, *Der Begriff des Politischen* (Berlin: Duncker & Humblot, 1963 [1932]), pp. 27–28: “Feind ist nur der öffentliche Feind, weil alles, was auf eine solche Gesamtheit von Menschen, insbesondere auf ein ganzes Volk Bezug hat, dadurch öffentlich wird. Feind ist *hostis*, nicht *inimicus* im weiteren Sinne; *polemios*, nicht *echthros*.” Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: Univ. of Chicago Press, 1996 [1976]), pp. 28–29: “The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to a whole nation, becomes public by virtue of such a relationship. The enemy is *hostis*, not *inimicus* in the broader sense; *polemios*, not *echthros*.” Schmitt, *The Concept of the Political*, p. 28n9: “In his

The public enemy, for Schmitt, could be warred upon by a people or state opposed to it.

In a letter addressed to Schmitt dated to September 1978, Taubes notes that in the actual text of Romans XI, the Greek text, the term “enemy” in Schmitt’s sense does not appear—Romans XI refers to *echthroi* but not *polemioi*.⁶⁴ Taubes’s aim in referring to the Greek original of the New Testament over and against Luther’s translation is to show Schmitt that even in Pauline terms—even in New Testament terms—given Schmitt’s conceptual framework, the people of Israel are not “Feinde” of the Gospel.⁶⁵ The Jews, according to Taubes, were not “die Feinde” that Schmitt asserted them to be and whom he persecuted them as being.

Taubes has here, through his practices of reading, led an argument against Schmitt’s anti-Jewish sentiment and political engagement on the basis of Schmitt’s own writings on enmity and on the basis of New Testament Greek.

Where Taubes deployed the texts of the Pauline epistles to highlight the distortionary valence of anti-Jewish sentiment upon Schmitt’s

Republic (Bk. V, Ch. XVI, 470) Plato strongly emphasizes the contrast between the public enemy (*polemios*) and the private one (*echthros*), but in connection with the other antithesis of war (*polemos*) and insurrection, upheaval, rebellion, civil war (*stasis*). Real war for Plato is a war between Hellenes and Barbarians only (those who are ‘by nature enemies’), whereas conflicts among Hellenes are for him discords (*staseis*).” Cf. Schmitt, *Der Begriff des Politischen*, p. 27n5.

64. Jacob Taubes, letter to Carl Schmitt, September 18, 1978, in Taubes–Schmitt, *Briefwechsel*, p. 61: “Vielleicht kommt noch der Moment, wo wir über die mir jüdisch wie christlich bedeutsamste politische Theologie Römer XI sprechen können. Dort fällt auch das Wort „Feind“ und zwar im absoluten Sinn”. (Trans.: “Perhaps the moment will still come where we can talk about what, to me, is the greatest significance of the Jewish as well as Christian political theology of Romans 11. There, too, the word ‘enemy,’ precisely in the absolute sense, is absent.”) Cf. Taubes, *Ad Carl Schmitt*, p. 43; Jacob Taubes, *Die Politische Theologie des Paulus* (Munich: Fink, 2003 [1993/1987]), p. 72: “Und das hab’ ich Schmitt vorgehalten, daß er diese Dialektik nicht sieht, die den Paulus bewegt und die die christliche Kirche nach 70 vergessen hat, daß er nicht einen Text, sondern eine Tradition übernahm, nämlich die Volkstradition des kirchlichen Antisemitismus, dem er dann in seiner Hemmungslosigkeit 33-36 noch die rassistische Theozöologie aufsetzte.”

65. See Romans 11:28 (King James’s Version: *The Holy Bible, Conteyning the Old Testament and the New* [London: Robert Barker, 1611]): “As concerning the gospel, they are enemies for your sakes.” Cf. Romans 11:28 (Martin Luther’s 1545 vernacular edition of the New Testament, *Biblia* [Wittenberg: Hans Lufft, 1545]): “Nach dem Evangelium sind sie zwar Feinde um euretwillen.” Cf. Romans 11:28 (Jerome’s Vulgate): “secundum evangelium quidem inimici propter vos.” Cf. Romans 11:28 (Novum Testamentum Graece): “κατὰ μὲν τὸ εὐαγγέλιον ἐχθροὶ δι’ ὑμᾶς.”

scholarship, Taubes also deploys a reading of Hobbes's *Leviathan* on premises of reading close to Schmitt's own in order to highlight both the state-centrism of Schmitt's political thought and his inability to separate his theological from his political commitments. Schmitt, in his 1938 book *Der Leviathan in der Staatslehre des Thomas Hobbes*, emphasizes Hobbes's divinization of the state⁶⁶ and the status of the *Leviathan* as a *deus mortalis*—a “Mortall God”⁶⁷ (*ein sterblicher Gott*). As if taking his cue from this emphasis, Taubes titles his late article on Hobbes “Leviathan as Mortal God: On the Contemporaneity of Thomas Hobbes” (“Leviathan als Sterblicher Gott, Zur Aktualität von Thomas Hobbes”)—publishing the article first in the *Neue Zürcher Zeitung* and then again in a volume of his own editing that bears the subtitle “Carl Schmitt and What Follows” or “Carl Schmitt and the Consequences” (*Carl Schmitt und die Folgen*).⁶⁸ Taubes quotes from Schmitt's book on the *Leviathan* both explicitly and tacitly throughout the article, sometimes with attribution, as when Taubes quotes the opening paragraphs of Schmitt's *Der Leviathan*,⁶⁹

66. Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, p. 31n1: “Ich habe niemals gesagt, daß Hobbes mit seiner Vergöttlichung des Staates nicht ernst gewesen sei.”

67. Ibid., pp. 30–31. Hobbes, *Leviathan*, xvii.[13], p. 120 in Tuck (ed.); p. 227 in Macpherson (ed.). Macpherson's work is mentioned by Taubes in his letter to Schmitt of September 18, 1978: “vor Studenten die bestens Strauss schlimmstens MacPherson als Leitfaden haben.” Taubes–Schmitt, *Briefwechsel*, p. 61.

68. Jacob Taubes “Statt einer Einleitung: Leviathan als Sterblicher Gott, Zur Aktualität von Thomas Hobbes,” in Jacob Taubes, ed., *Religionstheorie und Politische Theologie*, vol. 1, *Der Fürst dieser Welt: Carl Schmitt und die Folgen* (Munich/Paderborn/Vienna/Zürich: Wilhelm Fink/Ferdinand Schöningh, 1985 [1983]) (2., verbesserte Auflage, 1985), pp. 9–15.

69. Ibid., p. 11: “‘Hobbes,’ thus Carl Schmitt begins his famous book on the *Leviathan*, ‘became more famous and infamous through his *Leviathan* than through his whole extant work. For summary general knowledge he is above all and on the whole nothing other than the “prophet of the Leviathan.” If Hegel can say that the book named after the Leviathan is “a very ill-reputed book,” then surely the name has contributed to this reputation. The citing of the Leviathan works not only as the mere visualization of a thought...much more is it summoned as a mythic symbol of enigmatic significance.’ (New printing in the Maschke edition, p. 9).” Taubes here omits part of the first paragraph in the ellipsis. In Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, p. 9, the sentence without the ellipsis reads: “Die Zitierung des Leviathan wirkt nämlich nicht als bloße Veranschaulichung eines Gedankens, wie irgendein illustrierender Vergleich einer Staatstheorie oder wie ein beliebiges Zitat; es wird vielmehr ein mythisches Symbol von hintergründiger Sinnfülle beschworen” (emphasis added to the passage omitted). The sentence, in this translation would read: “The citing of the Leviathan works not only as the mere visualization of a thought, like some illustrated comparison or like an arbitrary

and sometimes without attribution, as when Taubes extensively quotes the beginning of the second chapter of Schmitt's *Leviathan* book.

Taubes proceeds to deploy his own reading of *Leviathan* to political ends, claiming that the *Leviathan* is a work with contemporary relevance: "Theocracy as a utopia lurks latently in religions of revelation," Taubes writes, "and to this extent this fourth part of the *Leviathan* achieves an unthought-of contemporaneity, with which to understand the ABCs of any politics *post Christum natum*. In this epoch, politics is concerned with the *Matter, Forme and Power of A Common Wealth, Ecclesiasticall and Civill*, as the subtitle of the *Leviathan* articulates the theme of the work, thus politics is concerned with the drawing of boundaries between spiritual and worldly power and nothing else."⁷⁰

From this emphasis on the separation of civil and ecclesiastical power (redescribing Hobbes's subordination of ecclesiastical power by civil power as a separation of powers), Taubes draws a sharp polemical point: "Admittedly, even if the spiritual power in Hobbes becomes a virtual utopia asymptotically approaching the point of zero in contrast with the variable claims of the papal Church on the one hand, and in contrast with the Presbyterians and Independents of puritanical England on the other hand, it nonetheless remains the case that even for Hobbes, without this drawing of boundaries, pagan Caesarism descends upon us."⁷¹

Taubes claims that if one forgets that the *Leviathan* subordinates ecclesiastical to civil power and sharply partitions spiritual from worldly

citation, it is rather summoned as a mythic symbol of enigmatic significance." (Taubes's omission italicized for emphasis.)

70. Taubes, "Statt einer Einleitung: *Leviathan* als Sterblicher Gott," p. 13: "Theokratie als Utopikum in den Offenbarungsreligionen latent lauert, so daß jener vierte Teil des 'Leviathan' eine ungeahnte Aktualität gewinnt, um das Abc jeder Politik *post Christum natum* zu verstehen. In dieser Epoche geht es in der Politik um 'Matter, Forme and Power of A Common Wealth, Ecclesiasticall and Civil', wie der Untertitel des 'Leviathan' das Thema des Werkes bestimmt, also um die Grenzziehung zwischen spiritueller und weltlicher Gewalt und um sonst nichts." Terpstra and de Wit aptly note that "For Taubes, this is the first and ever-renewed task of political theology: *separating* the spiritual from the secular claims and powers." Terpstra and de Wit "No Spiritual Investment in the World As It Is," p. 341.

71. Taubes, "Statt einer Einleitung: *Leviathan* als Sterblicher Gott," p. 14: "Freilich, auch wenn die geistliche Gewalt bei Hobbes gegen die wechselnden Ansprüche der Papstkirche einerseits sowie die Ansprüche der Presbyterianer und Independenten des puritanischen Englands andererseits virtuell zum Utopicum wird, sich asymptotisch dem Nullpunkt nähert, so bleibt bestehen, daß auch für Hobbes ohne diese Grenzziehung heidnischer Caesarismus uns überfällt."

authority, then “pagan Caesarism overcomes us.” “Us” here seems to include both Taubes and his addressee. One addressee of this article, which Taubes published in 1979,⁷² 1980,⁷³ 1983⁷⁴ and 1985, was Schmitt, in whose library (according to the list of Schmitt’s monographs compiled by Martin Tielke) Taubes’s edited volume *The Prince of this World* (*Der Fürst dieser Welt*), in which Taubes’s *Leviathan* chapter appears “in place of an introduction,”⁷⁵ is to be found “with many annotations” (“mit vielen Anmerkungen”).⁷⁶ Taubes aims to show his addressee that without a separation of the ecclesiastical and the civil, “pagan Caesarism overcomes us.”⁷⁷

Here, in marking the danger of a “pagan Caesarism,” Taubes may have in mind Schmitt’s fondness for the Emperor Constantine as a political exemplar (apparent in Schmitt’s 1970 monograph *Political Theology II*).⁷⁸ Taubes’s polemical point is that in idealizing Constantine, Schmitt risks

72. The article appeared in the *Neue Zürcher Zeitung* on November 30, 1979, under the title “Leviathan als sterblicher Gott. Zum 300. Todestag von Thomas Hobbes.” Josef R. Lawitschka, “Eine neu-alte Bibliographie der Texte von Jacob Taubes,” in Faber, Goodman-Thau, and Macho, eds., *Abendländische Eschatologie*, pp. 561–70, at p. 567; Wolfgang Hübener and Christoph Schulte, “Bibliographie Jacob Taubes,” in Norbert Bolz and Wolfgang Hübener, eds., *Spiegel und Gleichnis: Festschrift für Jacob Taubes zum 60. Geburtstag* (Würzburg: Verlag Königshausen & Neumann, 1983), pp. 423–26, at p. 425.

73. The article was republished in the October 1980 issue of *Evangelische Kommentare* with the title as it would appear in the 1983 and 1985 publications of *Der Fürst dieser Welt*. Hübener and Schulte, “Bibliographie Jacob Taubes,” p. 426. Jacob Taubes, “Leviathan als sterblicher Gott: Zur Aktualität von Thomas Hobbes,” *Evangelische Kommentare* 13, no. 10 (October 1980): 571–74.

74. Martin Tielke, “Die Bibliothek Carl Schmitt,” p. 442; Lawitschka, “Eine neu-alte Bibliographie,” p. 568; Hübener and Schulte, “Bibliographie Jacob Taubes,” p. 426; Taubes, “Statt einer Einleitung: Leviathan als Sterblicher Gott,” pp. 9–15.

75. Taubes, “Statt einer Einleitung: Leviathan als Sterblicher Gott,” pp. 9–15: “Statt einer Einleitung: Leviathan als sterblicher Gott, Zur Aktualität von Thomas Hobbes.”

76. Tielke, “Die Bibliothek Carl Schmitt,” p. 442: “Taubes, Jacob: Abendländische Eschatologie (Beiträge zur Soziologie und Sozialphilosophie, 3), Bern 1947 LAV NRW RW 265 Nr. 24787; Taubes, Jacob (Hrsg.): *Der Fürst dieser Welt*. Carl Schmitt und die Folgen (= Religionstheorie und politische Theologie, 1), München usw. 1983 (Mit vielen Anm.) LAV NRW RW 265 Nr. 27210.”

77. Taubes, “Statt einer Einleitung: Leviathan als Sterblicher Gott,” p. 14.

78. Carl Schmitt, *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 2008 [1970]). Both Schmitt and Taubes capitalize Political Theology against the orthographic rules for adjectives to stress that, in their understanding, political theology is a name or proper noun. Cf. Heinrich Meier, *Die Lehre Carl Schmitts: Vier Kapitel zur Unterscheidung Politischer Theologie und Politischer Philosophie* (Stuttgart: J. B. Metzler, 2012 [1994]).

the empowerment of a Caligula or a Nero, with corresponding twentieth-century examples in mind. Taubes is inclined to claim that Schmitt's political ideal (a Christianized Reich) is (potentially) a form of Neronian or Caligulan politics. Taubes thus implies that Schmitt's premise or ideal does not yield a conclusion that Schmitt himself would desire. A complete separation of Church from state, from Taubes's perspective, is therefore necessary even if (and especially if) one is a Catholic Christian (as Schmitt, at times, claimed quite emphatically to be).

Taubes made precisely this point directly to Schmitt in a letter of September 18, 1978: "The drawing of boundaries between spiritual and worldly may be conflictual and is ever to be redrawn anew (an ever-enduring occupation of political theology), but if this separation is lacking, then the (Occidental) breath goes out of us, even Thomas Hobbes, who always distinguished *power ecclesiastical and civil*."⁷⁹ The same account given in the correspondence and highlighted most clearly in the *Leviathan* article is again articulated by Taubes in the final days of February 1987, in his lectures on *The Political Theology of Paul*: "You clearly see what I desired from Schmitt—to show him that the separation of powers between worldly and spiritual is *absolutely necessary*, this drawing of boundaries, if it is not made, we suffocate. This I wanted to lead into his consciousness against his totalitarian concept."⁸⁰ Taubes here claims that he wanted to demonstrate the "absolutely necessary" (*absolut notwendig*) character of a separation between spiritual and worldly powers to Schmitt but that he also wanted to "lead into his consciousness" this distinction "against [Schmitt's] totalitarian concept" of the political and Schmitt's deployment of the state as (potentially) a theological apparatus. The site on which

79. Taubes–Schmitt, *Briefwechsel*, pp. 60–61; Taubes, *Ad Carl Schmitt*, p. 42: "Die Grenzziehung zwischen geistlich und weltlich mag strittig sein und ist immer neu zu ziehen (ein immerwährendes Geschäft der politischen Theologie), aber fällt diese Scheidung dahin, dann geht uns der (abendländische) Atem aus, auch dem Thomas Hobbes, der wie immer *power ecclesiastical and civil* unterscheidet."

80. Taubes, *Die Politische Theologie des Paulus*, p. 139; Taubes–Schmitt, *Briefwechsel*, pp. 261–62; Taubes, *Ad Carl Schmitt*, p. 73: "Sie merken ja, was ich will von Schmitt—ihm zeigen, daß die Gewaltentrennung zwischen weltlich und geistlich *absolut notwendig* ist, diese Grenzziehung, wenn die nicht gemacht wird, geht uns der [abendländische] Atem aus. Das wollte ich ihm gegen seinen totalitären Begriff zu Gemüte führen." The phrase "absolut notwendig" is italicized in the 1987 edition, bolded in the 1993 version, and neither bolded nor italicized when reprinted in the 2012 German edition of the Taubes–Schmitt correspondence. In the quotation, the term *abendländische* (occidental) is absent in the 1987 version, but present in the later versions of the text.

Taubes sought to make this distinction was a re-interpretation of Schmitt's reading of Hobbes. This was Taubes's primary purpose when he published his essay "Leviathan as Mortal God," first in the *Neue Zürcher Zeitung* in late November of 1979 and then again in a volume on Schmitt and political theology under his own editorship in 1983 and 1985.⁸¹

★

In addition to his strategic hermeneutics, and in keeping with his view of philosophy as intimately related to history, Taubes further articulated and developed a series of arguments about historical and moral judgment. These arguments relate to both the practical matter of judging morally and historically and the criteria appropriate to judgment of crimes and atrocities committed during the Second World War. This side of Taubes's thought culminated in the question of whether he—Jacob Taubes—can judge Schmitt's collaboration with the National Socialist regime. As these views stand in the background to Taubes's writings on Hobbes and Schmitt, it is worth briefly relating them here.

Taubes makes two arguments for a kind of qualified suspense of judgment—an argument from chosen resistance (a worldly argument) and an argument from the last judgment (a spiritual or extra-worldly argument). For the purposes of this introduction, we shall focus on the worldly argument.

First, Taubes's argument for moral and historical suspense of judgment on the grounds of chosen resistance. The argument runs as follows:

- (1) Major premise: Chosen resistance against fascism is criterial for the judgment of fascist collaboration.

81. Taubes, "Statt einer Einleitung: Leviathan als Sterblicher Gott," pp. 9–15. An earlier version of the text had appeared in the *Neue Zürcher Zeitung*, on November 30, 1979, Fernaussgabe Nr. 278, pp. 35–36, under the title "Leviathan als Sterblicher Gott: Zum 300. Todestag von Thomas Hobbes (4. Dezember)." The article was accompanied by a reprint of the famous frontispiece to Hobbes's 1651 *Leviathan*, with the caption "Frontispiece of the English first edition of the *Leviathan* of 1651." The article version in the *Neue Zürcher Zeitung* appeared alongside an article by Julien Freund on the facing page which bore the title "Die Aktualität des Thomas Hobbes" ("The Contemporaneity of Thomas Hobbes"), *Neue Zürcher Zeitung*, November 30, 1979, p. 36. In changing his subtitle from the 1979 article version to the 1983 and 1985 book chapter, Taubes partially adopts the title of Freund's 1979 article as his subtitle. Cf. Lawitschka, "Eine neu-alte Bibliographie der Texte von Jacob Taubes," pp. 567–68. For an appraisal of Taubes's interpretation of Hobbes, see Thomas Schneider, "Der Paulinismus und sein Preis. Jacob Taubes über Thomas Hobbes," in Faber, Goodman-Thau, and Macho, eds., *Abendländische Eschatologie*, pp. 265–75.

- (2) Minor premise: The conditions of choice were absent for Taubes himself.
- (3) Conclusion: The criterion for judgment is lacking for Taubes himself.

At the end of his *Contrapuntal Harmony*, reprinted again as an appendix to *The Political Theology of Paul*, Taubes recounts the train of reasoning and judgment that led him to open an active correspondence with Schmitt in the period 1977–81, in what was to be the final decade of both of their lives:

And then I said to myself: Listen, Jacob, you are not the judge, precisely as a Jew, you are not the judge, as you must yet admit that if you have learned something, then you have learned something from Schmitt. I know of the Nazi period. I know even more, a part, which I cover over with priestly silence, which does not require publicity. You are not the judge, because as a Jew you were not under the temptation. We were, in this sense, graced, that we could partake in no way. Not, because we didn't want to, but rather because we weren't allowed. Thus, you can judge, because you know something of resistance, I cannot be certain about myself, I cannot be certain about anyone, that he could not be struck with the infection of the national exacerbation and play the fool for one or two years, unscrupulous, as he was. On the unscrupulousness of Carl Schmitt there is much to say.⁸²

This discussion, which Taubes portrays as an internal dialogue with himself, judging and not-judging Schmitt simultaneously, contains both a view on the historical judgment of the Third Reich and a view of a particular historical situation within which and from which Taubes, as a rabbi, understands a notion of “chosenness.”

82. Taubes, *Ad Carl Schmitt*, p. 70: “Und da hab’ ich mir gesagt: Hör mal, Jacob, du bist nicht der Richter, gerade als Jude bist du nicht der Richter, denn du mußt doch zugeben, wenn du was gelernt hast, dann hast du was von Schmitt gelernt. Ich weiß von der Naziperiode. Ich weiß noch viel mehr, einen Teil, den ich priesterlich mit Schweigen bedecke, der nicht in die Öffentlichkeit gelangt. Du bist nicht der Richter, denn als Jude warst du nicht in der Versuchung. Wir waren in dem Sinne begnadet, daß wir gar nicht dabeisein konnten. Nicht, weil wir nicht wollten, sondern weil man uns nicht ließ. Also, Sie können richten, weil Sie vom Widerstand wissen, ich kann nicht sicher über mich selbst sein, ich kann nicht sicher über irgendeinen sein, daß er vom Infekt der nationalen Erhebung nicht angesteckt wird und ein oder zwei Jahre verrückt spielt, hemmungslos, wie er war. Über die Hemmungslosigkeit von Carl Schmitt ist viel zu reden.” Cf. Taubes, *Die Politische Theologie des Paulus*, p. 137; Taubes–Schmitt, *Briefwechsel*, pp. 259–60.

From the perspective of historical judgment, which is both a theoretical question and a practical concern, Taubes claims that he himself is not in a position from which to judge National Socialism and those who supported, collaborated with, and advanced it. Taubes claims that he is not in this position of judgment because he did not face a concrete choice between actively supporting, tacitly collaborating, and going along with the status quo, *or* doing otherwise. Taubes claims further that all Jews in the historical situation of the 1930s and 1940s were historically in the situation in which he is theorizing: addressing himself, Taubes exhorts himself that “as a Jew you were not under the temptation. We were, in this sense, graced, that we could partake in no way.”⁸³ Taubes proceeds to apply this view of suspending judgment not only to himself but also to his fellow intellectuals, claiming that “One can’t know what would have happened with Ernst Bloch if he hadn’t been a Communist or a Jew, or both.”⁸⁴ In a letter from September 1978, addressed to Schmitt, Taubes articulates a related version of this claim:

Precisely as an observant Jew, I know to make haste in breaking the sword.⁸⁵ Precisely because through all the inexpressible horrors we have been preserved from one. We had no choice: Hitler chose us as the absolute enemy. Where there exists no choice, there exists no judgment, especially not upon others.⁸⁶

Taubes’s claim has a peculiar way of reinscribing a notion of Jewish “chosenness” precisely on the site of the Second World War. From the per-

83. Taubes, *Gegenstrebige Fügung*, p. 70; Taubes, *Politische Theologie des Paulus*, p. 137. Cf. Terpstra and de Wit, ““No Spiritual Investment in the World As It Is,”” p. 334.

84. Jacob Taubes, *The Political Theology of Paul*, trans. Dana Hollander (Stanford, CA: Stanford UP, 2004), p. 83; Taubes, *Politische Theologie des Paulus*, p. 116: “Man wüßte nicht, was mit Ernst Bloch passiert wäre, wenn er nicht Kommunist oder Jude gewesen wäre, oder beides. Er selber hat ja darüber nach gedacht in einer sehr tiefen Weise in dem Buch *Erbschaft dieser Zeit*: wie die Nazis echte Motive entführt haben und man sie ihnen entziehen wollte.”

85. An apparent reference to Isaiah 2:4.

86. Taubes–Schmitt, *Briefwechsel*, pp. 58–59: “Just als Erzjude weiss ich zu zögern den Stab zu brechen. Weil in all dem unaussprechlichen Grauen wir vor einem bewahrt blieben. Wir hatten keine Wahl: Hitler hat uns zum absoluten Feind erkoren. Wo aber keine Wahl besteht, auch kein Urteil, schon gar nicht über andere.” Cf. Taubes, *Ad Carl Schmitt*, p. 39 (where the letter is dated a year later). Commenting on this passage, Martin Tremml writes: “Taubes is not apologetic of Schmitt; he refrains from judgment and leaps over the secular catastrophe of the Nazis, which was a catastrophe both to Jews and Germans.” Tremml, “Reinventing the Canonical,” p. 471.

spective of the Second World War, the Jews of Europe, in Taubes's view, are "chosen" because they had no choice. They had no choice to either actively support or resolutely oppose murderous nationalism—only those who faced a choice between active collaboration and active resistance *and chose resistance* are in a position from which collaboration and support for fascism can be judged.

Taubes's view of judgment in this matter has the practical consequence that there are not many perspectives from which National Socialist collaboration can be judged—active non-Jewish members of the French resistance, e.g., Missak Manouchian or Spartaco Fontano (members of the Manouchian resistance group in France, fusilladed by Vichy in February of 1944), had they been alive in 1987, from Taubes's perspective, could have judged. Taubes himself, however, on his avowed view is not permitted to judge—he did not have a choice between resistance and collaboration. But what of the intermediate case—a member of the French resistance who happened to be of Jewish ancestry—say, Henri Krasucki, (Secretary General of the French workers' union *Confédération Générale du Travail*, in the period 1982–92 and a member of the Manouchian group in 1943–44 prior to being deported to Auschwitz, where he survived)? Was, on Taubes's view, Henri Krasucki permitted to judge? In Taubes's view and within his context, could the head of the largest French workers' union sit in judgment of the aging Hitlerian populace across the Rhine?

However this may be, it is worth noting that from Taubes's perspective, Julien Freund, a chosen active *résistant* in Combat, is fully permitted to judge. The author of *The Essence of the Political* and the editor of Schmitt's *Concept of the Political* and *Land and Sea* in their French translations was, on Taubes's view of judgment, empowered to judge as one who faced the choice of collaboration and chose otherwise.

In the light of this view of judgment, it is interesting to go back to see that in Taubes's critique of Schmitt with his hermeneutic strategies, Taubes feels himself completely legitimated in judging the *Hemmungslosigkeit*, the unscrupulousness or lack of restraint, of Schmitt. Taubes views himself as capable of judging Schmitt's intellectual and scholarly performance: Schmitt inherited the Church tradition of anti-Jewish sentiment without questioning and assessing the basis of that tradition in the Greek New Testament, while as a reader of Hobbes, Schmitt laced his interpretation with anti-Jewish rhetoric absent in the seventeenth-century

original.⁸⁷ It is important to note that Taubes is applying a similar criterion of judgment in both instances: as a philologist and scholar Taubes himself was constantly faced with choices of a philological and scholarly kind and thus feels himself prepared to judge these choices when Schmitt makes them and mistakes them, while, on the other hand, Taubes feels that he (and persons in his situation) did not face a similar choice on the question of collaboration—they were chosen because they had no choice.

Taubes's scholarly judgment coupled with his suspense of political judgment raise numerous questions. One might object, with Terence's Chremes,⁸⁸ that as humans we may concern ourselves with all things human and thereby with the judgment of human conduct, particularly when that conduct exhorts and justifies atrocities. Another might object that while Taubes, as a private individual, may suspend judgment, the legal situation, particularly following the Shoah, is not so simple. Yet, one might also raise methodological objections relating to Taubes's method of critique. Taubes's suspense of judgment is based on a method of immanent critique: adopting Schmitt's own premises and arguments, Taubes aims to explore aporias and internal contradictions within Schmitt's arguments and worldview. Schmitt would famously assert in many of his postwar works that *ex post* judgment was improper⁸⁹ and imply that any person judging him could not do so unless they faced a similar set of choices.⁹⁰ Remarkably, Taubes accepts these very premises. However, in applying Schmitt's own premises in immanent critique, Taubes risks uncritically accepting too much of Schmitt's own rhetorical self-presentation. As we saw, Taubes had observed that he, Jacob Taubes, "cannot be certain about anyone, that he could not be struck with the infection of the national exacerbation and

87. Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, esp. pp. 16–23. See also Carl Schmitt, *Land and Sea: A World-Historical Meditation*, ed. Russell A. Ber- man and Samuel Garrett Zeitlin, trans. Samuel Garrett Zeitlin (Candor, NY: Telos Press, 2015), sections 3 and 17, pp. 11–16, 80–83. Taubes notes this in claiming that Schmitt's *Leviathan* interpretation "bears the terrible signs of its times" (*die schrecklichen Zeichen seiner Zeit an sich trägt*). Taubes, "Statt einer Einleitung," p. 12.

88. Terence, *Heautontimorumenos*, I.i, line 25; "Chremes: Homo sum, humani nihil a me alienum puto."

89. Carl Schmitt, *Die Tyrannei der Werte* (Berlin: Duncker & Humblot, 2011 [1979/1967/1960]), p. 52. Here, Schmitt claims that *ex post* judgments of responsibility for Nazi atrocities were not only unjust (*ungerecht*) but also despicable (*niederträchtig*).

90. Carl Schmitt, *Politische Theologie II* (Berlin: Duncker & Humblot, 2008 [1970]), p. 71.

play the fool for one or two years, unscrupulous, as he was.”⁹¹ Yet, as recent biographies, diaries, scholarly editions, and correspondences have shown, Schmitt’s involvement with National Socialism did not extend a mere “one or two years”; it persisted in Schmitt’s postwar refusal to de-Nazify, in Schmitt’s postwar republication of his wartime anti-Jewish writings, and in Schmitt’s public justifications of the legality of Hitlerian power (and with it, the Shoah) well into the 1970s and 1980s. In adopting immanent critique from the standpoint of Schmitt’s own premises and descriptions, Taubes risked accepting the self-presentation of a National Socialist lawyer and rhetorician whom he knew to be “unscrupulous.”

In sum, the site of Taubes’s critique of Schmitt is the textual interpretation of early modern political and religious thought—Martin Luther’s vernacular translation of the Bible, and Thomas Hobbes’s *Leviathan*. Importantly, Taubes deploys his hermeneutic guerilla tactics on a reading of Paul to attack the misreading or non-reading of the Greek New Testament and Latin Vulgate that serves as a tacit premise in Schmitt’s engagement on behalf of the National Socialist persecution of the Jewish people. Taubes further deploys a re-reading of Schmitt’s interpretation of *Leviathan* to elicit Schmitt’s failure to separate his theological from his political preoccupations. Taubes’s critique of both Schmitt’s anti-Jewish prejudice and his totalitarian concept of the political is enacted on the site of early modern textual interpretation.

Conclusion

Beyond situating their critiques of Schmitt on the site of the interpretation of Hobbes, the exchange between Taubes and Freund in the *Neue Zürcher Zeitung* from 1979 contains broader implications for the study of the history of political thought in the twentieth century. Political thought in the twentieth century cannot be siloed off from the political thought that preceded it, in no small part because so much political-theoretical controversy and argument runs through contested hermeneutics and conflictual interpretations of texts in the history of political philosophy, not least via the interpretation of the works of Thomas Hobbes. Many of the

91. Taubes, *Ad Carl Schmitt*, p. 70. Cf. Taubes, *Politische Theologie des Paulus*, p. 137; Taubes–Schmitt, *Briefwechsel*, pp. 259–60. Terpstra and de Wit aptly note that Taubes “seems on some crucial points to contradict, even to answer polemically, Schmitt’s political theology.” Terpstra and de Wit, “No Spiritual Investment in the World As It Is,” p. 327.

luminaries of twentieth-century political philosophy, from Tönnies to Strauss, Oakeshott to Skinner, and Schmitt to Koselleck, devote major studies to Hobbes's political philosophy, and the disputes of these writers in political theory are often cast via contested and competing interpretations of the great seventeenth-century philosopher. Importantly, even if one is solely interested in understanding late twentieth-century criticisms of culpability for atrocities and crimes perpetrated during the Second World War, the criticisms of Jacob Taubes, or Julien Freund's critique of Schmitt as being insufficiently pluralist and secular in his notion of the political, one shall ultimately have to return to the site of those criticisms: early modern texts in the history of political thought as a site of literary, philosophic, political, and intellectual contestation well into the late twentieth and early twenty-first centuries. It is to those texts that one must return even if one wishes to understand more recent political thought and controversy, in no small part because those texts themselves remain the site of both contemporary controversy and contemplation. The articles of Taubes and Freund, translated here into English for the first time, help to illustrate this hermeneutic facet of political argument and critique, which oriented political thought throughout the late twentieth century and which persists today.