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Cigarettes, Same-Sex Marriage, and Vladimir Putin

Reflections on Carl Schmitt

————— ◆ —————
WILLIAM P. BAUMGARTH

I enjoy old movies, especially detective and mystery movies from the 1940s and 1950s: the actors are well dressed, the scripts are well written (conceded: not quite P. G. Wodehouse) and clearly, effectively delivered, and there is always a discernible plot. The most startling event, I believe, comparing life depicted then with how it is now is the cultural transformation that has occurred in that passage of time, not only or chiefly in the cinema. In these dramas, everybody of adult years is enjoying a cigarette, and the sexuality is, well, conventional. Now, were it not for my having been born in the mid-1940s, I well might have believed that the world depicted in these movies was the work of pure imagination, an alternative universe, say, from the point of view of those who are characterized as villains and heroes. Advocates of heterosexual marriage as normal, in the strict sense of the word, do not appear to be anything but normal from the 1950s perspective, and smokers are not portrayed as sociopaths. Yesterday's heroes, or at least good citizens, are today's villains.¹

I believe that I have personally lived through what Friedrich Nietzsche terms a "transvaluation of values" (1966, 195), and I am still at somewhat of a loss as to how

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1. As Jean-Jacques Rousseau noted, "A man who plays the free thinker and philosopher today would, for the same reason, have been only a fanatic at the time of the (Holy) League" ([1750] 1964, 33).

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to explain this transformation. It is not simply a question of contemporary toleration versus yesteryear's moral rigidity. My fellow progressive New Yorkers and their Hollywood templates (and not only them) are anything but tolerant of what today's liberals would judge as morally deviant, such as religious disapproval of same-sex marriage or smoking tobacco anywhere. The contemporary political progressive's intolerance toward the traditionalist or libertarian, as opposed to the tolerance exemplified by John Stuart Mill's classical liberalism, was foreshadowed by Herbert Marcuse's attack on "repressive tolerance" in 1965 (in Moore, Paul, and Marcuse 1965). At the beginning of the classical liberal era, Marcuse said, tolerance played a vital role in the attack on crown and altar. Now, however, it merely serves as a defense of the oppressive status quo. The proper stance is, then, Marcuse argued, intolerance of those seen espousing militarism or those opposing the extension of state welfare measures. Marcuse's own sense of correctness meant a silence on his part of how much of his own thinking, especially as expressed in *Eros and Civilization* (1966), was inspired by Martin Heidegger.

Under former three-term (twelve-year) New York City mayor Michael Bloomberg, many other formerly private concerns, such as the amount of salt consumed in a restaurant or the purchase of large soft drinks at a convenience store or, most recently, tanning salons began to be viewed as matters of public note if not public moral condemnation (see *New York Times* 2012, 2013b; *New York Post* 2013). Puritanism is by no means dead and not only in New England.

The advocates of traditional mores and morals are to an incredible degree demonized. And, just as importantly, the new moral orthodoxy does not limit itself to correcting deviant behavior but attempts to detect and uproot anything that even appears as unorthodox thinking. The proponents of the new morality are not satisfied with a display of mere toleration for their novel lifestyles. On the contrary, they seem to demand, in an "in your face" way, the acknowledgment of the superiority of the new ways in comparison to now old-fashioned ethical beliefs.² The guardians of the

2. As a university faculty member, I recently received the following notice from our Center for Teaching Excellence: "64% of self-identifying LGBTQ students—not only from the undergraduate colleges but from the graduate and professional schools as well—report feeling 'uncomfortable or unsafe' in the classroom. A further 46% feel 'uncomfortable or unsafe' around their professors or advisors. Asked if incidents of discrimination or hostility affect their schoolwork, one replied, 'Well, of course. How could they not?' What can we teachers do to make this better? The Center for Teaching Excellence has asked experts to lead us in a workshop." Never had it crossed my mind to ask about the sexual proclivities of the students enrolled in my courses. Nor do I inquire about their political commitments, religious beliefs, or ethnic background. Nor, had I known such, would that knowledge affect my teaching or my grading. I hope my suspicions that the faculty is being conscripted in an inquisition to ferret out unacceptable opinions in the area of sexual diversity are unfounded. It does cross my mind now, however, to ask: How many Republican students feel comfortable or unsafe in our classes? What can be said when a Republican club invitation to Ann Coulter is publicly chastised by the university administration but an invitation extended to an officer of the National Center for Lesbian Rights goes without official comment? What has happened to academic freedom, to the mission of the university? Why not permit the Young Democrats to have a veto over every proposed Republican speaker and the Young Republicans to have a veto over the Democratic invitees? What is good for the goose, et cetera. And what marvelous mediocrity would be evident in the quality of university public discourse if those vetoes were employed. More importantly, what is college teaching all about, anyway, when the requirements of special interests, not relevant to the subject taught, need to be of primary concern to the instructor?

new ethos strongly suggest that incorrect thoughts inevitably lead to verbal articulation (maybe) and then to action (far less inevitable) that indicates a desire to discriminate: the very essence of the hate crime. Violence, actual crime, should and can be nipped at the bud. But we must also enforce the codes governing correct speech, these guardians proclaim, or else the slippery slope invites resurgent National Socialism.

Classical liberal thought regarding crime—as, for instance, articulated by John Locke in chapter 2 of the *Second Treatise of Government*—centers on the injury done by the perpetrator of a crime to the injured. There is a difference between intention and motivation. My intention in acting is what I view as the object of such action, those changes in the world I hope to effect, the “what” of my envisioned action. My motivation is the “why” I so intend to do something. In terms of crime, certainly the perpetrator must have a conscious intent to do some mischief to an innocent second party, the actor must set out to inflict some nonretaliatory, noncompensatory injury on some other person. For instance, I decide to kill Brenda Starr, who formerly has not threatened me in any way. The intention here is murder. That I decide to do so to express my hatred of redheads, I contend, neither excuses nor magnifies the magnitude of the offense.

But contemporary practice seems more concerned with what motivates the mischief maker than with the willful objective damage done. The philosophy behind the concept of “hate crime” alters the notion of crime from willful nonretaliatory abridgment of another’s rights, life, liberty, and property to any behavior deemed by the new orthodoxy to involve some sort of discrimination. Beyond that, it links the essence of crime with an emotion: not simple hate but ethnic, sexual, or racial hatred. Crime, as such, is still crime, however, regardless of what motivates the criminal. Would Iago’s hurtful plotting against Othello be more heinous if rooted, say, in ethnic hatred rather than in personal animosity or jealousy? And although the presence of hate neither adds to nor detracts from the severity of crime (no more than, say, love would), still the thought crime, even when verbally uttered, has become the contemporary secular equivalent of the “sin against the Holy Spirit” (Mark 3:29): it cannot and will not be forgiven.

But what has brought about the ascendancy of this new orthodoxy? I doubt that it is the result of some sudden moral enlightenment. The cigarette issue and Mayor Bloomberg’s obsession with salt and soft drinks are related to concerns, in general, about health at a time when the state is subsidizing health-care costs. And, to be sure, if concern about health is what motivates the new policies, then pity rather than moral condemnation, public humiliation, and open contempt might be expected as the public stance toward nonpenitent smokers. Former smokers, now converted to the true faith, especially show evangelical zeal in their castigation of one-time comrades. In stating that the state is increasingly more involved in issues involving the health of its subjects, I am not ascribing any degree of genuine concern to the political class (caste?). Maybe the political class, epitomized by New York’s former mayor Michael Bloomberg, is simply basking in its imagined intellectual superiority to the rest of us: it knows better

than we do what is in our interest.³ The mayor wanted to go so far as to hide cigarettes behind the counter in convenience stores. Smokers are apparently too stupid to know the cigarettes are there and to ask for them. More likely, because the taxpayers (if we forget for a moment about the Federal Reserve) are the main source for financing its projects, the political class, like all reasonable shepherds, is most solicitous for its flock's well-being. But what has any health concern got to do with same-sex marriage?

The moral revolution I have lived through cannot be attributed solely or even primarily to state action. The media and the educational system seem to have been the instruments, if not pioneers, in this “transvaluation of values.” The prime movers are the intellectuals, the thinking part of the political class, rather than the politicians, who for the most part seem to have no articulated political vision and hardly count as thinkers. The politicians, of course, are out for votes, but that, I think, usually means catering to existing values, not changing the moral landscape. Bloomberg's crusade against soft drinks and salt is, I believe, an exception. Regarding same-sex marriage, the new morality is at odds with traditional religious values, and the goal of public policy might then be the elimination of competitors to the state in the formation of the individual conscience. This would also entail an assault on the traditional family, and, indeed, the state has trumped the family in issues such as sex education. Many religious denominations, however, now are as eager to embrace the new sexual code as previously they were eager to espouse the older morality. Those sticking to the old paradigm are stigmatized by the polemical characterization that they are “fundamentalist.”

Why look, anyway, for any cohesiveness in public policy? F. A. Hayek argued, initially in *The Road to Serfdom* (1944) and later in *Law, Legislation, and Liberty* (1973), that any attempt to please most voters by mixing the aims of planning with the procedures of the market would result in policy that almost everyone would find undesirable. What we are witnessing may be an illustration of such incoherence: the attempt to serve both the values of freedom, including the right to freely speak your mind and even to discriminate, and the values of those wishing a life free from bias, discrimination, and verbal disparagement. Hayek warned that the tension between planning and the market might generate ever new demands from the planners. Just so, the tension between freedom—say, of speech—and the desire to eliminate all forms of discrimination might generate more restrictions on established practices linked with freedom.

Might some overall policy object, nevertheless, lie beneath the surface of the state's growing advocacy of equal access to marriage? Although my younger son is only now getting familiar with Malthus, he puzzled over the same-sex marriage endorsement/encouragement by the political class and came to the conclusion that the real goal of promoting an ethos receptive to homosexuality is population control. The more bodies around, the higher the costs to the state, not to mention the

3. The question “cui bono” should always preface any speculation about political motives. Follow the money trail. Which economic group is now better positioned to shut down its competitors?

unconscionable multiplicity of carbon footprints and consequent damage to the natural environment. A policy such as China's restriction of one child per family would be difficult to sell and certainly difficult to enforce in the United States. It would be easier to change the public culture's attitude toward sexual mores than it would be to create a culture hostile to families that have more than a single child. Gay males, of course, cannot reproduce, so they necessarily must adopt to have children. There is a technology that permits lesbians to reproduce without recourse to sex with a male, but they are not tempted, I think, to have large families. It would not be the first time that a public culture has openly subscribed to same-sex sexuality as an esteemed way of life: Aristotle, for instance, noted in *Politics* (1978, 1269b, 23–30) that the ancient Celts and other warrior tribes connected the male war god Ares with Eros.

Russian president Vladimir Putin is well known for his opposition to the importation of current American values and public policy—especially, but not only, same-sex marriage. A few friends from Russia were recently quarreling with one of my fellow progressives about the Russian policy of prohibiting homosexuals from adopting children. The argument was straightforward. The child acquires values in a similar way that he or she acquires language: through the imitation of parental behavior. In general, even if the adults in the family do not engage in explicit or intentional proselytization, children in a family where English is spoken will incline to speak English or where Russian is spoken will incline to speak Russian or where Esperanto is the linguistic choice will incline to speak Esperanto.⁴ Similarly, children, at least initially, adopt their parents' ethical (and political) values. Only some rare, principled progressive parents leave it up to the child to decide for himself what is right and wrong. Children are rarely encouraged to think for themselves about whether lying, murder, and theft are moral evils. The same holds true for sexual values. If, for various reasons, parents believe that only within a heterosexual marriage are sexual acts acceptable, the children will take their orientation from this perspective. And, for the same reason, no matter how tolerant same-sex marriage partners may be of heterosexuality, their living example will give their children a definite predilection toward imitating their parents' sexual mores. Or so went the Russian side of the argument among my friends.

Applying the suggestive notion of a possible American population policy to Putin, I asserted to my Russian friend that a substantial reason for President Putin's hostility to same-sex marriage centers on population concerns. The Russian population

4. A Parable for Our Times (as I recall it): two Ph.D. students in modern languages meet and fall in love while attending graduate school. She is a candidate in French language and literature, he in Spanish. They marry and have a child. Unwilling to teach the child either French or Spanish because that would reflect the parents' linguistic biases or to teach the child English because that would reflect the grandparents' bias, they decide to raise the boy in Esperanto, where he becomes a child prodigy. The world's leading expert on Esperanto interviews the child and is amazed at the child's fluency. The interview having concluded, the scholar asks the boy what he thinks about his parents' linguistic decision. He replies (in impeccable Esperanto), "Mi deziras al infero kiun ili instuis min cu la hispana au franca" (I wish to hell that they had taught me either Spanish or French).

numbers indicate severe decline, which must be of political interest to the country's leadership. Obviously, state endorsement of same-sex marriage would not seem to contribute to an increase in Russia's population. My Russian friend agreed that such a consideration may be part of why President Putin has adhered to a hard line on the issue, but of more importance regarding the legitimacy of same-sex marriage is the strength of Russian culture's adherence to heterosexual monogamy, based solidly on the ethos of the Orthodox Church.⁵

I replied that I was not that confident in the resiliency of culture, even if it had deep religious roots. I had lived once in the shelter of such a culture, and it later showed itself quite vulnerable to the schemes of the media and its lackey state. Hegel thought that the Sunday newspaper had replaced the Sunday sermon in his Germany. Driving through Manhattan every Sunday to serve at the Divine Liturgy, I can attest that the Sunday runners, bicyclers, and occasional marathons are now the heart of what occupies my fellow citizens on Sunday and what blocks or slows my access to my parish church in Manhattan on the Lord's Day. The runners and cyclists are actually worshippers, I think, in the cult of the body. This is not simple hedonism because sacrifices are made on behalf of bodily beauty. I should not ignore the erotic element, what with the Spandex and all: it is clear that many engaging in these activities come to see and be seen. Something of Nietzsche's ascetic ideal or, perhaps, herd consciousness remains among the legion of participants in long walks dedicated to the elimination of various diseases. It is touching to see how many participants seem to believe that the time and pain involved in such walks really contribute to the elimination of various diseases. Why don't they simply send a check directly to their favorite charity instead? Affliction of the flesh, fasting, and the pilgrimage maintain approved practices in the new orthodoxy, provided that such practices are not indulged in for quaint "religious" reasons.

No matter what the reason for the change in the moral paradigm, regardless of whether the state is the primary instrument of this change or not, I contend that the state and its political class are prime beneficiaries of this change. An examination of the thought of Carl Schmitt, one of the foremost jurisprudential scholars of post-World War I Germany, on the essence of the political may shed light on why this might be so.

Schmitt was disturbed by the instability of the Weimar democracy, assailed, as it was, from both the far left and the extreme right. Combined Nazi and Communist votes in the Reichstag could always bring down a governing cabinet. Needless to say, neither the Reds nor the Browns would ever come to an agreement regarding who would constitute the succeeding government. Schmitt was convinced that the republic's president had constitutional means to overcome this instability by banning both the National Socialist Party and the Communists. He invited President Paul von

5. In my humble opinion, same-sex marriage is an ontological impossibility. Hobbes to the contrary notwithstanding, the state can no more declare couples married than it can declare someone baptized, someone's sins remitted, or someone empowered to preside at the Eucharist. May the state depart from this intrusion in the area of the sacramental!

Hindenburg to do so. Instead, as we know, Hindenburg appointed Adolf Hitler as chancellor. Schmitt thereupon joined the Nazi Party (Schwab 2007, 14).

The other leading intellectual luminary of the Third Reich, Martin Heidegger, seemed to have joined the party out of conviction, given his delusional sense of National Socialism's world destiny as a corrective to the dangers of globalized impersonal modern technology.⁶ Schmitt's decision, in contrast, was almost certainly opportunistic. He was by inclination authoritarian but had deep reservations about totalitarianism. The leading journal of the Schutzstaffel (Protective Squadron or SS) was suspicious of what it astutely perceived as Schmitt's lack of conviction regarding his identification with the party's mission (Strong 2007, x). Schmitt survived the collapse of the Reich, and, although wrongly suspected of being an architect of Hitler's foreign policy and thus placed under house arrest, he did not face criminal charges at Nuremberg.⁷

In *The Concept of the Political* ([1927] 2007), Schmitt sets out to define that concept by initially comparing the political with other kinds of social relationships commonly understood as antithetical to politics. These other kinds include the religious, cultural, economic, legal, and scientific. The reason for the antithetical status of these social phenomena to the political per se is liberalism. Just as philosophy, once a unitary way of life, dissolved into a multitude of theoretical disciplines, such as metaphysics, epistemology and ethics, so the unified world of the polis or of the medieval community dissolved into a host of different relationships now distinct from the political (22–23).⁸ And the political movement responsible for these secessions is classical liberalism. Classical liberal theorists, such as John Locke, desired a depoliticization of society; the separation of state and religion, state and economy, state and culture, state and science. Just as we can ask what remains of philosophy once metaphysics, ethics, epistemology, and, of course, science have declared their independence, so we can wonder what remains of the strictly political once other areas in the social sphere have declared their autonomy. And that is the condition Schmitt examines and the question he raises.

Each of these social realms involves a dichotomy. Economics, for instance, is interested in profit and loss; aesthetics investigates the beautiful and the ugly; ethics examines good and evil; science deals with what has been falsified and what remains of what has not yet been successfully nonfalsified. Assuming, tentatively, that, as an equal to these other social phenomena, the political is concerned with a dichotomy, what might it be? Schmitt argues that the essence of the political is the public determination of friend and enemy ([1927] 2007, 26).

6. The question of Heidegger's sincerity is connected with his description of the "inner truth and greatness of National Socialism" in the 1935 first edition of *What Is Metaphysics?* Heidegger had an opportunity to amend his text for the 1953 edition but declined. For his reflections on his connection with Nazism, see Heidegger [1966] 1981.

7. For a thoughtful biography and appreciation of Schmitt's political thinking, see Gottfried 1990.

8. See Heidegger 2008 for an analogy with philosophy.

Schmitt is less interested in who the friend might be than in the identity of the enemy. The enemy is not the private foe: the individual who gets in my way, the person I hate ([1927] 2007, 28). The enemy is, rather, the public enemy: a collectivity that threatens our very survival as a community. The friend–enemy dichotomy does not dissolve into any of Schmitt’s other dichotomies. The foe, for instance, need not be evil, need not be ugly, need not be economically threatening, need not be unfaithful (27, 49). But at any moment economic competition or ethical disapproval or even aesthetic disagreement may reach a critical point where quantity turns into quality: where the economic competitor, for instance, becomes the enemy (59). The determination of who the enemy is—that is, who threatens us with the annihilation of our communal way of life—leads to a fateful judgment about whether to go to war with the enemy (33). Once that judgment is made, the logic of warfare takes over, and the purely political ends (34). Nothing in the realm of ethics, Schmitt argues, can justify the taking of human life; only the political judgment that the community’s existence is at stake can do so. And the outcome of the decision to go to war need not involve the annihilation of the public enemy but rather only the repulsing of the enemy back beyond his own borders (36, 49). Again, the attitude we bear toward the enemy need not—ideally should not—be hatred. As the godfather put it, “It’s just business, nothing personal.”

So then the essence of the political, wherever it exists, is the friend–enemy determination. This determination applies also to the concept of the “politically correct.” In some ways, though, the phrase *political correctness* itself is an exception, not the rule, because in most cases the political—that is, the polemical—roots of hostility are covered up rather than emphasized. To assert that something is being argued on the basis of mere politics is to discredit the proponent of that argument (Schmitt [1927] 2007, 30–31). My opponent, according to this approach, is arguing politically, whereas my position is simply true, simply good, and is based on science or good will, say, rather than on partisanship. My opponent’s dismissal of global warming is simply partisan, antigovernment politics and an abandonment of reason, whereas my belief in the phenomenon and the urgency of corrective governmental policy is a matter of pure science. That is to say, in the political arena language itself becomes a weapon to be used against the enemy: it becomes political (polemical). I treat my opponents as enemies by describing my own opinion as balanced and unbiased and theirs as partisan (Schmitt [1927] 2007, 32). Schmitt illustrates the political (polemical) dimension of words by reference to the money the kaiser paid to the Turkish sultan: the former described this money as a “tribute,” the latter as “reparation.” The same, Schmitt argues, could be said for the Allies’ view of the payments made by the defeated Germans as opposed to the Germans’ perception of those payments: Just reparations or unfair tribute, respectively ([1927] 2007, 31 n. 12)? *Vae victis!*

Although the culmination of the political process that determines who the public enemy is may lead to war, and although, according to Schmitt, nothing ethical can justify the taking of human life, he is emphatic that the public enemy is not

identical with the private foe. So there need not be any personal animosity involved in how a threatened community treats its enemy. Ideally, so to speak, the proper end of war is the beating of the enemy back across his border, not the annihilation of him ([1927] 2007, 49). Again, the public enemy is someone with whom, perhaps, we can fraternize or even worship, such as happened in the Civil War when Union and Confederate officers formed temporary Masonic lodges together (Love n.d.). Or the enemy may be someone with whom we still can carry on trade. Remember, the decision to go to war is nothing personal, just communal business. Unfortunately, however, the emotional energy accompanying the designation of the public enemy, apart from sheer fear in the face of existential threat, has no source other than the moral or the religious or even the aesthetic (Schmitt [1927] 2007, 26, 38). So the temptation will be present to view the public enemy as immoral or as heathenish or even as ugly. This temptation will be hard to resist, so, perhaps, the enemy inevitably becomes what Schmitt terms the “stranger,” the “other” ([1927] 2007, 27), or, more ominously, the “monster” (36). And the monster, the demon, cannot be treated ever again as a dialogical partner or peaceful competitor but rather must be treated as something inhuman, correctable only by force. Nothing that the monster does to indicate repentance will be taken seriously because he is not merely an enemy of our community but rather an enemy of the human race itself. The “other” eventually takes the form of a personification of evil, from Kaiser Wilhelm to Saddam Hussein and, of course, beyond. We, or rather our political leadership, whether honestly or not, have identified our cause (democracy, humanitarian war, human rights, whatever) with humanity, so the enemy of humanity clearly cannot be human (Schmitt [1927] 2007, 36).

Schmitt seems to imply that the roots of the political are in human nature itself. Because he is ambiguous about the possibility of a world without the political, we cannot definitively assert that a sense of a permanent human nature grounds his discussion. But his concept of the political has its roots in Plato and Aristotle. Consider Aristotle’s notion in book I of *Politics* that human beings are essentially political—that is, by nature, animals that belong in the peculiar herd called the polis. The polis is a closed community, not a cosmopolis. Its citizens will tend to regard those outside its walls as strangers, if not as enemies. Unlike Schmitt, though, Aristotle downplays emphasis on the enemy because for him the heart of citizenship is its likeness to friendship. As Numa Denis Fustel de Colanges articulates in *The Ancient City* ([1877] 1980), the essence of the ancient polis is not Aristotle’s striving for self-sufficiency but religion, and each such religion is highly insular, even on the family level. When a maiden marries, she disavows her household gods and converts to her husband’s family cult. Culture, whether of the secular Aristotelian variety or Fustel de Colanges’s cultic variety, either creates or encourages the human proclivity to disparage the outsider.

Or consider the phenomenon of the “politically correct.” In the area of humor, it seems to imply that it is necessary to suppress the urge to laugh if a joke is at the expense of something immutable: race, sex, ethnicity, disability. If the issue is something voluntary (religion, vocations such as the legal or the medical), humor is

tolerable. An objection comes to mind: under this formulation, obesity seems to be a legitimate object for jokes. But it is not, according to the canons of political correctness. Why: because obesity is postulated as a sickness, not a voluntarily chosen condition. So consider the prohibition in Leviticus 19:14 against placing an obstacle in the path of the blind, testifying to the existence of this mischief among some ancient Jews. What does not occur need not be prohibited. And the reason for tripping up the blind appears to me to be that somebody found it funny. We are well past such barbarism, yes? But a skit on *Saturday Night Live*, now impossible to search up on the web, portrayed former governor David Paterson of New York State, who is legally blind, as stumbling about the show's studio in a very comic fashion. Although we need not subscribe to Hobbes's stipulation in chapter 7 of *Leviathan* that all laughter is indicative of self-glorifying at somebody's expense, it is largely too commonly so as to be solely a product of culture.

In the instance of cigarettes, same-sex marriage, and related issues, I contend we are witnessing the translation of the friend–enemy distinction from the area of foreign policy to the domestic arena. We have already seen the transference of the language of polemics from confrontation with some external enemy to a more ambiguous foe: the political class focuses public attention on the “war against drugs” or the “war against terrorism.” I sense that we will soon be mobilized in such campaigns as the “war against bigotry” or the “war against bullying” if not more certainly the “war against smoking” or the “war against obesity.” Behind these ideological crusades may lurk less ethical motives, as I have said, but the political class recognizes that mere enlightened self-interest is not sufficient as a cement to keep its flock loyal to its leaders. The faithful must be given—along with their pilgrimages and ascetic labors (marathons/bikeathons), crusades (wars on drugs, terrorism, and so on), holy days (Earth Day, Super Bowl Sunday?), and eschatology (global warming)—some sense of collective unity by grappling with a common foe. Just as U.S. foreign policy, equipped with drones and other lethal military weapons, eliminates the external monster, the presence of internal monsters becomes useful for the ideological mobilization of the masses. Orwell's character Emmanuel Goldstein presages the domestic enemy as monster, equivalent to the external threat of Eastasia or Eurasia for galvanizing the citizens of Oceania into a unified fighting force.⁹ Unfortunately, none of these domestic hate criminals has the charisma or menacing qualities of, say, Syrian president Bashir al-Assad or even of a serial murderer. Can the unrepentant smoker or the insensitive homophobic opponent of same-sex marriage successfully compete as generators of national liberal unity with the more traditional and more credibly threatening external enemy, such as Uncle Joe Stalin? Certainly, the gun enthusiast is emerging as a convenient scapegoat for national woes because guns clearly trump tobacco as an object of fear and loathing for the political class.

9. *Nineteen Eighty-Four*, of course, may be the most perceptive and prophetic work of the past century, essential for understanding the politics of this new century.

My sense is that government in the United States will continue to extend its control over what I grew up experiencing as matters of purely private concern. As I asserted earlier, there is much incoherence in the area of public policy, which is what happens when the political takes precedence over the logical. Take, for instance, Mayor Bloomberg's initiatives against soft drinks and fast food, seemingly an initial salvo in the war against obesity. Even in the suburban areas, progressive administrators encourage school children to demonstrate against obesity. On one hand, obesity is not an abstraction: there are obese people. On the other hand, it is politically incorrect to call a weight-challenged person "fat." To do so, say, in the school system may stigmatize you as a bully. To require overweight passengers to purchase an additional seat on an aircraft is to be guilty of discrimination. Another of the mayor's projects may be indicative of yet another crusade. With active corporative assistance, he seemed eager to restrict the use of automobiles in Manhattan in favor of bicycles and favored bike lanes (*New York Times* 2013a).¹⁰ His ideal would be something like Beijing under Mao. After all, the same health and environmental issues might be raised against private ownership of cars in urban areas as has been raised against public smoking. A skeptic might object that the automobile industry would never permit such a move, but witness what has happened with the powerful tobacco industry, whose salvation might now come in the form of legalization of another smokeable substance.¹¹

If the notion of the identification of the smoker or the homophobe as public enemy seems far-fetched, the war against terror gives us a more menacing object for the unification of public fear and hate. The domestic terrorist, even an American citizen, need not be linked to any foreign state but can simply be a follower of some nebulous terror affiliate. When suspected of sympathy with, say, a militant Islamic movement, the object of suspicion may be treated as a prisoner of war, without the usual recourse to constitutional procedures and appeals. The public is instructed that it needs to be protected from this foe by police forces hardly distinguishable from the federal military in uniform, mode of operation, and weaponry. New York City's former police commissioner Raymond Kelly boasted that he commanded weaponry suitable for bringing down an airplane (*New York Post* 2011; Coyne and Hall 2014). The traditional notion of the role of police as helping to prevent violence has been replaced by one of the police as a fighting force. Similarly, it is now considered appropriate for the military to carry out "police" actions as long as they are humanitarian ones.

The demonization of Vladimir Putin, I believe, is necessary if the American political class is to rally its subjects against a credible foreign foe. Absent such external foes—fortunately or not, new ones rooted in militant Islam crop up daily, thanks to our foreign policy—the American Empire requires yet another reliable source for solidifying the American public's allegiance to it. The internalization of Schmitt's

10. The bicycles bear the Citibank logo.

11. Needless to say, either of these smokeable substances is a fertile source for government revenue.

enemy concept in domestic policy helps achieve that unity (see Putin 2013).¹² And the enemy has become the “other,” close to being the inhuman monster. All it takes now to discredit a political opponent is to make some connection between that opponent’s position and the “Tea Party ideology.” Nearly everybody not of the Tea Party persuasion, it seems, is simply an advocate of the common good. This is the contemporary equivalent of Leo Strauss’s variant on the classical logical fallacy, the “*reductio ad Hitlerum*” (1971, 42–43): a political position is not refuted merely because it the Tea Party adheres to it.

The penalties for being labeled an enemy in the “war against terrorism” range from forced confinement to torture, permanent injury, and death. Although the war metaphor may now extend in all kinds of directions (drugs, bullying, obesity), the domestic enemy is not existentially at risk, at least now. Fines and other legal penalties, of course, may have to be paid by those judged guilty of racial, religious, and sexual discrimination. But given what I have said about the unforgivable nature of the hate thought, once it becomes vocalized, the “criminal” undoubtedly will face a lifetime of public censure, both formal and informal, official and nonofficial: possible boycotts if he or she is in business and perhaps a permanent or significant loss of income, whatever the field of employment.¹³ But public and peer pressure is usually enough to prevent someone from saying aloud that which he or she is thinking: even, of course, in academia, even and especially in the most liberal academic institutions. John Stuart Mill’s and Alexis de Tocqueville’s warnings about public opinion’s crushing force are verified by what even nonstate action brings about in the suppression of nonconformity. But the state, I believe, encourages and benefits from such suppression and, when necessary, backs it up with legal penalties.

Strauss’s challenge awaits takers: “Some things cannot be said. And, if you do not believe me, try saying them.”¹⁴ And that is, I believe, the most troubling consequence of the new moral and religious orthodoxy, the new American civil religion. During the 1980s, the European Right had a thoughtful slogan, attributed to Walter Leisner: “A nation is a home, not an experiment.” The American polity, on the contrary, still understands itself as an experiment. Yet every experiment requires

12. Both President Putin and Schmitt see the “political world as a pluriverse, not a universe” (Schmitt [1927] 2007, 53).

13. Paula Deen’s faux pas serves as an instructive instance. Her former use of a racial epithet may not detract from her ability as a cook, but it certainly seems to detract from her ability to sell her cookbooks. No public apology or other form of penance will procure her absolution from this offence (*Huffington Post* 2013b). Or consider the New Mexico Supreme Court’s ruling that found the Elaine Photography company guilty of discrimination. The owners, conservative Christians, refused to photograph a same-sex marriage on the basis of their religious beliefs (Block 2013). Or consider the Barilla pasta company’s plight. The owner, obviously driven to hate speech by the intensity of his homophobic thoughts, declared that he never would permit advertisements for his product featuring same-sex marriage partners. The noticeable absence of Hindu families or Chinese families in Barilla spaghetti ads has not yet caused a fracas, but, predictably, gays threatened a boycott. And, predictably, the Barilla Company post haste issued apologies for this outrage (*Huffington Post* 2013a).

14. The essence of this challenge is implied in Strauss 1973, 73.

critical evaluation regarding its success. And when the critics come to be seen in a polemical way as the “enemy,” the consequences may be disastrous, not only for experimental assessment. For instance, government intelligence should not reflect partisan perception and hopes if it is to guide a realistic foreign policy. As U.S. government intelligence has become increasingly more politicized, the outcomes for U.S. foreign policy, especially in the Near and Middle East, have become a captive of mere guesswork, if not an exercise in wish fulfillment. Vocal critics of domestic policy are equally unwelcome because they are obviously agents of the Tea Party mindset. The effect of fearing to be portrayed as an enemy has chilling consequences not only for public speech, but even for private thought. And, still more deplorably, the censor for that thinking has become internalized: we ourselves are the Thought Police.

Classical liberalism consistently committed itself to the practice of toleration toward the dissident and to the concept of the rule of objective law. Both toleration and the rule of law are now openly attacked by a new ethical and political orthodoxy that preaches intolerance to “old believers” of all sorts and that interests itself in discerning the offender’s objectionable subjective motivation rather than the offense’s objective nature.

“How is it going?’ ‘Worse than yesterday, but better than tomorrow’” (vintage Soviet proverb).¹⁵

“*Dixi et salvavi animam meam*” (Marx 1978, 541).

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15. Compare Locke: “Nor let anyone say, that mischief can arise from hence, as often as it shall please a busy head, or turbulent spirit, to desire the alteration of the government. It is true, such men may stir, whenever they please, but it will only be to their own just ruin and perdition: for till the mischief be grown general, and the ill designs of the rulers become visible, or their attempts sensible to the greater part, the people, who are more disposed to suffer than right themselves by resistance, are not apt to stir” (1980, 115–18, no. 230).

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