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13 'Immanentizing the Eschaton': Eric Voegelin, Hans Kelsen, and the Debate over Secular Religion

Abstract: Within the philosophical migration in the 1930s from Austria and Germany to the US there was a small minority of scholars who laid the basis for the toxic blend of militant Christian conservatism, libertarianism, and anti-liberalism that drives the Republican Party in the Trump era. I focus on Eric Voegelin and his debate in the 1950s with Hans Kelsen, the supervisor of Voegelin's PhD thesis in 1920s Vienna. Voegelin claimed that liberalism is an authoritarian ideology that seeks an "immanentization of the eschaton," a realization of paradise on earth. Kelsen's "Pure Theory of Law" is constructed in the same scientific spirit of inquiry as that of the Vienna Circle and his response to Voegelin was devastating. But he languished in obscurity in the Berkeley Political Science Department and his Pure Theory hardly figures in Anglophone philosophy of law, while Voegelin remains a significant and pernicious influence today.

13.1 Introduction

Philosophy in the English-speaking world is profoundly shaped by the influx of European academics who in the 1930s sought refuge in the United States from persecution in their home countries, principally Germany and Austria. For many philosophers in the analytic tradition, the transformation of the discipline wrought by these scholars—particularly the logical empiricists of the Vienna Circle—is cause for celebration. And almost all would probably welcome the fact that the scholars of the Vienna Circle, as well was as of other philosophical dispositions, for example, the Frankfurt School, happened to be of the right sort politically, at least liberal, or social democratic, or further to the left.

Little notice is taken by analytic philosophers of the small minority within this scholarly migration whose way of thought is both antithetical to empiricism and who came from the other end of the political spectrum, for example, Eric Voegelin,

Note: I thank Coel Kirkby, Martin Pickavé, Sander Verhaegh, and Lars Vinx for comments on a draft, and the participants at the Tilburg University conference "Euro-American Migration and the Development of Postwar Philosophy" for discussion. For a much shorter and different account of the debate, see Dyzenhaus 2022c. For an attempt at a response, see Henningsen 2022.

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my focus here, but also Leo Strauss and Gerhart Niemeyer. This is a mistake, if only because the influence of this minority is immense, in departments of political science and in prominent law schools, more significantly in the real world of politics. But there is another reason to take them seriously for the challenge they pose—that it is not happenstance that the majority came from somewhere within the liberal-left end of the political spectrum since their empiricist methodology conceals an ideological agenda.

To bring out this challenge, I will focus on a debate in the US in the 1950s that took place between Hans Kelsen, one of the leading philosophers of law of the last century, and Erich Voegelin, whose PhD thesis Kelsen had supervised in Vienna in the 1920s. Both were part of the same migratory wave to the US.

Kelsen was an Austrian Jew, a social democrat. He was one of the authors of the 1920 Austrian constitution, still in force today. He designed in the process the world's first dedicated constitutional court, and sat as a judge on its first bench. He played a prominent role in debates about the new international order that was put in place after the First World War and, as a law professor in Cologne, in the existentially important debates in late Weimar with his reactionary colleague Carl Schmitt about which institution should be considered the 'guardian of the constitution' (Vinx 2015). Fired from his position under the Nazi 1933 *Law for the Restoration of the Civil Service*, he made his way via Geneva and Prague to the US, and ended up an obscure and lonely figure in the Berkeley Political Science Department. In Europe and in Latin America his stature is preserved. But he hardly has a presence in Anglophone legal scholarship and almost none in the world outside the academy.

Though not part of the Vienna Circle, Kelsen had a close relationship with its main figures and with them was on the social democratic and liberal side of the political divide (Jabloner 1998). In addition, his project of developing a value-free science of law—a "Pure Theory"—had much in common with their project of scientific philosophy, with one important difference in that Kelsen argued that a scientific theory of law had to account for the normative dimension of legal order. Philosophy of law, that is, is concerned with a world of oughts which cannot be reduced to facts about the empirical world. Still Kelsen believed that there could be a value-free science of such norms, one that did not presuppose any moral or political commitments.

Voegelin was German, and studied at the University of Vienna, under the direction of Kelsen and Othmar Spann, a conservative social theorist. He was appointed to the Faculty of Law in 1929 as a *Privatdozent* and then in 1936 as an assistant professor. He was neither Jewish nor socialist. Historian of political thought Mark Lilla claims that Voegelin fled Austria because in two books published in the early thirties he had attacked "pseudoscientific works supporting the Nazis' biolog-

ical racism." That made him "a choice target of Austrian Nazis, who authorized his arrest immediately after the *Anschluss* in 1938" (Lilla 2016, 28).

Voegelin spent much of his career in the Department of Government of Louisiana State University, later the University of Munich and the Hoover Institution of Stanford University. The website of the Eric Voegelin Institute at Louisiana State claims him as "one of the most original and influential philosophers of our time."[1] I agree about the extent of his influence, but it is not that of a philosopher. Rather, it is the result of views that should deeply trouble liberals, democrats and anyone who values the rule of law. Since no snapshot of his views is available, they will emerge here through placing them in context and tracing their evolution.[2]

Kelsen's debate with Voegelin poses sharply the question whether a value neutral science is possible. On Voegelin's side of the divide, the claim is that once one leaves the project of inquiry into facts about the empirical world all one finds is substantive political positions that jostle with each other for power. But the claim does not amount to a relativism about value. Indeed, he and the others in the minority, for example, Leo Strauss and Gerhart Niemeyer, regarded relativism as the sin of the empiricist outlook, one which left the West defenseless against its enemies, in the 1930s first Communism and then Nazism, which they found too radical and godless a solution to the malaise of the West.

In the late twentieth and into this century, the sense of the enemy has changed. It is now liberalism against which their disciples, for example, John Finnis in Oxford and Adrian Vermeule at Harvard, mainly contend (Dyzenhaus 2022c). They understand Western societies to be dominated by liberal elites engaged in a cosmopolitan project of imposing their value system on the world, all under the guise of value neutrality. In place of what they think of as the secular religion of liberalism, they advocate an aggressive assertion of value—the values of the one true position, the Christian heritage of the West, what US Senator Joshua Hawley, in a Voegelin-inspired essay, called "A Christian Vision for Kingdom Politics" (Hawley 2012).

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1 https://faculty.lsu.edu/voegelin/voegelins-works/about-dr-voegelin.php (last accessed July 9, 2024).

2 The closest Voegelin came to setting out a positive view in the works I have consulted is his monograph, *The Nature of the Law.* (Voegelin 1991 [1957]). The editors say (xiii) that the book is "Voegelin's only comprehensive and systematic text on law," a "product of the mature Voegelin." But this essay of 69 pages is for the most part a critique of Kelsen's Pure Theory for lacking substance and is neither original nor well done, compared, for example, to the critiques set out in the 1920s and 1930s by Carl Schmitt, his fellow reactionary, and Hermann Heller, who was on Kelsen's side of the political divide.

In this light one can reframe the challenge to empiricism and positivism as follows. It is not only happenstance that the majority of émigré philosophers came from somewhere within the liberal-left end of the spectrum since their empiricist and positivist methodology conceals a political agenda. But, or so these rightwing thinkers suppose, political argument cannot take place on the basis of experience of the empirical world, since it requires the very metaphysical contest over transcendent moral value that the logical empiricists and positivists such as Kelsen reject. And as what they regard as Kelsen's failed attempt to set out a pure science of norms shows, there is no resting place—no neutral space—between godless empiricism and religious commitment, even if one is agnostic, as Voegelin perhaps was, on what content that commitment should have.

Section 13.2 sketches Voegelin's theoretical position, while Section 13.3 sets out the debate by situating it within that sketch. Section 13.4 unpacks the implications of his position and Section 13.5 suggests how Kelsen's theory provides the resources to respond to Voegelin and others on the extreme right of the spectrum.

13.2 Voegelin's Views

Lilla's claim about Voegelin's exit from Austria is deeply misleading because he fails to situate it in the context in which Voegelin wrote these works and he says nothing about Voegelin's own position at this time. He thus perpetuates the official view of Voegelin's many admirers, one which Voegelin himself was careful to encourage. In his memoir, he points out that his critique of biological theory as a basis for racism was "not quite compatible with National Socialism" and that one of his books on this topic "was withdrawn from circulation by the publisher and the remainder of the edition was destroyed" (Voegelin 2011 [1973], 52–53). He even laments that this book, "one of my better efforts, has remained practically unknown, though it would be of considerable help in the contemporary, rather dilettantic [sic], debates between evolutionists and anti-evolutionists" (Voegelin 2011 [1973], 52–53).

This is a remarkable display of hubris given the turgid content of his books on race which range widely in an attempt to show that various candidates for supporting the claim that the "race idea" is the key to modern politics fail: biological explanations, theories that define themselves against an ill-understood Jewish other, and theories based on the "Nordic idea" because they are too cosmopolitan and internationalist in nature and so inadequate to the political reality of the nation state (Voegelin 1997 [1933]). But these critiques are far from preparing the way for a dismissal of the race idea. Indeed, Voegelin made clear that the first book was

just a ground-clearing exercise for the second (Voegelin 1997 [1933], 120 – 121). And the second book comes to the following conclusion:

> Now we see how the race idea becomes effective in the construction of the community—effective in the two intimately connected ways of objectively constructing the community through the idea of race and of subjectively convincing the people involved in the community that the race is essential for their connectedness as community. Race is no longer merely the object of scrutiny, seen at a distance; but a body-soul-spirit reality that includes the scholar himself, and the concept of race that is formed in the concrete situation is no longer a scientific concept but a tool for interpreting the meaning of one's own life and the broader life of the community. It is not merely the creation of a passive attempt at "understanding," but an instrument in the service of the future shaping of the community; it is the idea of the community as a bodily context as it is projected into the future by its members. (Voegelin 1999 [1933], 179 – 180)

Voegelin thus differed from the Nazis only in that, as Aurel Kolnai put in 1938 in *The War Against the West*, perhaps the first comprehensive study of Nazi and fascist ideology, he "always stays at a certain refined distance from passionate partisanship." Kolnai concluded that "if this condemns Voegelin in Hitler's eyes, it does not by any means acquit him in ours…. In so far as he is on bad terms with official Naziism, he is not the only man to incur such misfortune through stating Nazi *Weltanschauung* too intelligently" (Kolnai 1938, 458 – 459).

In other words, the issue between Voegelin and Nazi racists was not racism, but the basis for it, as he himself made clear in two responses to critics in 1934 (Voegelin 2001a and 2001b).[3] Moreover, there was enough support for his more academically refined kind of racism in Germany for him to expend much energy in twice trying to get a position there after Hitler's seizure of power by sending his books on race along with supplicating letters to Nazi academics teaching at German institutions (Faye 2015). He got a sympathetic hearing, but was rejected the first time because of his relationship with Kelsen, which prompted him the second time to write a long letter proving his "Aryan" purity and proclaiming his distance, both academically and personally, from Kelsen. Indeed, it is not clear on what basis Lilla's claim about Voegelin's fleeing ahead of imminent arrest rests. In his autobiography, Voegelin says only that he wanted to emigrate because he had been fired from his academic position, feared that his passport would be confiscated, so left in a hurry while he could still do so legally (Voegelin 2011 [1973], 70 – 71).

Voegelin's disciples together with Lilla also ignore the fact that in the 1930s Voegelin was a prominent member of "Black Vienna," the motley collection of con-

3 See especially Voegelin (2001b, 22), where he states: "The vital sources of the German nationalist movement are to be found, not in science, but in an experience that gives rise to myth."

servatives, fascists and Nazi sympathizers who made up the opposition to the social democrats, Marxists and communists of "Red Vienna." More specifically, he was part of a group of intellectuals who embraced a fascist anti-scientific view of the world against the left-leaning Vienna Circle sorts (Wasserman 2014). The work which followed his two books extolling the race idea as the key to politics was his 1936 work on the authoritarian state (Voegelin 1989 [1936]). His claim there is not that authoritarianism is the problem of the Austrian state. Rather it is the cure for the political problems of the pluralistic state order in Austria, a cure which began when, in the midst of the political crisis of 1934, fascist politician and Federal Chancellor Engelbert Dollfuss dissolved parliament and assumed dictatorial powers. Moreover, the point of the book is how to make the Austrian state into as efficient an instrument of fascist rule as possible.

On this issue, Voegelin is less reticent than his disciples in acknowledging what he was up to. In his memoir, he remarks scornfully that "[t]he Austrian veering toward Mussolini as a protection against the worst evil of Hitler apparently was beyond the comprehension of ardent Marxists, who could do nothing but yell 'Fascism'" (Voegelin 2011 [1973], 68). He also says that the book was his "first major attempt to understand that an authoritarian state that would keep radical ideologists in check was the best possible defence of democracy" (Voegelin 2011 [1973], 9).

This astonishing claim—that if you want to defend democracy you should embrace fascism—is highly significant for our current political predicaments, a point I come back to later. For the moment, I want to note that Voegelin sought to sanitize his unapologetic fascism by claiming that "his theoretical attitude in these matters at this time was not very different from that of Robert H Jackson's "formula" in the *Terminiello* case of 1949 that democracy is 'not a suicide pact'" (Voegelin 2011 [1973], 9). His claim was utterly disingenuous. All that Justice Jackson in his dissent in that US Supreme Court case held was that the constitutional right to free speech did not extend to speech inciting a mob to violence. The full quotation reads:

> The choice is not between order and liberty. It is between liberty with order and anarchy without either. There is danger that, if the Court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact.[4]

That is a far cry from Voegelin's full-throated defense of a fascist regime in which "liberty" does not figure once as a constitutional principle in his effort to show how the Austrian authoritarian state can be streamlined and in fact is mentioned only once on the very last page of the book:

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4 *Terminiello v. City of Chicago* 337 U.S. 1, 37.

> Our analysis of constitutional mechanisms was made from the viewpoint of the order of the principal political powers. In doing so, we have omitted one essential element of these arrangements—"the liberal element". By "liberal" we mean a metaphysics of the human being and the state according to which the individual, as a metaphysical substance, must also be a power in the state structure, a power that sets absolute limits to the authority of the state. The problems that are raised by the metaphysics of the person and are reflected in the ideas of liberty and fundamental rights affect the organization of the authoritarian state just as they affect every organization. Their discussion, however, would open up basic questions of philosophy of the state that we do not want to address in a study of the particular problems of the Austrian state. (Voegelin 1989 [1936], 362)

One could try to interpret this opaque paragraph as suggesting that once the authoritarian state had succeeded in stabilizing the situation by eliminating Nazis, communists, and socialists from the political arena, one could think again of making a place for liberalism and its commitment to civil liberties in the Austrian constitution. But since such liberties would open up the possibility of the kind of political pluralism that Voegelin regarded as having created the problem the authoritarian state was supposed to cure, this interpretation is wholly implausible.

The only plausible interpretation is that, in the same way as the project of forging a kind of fascist state suited to the Austrian political context had begun only two years prior to Voegelin's book, so had the project of forging the race idea of the person best suited to anchoring the project. The "liberty and fundamental rights" of such a person would be very different from anything associated with the liberal idea since it would be at the least antithetical to it. But one cannot say much about it until certain obstacles have been surmounted, the relics of the old liberal pluralist order. Moreover, Voegelin did not confine his activity to giving intellectual succor to the fascist regime. He was a member of a secret committee of the community college Ottakring, which recommended and achieved the "political cleansing" of its staff, that is, getting fired from their positions academics whose views were opposed to the authoritarian state (Limbeck-Lilienau and Stadler 2015, 331–332).[5]

This stance cannot be written off as a youthful indiscretion. The idea of curing the ills of the modern world by re-establishing a culturally and racially homogenous basis for Western societies is the persistent theme of Voegelin's life's work. Implicit within that theme is that reaching this goal requires maintaining the domination of the white Christian race. It is this theme that explains Voegelin's influence. For he is not influential as a philosopher, despite the Voegelin Institute's claim. Rather, as Lilla correctly says, he was an "amateur historian" of great range, so great that Lilla says he may seem like George Eliot's Mr. Casaubon, the "obses-

5 For Voegelin's view of education in which this cleansing was undertaken, see Voegelin (2001c).

sive polymath" of *Middlemarch* "whose search for the 'key to all mythologies' left him only torsos of unfinished works." Lilla rejects this conclusion, finding that Voegelin's trawls though the history of Western thought did come up with a key: "guiding all Voegelin's writings was a basic intuition about the relation between religion and politics, and how transformations in that relation could explain the cataclysms of history" (Lilla 2016, 29).

That intuition turns out to be a claim about 'immanentizing the eschaton,' advanced in Voegelin's most influential work *The New Science of Politics:* that the history of ideas in the West should be read as a clash between various "Gnostic" ideologies, including liberalism which is a secularized religion (Voegelin 1987 [1952], 119, 166). Voegelin takes Gnosticism to be the creed that the earthly world is created by an evil lesser god and that only a select few have access to the divine, which they can facilitate bringing to earth through some apocalypse. He applies the label promiscuously to any position that seeks to change the nature of man. On this view, Stalinism, Nazism, and liberalism are equally Gnostic. As Voegelin's debate with Kelsen reveals, one is drawn to this vague idea, rooted in a dubious account of the history of thought, only if one is oneself interested in promoting a cataclysm that, far from saving liberal democracy, will bring about its implosion.

13.3 The Kelsen-Voegelin Debate

Narrowly conceived, their debate consists of *The New Science of Politics* and Kelsen's response, which he wrote in the mid-1950s, and then extensively rewrote, for unknown reasons not letting the manuscript go to publication, despite its having been accepted twice by different presses. (The second time around he withdrew the manuscript at the galley proof stage and had to reimburse the press a large sum to cover its costs.) Both the original response and the much extended version were published posthumously. (Kelsen 2004 [1954]; 2017 [1962]) But the debate in a sense goes back to the early 1930s when Voegelin began publishing work critical of his former supervisor.

For example, early in *Race and State*, the second of his books on the race idea, Voegelin identifies Kelsen's Pure Theory as a prime example of the main problem with the German tradition of *Staatslehre* which takes the nature of the modern state as the main task for academic inquiry in politics and law. Because Kelsen thinks that the task involves understanding the state as it manifests itself in any social or political context, he deliberately excludes moral, political, and social considerations from his attempt to construct a scientific account of legal order as a system or norms, a theory of the authority of the modern legal state. For Voegelin, this attempt must fail since it "purges" from inquiry consideration of the role of

the "person and the community." The racial theories that he lists in the book are, he thinks, on the right track at least in that they seek to ground their theories of the state in social and anthropological reality, where "anthropology" means not the study of actual groups, so much as a philosophical theory of the person as a social being (Voegelin 1997 [1933], 6–7).

Voegelin then elaborated this critique in a fifty-page discussion in *The Authoritarian State*, in which his principal objection is that a legal order can only function if it is "materially uniform," which requires that certain preconditions are put in place (Voegelin 1989 [1936], ch. 6). He is rather vague about these preconditions, but one can infer what he has in mind given his endorsement earlier in the book of Schmitt's idea of the "total state" (Voegelin 1989 [1936], 58–63). There Voegelin's principal point of reference is Schmitt's claim in 1931 in "The Guardian of the Constitution" that only the head of the executive is capable of guaranteeing the substantive homogeneity of the people, which requires getting rid of parliamentary democracy and social pluralism, and that consequently all legal authority should be located in the head (Schmitt 1931).

Voegelin and Kelsen had no contact from the late 1920s until the early 1950s when, on learning that Kelsen was engaged in a review of *The New Science of Politics*, Voegelin wrote to him. A testy correspondence ensued in which he attempted to assure Kelsen, who is not mentioned in the book, that he did not consider his former supervisor to be a target of his attack on Gnosticism. Kelsen was rightly unconvinced.[6] But the question remains why he put so much effort into responding to Voegelin, a question only sharpened by the fact that he could not bring himself to publish his reflections.

The Hans-Kelsen Institut in Vienna, which oversaw the publication of Kelsen's extended response, suggests that the answer may lie in the fact that Kelsen defended Marx's critique of religion against Voegelin's charge that Marxism is a secular religion and that it was politically risky to publish such a defense in the McCarthy era (Kelsen 2017 [1962], xii). In a detailed account of this saga, Bjørn Thomassen rejects this hypothesis. He diagnoses Kelsen's bid to take down Voegelin as due to the offense of the *Doktorvater*—the evocative German term for supervisor—at the revolt of a former student. And he argues that Kelsen's reluctance to publish

6 For an account of their exchange, see Olechowski (2020, 848–852). Olechowski also provides a summary of Kelsen's critique of Voegelin on pp. 840–848. On p. 842 he makes the lapidary claim that Voegelin "can only with difficulty be called Kelsen's 'student'" ["nur schwerlich als sein 'Schüler' bezeichnet werden kann"] which gives the lie to Voegelin's claim that for him Kelsen was the "more attractive teacher" than the co-supervisor of his thesis, Othmar Spann, whose social theory supported fascism, though of the more radical Nazi version, and who with Voegelin was prominent in Black Vienna. See Wasserman (2014).

was evidence of his inability to confront fully Voegelin's critique of Gnosticism (Thomassen 2014). I doubt that the first claim can be right since Kelsen had ignored Voegelin for many years. But the second claim raises the puzzle stated by Lilla. Was Voegelin an obsessive amateur collector of myths to no point or is there something valuable to be gleaned from his writings about the problems of modernity?

Kelsen thought that there is a point. But he saw in it exactly the danger posed in the glimpses of it that appear from time to time in Voegelin's Casaubon-like lists of his snapshots of positions, a methodology he adopted throughout his career. These glimpses amount to dog whistles that his disciples can then make audible for their audiences. Indeed, one reason why Kelsen may have not seen an urgent need to publish his initial response to Voegelin, or his rather inflated revision of it, is that he had deftly set out his main observations in 1955 in "Foundations of Democracy," a 101-page article which took up the whole of one issue of *Ethics*, a leading philosophy journal (Kelsen 1955). Perhaps because Voegelin's name is to be found only in the footnotes, this article seems to have escaped the attention of many commentators despite the fact that Kelsen devotes several pages close to the beginning to a sustained critique of "the new science of politics" (Kelsen 1955, 6–14).

Kelsen begins by identifying the central problem of politics after the war as the threat posed by Soviet communism, because it fights "the democratic idea under the guise of democracy" in presenting the dictatorship of the Party as the rule of the proletariat. Soon into the article, however, he turns to an analysis of a "quite similar pattern of thought," using as the exemplar *The New Science of Politics.* He notes that the book contains the distinction between an "elemental" and an "existential" type of representation. He then sets out the point of the distinction. The elemental type, i. e., the institutions of representative democracy, is merely formal, lacking any "substance." "Substance" can only be delivered by the existential type, which Kelsen disinters from Voegelin's obfuscations as amounting to the equivalent of a one-party state in which the leader represents the "whole society," and which is identified with the state to the extent that the 'state' as a concept is not present in Voegelin's reflections. It is this bond between leader and the people that Voegelin designates as "existential," one which is corrupted if it is mediated by the institutions of representative democracy. Kelsen argues that the bond is "fascistic" in nature, though he recognizes that this is an implication rather than anything Voegelin directly states (Kelsen 1955, 6–14). And he makes it clear in a footnote that in his view there is no distance between Schmitt's explicitly fascist theory of democracy advanced in late Weimar and Voegelin's "science of politics" (Kelsen 1955, 32, fn. 49). Such a theory holds that only a strong leader unfettered by institutional constraints, i. e., a dictator, can existentially represent the group that counts authentically as "the people."

Given this devastating analysis of Voegelin's political position in a leading journal, there was little need to burden the English world with more, other than Kelsen's sense that Voegelin's line of thought resonated with wider trends in scholarship which he wished to highlight. But there is something to be said for Kelsen's relentless focus in the extended critiques on some of the thinkers who figure in Voegelin's cast of characters. For Kelsen exposes not so much the amateurish nature of Voegelin's ventures into the history of political thought as that they are distortions, contrived to fit his cast of characters into the procrustean bed of his tendentious understanding of Gnosticism.

Kelsen concluded the first draft of his response to Voegelin by noting the apparent irony in the fact that his closing observation in *The New Science of Politics* is that "there is a glimmer of hope" in that "the American and English democracies which most solidly in their institutions represent the truth of the soul, are at the same time existentially the strongest powers" (Kelsen 2004 [1954], 108; Voegelin 1987 [1952], 189). Kelsen failed to quote Voegelin's next line: "But it will require all our efforts to kindle this glimmer into a flame by repressing Gnostic corruption and restoring the forces of civilization" (Voegelin 1987 [1952], 189). He did, however, comment on the implicit claim in it, saying that "[t]his is the—quite contradictory—truth of gnosticism as to the nature of modernity. It is in the end Voegelin's gnostic dream" (Kelsen 2004 [1954], 108). But given this contradiction, what was Voegelin really up to?

13.4 By Their Fruits Ye Shall Know Them

Voegelin makes a brief appearance in a book by someone who, unlike Voegelin, has a credible claim to be "one of the most original and influential philosophers of our time," Harvard political theorist Judith Shklar's *After Utopia: The Decline of Political Faith* (2020 [1957]). As the title suggests, this pessimistic work argued that political theory was at an impasse. On the one hand, it had to contend with "two enemies of the Enlightenment'—romanticism and what she called "social theology"; a contention made difficult by the fact that these ideologies are "not primarily political philosophies" (Shklar 2020 [1957], 270). On the other hand, because they are forces within politics, "they must be dealt with by some more comprehensive … political philosophy." But the diagnosis of her book was that "no such theoretical renovation seems at all possible" because of the "absence of a satisfactory secular social philosophy" (Shklar 2020 [1957], 270).

Among Shklar's examples of social theology was Voegelin's claim in *The New Science of Politics* that "all modern political thought, liberal, socialist, and totalitarian, is descended from a religious heresy, the 'Gnosticism' of Joachim of Floris, and

that in their general character *all* political theories since Hobbes are the same, since all are secular religions" (Shklar 2020 [1957], 210; her emphasis). She pointed out that "this view is peculiar to Erich Voegelin, and represents an extreme version of the theory of social theology."[7]

Shklar's scare quotes around "Gnosticism" and her use of "peculiar" signal to the reader that Voegelin's idea of Gnosticism is an invention that he has projected back onto a figure to give some historical heft to his sweeping conjectures. But while Shklar clearly had little respect for the intellectual credentials of his position, she mentioned it because it was an example of her more general claim that it is "clear to all social theologians that the real conflict is a war between totalitarianism and Christianity, with no alternatives of a purely secular kind" (Shklar 2020 [1957], 210).[8]

The point about "no alternatives" is important, as by default liberalism is not an alternative. On this view, liberalism is the real enemy for it has established itself as the secular religion of the West in the late twentieth century, just as Nazism established itself in Germany in 1933. Moreover, liberalism is seen as in a way even more pernicious than explicitly authoritarian ideologies. It claims not only to be secular, but also neutral in that the only good it promotes is the good of a stable political order in which individuals can pursue their own conceptions of the good on peaceful terms. But, the rightwing critics of liberalism argue, liberalism's relegation of the pursuit of the good to the private sphere of individual life is deeply corrosive of many conceptions of the good, especially the authentically religious ones, and through such corrosion it promotes its own version of the millennium at the expense of all others.

There is a curious trajectory to this view. The central intellectual figure in *The New Science of Politics* is Joachim of Fiore, as he is better known, a twelfth-century theologian and Calabrian abbot who is central to a stream of scholarship on the relationship between religion and politics driven by a sense that modernity is

7 "Erich" is the original spelling, which Voegelin changed when he moved to the US. Kelsen gets only a bare mention in this work (Shklar 2020 [1957], 239–240). Shklar points out that he with Bertrand Russell argued that a "belief in absolutes leads to authoritarianism," but she denies that any such link can be established.

8 Voegelin of course would have denied all of this. He says that he has in his files documents labeling him "a Communist, Fascist, a National Socialist, an old liberal, a new liberal, a Jew, a Catholic, a Protestant, a Platonist, a neo-Augustinian, a Thomist, and of course a Hegelian—not to forget that I was supposedly strongly influenced by Huey Long" (Voegelin 2011 [1973], 74). (Long was the American politician who was either revered as a populist hero who took up leftwing causes or despised as a ruthless demagogue.) But he regards these labels as just proof of the fact that he was toiling away as a "scientist"—apparently of the same stature as Max Weber—who "honestly wants to explore the structure of social reality" (Voegelin 2011 [1973], 73–74).

not characterized by a secularization of politics, but by a translation of theological themes into secular ones.[9] Joachim is important to this stream because his theology postulated a meaning to history, an end state in which some apocalyptic event would usher in an age in which God's absence from the world would be remedied on earth in a triumph of righteousness (McGinn 2018).

The triumphs of Communism, Fascism, and then Nazism spurred a wave of interest in the interwar period and thereafter in Joachim on the basis that these are different secularized or pseudo-secularized versions of his Gnosticism, his understanding of the consequences of God's absence from and hence the presence of evil in material worldly existence. Matters are complicated by the fact that there are two different interpretations of Joachim's thought, as stated clearly in one of the most important works from this period, Karl Löwith's 1949 *Meaning in History:*

> Joachim's expectation of a new age of 'plenitude' could have two opposite effects: it could strengthen the austerity of a spiritual life over against the worldliness of the church, and this was, of course his intention; but it could also encourage the striving for new historical realizations, and this was the remote result of his prophecy of a new revelation. (Löwith 1949, 159)

The second effect, Löwith said, "reappeared as a Third International and a third *Reich*, inaugurated by a *dux* or a *Führer* who was acclaimed as a saviour and greeted by millions with *Heil!*" (Löwith 1949, 159).

Now what Gnosticism is, whether Joachim was a gnostic, if so what his Gnosticism amounted to, and what actual influence his ideas had when they were rediscovered by political movements in the twentieth century, are all matters of scholarly debate. And as Kelsen pointed out at some length in his longer monograph response to *The New Science of Politics*, Voegelin's historical claims about Joachim are both inaccurate and question-begging (2017 [1962], ch. 3) Be this as it may, my concern here is with which interpretation, however sound as a matter of historical accuracy, is taken as action-guiding in our political condition—the political condition of the second half of the twentieth century until the present.

In this regard, Voegelin deliberately downplayed the first interpretation according to which the mystical elements of Joachim's doctrine, the insistence on an openness to transcendence, is meant to guide a retreat from politics and other worldly concerns. That raises the question what Voegelin was advocating. Was he simply, like Löwith, diagnosing the theological roots of the second effect

9 For an excellent account of the debate in the twentieth century on this relationship, see the biography of Jacob Taubes (Muller 2022). Taubes engaged with Voegelin, as he did with many others, but his view was that the apocalypse would deliver a secular millennium of a leftist hue.

whereby Christian mysticism transubstantiates, as it were, into totalitarianisms of various kinds? Here we can note that Voegelin had no formal church affiliation and did not ever proclaim his faith, which requires his disciples to trawl through his life and work for indications that he was a true believer (Sandoz 2012).[10] In addition, there is the factor we saw Kelsen recognize—that Voegelin ends *The New Science of Politics* by asserting that "the American and English democracies which most solidly in their institutions represent the truth of the soul, are at the same time existentially the strongest powers" (Kelsen 2004 [1954], 108; Voegelin 1987 [1952], 189). As Kelsen noted, this assertion contradicted much else in Voegelin's diagnosis of the problems of modernity. Above all that raises both the question of the content of what Kelsen called Voegelin's "gnostic dream" and what resources he himself had to counter it (Kelsen 2004 [1954], 108).

Voegelin's disciples have an answer to both questions. They offer what I have called "liberalism with a minus sign" to highlight that such positions, while they do not advocate a substantive political theory, do rule out certain candidates, in particular, the family of normative political and legal theories that argue that there are intrinsic qualities of legal order that make government under the rule of law tend to serve the values associated with liberal democracy (Dyzenhaus 2016, 503–504). They permit any substance as long as it built on the friend-enemy distinction that Schmitt urged in *The Concept of the Political* is the distinction to which "political actions and motives can be reduced" (Schmitt 1996 [1932], 26).[11]

Those who put forward such theories need not be theists. And even most of the theists among them are realistic enough to know that the return of theocratic rule according to the dictates of their own militant version of Christianity is not

10 See also for a rather desperate attempt to show that Voegelin was a true believer, Niemeyer (1995).

11 Among the most prominent Voegelians are John Finnis, Oxford Professor of Philosophy of Law, Adrian Vermeule, Law Professor at Harvard, and Patrick Deneen, Professor of Government at Notre Dame. While there are differences between these thinkers as to the extent to which they wish to abolish the distinction between church and state, and as to how authoritarian they think the state's imposition of their preferred ideology—a rightwing Catholic political theology—should be, the fact that they embrace liberalism with a minus sign leaves each with no principled basis for contesting any more authoritarian version than the one he happens to hold. Finnis's disciples in the UK, Canada, Australia and elsewhere and Vermeule in the US have forged a transatlantic "common good" alliance which seeks to appropriate rights talk and constitutionalism in a project to design the state so that the undefined "one who is in charge of the community" can "promulgate" the common good. See the website of "The Common Good Project," https://www.law.ox.ac.uk/common-good-project (last accessed July 9, 2024). Orbán's Hungary appears to be their model. See Dyzenhaus (2022a).

realizable in practice. So they make a pact with whatever anti-liberal forces share enough of the tenets of their ideology to make for some common ground; and they disguise their hatred of the achievements of liberal democracy under the pretext of saving us from the control of cosmopolitan, rootless elites, a rhetoric with a frightful past.

Their theories thus shape the contours of the political space in which arguments can take place by excluding liberalism. As Schmitt argued in *The Concept of the Political*, only theories can be admitted that make a claim to legitimacy on the basis of a thick conception of the homogeneity of "the people," one which establishes a bond between the ruler and that proportion of the population, the ruler's "base" we would these days say, who are considered existentially appropriate members of the political community (Schmitt 1996 [1932]). But here the observation of an eminent scholar of church history is appropriate. "We must always remember that it was his followers, not Joachim himself, who realized the radical potential implied in his thought" and the "abbot himself would have been horrified" (McGinn 2018, 7).

Would Voegelin have been horrified? There is good reason to doubt this. As we have seen, his memoir shows no sign that he thought that there was any rupture in his thought from the period of his participation in Black Vienna to the 1970s. If anything, he asserts the value of his earlier works as a basis for the later ones. In addition, he was one of the inspirations for the intellectual circle around William Buckley and his magazine *National Review*, a circle which laid the basis for the toxic and complex blend of militant Christian conservatism, libertarianism, anti-liberalism, and anti-science ideology that drives the Republican Party in the Trump era (Bogus 2011).

In this light, we can solve the puzzle of how Voegelin could claim that "the American and English democracies which most solidly in their institutions represent the truth of the soul, are at the same time existentially the strongest powers." Recall that the next sentence reads: "But it will require all our efforts to kindle this glimmer into a flame by repressing Gnostic corruption and restoring the forces of civilization" (Voegelin 1987 [1952], 189). Written in 1951 for the Walgreen Lectures, then revised and published in 1952, these concluding observations of *The New Science of Politics* are made at a time when one could view these two democracies as not only having triumphed over the Nazis, but also as superior in force to the Communist bloc.

More significantly, within the couple of pages that precede the observations and, which appear at first sight oddly tacked onto the body of the book, Voegelin suggests that what makes English democracy distinctive is that it "preserved the institutional culture of aristocratic parliamentism as well as the mores of a Christian commonwealth, now sanctioned as national institutions." Similarly, while the American Revolution was "strongly affected by the psychology of the enlighten-

ment," it also "had the good fortune of coming to its close within the institutional and Christian climate of the *ancien régime*" (Voegelin 1987 [1952], 188). These two democracies had not, as the French and German Revolutions had done, brought about "modernity without restraint," that is, liberalism run amok (Voegelin 1987 [1952], 189).

But these pages are not as oddly tacked on as they might at first appear. As Kelsen discerned, the content of the dream is a have-your-cake-and-eat-it-too one. The substantive homogeneity of a majority Christian and white political community is in place, ruled over by an aristocratic elite which will remain in power because of the long-standing institutional arrangements in which people trust. The pages are then a somewhat disguised wink to the cognoscenti. The majority of the population think that they have—and they trust in—rule by the stable democratic institutions that make up the body politic of "we, the people." In reality, they are living in the Christian climate of the *ancien régime*—the common good promulgated by their rulers under the guise of democracy.

But since the 1950s, political climate change has been severe. It has become "modernity without restraint," in the US, the era ushered in by the Civil Rights Movement, the Warren Court, and feminism; in our century, the election of a black President, the Me Too and Defund the Police movements, trans rights, etc. Voegelin's disciples do not, however, think that they are compelled to "veer towards Mussolini" since they have learned a lesson about democracy that was unavailable to the likes of Voegelin and Schmitt and to him in the 1930s.

Their main teacher is Victor Orbán and he has taught that the political space need not exclude democracy as long as the version of democracy is "illiberal democracy." This is a democracy whose institutions have been hollowed out or captured so that, first, the return of the ruler in periodic elections is guaranteed to the extent possible and, second, institutions such as parliaments and the judiciaries are disabled from mediating the promulgation of the common good. There is then, they suppose, no need to put in place fascism because illiberal democracy suffices (Dyzenhaus 2022a).

That leaves my final question: Was Shklar right when she claimed that "no such theoretical renovation seems at all possible" because of the "absence of a satisfactory secular social philosophy?" (Shklar 2020 [1957], 271).

13.5 Kelsen's Answer

In my view, renovation is possible if one returns to some classics of political philosophy in, broadly speaking, the empiricist tradition, as I have tried to show in a book that traces "the long arc of legality"—an arc of thought about the legitimate

authority of the modern legal state—that stretches from Hobbes to Kelsen (Dyzenhaus 2022b). Now Kelsen did not consider his intellectual roots to lie in Hobbes's legal theory. But in the debate with Voegelin he came to Hobbes's defense in an intriguing way.

Voegelin closes *The New Science of Politics* with an analysis of Hobbes's *Leviathan.* He says, accurately, that Hobbes saw the need to found the state on the basis of a civil faith, but claims that he did so by "throwing out anthropological and soteriological truth," that is, the truth of the correct philosophical conception of the social individual and the truth offered by religious doctrines of salvation. This leads, Voegelin asserts, to the "destruction of the soul" and the "fallacious immanentization of the Christian eschaton" (Voegelin 1987 [1952], 166).

In one of his book-length responses, Kelsen points out that this is a highly partial, one might say dishonest, interpretation of Hobbes (Kelsen 2017 [1962], 85–89).[12] Hobbes explicitly rejected the idea that there could be a final stage of humankind. Rather, he wished to design a modern legal state in which people could live peacefully together despite their very different conceptions of the good and with rulers disabused of the idea that they are able to force belief in any idea of the soul or salvation. This, he realized, would be a fragile achievement, subject to all sorts of perils, and its design had to take into account and remain open to human experience and nothing more in seeking to build a stable and decent society for any given political community.

Hobbes, then, had no aim of creating a world without religion, nor indeed a civil faith beyond one that supposed that careful attention to human capacities to craft institutional solutions to the problem of how to live peacefully together suffices will bear fruit, as long as we remain open to our collective experience as human beings in this world. When it comes to our common lives, all that transcends human experience is more such experience, not anything that is claimed by some dreamer of the absolute to have been revealed to them.

On the account I offer in my recent book, Kelsen updates Hobbes's theory of the modern legal state for the twentieth century and our own (Dyzenhaus 2022b). But that updating requires accepting that one's scientific theory cannot be value neutral. My guess is that Kelsen's commitment to value neutrality is what ultimate-

12 Voegelin fully shared the view of his disciples that he was a great philosopher. His nauseatingly hubristic *Autobiographical Reflections* is replete with expressions of extreme disdain for the liberal or further left members of the US academy who lacked the knowledge he claimed of the history of thought and could not measure up to his sense of his own brilliance. So great is his disdain that he does not bother to name them. He does at one point accuse Marx of being "an intellectual swindler for the purpose of maintaining an ideology" (Voegelin 2011 [1973], 76). One could well retort with Marx in the Preface to *Capital:* "*De te fabula narratur*"; "of you the tale is told."

ly held him back from publishing his monograph-length responses to Voegelin. That commitment left him unable fully to explain why his theory rules out from the normative domain of politics and law claims that appeal to anything that transcends shared human experience. By itself that exclusion does not give one a commitment to democracy or to substantive theories of the rule of law or to civil rights. But it opens up the space for debating such commitments, a space which is hard to imagine without democracy, the rule of law, and civil rights. In contrast, Voegelin, Schmitt, and their disciples today are all about giving the authority to some undefined ruler to fill the space of politics with anti-liberal content.

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