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## **LEO STRAUSS'S CRITIC OF MODERN NATURAL RIGHT CONCEPTS AND ITS CONTEMPORARY RELEVANCE\*\*\***

### **Abstract**

This paper reviews Leo Strauss's critique of modern natural right concepts and their contemporary relevance in the light of the crisis of modernity. The first part of the paper observes Strauss's interpretative approach to classical political thought, whose main purpose was to rediscover classical wisdom for solving many theoretical and practical contemporary issues. *Natural Right and History*, Leo Strauss's best-known work, deals with the topic of the relevance of the idea of natural right in light of the 20<sup>th</sup> century's main dilemma of political philosophy – the crisis of modern political and normative order. Therefore, the second part of the paper gives a brief insight into Strauss's view on the crisis of modernity that is displayed in his work *The Three Waves of Modernity*. Then the work turns its focus on the field of natural right, where, in the third section of the paper, the opposition between classical and modern natural right concepts is analyzed. The final chapter gives some

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conclusions on the contemporary relevance of Strauss's ideas on natural right and its consequences on both contemporary political philosophy and political life. It shows that some of Strauss's ideas on natural right are more relevant than ever, while others turned out to be problematic, unsuitable, or quite naïve and irrelevant.

**Keywords:** Leo Strauss, classical natural right, modern natural right, crisis of modernity, virtue, nature, history

Although his *Natural Right and History* is regarded as one of the classic books of political philosophy in the 20<sup>th</sup> century, Leo Strauss remains a controversial figure. On one side, there are some of his students, like Allan Bloom, which memorialized Strauss by characterizing his teacher's oeuvre as "a unified and continuous, ever deepening, investigation into the meaning and possibility of philosophy" (Holley 2017, 621) or those, like Samuel Moyn, that "has conversely argued that Strauss's thinking underwent a turn "from experience to law" (Holley 2017, 621). On the other side, there are who deny Strauss a significant contribution to political philosophy, claiming that he created a comprehensive critique of liberal democracy based on the thought of both Carl Smith and Martin Heidegger (Drury 2005, 11; Howse 2012, 83).

Those who proclaim that Leo Strauss is only a historian of political thought are half-true: his work consists mostly of interpretations of works of major classical and modern thinkers in such a way that not only sheds new light on them, but also gives new directions from those powerful claims to wisdom that are significant for dealing with many theoretical and practical contemporary problems. One thing is undeniable: Leo Strauss considered classical political philosophy to be a treasury of human wisdom that can be used to resolve some of the problems of today.

*Natural Right and History*, Leo Strauss's best-known work, deals with the topic of the relevance of the idea of natural right in light of the 20<sup>th</sup> century's main dilemma of political philosophy – the crisis of modern political and normative order. At the time of the publication of the book, the question of natural right hadn't been in the focus of discussions in political philosophy for more than one century, since the times of German idealism. Strauss approached the natural right question

from a totally different perspective: while Hegel's *Naturrecht* didn't mean the right derived from human nature or nature as a normative standard, but a kind of right derived from the conjunction of rational and historical (as it was the perception of almost all other modern thinkers in 19<sup>th</sup> century), Leo Strauss took the opposite starting point shared by classical pre-modern philosophers.

Contemporary jurisprudence and philosophy of law reduced natural right to moral experience, intuitive intellect, or reflective thought that is not a clear and abstract concept, but rather some kind of consciousness of implicit ethical conditions in the dispositions and propensities of human nature. There are researchers, like Mac Guigan, who dared to define four universal characteristics of natural law: "(a) natural law usually consists of one or several generalized but nevertheless essentially concrete, moral or legal 'values' or 'value judgments'; (b) these 'value judgments' are, in accordance with their 'absolute source' - 'Nature' Revelation (God) or Reason - universally valid and immutable; (c) they are within the reach of human reason properly employed and therefore, the objects of ratiocination; (d) once perceived in their absoluteness and 'pure rationality' they overrule very form of positive law [...] It never ceases to search for a unifying higher point of view which would endow the notion of law with something above its naive 'givenness'" (Mac Guigan 1986, 239–240). Most others scholars just conclude that natural law is a never-ending quest for justice and higher moral achievements, or, as Friedmann said, "This history of natural law is a tale of the search of mankind for absolute justice and its failure. Again and again, in the course of the last 2,500 years, the idea of natural law has appeared, in some form or other, as an expression of the search for an ideal higher than positive law after having been rejected and derided in the interval" (Friedmann 1944, 18).

Leo Strauss saw natural right in a more comprehensive way as a continuous tradition starting with Socrates, Plato, Aristotle, and the Stoics that leads to St. Thomas Aquinas and other medieval scholastics. They all saw natural right as an idea that derived from nature in general and human nature in particular, which gives much-needed instruction for the establishment of the best political regime "according to the nature." Strauss, therefore, intended to face classical and modern approaches to natural right theory and to find, in their differences, signs that will point to some of the characteristics of the crisis of the modern era that can be overcome with the help of classical philosophical thought.

## LEO STRAUSS ON THE CRISIS OF MODERNITY

Ideological projects in the 20<sup>th</sup> century and the moral and political disaster that they brought to civilization provoked strong modern and postmodern reactions to Enlightenment political philosophy, which was perceived (first in the Frankfurt school) as the main source of modern totalitarianism. Leo Strauss went even further, trying to grasp the root of the modern crisis by returning to the origins in the very founding of modern political philosophy, not from modern and postmodern positions but from the position of profound interpretation of classical philosophy. He went back to Locke, Hobbes, and Machiavelli to find the origins of crisis that had erupted in the 20<sup>th</sup> century. Strauss found that it started with deliberate choice, not just consciously, to reject all previous political philosophy but also to elevate some of the passions to the level of philosophy. Therefore, as Strauss said in his *Three Waves of Modernity*: “To understand the crisis of modernity, we must first understand the character of modernity” (Strauss 1989, 81).

The main characteristic of modern political philosophy is the loss of confidence that man can know or achieve the good as it was proposed in classical philosophy. That loss of confidence was produced by the fact-value split due to the adoption of exact scientific rationalism (of mathematical-mechanical origin) to the whole human thought. On the contrary, Strauss was convinced that this kind of scientific knowledge could not validate value judgments. That kind of positivist scientism is a type of knowledge that thinks of itself as the highest form of human knowledge, based on the presumptions that only empirically proven facts acquired by rigorous scientific method make relevant knowledge, while all other types of knowledge are unreliable and even problematic. According to Strauss, the other modern mistake was the one of historicism. It stands on the position that differences and variability shown during human historical development make all universal claims about the good and true – irrelevant and even impossible. It is grounded in the belief that “principles of evaluation and categories of understanding are all historically variable, changing from epoch to epoch; hence it is impossible to answer the question of right or wrong or of the best social order in a universally valid manner, in a manner valid for all historical epochs” (Strauss 1989, 82). According to Schlueter: “At the same time, Strauss tried to show how a truly rational philosophy emerges from the

value judgments that are inescapably if implicitly involved in the most practical questions of political life. In short, a social science modeled on the physical sciences simply cannot give an adequate account of the phenomenon it seeks to understand" (Schlueter 2013, 25).

Strauss believed that modern nihilism rose from the relativization propagated by historicism. Modern crisis is also shown as a crisis in the thought of political philosophy; a crisis in which faith in reason's ability to recognize its highest aims is lost. While taking all of that into consideration, Strauss prescribed a remedy for all modern relativistic and nihilistic delusions: return of the classical natural right concept as a promising path, which proposes that living in a modern political system can be ordered by higher things than established political praxis. According to Drury, "The first thing to notice is that natural right in Strauss is not really about specific principles for political action. In a letter, he had stated that he purposely named his book *Natural Right*, rather than *Natural Law*, in order to convey his opinion that nature does not contain laws of conduct; unless, of course, one believes there exists a divine legislator" (Drury 1987, 309). Strauss thought that natural right has intrinsic principles, such as the Second Table of the Decalogue, that specify certain ways of behavior as forbidden without further explanation. According to Olson, "So the classic natural right teaching is – in Strauss's hands – a theory about the good regime, rather than a theory about specific rules. It is a theory about a rule of the 'wise'" (Olson 2013, 55). While the practical politics rose from the disputes about justice between the members of society, classical political philosophy tried to rise above conflicting perceptions about justice to knowledge what natural right is. It discovers three conclusions. According to Schlueter, "First, there is a universally valid hierarchy of ends, but there are no universally valid rules of action" (Schlueter 2013, 30). Supporting this conclusion, Strauss points to Aristotle's remark in the *Nicomachean Ethics*. Aristotle says that there is something by nature even if everything is transformable, which brings Strauss to the conclusion that it is just, in some emergencies, to step aside from the common principles of natural right. According to Schlueter, "The second thing classic natural right teaches, according to Strauss, is that the hierarchy of ends is ultimately determined by the life of philosophy, or the life of autonomous understanding. On the most basic level, this means seeing with one's own eyes, as distinguished from hearsay; it means observing for oneself" (Schlueter 2013, 30). The philosopher, therefore, refuses assent to anything which is not evident to

him. According to Schlueter, “Strauss’s third principle of natural right is prudence. Despite their radical differences, philosophical life and political life are in some sense dependent on one another. Philosophers obviously need the city not only for the leisure it provides but also for the occasions political life offers for philosophical inquiry. The political order requires a kind of wisdom if it is to be just” (Schlueter 2013, 31).

Strauss’s *The Three Waves of Modernity* portrays the development of modern political philosophy as a form of exclusion from classical political and philosophical thought. Originator of the first wave of modernity, Strauss points out, is Niccolo Machiavelli. Machiavelli rejected classical political philosophy twice: he rejected reflection on virtue or how humans ought to live in favor of how they live, and he believed that chance can be conquered (that is an open rejection of the classical philosopher’s assertion that goals of practical politics will always be inaccessible because of factors that are beyond human control). The result of those two rejections is that “by lowering the standards of political excellence one guarantees the actualization of the only kind of political order that in principle is possible” (Strauss 1958, 300). This early modern approach has reduced political problems to a technical problem in which all chance factors that defy the will of the statesmen can be overcome by the use of force, just as all unstable and unpredictable nature requires the overlay of “civilization as a mere artifact” (Strauss 1989, 89). Other modern philosophers of the “first wave” continued their break with classical thought, making one more problematic assumption – that humans in the natural state are pretty much the same as they are in civilized state and civilized society. Each of them also added some passions as distinctive human qualities in the imagined state of nature. For Hobbes – it is the fear of death, for Locke – the comfort of owning private property.

Rousseau, the first modern philosopher of the “second wave”, tried to find an answer to what humans in the state of nature were really like and made a shift from nature to history. He was followed by Hegel, Marx and many other 19<sup>th</sup> century thinkers. For Rousseau, “Man in the state of nature is subhuman or pre-human; his humanity or rationality has been acquired in a long process. In post-Rousseauian language, man’s humanity is due not to nature but to history, to the historical process, a singular or unique process which is not teleological” (Strauss 1989, 90). Rousseau also pointed out the most human characteristic in the celebrated natural state: for him, it is individual human freedom. In other

words, "Rousseau confronts us with the antinomy of nature on one hand and of civil society, reason, morality, history on the other, in such way that the fundamental phenomenon is the beatific sentiment of existence – of union and communion with nature – which belongs altogether on the side of nature as distinguished from reason and society" (Strauss 1989, 94).

The "third wave" of modern political philosophy started with the discovery of the modern crisis in all of its social, psychological and normative aspects. Hence, it represents sentiments of anguish, alienation, and even hatred rather than peace and balance. "Third wave" modern philosophers emphasize tragic individual existence that has been faced with insoluble problems, and that sees no comfort in human nature. Therefore, this nature must be overcome by his will, by "will for power" as the main characteristic of human immanence. The main proponent of the third wave is, of course, Friedrich Nietzsche. He claimed that progressive ateleological history is absurd and prophesized "eternal return". As humans do not have support either in nature or history, they must become creators of their own meaning and fortune: the main task of the *Übermensch* is to overcome both nature and history by his "will to power" and become the master of his fate.

The main difference between classical and modern thought, as spotted by Leo Strauss is that in classical, pre-modern philosophy, humans were the measure of all things, while, in its modern variant, humans became masters of all things. In the classical approach, humans are part of the whole by nature; they cannot determine the whole or human position in it, but only pursue ends given by nature as a whole because they are good for humans. On the contrary, modern thought sees man as the master of nature that can position itself in its center, transform it, and give it whatever meaning he wants. The modern "first wave" begins with this notion, and the "third wave" ends with this point. According to Paskewich, "Strauss ultimately finds that the foundations of modern thought are based on a faulty premise: that the humans have a choice to leave behind the particular in pursuit of autonomy" (Paskewich 2009, 40). Straus also clearly distinguishes natural law from the desire of self-preservation, one of the leading desires of the modern individual, and points to the fatal consequences of mixing natural law with a desire for self-preservation.

## OPPOSITION BETWEEN CLASSIC AND MODERN NATURAL RIGHT

*Natural Right and History* further develops Leo Strauss's ideas about the crisis of modernity and the big differences between classical political philosophy and its modern successor, which reflect on the natural right idea and all of the questions that come out of it. Hence, Strauss presents his critique of modern natural right theory as a contrast to the classical natural right approach.

He pictures classical natural right as hierarchical, a-historical (or trans-historical), and teleological. There are always remnants of cosmological thinking in natural right that are trying to point at the objective order in nature, which is the first cause of all things. Classic Greek philosophers have noticed that a multitude of views on law and justice are not contrary to the existence of natural right, but even require it. Strauss claims, "Laws are just to the extent that they are conducive to the common good. But if the just is identical with the common good, the just or right cannot be conventional: the conventions of a city cannot make good for the city what is, in fact, fatal for it and vice versa. The nature of things and not convention then determines in each case what is just" (Strauss 1953, 102). In order to find what is really good and just for any man, we must make a distinction between natural and conventional desires and tendencies, and then distinguish those desires that are in accordance with human nature and bad desires that are working against human nature and his humanity. All of that points out that we must begin with the natural constitution common to all people. Hierarchical order of nature represents the basis of natural right. For instance, the human soul is above his body; his dominance over other living creatures is clearly demonstrated in his innate powers of speech and rational thought, as well as through the activities that help them. Above all human activities stands the power of wise reasoning that leads to the good life, life directed towards perfection.

As man is by nature a social being, he fulfills his quest for good living in political communion with other people. Ancient Greeks believed that political life must be directed by citizen's strife to achieve virtuous living. Hence, reaching virtue, that is, perfection – is the main goal of political activity. Strauss pointed out, "Man is so built that he cannot achieve the perfection of his humanity except by keeping down his lower impulses. He cannot rule his body by persuasion. This fact

alone shows that even despotic rule is not per se against nature. What is true of self-restraint, self-coercion, and power over one's self applies in principle to the restraint and coercion of others and to power over others [...] Justice and virtue in general are necessarily a kind of power. To say that power as such is evil or corrupting would therefore amount to saying that virtue is evil or corrupting. While some men are corrupted by wielding power, others are improved by it: 'power will show a man'" (Strauss 1953, 132–133). It is unnatural for what is lower in nature to rule over what is higher in nature; therefore, the body cannot rule over the soul, and pure pleasure cannot be put over human excellence and virtue. Classic thinkers knew that not all men were capable of achieving a virtue or perfection, but just a few of them who have a tendency towards virtue and excellence. Realization of their natural tendencies is in higher domains of political life. According to Strauss: "Freedom and empire are desired as elements or conditions of happiness. But the feelings which are stirred by the very words 'freedom' and 'empire' point to a more adequate understanding of happiness than that which underlies the identification of happiness with the well-being of the body or the gratification of vanity; they point to the view that happiness or the core of happiness consists in human excellence [...] Since men are then unequal in regard to human perfection, i.e., in the decisive respect, equal rights for all appeared to the classics as most unjust. They contended that some men are by nature superior to others and therefore, according to natural right, the rulers of others." (Strauss 1953, 134–135). Inclined to reach his highest goal, men incline to live in the best kind of society, the best "politeia" – a political society with true human government and not just a mere administration over things. "Politeia" is not just a legal constitution but also more fundamental than that – it is the fundamental source of all law, both the realistic distribution of power within the political community and "telos," purpose of natural right.

As a contrast to the classical natural right idea, modern concepts of natural right slowly emerged and developed. From the outset of the modern natural rights idea sanctioned an individualism which has proved to be more persistent than the restraints on individuality supplied by all modern doctrines. According to Strauss, "When liberals became impatient of the absolute limits to diversity or individuality that are imposed even by the most liberal version of natural right, they had to make a choice between natural right and the uninhibited cultivation of individuality. They chose the latter" (Strauss 1953, 5). Modern individualism, with

its inner complexities and contradictions, is the most powerful solvent of natural right and the root of quarrels between ancients and moderns. Individual selfhood is not constituted by anything outside itself – by any kind of relationship to the other: other men, or to anything that is permanent or eternal (be it either God or matter of ancient atomistic materialism). The modern main thesis is that the real is (only) individual and that its solitude was seen as bad only because it was insecure. At the same time, the classical tradition of suspension of natural right only in an exceptional state of emergency was left with the justification that the principle of justice must be subjugated to the principle of necessity. In other words, modern politics sought an exceptional state as normal and permanent, while the direction of both the individual and the political community towards virtue and perfection was seen as unrealistic, even impossible, and hence a dangerous intention.

The first modern thinker who abandoned the classical approach in favor of a realistic concept of politics that sees virtue only as a mere strength to use all power in a manner suitable to a (permanent) state of emergency was Niccolo Machiavelli. What was discovered by Machiavelli was that political must be understood without reference to the ideals of perfection and trans-political, mostly spiritual ends. The modern state, with its natural right concept, no longer seeks justice as its natural goal, but only the right to self-preservation that is considered to be “natural.” “*Ragione de stato*” (reason of the state) comes to the position of virtue and the best kind of “politeia.”

Thomas Hobbes was the first modern who had abandoned the (“metaphysical”) quest for the “whole” or the “first things” of Hellenic philosophy. He also abandoned the classical approach to nature as a term of distinction and standard, and, consequently, he was forced to understand (political) philosophy in contradistinction to nature. Hobbes accepted a new “realistic” approach of both human individuality and politics and new mathematical principles of physical science. According to Kennington, “He accepted the public spiritedness of philosophy which follows from the premise that politics is source of great human goods. But he jointed it with the hedonism of materialistic tradition which denied public spiritedness’ [...] His natural philosophy is both mathematical and materialistic-mechanic” (Kennington 1981, 82). Strauss points out, “His solution is that the end (or the ends) without which no phenomenon can be understood need not be inherent in the phenomena; the end inherent in the concern with knowledge suffices.

Knowledge as the end supplies the indispensable teleological principle. Not the new mechanistic cosmology but what later on came to be called 'epistemology' becomes the substitute for teleological cosmology. But knowledge cannot remain the end if the whole is simply unintelligible: '*Scientia propter potentiam*' ('knowledge is power'). All intelligibility or all meaning has its ultimate root in human needs. The end, or the most compelling end posited by human desire, is the highest principle, the organizing principle" (Strauss 1953, 176–177). Hobbes tried to maintain the idea of natural right but to separate it from the idea of man's perfection, so he found its basis in the most powerful force that actually determines most men most of the time: it is not reason but passion. The most powerful passion, according to Hobbes, was the desire for self-preservation that comes from fear of violent death. The desire for self-preservation preoccupies the political philosophy of the early modern epoch and its views on natural right. According to Strauss, "In other words, the desire for self-preservation is the sole root of all justice and morality, the fundamental moral fact is not a duty but a right; all duties are derivative from the fundamental and inalienable right of self-preservation" (Strauss 1953, 181). The essence of politics lies more in the will and commandment than in the prudence of reason. Competent rule is seen as the total opposite of the best kind of rule, and the notion of good is equated with principles of enjoyment and comfort.

In Locke's teachings, private property becomes a prerequisite for self-preservation and individual happiness. Locke believed that the essence of property or wealth is individual labor and enterprise, so that it – as the most natural desire and, therefore, the basis of natural right – must be liberated from all ethical and political restraints. His natural right theory proclaims that the entire human association is based on the protection of private property and the enlightened egoism of the individual. The passion for self-preservation leads an individual to search for his comfort and happiness in private property and its protection from the state. According to Strauss, "Property is an institution of natural law; natural law defines the manner and the limitations of just appropriation. Men own property prior to civil society; they enter civil society in order to preserve or protect the property which they acquired in the state of nature [...] Yet, while civil society is the creator of civil property, it is not its master: civil society must respect civil property; civil society has, as it were, no other function but to serve its own creation [...] The natural right to property is a corollary of the fundamental right of

self-preservation; it is not derivative from compact, from any action of society. If everyone has the natural right to preserve himself, he necessarily has the right to everything that is necessary for his self-preservation” (Strauss 1953, 234–235). Locke’s approach to natural right proclaims not just mere self-preservation but comfortable self-preservation. He enlarges individual appetites for ownership and elevates them to the rank of “common good,” as the epitome of welfare. “Freedom, for Locke, meant precisely the freedom from absolute and arbitrary power. Government therefore needs to be severely limited. However, by way of fundamental contract everyone must submit to the determination of the majority. Both Hobbes and Locke stress the right of the individual to resist the established government whenever self-preservation is endangered. Civil society is, therefore, in one sense put on a fluid and historical foundation in natural rights doctrine, especially if the political order begins to run counter to the natural rights, which it is originally established to guarantee” (Peddle 2012, 9).

The first critic of modernity in modern political philosophy came from Rousseau in the name of two classical ideas: virtue and nature, but seen in quite a different way than the ancients saw them. Rousseau observed that modern man was not truly natural because he was gifted with reason, pride, and many other passions. He was also convinced that men’s individuality is good. Because human goodness predates human freedom (seen as independence), natural man must be stripped of all bad influences, all the reason and passions caused by his dependence in civil society. Man’s true humanity and freedom are lost in the process of history as a consequence of both accident and necessity. An individual is by nature good but also subhuman because he has no natural and definable constitution, which is function of a convention. Strauss points out, “The modern state presented itself as an artificial body which comes into being through convention and which remedies the deficiencies of the state of nature [...] Rousseau suggested the return to the state of nature, the return to nature, from a world of artificiality and conventionality [...] There is an obvious tension between the return to the city and the return to the state of nature. This tension is the substance of Rousseau’s thought. He presents to his readers the confusing spectacle of a man who perpetually shifts back and forth between two diametrically opposed positions. At one moment he ardently defends the rights of the individual or the rights of the heart against all restraint and authority; at the next moment he demands with equal ardor the complete sub-mission of the

individual to society or the state and favors the most rigorous moral or social discipline” (Strauss 1953, 253–254). For Rousseau, freedom is a higher good than life, freedom seen as independence from all others. Man’s freedom to create is the ultimate good, because only in such freedom can life have real purpose. Natural freedom remains as a model for civil freedom. Civil society must be directed not towards human’s most important ends but his beginnings, toward his state of nature. In other words, Rousseau wanted to restore human individual goodness and his freedom by adhering to his nature. Therefore, he reformed the modern natural right concept into result-determined historicism. This historicism was later developed in both idealistic philosophy and modern ideologies that combined modern subjectivistic rationalism and the dialectic of classical philosophy. They all believed that if modern man/humanity wants to liberate itself from ignorance, evil, all constraining limitations, and create a society that will allow the realization of his deepest aims and individual capacities, it must be done by itself, by its own free and unlimited will, seen as the main source of his natural rights. That leads modern natural right theory to its “third wave” faced with the crisis of modernity, revealed as disappointment in both rational speculation and the course of history and its achievements.

### **SOME CONCLUSIONS: ON CONTEMPORARY RELEVANCE OF LEO STRAUSS’S THOUGHT**

Unfortunately, today’s relevance of Leo Strauss’s political philosophy in general and natural right in particular is often viewed through the prism of the influence of his students and followers in contemporary politics and evaluated by their effect. It is such a pity, because some of the insights given by Strauss’s thought are very relevant for understanding a series of contemporary processes and phenomena that he saw in the earlier stages of their development and attempted to determine their outcomes. For instance, Strauss’s objection to the fact/value distinction in the positivistic scientific approach is today widely accepted in social sciences, regardless of the fact that his interpretative method was not sufficiently developed and partly under suspicion. Some contemporary researchers objected that Strauss’s meta-ethical views look untenable. According to Olson: “Neither does he present any real arguments for them, nor does he engage with the critical meta-ethical literature that existed when he was writing (e.g., Hägerström, Ayer,

Stevenson, Hare, Nowell-Smith). And authors who otherwise write appreciatively about Strauss do not really try to defend his cognitivist stance (although they do not seem to reject it either), so we cannot get any guidance from them as to how Strauss would have argued against modern noncognitivists” (Olson 2013, 58).

On the other hand, Strauss’s criticism pointed towards historicism’s trying to undermine all universalistic normative stances, which are very relevant today. Today’s dominant scientific and intellectual approach – constructivism, stands on many identical positions as yesterday’s historicism, further developing similar arguments that are pointed against any universalism and attempts to formulate objective value judgments. His warnings about the dangers of relativistic and nihilistic effects of such claims are today even more relevant than they were at the time of the publication of *Natural Right and History*. Leo Strauss’s observations that modern individualism is not just starting to prefer immanent will over nature in the phase of deep resignation with reason and historical development are proved not just to be right, but even prophetic: today’s orientation of individualism shows tendency to proclaim the entire human nature as a social construct that need to be transformed by the effort of the human will which does not tolerate any of the givenness and limitations (that’s the main motto of post-humanism).

Strauss remarks that modern individualistic inclinations in natural right concept that prefer rights over duties and even denying duties toward the community are ugly facts of present day, are clearly not outdated. On the contrary, the metastasis of human rights of newer and more recent generations is obviously directed toward not just improving the status of the individual, but undermining collective traditions and almost all communitarian relations in contemporary societies. All of that shows us that the present imbalance between rights and duties is a consequence of individualistic turning back to all forms of responsibility and higher virtuous demands that are threatening, in the long term, to ruin the social structures and the culture that was created through millennia of human existence.

Some views of classical philosophy that Strauss intended to reaffirm are still problematic, but some of them are getting more support day by day from the perspective of the development of other modern sciences. For instance, contemporary achievements of natural sciences are showing that observed nature really seems to be hierarchical and pointed in its development at some meaningful direction (or, in

other words, that it is teleologically oriented). According to Holloway, "In recent years, a new Darwinian approach to social science has emerged, advocated by, among others, James Q. Wilson, Larry Arnhart, Roger Masters, Francis Fukuyama and Robert Mc Shea. Drawing on contemporary ethology and sociobiology, these scholars point to a wealth of empirical evidence that moral inclinations such as care for kin, sympathy for others and justice and reciprocity arise not solely from variable cultural learning but from universal human biology. Moreover, they contend, the natural status of such moral proclivities makes sense in light of modern evolutionary theory: insofar as humans, like many other animals, require each other's assistance to secure their fundamental biological interests in survival and reproduction, it is predictable that natural selection would over time favor those with spontaneous inclinations toward cooperation and sociability" (Holloway 2009, 81). In the place of classical philosophy's cosmic teleology, modern natural science is building up a new, immanent teleology very compatible with some of Leo Strauss's main philosophical theses.

Of course, contemporary circumstances proved some of Leo Strauss's ideas and propositions problematic, unsuitable, and even radical, while some of them proved to be quite naïve or irrelevant. For instance, ancient rationalistic logocentrism and cosmological teleology are obviously naïve concepts seen from a contemporary perspective, quite unsuitable to solve contradictions and antinomies of present times, as Leo Strauss, in his aim to reinterpret and revive classical philosophy, deeply believed and even advocated. Some of his positions are even more questionable: his insistence on reviving absolute values – the truth that can be effective only by its connection to reason and nature and all those questions about moral knowledge he seems to understand in a mere cognitivist way. Besides, he confronts such understanding of permanent, absolute values not just with historicism's relativization but with the whole history. Leo Strauss's worldview is completely anti-historical, and his way of dealing with history and all questions related to it indicates that many significant ideas that emerged during the modern era in philosophy are unknown to him or that he finds them totally irrelevant. According to Ryn, "He does not recognize that the philosophy of historical consciousness or the historical sense has far greater range and depth than anything indicated by his term 'historicism.' The latter conception may describe some historicist tendencies but ignores elements of the larger current of historicism that have contributed

greatly to an improved understanding of the age-old question of the relation between universality and particularity [...] A choice must be made between universality or history. Strauss never considers a third possibility. *Tertium datur*” (Ryn 2005, 36).

Leo Strauss’s advocacy of classical teaching about virtue and best regime is seen as some kind of anti-liberal, anti-egalitarian, and even anti-democratic stance by many contemporary researchers. Some of them even believe that his teaching is a “philosophical conspiracy” to overthrow liberal democracy and transform it into some kind of “aristocratic rule of the wise” (where these wise are, actually, Strauss’s followers and disciples). Such claims are indeed overstated. While Strauss really criticized the anti-elitist and nihilistic side in modern liberal democracies, he didn’t believe that, in practice, the best possible regime can take the form of any kind of aristocracy. Practical politics demands compromise with reality and given circumstances, and the best compromise, completely in league with the ancient classic philosophers appreciated and interpreted by Strauss, is not a rule by a wise man, but a gentleman. That gentleman is a political imitation and reflection of a wise man in modern, urban conditions, while giving society its character. In other words, Strauss believed in a mixed, republican regime, enhanced by the conclusion of classical thought and redirected toward virtue. He seems to have fully endorsed US-style democracy. What is most problematic in the application of his teaching is clearly shown in early 21<sup>st</sup> century US politics, where his disciples adopted Strauss’s classical concept of virtue and turned it into a mere justification of their own arrogance and zeal to export one existing political regime – so different than their teachers’ idealized best regime – as an ideal model to the whole world. And they did it not by virtuous example or philosophical argumentation of classics, but by sheer force.

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## **ЛЕО ШТРАУСОВА КРИТИКА МОДЕРНИХ КОНЦЕПТА ПРИРОДНОГ ПРАВА И ЊЕГОВА САВРЕМЕНА РЕЛЕВАНТНОСТ\*\*\***

### **Резиме**

Рад разматра Лео Штраусову критику модерних концепата природног права и њену савремену релевантност у светлу кризе модерности. Први део рада посматра Штраусов интерпретативни приступ класичној политичкој мисли чија је главна сврха била да поново открије класичну мудрост за решавање многих савремених теоријских и практичних питања. *Природно право и историја*, најпознатије дело Леа Штрауса, бави се темом релевантности идеје природног права у светлу главне дилеме политичке филозофије 20. века – кризе модерног политичког и нормативног поретка. Стога, други део рада даје кратак увид у Штраусов поглед на кризу модерности који је приказан у његовом делу *Три таласа модерности*. Затим се рад фокусира на област природног права, где се, у трећем делу рада, анализира супротстављеност између класичних и модерних концепата природног права. Завршно поглавље пружа закључке о савременој релевантности Штраусових идеја о природном праву и њиховим последицама по савремену политичку филозофију и политички живот. Закључује се да су неке од Штраусових идеја о природном праву релевантније него икад, док су се друге показале проблематичним, неприкладним или прилично наивним и ирелевантним.

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**Кључне речи:** Лео Штраус, класично природно право, модерно природно право, криза модерности, врлина, природа, историја

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